

HEIRS OF FELICISIMO GABULE, NAMELY: ELISHAMA GABULE-VICERA, FELINA GABULE CIMAFRANCA, IEMELIF GABULE, GRETTEL GABULE, REPRESENTED BY HIS SPOUSE, CECILIA RIZA GABULE AND HAMUEL GA...

G.R. No. 211755. October 07, 2020

Ponente: GESMUNDO, J.

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GESMUNDO, J.:

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the January 21, 2013 Decision[1] and March 5, 2014 Resolution[2] of the Court of Appeals (CA) in CA-G.R. CV No. 01200-MIN which reversed and set aside the March 5, 2007 Order[3] of the Regional Trial Court, 9th Judicial Region, Pagadian City, Branch 22 (RTC), in Civil Case No. 3075, an action for Reconveyance and Damages, and reinstated the May 10, 2006 Decision.[4]

The Antecedents

As borne by the records, Felipe Jumud (respondent) filed an action for reconveyance and damages against the heirs of Felicisimo Gabule (petitioners). Prior to such action, however, an action for reconveyance involving petitioners' same property was likewise filed by one Severino Saldua (Saldua) against the former.

Prior Case: Civil Case No. 2973

Saldua v. Heirs of Felicisimo Gabule

Saldua alleged that he is the owner of a residential lot known and designated as Lot No. 2857-B, which was, through fraudulent means and misrepresentation, included in the title of petitioners' late father Felicisimo Gabule (Gabule) when the latter applied for title over his land. Consequently, Felicisimo was issued Original Certificate of Title No. 1,817 (OCT 1817) on May 16, 1980 pursuant to a decree in the cadastral proceedings.[5] The said residential lot was the remaining portion of the ½ land known as Lot No. 2857 which he previously bought, through barter, from respondent. This barter between Saldua and respondent was confirmed by the latter himself on the witness stand.[6]

After due trial, the RTC of Pagadian City, Branch 19, rendered a Decision dismissing Saldua's complaint, thereby affirming Felicisimo's title over the subject property. The RTC explained that:

In short, plaintiff Saldua has no more right, interest and [participation over] Lot No. 2857, because when he sol[d] one half (1/2) of said lot to Antonio Langga, as admitted by plaintiff, and which resulted to the designation of Antonio Langga's lot as Lot No. 2857-A, the portion left with plaintiff was the other half which is designated as Lot No. 2857-B, and since out of Lot No. 2857-B he sold 144 sq. m. to Alfredo Balugo and from Balugo to Agapito Bagapuro, and from Bagapuro to Telesporo Pulido, it would seem that the area left with plaintiff after he sold the 144 sq. m. is the one half of Lot No. 2857-B with an area of 144 sq. m. However, since plaintiff admitted that he is not recovering what he has given to his brother-in-law Hermogenes

Daniel who applied a Miscellaneous Sales Application, it is clear that plaintiff Saldua has indeed no more interest whatsoever on Lot No. 2857-B, and therefore, has no cause of action in the case at bar.[7]

Consequently, the RTC Decision dismissing Saldua's complaint attained finality as no motion for reconsideration or appeal was filed.

Present Case: Civil Case No. 3075

Felipe Jumuad v. Heirs of Felicisimo Gabule, et al.

In his verified complaint, respondent alleged that he was previously the sole owner of a certain lot situated along Alano Street, San Francisco District, Pagadian City. Subsequently, he sold the one-half (½) lengthwise portion of the said lot to Saldua, who later sold half of said portion to Antonio Langga (Langga), specifically the portion fronting Alano Street, Pagadian City.[8]

Saldua then sold the inner portion of his lot, about 150 square meters, to a certain Hermogenes Daniel (Daniel). In turn, Daniel resold the portion to Rev. Diosdado Aenlle (Rev. Aenlle). It was from Rev. Aenlle that Gabule acquired his portion of land, now occupied by his heirs. What was supposedly left to Saldua was only the middle portion of that lot which he previously acquired from respondent.[9]

However, in his application for a title over the land, Gabule, through fraudulent means and misrepresentation, included Saldua's remaining or middle portion and further encroached on a portion of respondent's lot, the subject property of this case.[10] The actual encroachment referred to a portion having a dimension of 50m. by 3.78m. by 50m.[11]

Respondent demanded from the petitioners the reconveyance of the subject lot included in Gabule's OCT 1817, but the heirs failed and refused to heed the demands.

