

FELIZARDO T. GUNTALILIB, PETITIONER, VS. AURELIO Y. DELA CRUZ AND SALOME V. DELA CRUZ, RESPONDENTS.*G.R. No. 200042. July 07, 2016*

Ponente: DEL CASTILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-200042/>**DEL CASTILLO, J.:**

This Petition for Review on Certiorari[1] seeks to set aside: 1) the August 10, 2011 Decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 115963 dismissing the Petition for Certiorari in said case and affirming the January 12, 2010[3] and June 21, 2010[4] Orders of the Regional Trial Court (RTC) of Bayombong, Nueva Vizcaya, Branches 28 and 27, respectively, in Civil Case No. 6975; and 2) the CA's January 5, 2012 Resolution[5] denying herein petitioner's Motion for Reconsideration.

Factual Antecedents

On July 14, 2009, respondents Aurelio and Salome dela Cruz filed a Complaint[6] for "Quieting Of Titles x x x; Annulment and Cancellation of Unnumbered OCT/Damages," against petitioner Felizardo Guntalilib and other heirs of Bernardo (or Bernardino) Tumaliuan. The case was docketed as Civil Case No. 6975 and assigned to Branch 28 of the RTC of Bayombong, Nueva Vizcaya.

The subject property is Lot 421 located in Nueva Vizcaya consisting of 8,991 square meters and which, as respondents claimed in their Complaint, was originally registered on August 7, 1916 as Original Certificate of Title (OCT) No. 213. Respondent Aurelio's grandfather, Juan dela Cruz, later acquired the property in 1919, and Transfer Certificate of Title (TCT) No. R-3 was issued in his name; when he passed away, the property was inherited by Aurelio's father, Leonor, and, in lieu of TCT R-3, TCT 14202 was issued in Leonor's favor. Later on, Leonor conveyed the property to Aurelio and his brother, Joseph, and TCT T-46087 was then issued in their favor. In turn, Joseph waived ownership in favor of Aurelio by deed of quitclaim dated December 31, 2001, in which case a new title, TCT T-126545, was issued in Aurelio's name as sole owner.

Respondents claimed further that all this time, the dela Cruz family was in full possession, occupation and enjoyment of the property, and petitioner and his co-heirs have never set foot on the property; that later on, Lot 421 was subdivided and new titles were issued in lieu of TCT T-126545; and that Aurelio sold portions thereof to several individuals, but he remains the registered owner of the remaining portion.

Respondents likewise alleged that on February 20, 2008, petitioner filed in court a petition, docketed as LRC Case No. 6544 and assigned to the Bayombong, Nueva Vizcaya RTC, Branch 29, for reconstitution or issuance of a new certificate of title in lieu of an allegedly lost unnumbered OCT which was issued on August 29, 1916 in the name of petitioner's predecessor, Bernardo Tumaliuan, and covering the very same property, or Lot 421, which they owned; that said petition was eventually granted, and the Nueva Vizcaya Register of Deeds was ordered to issue another owner's duplicate copy of their predecessor's supposed unnumbered OCT; and that said unnumbered OCT constituted a cloud upon their titles that must necessarily be removed.

Petitioner and his co-defendants filed a Motion to Dismiss[7] Civil Case No. 6975, arguing that the Complaint stated no cause of action; that the case constituted a collateral attack on their unnumbered OCT; that respondents failed to implead all the heirs of Bernardo Tumaliuan, who are indispensable parties to the case; and that the Complaint's verification and certification on non-forum shopping were defective.

Respondents filed a Motion for Admission of Amended Complaint,[8] with attached Amended Complaint[9] for "Quieting Of Titles x x x; Cancellation of Unnumbered OCT/Damages." Apart from incorporating the same allegations contained in their original Complaint, respondents further alleged in said Amended Complaint that their mother title, OCT 213 which was issued on August 7, 1916, should prevail over the petitioner's unnumbered OCT which was issued only on August 29, 1916; that petitioner and his co-heirs had prior knowledge of the dela Cruzes' previous and existing titles, and were never in possession of Lot 421; and that through fraud, false misrepresentations, and irregularities in the proceedings for reconstitution (LRC Case No. 6544), petitioner was able to secure a copy of his predecessor's supposed unnumbered OCT. Respondents prayed, thus:

WHEREFORE, premises considered, it is most respectfully prayed that after trial in this case, this Honorable Court issue a judgment in favor of Plaintiffs and against, defendants, as follows:

1. Quieting [of] title and ownership over Lot No. 421 and portions thereof, in favor of Plaintiffs, particularly TCT No. 147078; TCT No. 142232; TCT No. 142233; TCT No. 142235; TCT No. 142236; TCT No. 142237; TCT No. 142239; and TCT Nos. 142241 thru 142245 and all such titles of individuals who acquired title to portions of Lot No. 421 from Plaintiffs;
2. An order directing the cancellation of the Unnumbered Original Certificate of Title to Lot 421 in the name of Bernardo Tumaliuan;
3. An order directing defendants to pay plaintiffs moral damages in the amount of P100,000.00;
4. Ordering defendants to reimburse plaintiffs for their attorney's fees, appearance fee and costs of this suit.
5. Any such other relief as may be just and fair under the attendant circumstances.[10]

Petitioner and his co-defendants opposed the Motion for Admission of Amended Complaint, arguing in their Opposition (Ad Cautelam)[11] that the motion was a mere scrap of paper because it did not comply with Sections 4, 5 and 6 of Rule 15 of the 1997 Rules of Civil Procedure[12] (1997 Rules), as no date of hearing was set and the motion was addressed to the Clerk of Court alone; that the verification and certification on non-forum shopping contained in the original Complaint, being defective, could not be cured by the subsequent filing of the Amended Complaint; and that the Amended Complaint was improper and prohibited, as it is essentially aimed at setting aside the Decision in LRC Case No. 6544 issued by a court of concurrent jurisdiction.

On January 12, 2010, the trial court in Civil Case No. 6975 issued an Order[13] admitting respondents' Amended Complaint and denying petitioner's Motion to Dismiss. It held that -

Assuming arguendo that this Court shall treat the Motion for Admission of Amended Complaint as not filed, this Court is still duty bound to recognize the right of herein plaintiff under Rule 10 Section 2 where plaintiffs are allowed as a matter of right to file their amended complaint anytime before a responsive pleading is filed. Considering that a Motion to Dismiss is not a responsive pleading, this Court has no other recourse but to allow plaintiffs to submit their amended complaint.

With respect to the contention of the defendants that the complaint did not raise any cause of action, this Court x x x is in the belief that the plaintiff may be entitled to the relief sought for after exhaustively trying the case on the merits. On that note, considering the quantum of documentary evidence adduced by the plaintiff herein, this Court is inclined to try the case on the merits.

With respect to the contention of the defendants that the complaint failed to include and implead all indispensable parties, this Court construes the cited case of *Teresita V. Orbeta vs. Paul B. Sendiong* x x x that the High Court contemplated "the absence of an indispensable party" and not the "absence of all indispensable parties". As this Court is in the belief that plaintiff had impleaded some indispensable parties, then a trial on the merits should proceed.

Defendants likewise had raised as an issue that a Decision rendered by Regional Trial Court Branch 29, Bayombong, Nueva Vizcaya, particularly LRC Case No. 6544 x x x rendered on July 21, 2008 should bar any inquiry with regard to the issue of the ownership of one of the parcels of land subject of this instant case.

Placing a parcel [of land] under the mantle of the Torrens System does not mean that ownership thereof can no longer be disputed. Ownership is different from a certificate of title x x x.

In LRC Case No. 6544, Regional Trial Court Branch 29 adjudicated on the issuance of another Certificate of Title in favor of petitioner, now defendant in this case, Felizardo T. Guntalilib. In this instant case, the issue of ownership is being brought to the fore. This distinction should be heavily noted. Moreover, on closer inquiry, this Court notes the point raised by the Registry of Deeds of Nueva Vizcaya in its Motion for, Reconsideration to the Decision rendered in LRC Case No. 6544 xxx:

xxxx

To this Court, it would appear that the issue of ownership remains unsettled and this instant case will squarely address this issue.

