

**NATALIA REALTY CORPORATION, PLAINTIFF-APPELLEE, VS.
PROTACIO RANCHU VALLEZ, CEFERINO MARTINEZ, PABLO
ESPEMEDA, AUGUSTO ARIZOLA AND CERIACO BANDOC,
DEFENDANTS-APPELLANTS.**

G.R. Nos. 78290-94. May 23, 1989

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-78290-94/>

REGALADO, J.:

In these appeals in five (5) consolidated cases[1] certified by the Court of Appeals to this Court since they involve only a question of law, We affirm the summary judgment rendered by the court a quo.

Said appeals originated from five (5) civil cases commenced by herein appellee Natalia Realty Corporation against the five (5) appellants, namely, Protacio Ranchu Vallez,[2] Ceferino Martinez,[3] Pablo Espemeda,[4] Augusto Arizola,[5] and Ceriaco Bandoc,[6] which were consolidated and assigned to the Regional Trial Court, Branch LXXI, at Antipolo, Rizal.[7] Plaintiff alleged that the defendants unlawfully occupied portions of the parcels of land belonging to it and registered in its name under Transfer Certificates of Title Nos. 31527 and 31528 (now N-67845) of the Register of Deeds of Rizal. It was prayed that defendants be adjudged without valid right whatsoever in plaintiff's land, that they be ordered to vacate the same and to pay the reasonable compensation and financial reliefs stated in the respective complaints against them.

After filing their consolidated answer, defendants sought the dismissal of all the aforesaid complaints for ejectment on the ground of lack of jurisdiction. Their motion was denied on September 26, 1983 on a holding that the grounds therefor are not indubitable.

On October 29, 1983, plaintiff corporation moved for a summary judgment on the consolidated cases under Rule 34 of the Rules of Court. Plaintiff claimed that the only issue for resolution, if any, is strictly legal; and that "the pleadings manifestly show that there is no genuine issue or issues as to any material fact averred in the complaint and that defendants in their common answer to complaint have put up sham defenses and counterclaims all of which are mere pretended denials and flimsy defenses." Annexed to said motion is the affidavit of the company's executive vice-president, Eugenia Oliveros, attesting to the truth of the averments therein. An opposition was filed by defendants on November 4, 1983 through a "Joint Motion to Dismiss the Complaint in Opposition to Plaintiff's Motion for Summary Judgment."

On December 16, 1983, the trial court rendered a summary judgment upon finding that no valid issue was raised by defendants but only "conclusions that because they have been in actual possession for over 30 years of their respective farm lots they are entitled to be respected of (sic) such occupancy and as such the complaints should be dismissed, (par. 4, p. 7, Record, Answer, Civil Case No. 117-A) that the titles of plaintiff are null and void ab initio and should be cancelled and in lieu thereof issued new certificates of titles (sic) to the defendants in accordance with the land reform program under P. D. No. 2."[8]

Judgment was rendered in favor of the plaintiff ordering the defendants to vacate the portions of land involved, to forthwith remove therefrom all improvements they may have constructed thereon, and to pay rentals of P50.00 a month from January, 1980 until the defendant concerned shall have vacated the premises he occupied.[9]

In a joint notice of appeal, defendants sought appellate review in the then Intermediate Appellate Court. Their brief, dated June 23, 1984, prayed for the reversal of the summary judgment rendered by the court below and for the confirmation of their alleged just titles supposedly under Article 541 of the Civil Code. It does not appear that appellee corporation filed a brief therein.

As earlier stated, the Court of Appeals, in its resolution of November 27, 1986, certified the aforesaid consolidated appeals to this Court on its finding that "no question of fact has been raised by appellants for determination by this Court." The only question, according to the Court of Appeals, is whether or not the court a quo acted correctly in rendering a summary judgment in the aforesaid cases.

It is settled that a summary judgment under Rule 34 of the Rules of Court is proper only if there is no genuine issue as to the existence of any material fact.[10] It is intended to expedite or promptly dispose of cases where the facts appear undisputed and certain from the pleadings, depositions, admissions and affidavits on record.[11] This elucidation of its role in procedural law is instructive:

"x x x This Summary Judgment or Accelerated Judgment is a device for weeding out sham claims or defenses at an early stage of the litigation, thereby avoiding the expense and loss of time involved in a trial. The very object is to separate what is formal or pretended in denial or averment from what is genuine and substantial, so that only the latter may subject a suitor 'to the burden of a trial.' In conducting the hearing, the purpose of the judge is not to try the issue, but merely to determine whether there is a meritorious issue to be tried. Where a motion is made for summary judgment, such motion is not directed to the pleadings and deals only with the question of whether there are triable issues of facts and where such issue exists summary judgment must be denied. Summary judgment should not be granted where it fairly appears that there is a triable issue to be tried. The Court should not pass on questions of credibility or weight of evidence, and that the summary judgment procedure 'should not be perverted to the trial of disputed questions of fact upon affidavits'. The test, therefore, of a motion for summary judgment is - whether the pleadings, affidavits and exhibits in support of the motions are sufficient to overcome the opposing papers and to justify a finding as a matter of law that there is no defense to the action or the claim is clearly meritorious.