In their Answer,[12] petitioners denied the allegations in the complaint. They specifically claimed that their father's acquisition of the land was not limited to only 150 sq. m., but in fact, the acquisition referred to a portion which was subsequently surveyed and identified as Lot No. 2857-B, Csd- 12763 of Pagadian Public Land Subdivision, Pls-119, which was previously identified as Lot No. 8833, with an area of 337 sq. m., more or less.[13]

Petitioners also averred that respondent never made any demand against them.[14]

Trial ensued. Both parties submitted their respective documentary and testimonial pieces of evidence.

On May 10, 2006, the RTC rendered judgment in favor of respondent. It was of the view that Gabule committed constructive fraud in including the subject lot in his application for a certificate of title. The Deed of Sale presented by Gabule during the cadastral proceedings showed a piece of lot with an area of 150 sq. m. He identified the deed and affirmed that he bought the property from Rev. Aenlle, and that its area was only 156.25 sq. m., more or less. However, during the relocation survey of the land for purposes of obtaining the technical description thereof for titling, the resultant area ballooned to 337 sq. m.[15]

Thus, the RTC ruled that since Gabule committed constructive fraud, under our laws, he should, through his heirs, be ordered to reconvey that portion of land duly identified during a relocation survey as Lot No. 2857-B-1 to its lawful owner, herein respondent.[16]

Aggrieved, petitioners filed a Motion to Nullify the Decision[17] dated May 10, 2006 alleging that: 1) it was null and void because the handing-down Judge had no more authority to promulgate the same, having retired in the early day of June 2006; and 2) it was inherently defective because it equated a tax declaration as a muniment of a title of ownership when it is only a right to acquire the title of ownership over the area it covers.[18]

On March 5, 2007, the RTC issued an Order^[19] setting aside the May 10, 2006 Decision. It treated the heirs' Motion to Nullify as a Motion for Reconsideration. While the trial court chose not to discuss the first ground since there was no proof presented to show that the Decision was improperly promulgated, thus, making the allegation a mere conjecture, it nonetheless granted the motion on the ground that respondent, not being an owner, has no cause of action and was not entitled to a reconveyance. In so ruling, the trial court opined that the questioned property was previously a public land, and therefore, respondent had no personality to question the land grant of the government. Furthermore, the tax declarations offered by respondent are not direct proof of ownership, unless accompanied by proof of actual possession for the required period. Respondent, however, failed to present evidence of actual possession of the questioned area.^[20] Thus, he sought relief from the CA.

CA's Ruling

The CA granted respondent's appeal, thereby reinstating the May 10, 2006 Decision of the RTC. The appellate court explained that respondent need no longer prove the private character of the land because the issuance of the OCTs in the cadastral proceedings was an affirmation that the lands covered were already private in character.^[21]

Further, the CA observed from the records that Gabule acted fraudulently in including the subject area in his application for a title. The OCT issued in his favor covered a parcel of land measuring an area of 337 sq. m. However, his testimony during the cadastral proceedings that he acquired a property with an area of 156.25 sq. m., more or less, from Rev. Aenlle, corresponded to the area stipulated in the Deed of Sale executed between him and the latter.

As a result, the CA declared that an implied trust pursuant to Article 1456 of the Civil Code was created in favor of respondent. It held that:

Patently, Lot No. 2857-B-1 was erroneously included in appellees' title. By such erroneous inclusion, appellees are deemed to hold the title of the property in trust and for the benefit of appellant. Thus, a constructive trust was created between the parties.^[22] (emphasis supplied)

Moreover, the CA viewed that respondent never lost possession of the subject property even after the issuance of a Certificate of Title in the name of Gabule. Consequently, respondent could file the action for reconveyance at any time, as the action does not prescribe when the plaintiff is in possession of the land to be reconveyed, as in this case.^[23] Thus, the CA ruled that the RTC erred palpably in finding that "there is no evidence of actual possession on the questioned area by the plaintiff"; that respondent successfully established by preponderance of evidence his cause of action for reconveyance. Reconveyance, therefore, lies in his favor.^[24]

Prejudiced by the reversal, petitioners filed a Motion for Reconsideration.^[25] It was, however, denied. Hence, the present petition anchored on the following:

I.