To make out an action to quiet title under the foregoing provision (Article 476 of the Civil Code), the initiatory pleading has only to set forth allegations showing that (1) the plaintiff has "title to real property or any interest therein" and (2) the defendant claims an interest therein adverse to the plaintiffs arising from an instrument, record, claim, encumbrance, or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable or unenforceable." x x x

A perusal of the allegations of the initiatory pleadings reveals that an action to quiet title is proper and this Court shall properly proceed to try this case on the merits.

A reading of the Opposition by the defendants reveals alarming allegations and imputations.

Defendants aver that Mr. Aristotle Mercado, Legal Researcher of this Branch, is allegedly one of the buyers of the property subject of this instance case from plaintiffs. Consequently, defendants doubt if the Motion filed by the plaintiffs on September 17, 2009 had been read by the undersigned Judge and as it appears was "kept from the Honorable presiding Judge and the defendants so that the matter can be submitted for the Court's consideration and approval immediately upon receipt hereof."

Defendants likewise aver that plaintiffs deliberately absented themselves in the proceedings of September 22, 2009 for unknown reasons.

This Court would like to remind defendants to exercise restraint and caution in imputing allegations which are unsubstantiated. A perusal of the records would reveal that the plaintiffs had furnished defendants with a copy of plaintiffs' Motion filed on September 17, 2009 per Registry Receipt No. 234.

To impute on Mr. Mercado as a buyer of the plaintiffs and of allegedly executing acts prejudicial to defendants' interest and of directly accusing plaintiffs of deliberately absenting themselves from the proceedings of September 22, 2009 are reasons enough for this Court to warn defendants to exercise restraint in accusing parties, be it adversary or court personnel.

WHEREFORE, premises considered, this Court hereby admits the Amended Complaint filed by plaintiffs herein. The Motion to Dismiss filed by defendants is DENIED.

SO ORDERED.[14]

Petitioner filed a Motion for Reconsideration;[15] meanwhile, the case was re-raffled to Branch 27 of the RTC of Bayombong, Nueva Vizcaya. On June 21, 2010, the trial court issued an Order[16] denying petitioner's Motion for Reconsideration and ordering the defendants in the case to file their answer.

Ruling of the Court of Appeals

Petitioner filed an original Petition for Certiorari[17] with prayer for injunctive relief before the CA, which was docketed as CA-G.R. SP No. 115963. In seeking reversal of the trial court's January 12, 2010 and June 21, 2010 Orders, petitioner essentially reiterated the arguments contained in his Motion to Dismiss, adding that the trial court should not have admitted respondents' Amended Complaint since the original Complaint was a mere scrap of paper as it was defective in form and substance; that since in the first instance the Complaint was a mere scrap of paper, then there is no Complaint to be amended; and that the assailed Orders were null and void.

On August 10, 2011, the CA issued the assailed Decision affirming the trial court's assailed Orders, pronouncing thus:

The RTC found the allegations in the initiatory pleading proper in the action to quiet title, thus, was "inclined to try the merits of the case". In a motion to dismiss for failure to state a cause of action, the inquiry is into the sufficiency and not the veracity, of the material allegations. If the allegations of the complaint are sufficient in form and substance but their veracity and correctness are assailed, it is incumbent upon the court to deny the motion to dismiss and require the defendant to answer and go to trial to prove his defense. The veracity of the assertions of the parties can be ascertained at the trial of the case on the merits. Further, Section 3 of Rule 16 of the Rules of Court, the rule in point, provides:

"x x x x

Sec. 3. Resolution of motion. After the hearing, the court may dismiss the action, or claim, deny the motion, or order the amendment of the pleading.

x x x x

As gleaned from the above-quoted provision, there are three (3) courses of action which the trial court may take in resolving a motion to dismiss, i.e. to grant, to deny, or to allow amendment of the pleading. We find no grave error on the part of the trial court in denying the motion to dismiss as the allegations are sufficient to support a cause of action for quieting of title.

Parenthetically, under Rule 65 of the Revised Rules of Civil Procedure, for a certiorari proceeding to prosper, there should be a concurrence of the essential requisites, to wit: (a) the tribunal, board or officer exercising judicial functions has acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or in excess of jurisdiction, and (b) there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law for the purpose of annulling or modifying the proceeding.