"In proceedings for summary judgment, the burden of proof is upon the plaintiff to prove the cause of action and to show that the defense is interposed solely for the purpose of delay. After plaintiff's burden has been discharged, defendant has the burden to show facts sufficient to entitle him to defend." [12]

The focal point of inquiry is whether or not there is a factual controversy in these consolidated cases. To resolve this query, the pleadings and documents on file and an analysis thereof are both indispensable and decisive. The sine qua non of such an adjudicative recourse is spelled out thus: After the hearing, the judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file together with the affidavits, show that, except as to the amount of damages, there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.[13]

The mimeographed complaints filed against the defendants are identical in their substantial allegations, with the plaintiff alleging as follows:

x x x

"3. Plaintiff is the registered owner and in possession of parcels of land situated at Barrio Banaba, Antipolo, Rizal, covered by Transfer Certificates Nos. 31527 and 31528 of the Registry of Deeds of Rizal;

"4. That for more than a year before the filing of this Complaint, defendant/s has/have (sic) unlawfully occupying and possessing a portion of _____ square meters, more or less, with an assessed value of P_____ included in _____ Pcs-_____ and within the aforesaid parcel of land, where his/her/their house and other construction stand, without the knowledge or consent of the plaintiff, thereby depriving the plaintiff of the possession of the said portion;

"5. Notwithstanding the demands made upon defendant/s to vacate the premises in question and to remove his/her/their house/s and/or construction therefrom, he/she/they has/have failed and refused, and still continue/s to fail and refuse to do so;

"6. As a consequence of the acts of usurpation committed by the defendant's (sic) plaintiff suffered and will continue to suffer damages at the rate of P50.00 monthly from January 1980 representing the fair rental value of the premises in question;"[14]

x x x

On the other hand, the position of defendants is the same all throughout the case and is set out in their "joint and common answer to the complaint," as follows:

x x x

"3. In answer to paragraph No. 3 of the plaintiff's complaint, defendants have no knowledge or information sufficient to form a belief as to the truth of plaintiff's claim of titles and consequently denies (sic) the same in that the alleged judgment or decision from where it derived said titles are null and void as said title numbers have the same serial numbers as those in the different municipalities of the Province of Rizal and those included in Metro Manila that said titles are null and void ab initio and should be cancelled and in lieu thereof issue new certificates of titles (sic) to the defendants and their privies pursuant to the contract of legal services with the undersigned counsel for the defendants and their privies who are members of the Confederation of Farm and Home Lots Proprietors of the Philippines in accordance with the land reform program as called for under PD No. 2 dated September 26, 1972 and the authority of this Honorable Court under Section 10 of Rule 39 of the Rules of Court.

"4. In answer to paragraph No. 4 of the plaintiff's complaint, defendants and their privies denies (sic) the same, the truth of the matter being that the defendants and their privies having tacked their respective possessions of their farm and home lots through their several predecessors in interest without interruption in open, continuous, public, and adverse (sic) in the concept of owner since time immemorial by actual possession under claim of ownership as required by Article 433 of the Civil Code and the plaintiff has never identified the property of the respective defendants in paragraph No. 4 of the complaint that Article 434 of the Civil Code provides that "In an action to recover, the property must be identified, and the plaintiff must rely on the strength of his title and not on the weakness of the defendant's claim" and said paragraph No. 4 of the complaint of the plaintiff shows that it is for an accion reivindicatoria which cannot be had under the circumstances since many of the defendants and their privies had been in actual, physical, and material possession of the land in the concept of owner through their predecessors in interest for more than fifty (50) years beyond the thirty (30) year limit for an accion reivindicatoria to prosper hence plaintiff (sic) claim by virtue of a null and void title is untenable because the plaintiff's claim of ownership of the land in question cannot be maintained in these class suit of cases (sic), that is, the plaintiff and their privies versus the defendants and their privies and predecessors in interest.

"5. In answer to paragraph No. 5 of the plaintiff's complaint, defendants and their privies deny the same the truth of the matter being that as stated in the foregoing paragraphs Nos. 3 and 4 above, defendants and their privies exercised their ownership of the land in question in accordance with the provisions of the Civil Code and the land reform program that the plaintiff should be prosecuted for violation of the law."[15]

X X X

Additionally, but inexplicably, defendants insist that the filing of a motion for summary judgment is an admission by plaintiff of the prescription of their action because said motion is applicable only in the inferior courts. They then pontificate that only three kinds of actions are available to recover possession of real property, that is, forcible entry or illegal detainer, accion publiciana, and accion de reivindicacion, which actions, according to them, cannot be availed of by the plaintiff because the only issue in all the three kinds of actions is possession which the plaintiff allegedly never had from the beginning.[16] The incongruity of their said propositions dictate that they should be disregarded.