THE ORDER OF THE RTC IN PAGADIAN CITY DISMISSING RESPONDENT'S COMPLAINT FOR RECONVEYANCE AND DAMAGES HAS LONG BECOME FINAL AND EXECUTORY; HENCE, THE COURT A QUO GRAVELY ERRED IN GRANTING RESPONDENT'S APPEAL;

II.

WITH ALL DUE RESPECT, THE COURT A QUO GRAVELY ERRED IN FAILING TO CONSIDER THAT THE COMPLAINT FOR RECONVEYANCE AND DAMAGES FILED BY RESPONDENT IN THE RTC IN PAGADIAN CITY IS ALREADY BARRED BY RES JUDICATA;

III.

WITH ALL DUE RESPECT, RESPONDENT MISERABLY FAILED TO PRESENT ANY PIECE OF EVIDENCE PROVING FRAUD ON THE PART OF FELICISIMO GABULE IN SECURING TITLE OVER THE SUBJECT PROPERTY, HENCE, IT WAS GRIEVOUS ERROR ON THE PART OF THE COURT A QUO TO RULE THAT FELICISIMO GABULE IS GUILTY OF COMMITTING FRAUD;

IV.

THE COURT A QUO GRAVELY ERRED IN GRANTING RESPONDENT'S APPEAL CONSIDERING THAT:

- RESPONDENT JUDICIALLY ADMITTED THAT HE HAD ALREADY SOLD THE SUBJECT LOT TO ONE SEVERINO SALDUA;
- RESPONDENT MISERABLY FAILED TO SUBSTANTIATE HIS CLAIM OF OWNERSHIP OVER LOT NO. 2857, AS HIS OWN EVIDENCE, OCT NO. 1,252 AND THE TESTIMONY OF HIS WITNESS, PERTAINED ONLY TO LOT NO. 2856;
- THERE IS NOTHING IN THE SURVEY REPORT WHICH REMOTELY SUGGESTS THAT LOT NO. 2857-B-1 IS OWNED BY RESPONDENT OR EVEN CAME FROM HIS OCT NO. 1,252; AND
- THE BOUNDARIES OF THE SUBJECT PROPERTY ARE WITHIN, AND CLEARLY DEFINED, IN FELICISIMO GABULE'S OCT NO. 1,817;

V.

WITH ALL DUE RESPECT, THE COURT A QUO GRAVELY ERRED IN APPLYING THE RULE ON CONSTRUCTIVE TRUST IN GRANTING RESPONDENT'S APPEAL CONSIDERING THAT THE PARAMETERS LAID DOWN BY THE HONORABLE COURT FOR ITS APPLICATION ARE CLEARLY WANTING IN THIS CASE.[26]

Court's Ruling

The petition is meritorious.

The RTC order is
final and executory

It is a hornbook rule that once a judgment has become final and executory, it may no longer be modified in any respect, even if the modification is meant to correct an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land, as what remains to be done is the purely ministerial enforcement or execution of the judgment.[27] This is known as the doctrine of immutability of judgments. Like any other rule, the doctrine of immutability of judgments admits of certain exceptions, to wit: (1) the correction of clerical errors, (2) the so-called nunc pro tunc entries which cause no prejudice to any party, (3) void judgments, and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.[28]

In this case, it was revealed that the assailed March 5, 2007 Order of the RTC of Pagadian City, which was appealed by respondent before the CA, had long become final and executory. Scrutiny of the records showed that respondent moved for reconsideration[29] of the said Order before the trial court. However, the trial court, in an Order[30] dated March 16, 2007, considered respondent's Motion for Reconsideration as a mere scrap of paper for violating the three (3)-day notice rule and was, thus, expunged from the records. Respondent then filed an Omnibus Motion for Reconsideration and/or to Set Aside Order dated March 5, 2007 with Motion for Execution.[31] The trial court once again, in an Order[32] dated March 27, 2007, expunged the motion from the

records on the ground that it was a second Motion for Reconsideration, a prohibited pleading.

Sections 4 and 5, Rule 15 of the 1997 Revised Rules on Civil Procedure (Rules) state that:

Section 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 manner as to ensure 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. (4a)

Section 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. (5a)

On the other hand, Sec. 2, Rule 37 of the same Rules provides:

Section 2. Contents of motion for new trial or reconsideration and notice thereof. — The motion shall be made in writing stating the ground or grounds therefor, a written notice of which shall be served by the movant on the adverse party.

x x x x

A motion for reconsideration shall point out a specifically the findings or conclusions of the judgment or final order which are not supported by the evidence or which are contrary to law making express reference to the testimonial or documentary evidence or to the provisions of law alleged to be contrary to such findings or conclusions.