Petitioner's claim that it had no other plain, speedy and adequate remedy is baseless. He can still file an answer, proceed to trial and meet the issues head-on. An order denying a motion to dismiss is an interlocutory order which neither terminates nor finally disposes of a case, as it leaves something to be done by the court before the case is finally decided on the merits. The general rule is that the denial of a motion to dismiss cannot be questioned in a special civil action for certiorari which is not intended to correct every controversial interlocutory ruling. Neither can a denial of a motion to dismiss be the subject of an appeal unless and until a final judgment or order is rendered.

Quite obviously, this petition filed by petitioner with us is not the proper remedy to assail the trial court's denial of

his motion to dismiss. We reiterate that the special civil action of certiorari is a remedy designed to correct errors of jurisdiction including commission of grave abuse of discretion amounting to lack or excess of jurisdiction and not errors of judgment. The abuse of discretion must be grave, that is, the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility. It must be so patent and gross as to amount to evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of the law. To justify the grant of such extraordinary remedy, the abuse of discretion must be grave and patent, and it must be shown that discretion was exercised arbitrarily or despotically. In this case, no such circumstances attended the denial of petitioner's Motion to Dismiss.

Petitioner further alleged that the trial court committed a procedural infirmity when it gave due course to the Motion for Admission of Amended Complaint despite non-compliance with Sections 4,5 and 6 of the Rules of Court and admitted private respondent's Amended Complaint.

Private respondent's amendment of the complaint was made pursuant to Section 2, Rule 10 of the Rules of Court. Under the said provision, formal and substantial amendments to a pleading may be made at anytime before a responsive pleading has been filed. Such amendment is a matter of right. This means that prior to the filing of an answer, the plaintiff has the absolute right to amend the complaint.

x x x x

For obvious reasons, petitioner has not filed an answer to controvert the allegations raised by private respondent. A motion to dismiss is not a responsive pleading, thus, private respondent may amend its complaint. It cannot be said that the petitioner's rights have been violated by changes made in the complaint if he has yet to file an answer thereto. In such an event, petitioner has not presented any defense that can be altered or affected by the amendment of the complaint in accordance with Section 2 of Rule 10.

Case law dictates that the right granted to the plaintiff under procedural law to amend the complaint before an answer has been served is not precluded by the filing of a motion to dismiss or any other proceeding contesting its sufficiency. Were we to conclude otherwise, the right to amend a pleading under Section 2, Rule 10 will be rendered nugatory and ineffectual, since all that a defendant has to do to foreclose this remedial right is to challenge the adequacy of the complaint before he files an answer. Moreover, amendment of pleadings is favored and should be liberally allowed in the furtherance of justice in order to determine every case as far as possible on its merits without regard to technicalities. This principle is generally recognized to speed up trial and save party litigants from incurring unnecessary expense, so that a full hearing on the merits of every case may be had and multiplicity of suits avoided. Consequently, the amendment should be allowed in this case as a matter of right in accordance with the rules.

As for petitioner's application for injunction, we find no compelling reason to pass upon it as petitioner failed to convince us of the necessity of this relief.

WHEREFORE, premises considered, the petition under consideration is DISMISSED and the assailed Order dated January 12, 2010 and the Order dated June 21, 2010 are hereby AFFIRMED.

SO ORDERED.[18]

Petitioner filed a Motion for Reconsideration,[19] which the CA denied in its subsequent January 5,2012 Resolution. Hence, the present Petition.

Meanwhile, on June 29,2012, the trial court issued an Order,[20] stating thus:

In this continuation of pre-trial, Arty. Rosario and Atty. Manuel appeared. The spouses plaintiffs and the

representatives of the defendants, who are defendant [sic] themselves namely, Felizardo and Mario Guntalilib were also around.

It is observed that in the previous proceedings, the court and the parties encountered difficulty in knowing who are the registered owners in addition to the plaintiff spouses Dela Cruz and also the identification of the defendant heirs. To the mind of the court, it would be more convenient in proceeding with the pre-trial with the complete identification of the present registered owners and also those heirs so that complete relief would accordingly be given to the parties. The court directed the plaintiffs to amend the complaint within 30 days from today to identify the registered owners and for the defendants to make available the names of the heirs. The counsels suggested that before further proceedings could be had, the plaintiffs should identify the other registered owners of the property and the defendants to identify the heirs.