We are, consequently, convinced that the rendition of the questioned summary judgment by the trial court is proper and valid. Tested against the statutory and jurisprudential rules above stated, the very allegations of the defendants prove that no valid issue has ever been tendered by them. They relied mainly on two points, the alleged invalidity of the title of the plaintiff and their supposed acquisition of the properties by adverse possession. Defendants' theses are obviously puerile but they are entitled to the benefit of clarification.

We note with approval the lower court's patient explanation that, inter alia, the certificates of title issued in the name of the plaintiff in accordance with the Land Registration Act (Act No. 496) is indefeasible after the expiration of one year from the entry of the decree of registration. Under Section 38 thereof, a petition for review of the decree must be presented within one year after its entry as described and defined in Section 40 of the same. After the lapse of one year, the decree of registration becomes incontrovertible,[17] and is binding upon and conclusive against all persons whether or not they were notified of or participated in the registration proceedings.[18] The certificates of title of appellee corporation were issued more than thirty years ago: Title No. 31527 was issued on September 11, 1953, while Title No. 31528 (now N-67845) was issued on February 19, 1952.

Even assuming arguendo that said titles may still be challenged, the present case does not provide the vehicle for that remedy since the judicial action required is a direct, and not a collateral, attack.[19] In fact, under the existing law, Section 48 of the Property Registration Decree[20] expressly provides that a certificate of title cannot be subject to collateral attack and can be altered, modified or cancelled only in a direct proceeding in accordance with law.

Appellants' claim of acquisitive prescription is likewise baseless. Under Article 1126 of the Civil Code, prescription of ownership of lands registered under the Land Registration Act shall be governed by special laws. Correlatively, Act No. 496 provides that no title to registered land in derogation of that of the registered owner shall be acquired by adverse possession.[21] Consequently, proof of possession by the defendants is both immaterial and inconsequential.

There is nothing either in Presidential Decree No. 2 which may be said to justify appellants' claim that said decree granted the ownership of said lands to them and their successors by title.[22] Apparently, appellants were misled or induced to believe that they acquired the parcels of land in question when the whole country was declared by the previous regime as a land reform area.

ACCORDINGLY, the assailed summary judgment rendered by the trial court is hereby **AFFIRMED** in toto. This decision is immediately executory.

SO ORDERED.

Melencio-Herrera, (Chairman), and Padilla, JJ., concur.

Paras, J., no part.

Sarmiento, J., on leave.

[1] CA-G.R. CV Nos. 02584-88, Thirteenth Division; Lorna S. Lombos-de la Fuente, Gloria C. Paras and Celso L. Magsino, JJ.

[2] Civil Case No. 42-A.

[3] Civil Case No. 93-A.

[4] Civil Case No. 116-A.

[5] Civil Case No. 117-A.

[6] Civil Case No. 157-A.

[7] Presided over by Judge Antonio V. Benedicto.

[8] Original Record, Civil Case No. 42-A, 65.

[9] Ibid., id., 67.

[10] De Leon vs. Faustino, 110 Phil. 249 (1960); Agcanas vs. Nagum, 32 SCRA 298 (1970); Arradaza, et al. vs. Court of Appeals, et al., G.R. No. 50422, Feb. 8, 1989.

[11] Viajar, et al. vs. Estenzo, et al., 89 SCRA 684 (1974); Guevarra, et al. vs. Court of Appeals, et al., 124 SCRA 297 (1983).

[12] See Estrada vs. Consolacion, et al., 71 SCRA 523, 529 (1976).

[13] Sec. 3, Rule 34, Rules of Court.

[14] Original Record, Civil Case No. 117-A, 1-2.

[15] Ibid., id., 6-7.

[16] Original Record, Civil Case No. 42-A, 62-63.

[17] De los Reyes vs. De Villa, 48 Phil. 227 (1925); Afalla, et al. vs. Rosauro, et al. 60 Phil. 622 (1934); Capió vs. Capió, 94 Phil. 113 (1953).

[18] Sorongon, et al. vs. Makalintal, et al., 80 Phil. 259 (1948).

[19] Legarda, et al. vs. Saleeby, 31 Phil. 590 (1915); Magay, et al. vs. Estiandan, 69 SCRA 456 (1976); Cimafranca, et al. vs. Intermediate Appellate Court, et al., 147 SCRA 611 (1987).

[20] P.D. No. 1529.

[21] Sec. 46 (now Sec. 47 of P.D. No. 1529); see also Corporacion de Padres Agustinos Recoletos vs. Crisostomo, et al. 32 Phil. 427 (1915); Barcelona, et al. vs. Barcelona, et al., 100 Phil. 251 (1956); Umbay vs. Alecha, 135 SCRA 427 (1985).

[22] Appellants' Brief, 11.

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.