A pro forma motion for new trial or reconsideration shall not toll the reglementary period of appeal. (2a) (emphasis supplied)

Prescinding therefrom, the CA should not have entertained and ultimately resolved respondent's appeal. A motion for reconsideration considered as a mere scrap of paper does not toll the running of the 15-day reglementary period within which to appeal. Respondent admitted having received a copy of the March 5, 2007 Order on March 7, 2007. His first Motion for Reconsideration did not toll the running of period within which to appeal. Respondent, thus, had only until March 22, 2007 to file an appeal before the appellate court. However, instead of doing so, he filed a Second Motion for Reconsideration which was clearly a prohibited pleading.

In *Casalla v. People*,^[33] the Court ruled that a pro forma motion for reconsideration did not suspend the running of the prescriptive period and such defect was not cured by the filing of a second motion for reconsideration, which is prohibited under the rules.^[34]

Therefore, by the time respondent filed an appeal, which was after having received the March 27, 2007 RTC Order expunging his second Motion for Reconsideration, the 15-day reglementary period to appeal already lapsed. Hence, the assailed March 5, 2007 Order of the RTC already attained finality.

Res judicata has set in

Res judicata literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." It also refers to the rule that a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on points and matters determined in the former suit. It rests on the principle that parties should not to be permitted to litigate the same issue more than once; that, when a right or fact has been judicially tried and determined by a court of competent jurisdiction, or an opportunity for such trial has been given, the judgment of the court, so long as it remains

unreversed, should be conclusive upon the parties and those in privity with them in law or estate.[35]

Under the Rules of Court, the principle of res judicata is specifically found in Rule 39, Sec. 47, paragraphs (b) and (c) which provide as follows:

Section 47. Effect of judgments or final orders. — The effect of a judgment or final order rendered by a court or of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

x x x x

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been missed in relation thereto, conclusive between the parties and their successors in interest, by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto. (49a)

Prescinding therefrom, it can be deduced that res judicata comes in two (2) forms. Sec. 47(b) of Rule 39 is often referred to as "bar by prior judgment," while paragraph (c) thereof refers to "conclusiveness of judgment."

In *Cruz v. Tolentino*,[36] the Court once again reiterated the rule concerning the application of the principle of res judicata, to wit:

For res judicata to serve as a bar to a subsequent action, the following elements must be present: (1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, subject matter, and causes of action. Should identity of parties, subject matter, and causes of action be shown in the two cases, res judicata in its aspect as a "bar by prior judgment" would apply. If as between the two cases, only identity of parties can be shown, but not identical causes of action, then res judicata as "conclusiveness of judgment" applies.[37]

In this case, res judicata in the concept of "bar by prior judgment" applies because all the elements thereof are present.

Existence of a prior judgment on the merits, rendered by a competent court, which has attained finality

The first judgment dated February 12, 1990 rendered by the RTC of Pagadian City, which had jurisdiction over the subject matter and the parties, had long become final after the plaintiff therein, Saldua, failed to move for reconsideration and/or timely file a notice of appeal. Said judgment was rendered on the merits because it determined the rights and liabilities of the parties based on the ultimate facts as disclosed by the pleadings or issues presented for trial.[38]

Particularly, the trial court, in the first case, ruled that Saldua failed to show by preponderance of evidence that he still holds legal right on the land subject matter of the case and thus, it had to deny his claim for reconveyance.[39]

In *Encinas v. Agustin, Jr.*,[40] the Court emphasized that a judgment may be considered as one rendered on the merits "when it determines the rights and liabilities of the parties based on the disclosed facts, irrespective of

formal, technical or dilatory objections;" or when the judgment is rendered "after a determination of which party is right, as distinguished from a judgment rendered upon some preliminary or formal or merely technical point." [41]

Parties, subject matter and
causes of action in the two
cases are identical

First, there is, as between the first (Civil Case No. 2973) and the instant case (Civil Case No. 3075), identity of parties. The determination of whether there is identity of parties rests on the commonality of the parties' interest, regardless of whether they are indispensable parties or not. [42] On February 12, 1990, the RTC of Pagadian City, Branch 19, rendered a decision [43] in an action for reconveyance entitled "Saldua v. Heirs of Felicisimo Gabule." Plaintiff therein, Saldua, was respondent's successor-in-interest, while petitioners were the defendants. In fact, respondent testified in the said case in favor of Saldua.