SO ORDERED.[21]

Issues

In a March 31, 2014 Resolution,[22] this Court resolved to give due course to the instant Petition, which contains the following assignment of errors:

I. THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR OF LAW IN FAILING TO DECLARE THE COURT A QUO'S ORDERS NULL AND VOID BASED ON THE FOLLOWING GROUNDS:

(i) THE RELIEF SOUGHT BY RESPONDENTS IN THE PRESENT ACTION, WHICH IS, TO ANNUL AND REVERSE THE DECISION OF RTC-BRANCH 29, THAT ORDERED THE ISSUANCE OF OCT WITH DECREE NO. 54584 IN THE NAME OF BERNARDINO TUMALUAN, IS IMPROPER FOR AN ACTION TO QUIET TITLE, THUS, THE COMPLAINT STATES NO CAUSE OF ACTION, WARRANTING THE PROMPT AND TIMELY DISMISSAL OF THE CASE.

(ii) THE ORIGINAL, AS WELL AS THE AMENDED COMPLAINT OF RESPONDENTS FAILED TO INCLUDE ALL INDISPENSABLE PARTIES, THUS, THE COURTS A QUO DO NOT HAVE JURISDICTION OVER THE PERSON OF THESE OMITTED INDIVIDUALS, WARRANTING THE PROMPT DISMISSAL OF THE CASE.

(iii) FOLLOWING THE DOCTRINE OF NON-INTERFERENCE, THE COURTS A QUO HAVE NO JURISDICTION TO INTERVENE WITH THE PROCEEDINGS OF A COURT OF EQUAL JURISDICTION, MUCH LESS ANNUL THE FINAL JUDGMENT OF A CO-EQUAL BRANCH, I.E. RTC BRANCH-29. THUS RESPONDENTS' COMPLAINT DESERVES OUTRIGHT DISMISSAL.

II. THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR OF LAW WHEN IT DECLARED THAT THERE IS A PLAIN, SPEEDY AND ADEQUATE REMEDY AVAILABLE TO PETITIONER IN THIS PRESENT CASE.

III. RESPONDENTS' RIGHT TO AMEND THEIR COMPLAINT BY VIRTUE OF SECTION 2, RULE 20 MUST YIELD TO THE CLEAR AND CATEGORICAL DIRECTIVE OF SECTION 5, RULE 7 OF THE RULES OF COURT, WHICH STATES THAT "FAILURE TO COMPLY WITH THE REQUIREMENTS ON VERIFICATION AND CERTIFICATION AGAINST FORUM-SHOPPING SHALL NOT BE CURABLE BY MERE AMENDMENT OF THE COMPLAINT BUT SHALL BE A CAUSE FOR THE DISMISSAL OF THE CASE WITHOUT PREJUDICE.

IV. THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR OF LAW WHEN IT DECLARED THAT AMENDMENT OF PLEADINGS IS FAVORED AND SHOULD BE LIBERALLY ALLOWED IN CONTRAVENTION WITH THE CLEAR AND UNEQUIVOCAL PROVISIONS OF THE RULES AND JURISPRUDENCE.[23]

Petitioner's Arguments

In his Petition and Counter-Manifestation[24] seeking reversal of the assailed CA dispositions and nullification of the January 12, 2010 and June 21, 2010 Orders in Civil Case No. 6975, petitioner insists that respondents' Complaint for quieting of title constitutes a prohibited collateral attack of the unnumbered OCT of Bernardo Tumaliuan and an unjustified interference with and assault on the Decision of a co-equal court in LRC Case No. 6544; that for failure to implead all indispensable parties, namely, the heirs of Bernardo Tumaliuan and subsequent buyers of portions of the subject property sold by respondents, respondents' case should be dismissed as all proceedings taken therein are null and void, following the Court's ruling in *Dr. Orbeta v. Sendiong*[25] and *Speed Distributing Corporation v. Court of Appeals*[26] to the effect that the failure to implead all indispensable parties to a case renders all actions of the court null and void; that Civil Case No. 6975 is in effect an attempt to annul the Decision in LRC Case No. 6544; that contrary to the CA's declaration, a Petition for Certiorari with the appellate court was the only speedy and adequate remedy available to him, considering that the proceedings in Civil Case No. 6975 are fundamentally null and void since the case is precisely being used to collaterally and illegally attack Bernardo Tumaliuan's title and the Decision in LRC Case No. 6544; and that the rule of procedure on verification and certification against forum-shopping should override the rule on amendment; in other words, the trial court should not have admitted respondents' Amended Complaint since the original Complaint on which it was based was a mere scrap of paper as it contained a defective verification and certification against forum-shopping, and being so, there is no valid complaint to speak, of which required amendment.