The principle of res judicata does not require absolute identity of parties. It requires, at the very least, substantial identity of parties. There is substantial identity of parties when there exists a "community of interest between a party in the first case and a party in the second case even if the latter was not impleaded in the first case." [44] Parties that represent the same interests in two petitions are, thus, considered substantial identity of parties for purposes of res judicata. Definitely, one test to determine substantial identity of interest would be to see whether the success or failure of one party materially affects the other [45] As applied herein, community of interest clearly exists among Saldua, petitioners and the respondent. To render a favorable decision would, in effect, indirectly attack the trial court's declaration, which had attained finality, that Saldua had already transferred and conveyed ownership over Lot 2857, and that he no longer holds any legal right on the same. [46]

Second, it is undisputed that the parcel of land, covered by OCT 1817 registered in the name of Gabule, was the subject matter in the two cases. In the first case, Saldua was claiming ownership over the parcel of land covered by the said title, while in the second, respondent was claiming ownership over a portion thereof.

Third, the causes of action in both cases are undoubtedly identical. It has always been stressed that the doctrine of res judicata does not require absolute identity. Here, however, both cases sought the reconveyance of the subject property.

The Court, in *Heirs of Arania v. Intestate Estate of Sangalang*, [47] reiterated that identity of causes of action does not mean absolute identity. Otherwise, a party could easily escape the operation of res judicata by changing the form of the action or the relief sought. The test to determine whether the causes of action are identical is to ascertain whether the same evidence will sustain both actions, or whether there is an identity in the facts essential to the maintenance of the two actions. If the same facts or evidence would sustain both, the two actions are considered the same, and a judgment in the first case is a bar to the subsequent action. [48] In the instant case, there is more reason that res judicata applies because there is, in fact, absolute identity of causes of action.

Fraud was not
substantially proven

Respondent insists that Gabule acted fraudulently in securing title over the subject area. He avers that, among others, Gabule's testimony and the Deed of Sale executed in his favor showed that the latter's property only measured 150 sq. m., more or less. On the other hand, Gabule's OCT stated that the parcel of land measured 337 sq. m. Respondent, thus, concludes that Gabule committed fraud in his application for a Certificate of Title over the subject property.

It is settled that fraud is never presumed.[49] The imputation of fraud in a civil case requires the presentation of clear and convincing evidence. Mere allegations will not suffice to sustain the existence of fraud. The burden of evidence rests on the part of the plaintiff or the party alleging fraud. The quantum of evidence is such that fraud must be clearly and convincingly shown.[50]

In addressing the 337-sq. m. land in Gabule's OCT, petitioners explained that:

Here, the deed of sale executed by Felicisimo Gabule and Aenlle states that the former acquired an area of 150 square meters, more or less, from the latter. The remaining portion of the said property titled in the name of Felicisimo Gabule actually came from the portion of one Telesporo Pulido, who was the last known person who had an interest over the remaining portion of Lot No. 2857-B. Pulido, according to the then official of the Bureau of Lands, already abandoned his claim over the said property and Felicisimo Gabule was advised by the same officials to include the portion claimed by Pulido in his application for titling and which he did.[51]

In this case, respondent is seeking reconveyance of Lot No. 2857-B-1 which measures 67 sq. m., and not the whole 337 sq. m., which he claimed to have been fraudulently included in the late Gabule's OCT. Respondent, however, failed to discharge the burden of proof. Other than a mere claim, respondent did not present any other proof that fraud attended Gabule's application of title over the subject property. On the other hand, petitioners averred that as per testimony of one Caridad Monte (Monte), the custodian and person-in-charge of the cadastral case pertaining to Lot Nos. 2856 and 2857, respondent never filed any claim on Lot No. 2857 since he was only claiming the adjacent lot, Lot. No. 2856. Langga and Gabule were the only two (2) claimants of Lot No. 2857.[52] Monte further testified that Lot No. 2857 owned and titled in the name of Gabule is separate and distinct from Lot No. 2856 owned by respondent.[53]

Interestingly, respondent did not refute the abovementioned averments by the petitioners, but merely insisted that Gabule committed fraud and misrepresentation in including his parcel of land, about 67 sq. m., in the latter's application for a title. If there is anyone who should be seeking reconveyance of a land alleged to have been fraudulently titled, it would be the last known person who had real interest thereon.

Consequently, the Court is not convinced that fraud existed because respondent had the opportunity to file a claim over the subject property, but did not. Moreover, records failed to show actual encroachment over respondent's alleged 67-sq. m. land. The Survey Report[54] of the geodetic engineer which respondent, and the CA, relied upon did not categorically state that Gabule encroached on a portion of respondent's land. In fact, the report clearly and distinctly established that the subject area of 67 sq. m., in its entirety, is inside the title of Gabule.[55] Nothing was mentioned that the said area was included in respondent's title which covered Lot No. 2856. Thus, respondent's evidence fell short in establishing that Gabule acted fraudulently in obtaining title over the subject property.

Respondent has no
cause of action

Because of the fraud and misrepresentation allegedly committed by Gabule, the CA was of the view that a constructive trust was created between him and the respondent. It ruled that:

Patently, Lot No. 2857-B-1 was erroneously included in appellees' title. By such erroneous inclusion, appellees are deemed to hold the title of the property in trust and for the benefit of appellant. Thus, a constructive trust was created between the parties.[56]

The CA, thus, declared that reconveyance in favor of the respondent was proper.

In *Campos v. Ortega, Sr.*,[57] the Court explained what constitutes constructive trust, as follows:

Under the principle of constructive trust, registration of property by one person in his name, whether by mistake or fraud, the real owner being another person, impresses upon the title so acquired the character of a constructive trust for the real owner, which would justify an action for reconveyance. In the action for reconveyance, the decree of registration is respected as incontrovertible but what is sought instead is the transfer of the property wrongfully or erroneously registered in another's name to its rightful owner or to one with a better right. If the registration of the land is fraudulent, the person in whose name the land is registered holds it as a mere trustee, and the real owner is entitled to file an action for reconveyance of the property.[58] (emphasis supplied)

As previously explained, respondent's allegation of fraud was unsubstantiated. Therefore, the Court sees no reason to apply the rules on constructive trust.

However, even assuming that there was indeed fraud resulting in the creation of a constructive trust, respondent's action for reconveyance should be dismissed for lack of cause of action. Respondent did not appear to be the real or lawful owner of the subject property.

Respondent, just like Saldua in the first action for reconveyance, no longer has any right or interest over the property from the moment respondent sold $\frac{1}{2}$ of his property to Saldua. Saldua in turn sold $\frac{1}{2}$ of his land to Langga, $\frac{1}{4}$ to a certain Alfredo Balugo which was ultimately bought by one Telesporo Pulido, and the remaining $\frac{1}{4}$ was given by Saldua to his brother-in-law Hermogenes Daniel.[59] Hermogenes Daniel then transferred said property to Rev. Aenlle from whom Gabule later purchased the same.[60]

Clearly, respondent holds no title whatsoever over Lot No. 2857-B covered by OCT 1817 registered in Gabule's name. Neither did respondent's OCT No. 1,252 covering Lot No. 2856 show that the 67-sq. m. portion marked as 2857-B-1 was within his title.

In sum, from the time respondent sold, by barter, half of his entire property to Saldua, which was later described as Lot 2857, while the other half left with respondent was described as Lot 2856, the latter had no more right or interest over the same. One having no material interest cannot invoke the jurisdiction of the court as the plaintiff in an action. When the plaintiff is not the real party in interest, the case is dismissible on the ground of lack of cause of action.[61] It baffles the Court why, even as the petitioners have raised such issue in their Answer[62] before the trial court, the RTC never addressed the same.

It is settled that in an action for reconveyance, the free patent and the certificate of title are respected as incontrovertible. What is sought instead is the transfer of the title to the property, which has been wrongfully or erroneously registered in the defendant's name. All that is needed to be alleged in the complaint are two (2) crucial facts, namely, (1) that the plaintiff was the owner of the land, and (2) that the defendant had illegally dispossessed him of the same. Therefore, the claimant/complainant has the burden of proving ownership over the registered land.[63] Respondent, however, failed to discharge such burden.

To conclude, respondent's complaint should have been dismissed not only because it had already been barred by res judicata, but also because respondent had no cause of action to file a case for reconveyance against petitioners.