Respondents' Arguments

In their Compliance with incorporated Comment[27] and Memorandum,[28] respondents contend that the failure to implead all the heirs of Bernardo Tumaliuan was cured by the trial court's June 29, 2012 Order which reflects the parties' agreement arrived at during the pre-trial that respondents shall amend their complaint to include all the heirs upon being furnished the names thereof by petitioner and his co-defendants; directing respondents to further amend their complaint within 30 days in order to include the registered owners of the subject property; and for the defendants to disclose the names of all heirs of Bernardo Tumaliuan. They add that an action by one party asserting his own title to and seeking nullification of another title covering the same property is deemed to be one for quieting of title,[29] and the nullification of petitioner's title is merely an incidental result in such action; that since petitioner has not filed his Answer, they were entitled to amend their complaint as a matter of right, and no motion to admit their Amended Complaint was even necessary;[30] and that the CA committed no reversible error in declaring that petitioner's resort to an original Petition for Certiorari was unwarranted.

Our Ruling

The Court denies the Petition.

Petitioner's claim that respondents' Amended Complaint must be disallowed for failure to implead all indispensable parties has been rendered moot by the parties' agreement that respondents shall further amend their complaint after petitioner and his co-defendants furnish them with the complete list of Bernardo Tumaliuan's heirs. Pursuant to this agreement, the trial court issued its June 29, 2012 Order, which petitioner does not assail.

Next, petitioner's claim that the trial court should not have admitted respondents' Amended Complaint since the original Complaint on which it was based is void for being a mere scrap of paper as it contained a defective verification and certification against forum-shopping, is fundamentally absurd. A party to a civil case is precisely given the opportunity to amend his pleadings, under certain conditions, in order to correct the mistakes found therein; if one were to follow petitioner's reasoning, then the rule on amendment of pleadings might just as well be scrapped, for then no pleading would be susceptible of amendment. In the present case, respondents' Complaint

was amended even before petitioner could file any responsive pleading thereto; under the 1997 Rules, a party may amend his pleading once as a matter of right at any time before a responsive pleading is served.[31] No motion to admit the same was required; as the amendment is allowed as a matter of right, prior leave of court was unnecessary.[32] Indeed, even if such a motion was filed, no hearing was required therefor, because it is not a contentious motion.

On the final procedural matter that must be tackled, suffice it to state, as the CA did, that as a general rule, the denial of a motion to dismiss cannot be questioned through a special civil action for certiorari.

An order denying a motion to dismiss is interlocutory and neither terminates nor finally disposes of a case; it is interlocutory as it leaves something to be done by the court before the case is finally decided on the merits.

The denial of a motion to dismiss generally cannot be questioned in a special civil action for certiorari, as this remedy is designed to correct only errors of jurisdiction and not errors of judgment. Neither can a denial of a motion to dismiss be the subject of an appeal which is available only after a judgment or order on the merits has been rendered. Only when the denial of the motion to dismiss is tainted with grave abuse of discretion can the grant of the extraordinary remedy of certiorari be justified.[33]

Such a rule applies especially when, as in this case, the petition is completely lacking in merit.