As a final note, the Court reiterates that parties who have the burden of proof must produce such quantum of evidence, with plaintiffs having to rely on the strength of their own evidence, not on the weakness of the defendant's.[64] For an action for reconveyance based on fraud to prosper, the party seeking reconveyance must prove by clear and convincing evidence his/her title to the property and the fact of fraud.[65]

WHEREFORE, the petition is GRANTED. The Decision dated January 21, 2013 and Resolution dated March 5, 2014 of the Court of Appeals in CA-G.R. CV No. 01200-MIN are REVERSED and SET ASIDE. The Order dated March 5, 2007 of the Regional Trial Court of Pagadian City, Branch 22 is REINSTATED insofar as it declared

that respondent Felipe Jumuad had no cause of action and is not entitled to a reconveyance. Further, respondent's action for reconveyance against petitioners Heirs of Felicisimo Gabule is already barred by res judicata.

SO ORDERED.

Leonen, (Chairperson), Carandang, Zalameda, and Gaerlan, JJ., concur.

[1] Rollo, pp. 56-73; penned by Associate Justice Romulo V. Borja with Associate Justices Ma. Luisa C. Quijano-Padilla and Marie Christine Azcarraga Jacob, concurring.

[2] Id. at 75-80.

[3] Id. at 174.

[4] Id. at 164-170.

[5] Id. at 103.

[6] Id. at 105.

[7] Id. at 107.

[8] Id. at 110-111.

[9] Id.

[10] Id. at 111.

[11] Id. at 112.

[12] Id. at 119-121.

[13] Id. at 119.

[14] Id. at 120.

[15] Id. at 169.

[16] Id. at 170.

[17] Id. at 171-172.

[18] Id.

[19] Id. at 174.

[20] Id.

[21] Id. at 64.

[22] Id. at 68.

[23] Id. at 69.

[24] Id. at 71-72.

[25] Id. at 304-342.

[26] Id. at 15-16.

[27] *One Shipping Corporation v. Peñafiel*, 751 Phil. 204 (2015), citing *Aliviado v. Procter and Gamble Phils., Inc.*, 665 Phil. 542, 551 (2011).

[28] *Gadrinab v. Salamanca*, 736 Phil. 279, 293 (2014).

[29] *Rollo*, pp. 176-177.

[30] Id. at 178.

[31] Id. at 180-183.

[32] Id. at 187.

[33] 439 Phil. 958 (2002).

[34] Id. at 964.

[35] *Fenix (CEZA) International, Inc. v. Executive Secretary*, G.R. No. 235258, August 6, 2018, 876 SCRA 379, 387.

[36] G.R. No. 210446, April 18, 2018, 861 SCRA 665.

[37] Id. at 679.

[38] *Baricuatro v. Caballero*, 552 Phil. 158, 164 (2007).

[39] *Rollo*, p. 107.

[40] 709 Phil. 236 (2013).

[41] Id. at 255.

[42] *Spouses Santos v. Heirs of Lustre*, 583 Phil. 118, 129 (2008).

[43] *Rollo*, pp. 103-108.

[44] *Taar v. Lawan*, 820 Phil. 26, 49-50 (2017).

[45] *Bonayon v. Villegas*, G.R. No. 226195, November 7, 2016 (Notice); *Pryce Corporation v. China Banking Corporation*, 727 Phil. 1, 12 (2014); emphasis supplied.

[46] *Rollo*, p. 107.

[47] *Heirs of Arania v. Intestate Estate of Sangalang*, 822 Phil. 643 (2017).

[48] Id. at 665-666.

[49] *Philippine National Bank v. Bacani*, G.R. No. 194983, June 20, 2018, 867 SCRA 104, 122.

[50] *Tankeh v. Development Bank of the Phils.*, 720 Phil. 641, 676 (2013).

[51] *Rollo*, pp. 37-38.

[52] Id. at 359.

[53] Id.

[54] Id. at 160-163.

[55] Id. at 162.

[56] Id. at 68.

[57] 734 Phil. 585 (2014).

[58] Id. at 602-603.

[59] Rollo, p. 107.

[60] Id. at 111.

[61] Ang v. Pacunio, 763 Phil. 542, 547-548 (2015).

[62] Rollo, pp. 119-121.

[63] Spouses Yabut v. Alcantara, 806 Phil. 745, 760 (2017).

[64] Ibot v. Heirs of Tayco, 757 Phil. 441, 449 (2015).

[65] Heirs of Spouses Tanyag v. Gabriel, 685 Phil. 517, 532 (2012).

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