Moving on to the substantive issues raised, the Court finds without merit petitioner's claim that respondents' quieting of title case constitutes a prohibited attack on his predecessor Bernardo Tumaliuan's unnumbered OCT as well as the proceedings in LRC Case No. 6544. It is true that "the validity of a certificate of title cannot be assailed in an action for quieting of title; an action for annulment of title is the more appropriate remedy to seek the cancellation of a certificate of title." [34] Indeed, it is settled that a certificate of title is not subject to collateral attack. However, while respondents' action is denominated as one for quieting of title, it is in reality an action to annul and cancel Bernardo Tumaliuan's unnumbered OCT. The allegations and prayer in their Amended Complaint make out a case for annulment and cancellation of title, and not merely quieting of title: they claim that their predecessor's OCT 213, which was issued on August 7, 1916, should prevail over Bernardo Tumaliuan's unnumbered OCT which was issued only on August 29, 1916; that petitioner and his co-defendants have knowledge of OCT 213 and their existing titles; that through fraud, false misrepresentations, and irregularities in the proceedings for reconstitution (LRC Case No. 6544), petitioner was able to secure a copy of his predecessor's supposed unnumbered OCT; and for these reasons, Bernardo Tumaliuan's unnumbered OCT should be cancelled. Besides, the case was denominated as one for "Quieting Of Titles x x x; Cancellation of Unnumbered OCT/Damages."

It has been held that "[t]he underlying objectives or reliefs sought in both the quieting-of-title and the annulment-of-title cases are essentially the same — adjudication of the ownership of the disputed lot and nullification of one of the two certificates of title." [35] Nonetheless, petitioner should not have been so simplistic as to think that Civil Case No. 6975 is merely a quieting of title case. It is more appropriate to suppose that one of the effects of cancelling Bernardo Tumaliuan's unnumbered OCT would be to quiet title over Lot 421; in this sense, quieting of title is subsumed in the annulment of title case.

WHEREFORE, the Petition is DENIED. The August 10, 2011 Decision and January 5, 2012 Resolution of the Court of Appeals in CA-G.R. SP No. 115963 are AFFIRMED.

SO ORDERED.

Carpio, (Acting C.J.[*] & Chairperson), Brion, Del Castillo, and Leonen, JJ., concur.
Mendoza, J., on official leave.

[*]Per Special Order No. 2357 dated June 28, 2016.

[1] Rollo, pp. 10-51.

[2] Id. at 53-61; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Jose C. Reyes, Jr. and Antonio L. Villampr.

[3] Id. at 116-118; penned by Judge Fernando F. Flor, Jr.

[4] Id. at 140-142; penned by Judge Rogelio P. Cqrpuz.

[5] Id. at 62-63.

[6] Id. at 64-78.

[7] Id. at 79-87.

[8] Id. at 88-89.

[9] Id. at 90-106.

[10] Id. at 104.

[11] Id. at 108-115.

[12] On Motions.

Sec. 4. Hearing of motion. - Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice.

Sec. 5. Notice of hearing. - The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion.

Sec. 6. Proof of service necessary. - No written motion set for hearing shall be acted upon by the court without proof of service thereof.

[13] Rollo, pp. 116-118.

[14] Id.

[15] Id. at 119-127.

[16] Id. at 140-142.

[17] Id. at 148-177.

[18] Id. at 56-59.

[19] Id. at 218-228.

[20] Id. at 258.

[21] Id.

[22] Id. at 289-290.

[23] Id. at 26-28.

[24] Id. at 260-269; the Court noted petitioner's request that this Counter-Manifestation be treated as his Reply to respondents' Comment.

[25] 501 Phil. 479 (2005).

[26] 469 Phil. 739 (2004).

[27] Rollo, pp. 254-257.

[28] Id. at 327-350.

[29] Citing Realty Sales Enterprises, Inc. v. Intermediate Appellate Court, 238 Phil. 317 (1987) and Galindo v. Heirs of Roxas, 489 Phil. 462 (2005).

[30] Citing Marcos-Araneta v. Court of Appeals, 585 Phil. 38 (2008).

[31] Rule 10, Section 2, on Amended and Supplemental Pleadings.

Sec. 2. Amendments as a matter of right. - A party may amend his pleading once as a matter of right at any time before a responsive pleading is served or, in the case of a reply, at any time within ten (10) days after it is served.

[32] Marcos-Araneta v. Court of Appeals, supra note 30 at 56.

[33] Biñan Rural Bank v. Carlos, G.R. No. 193919, June 15, 2015.

[34] Leonero v. Spouses Barba and Marcos-Barba, 623 Phil. 706, 710 (2009).

[35] Pilar Development Corporation v. Court of Appeals, G.R. No. 155943, August 28, 2013, 704 SCRA 43, 53, citing Stilianopulos v. City of Legaspi, 374 Phil. 879, 897 (1999).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.