



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MRS. CONSOLACION V. TIÑA,
Petitioner,

G.R. No. 239979

Present:

versus

PERLAS-BERNABE, J.,
Chairperson,
REYES, A. JR.,
HERNANDO,
INTING, and
DELOS SANTOS, JJ.

Promulgated:

STA. CLARA ESTATE, INC.,
Respondent.

17 FEB 2020

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DECISION

HERNANDO, J.:

Before us is a direct resort to this Court via a petition for review on *certiorari*¹ of the March 30, 2017 Resolution² of the Regional Trial Court (RTC) of Bacolod City, Branch 42, which dismissed Civil Case No. 00-11133 as well as the May 11, 2018 Order³ denying petitioner Consolacion V. Tiña's Earnest Motion for Reconsideration.⁴

¹ *Rollo*, pp. 12-44.

² *Id.* at 138-141; penned by Judge Fernando R. Elumba.

³ *Id.* at 152-153.

⁴ *Id.* at 142-148.

Antecedent Facts

The instant controversy involves a 231-square-meter lot along Creek I, denominated as the Ogumod Creek, situated in Bacolod City. According to petitioner, she and her husband had been occupying said property for more than 55 years openly, publicly, adversely, and continuously in the concept of an owner. As proof of the length of their occupancy, petitioner presented the January 10, 1990 1st Indorsement⁵ of Engr. Jose F. Falsis, Jr. stating that since 1990, they have been in their area of occupancy for 45 years; and an October 23, 1997 Certification of Arturo V. Parreño of the Office of the Barangay Council, Barangay Mandalagan, Bacolod City. Petitioner had in fact filed a Miscellaneous Sales Application last July 22, 1986 over the subject area. Said application was not opposed by the Office of the City Engineer, the Department of Public Works and Highways⁶ and the Office of the City Mayor.⁷ On December 10, 1997, the Miscellaneous Sales Application was approved by the Department of Environment and Natural Resources (DENR).⁸

On the other hand, respondent Sta. Clara Estate, Inc. alleged that the contested property is covered by Transfer Certificate of Title (TCT) No. T-28629⁹ of the Registry of Deeds of Bacolod City registered under its name. Respondent traced its title as far back as TCT No. T-28629 which was entered in the Registry of Deeds of Bacolod City on June 11, 1965. Said title was a transfer from TCT Nos. T-14900 to T-14902. Respondent also presented a letter¹⁰ from the City Assessor of Bacolod addressed to petitioner that the office could not change the appraisal of the property under Patent Application No. (CENRO V-8)2 because the “property is within or is a portion of the property of Sta. Clara Estate, Inc., identified as Creek 1, (LRC) Psd-39596 and covered by [TCT] No. T-28629 issued on June 11, 1965 and containing an area of 4,419 square meters.”¹¹ Respondent averred that petitioner is illegally occupying a portion of its property.

On March 3, 1999, respondent filed a Complaint¹² for ejectment before the Municipal Trial Court in Cities (MTCC) of Bacolod City, Branch 7. Meanwhile, on April 28, 2000, petitioner filed a Complaint¹³ for cancellation of title with damages and other reliefs before the RTC of Bacolod City, docketed as Civil Case No. 00-11133, over the contested property. Petitioner asserted that Creek I, as claimed by respondent as being the absolute and registered owner thereof, is a property of public dominion, thus, could not be legally registered under its name. Respondent countered

⁵ *Id.* at 177.

⁶ *Id.* at 179.

⁷ *Id.* at 178.

⁸ See Complaint, *id.* at 51-53.

⁹ *Id.* at 68-69.

¹⁰ *Id.* at 70-72.

¹¹ *Id.* at 72.

¹² *Id.* at 78-80.

¹³ *Id.* at 51-58.

that it constructed Creek I, which used to be a marshland located within its property. Respondent elaborated that the man-made creek was intended as a drainage dam.¹⁴

The ejectment case proceeded ahead of Civil Case No. 00-11133. On May 9, 2002, the MTCC rendered a Decision¹⁵ in favor of the respondent. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, judgment is rendered in favor of the plaintiff and against the defendants, Sps. Aurelio Tiña and Consolacion Tiña, who are hereby ordered, including all persons claiming under them, to wit:

1. To remove their house and any and all structures, or portion thereof, which they have constructed within the period of one (1) month from the service to them of a copy hereof and to vacate said premises known as Creek I, equivalent to 231 square meters, more or less, as shown in the Commissioner's Report of the subdivision plan (LRC) of Psd-39596 of the Bacolod City Cadastre, or the portion thereof, covered by Transfer Certificate of Title No. 28629 registered in the name of the plaintiff corporation, Sta. Clara Estate, Inc. and surrender possession thereof to plaintiff;
2. To pay plaintiff the sum of FIFTEEN THOUSAND PESOS (P15,000.00), Philippine Currency, for and as attorney's fees; and
3. To pay the costs of the suit.

With regard to defendants' counterclaim, the same is hereby dismissed for lack of proper basis.

Let copy hereof be immediately furnished by means of a personal service the Office of the Bacolod City Housing Authority for information and for whatever appropriate action that the Office may take under existing laws, taking into consideration that defendants are squatters.

SO ORDERED.¹⁶

The MTCC found that respondent is the registered owner of Creek I having introduced the improvement into the property, which is the man-made creek, when the said property was being developed into the Sta. Clara Subdivision. The MTCC also affirmed the findings in the Commissioner's Report that the lot in question indeed belongs to respondent.

¹⁴ *Id.* at 63.

¹⁵ *Id.* at 154-168; penned by Presiding Judge Rafael M. Guanco.

¹⁶ *Id.* at 168.

On July 23, 2003, the RTC of Bacolod City affirmed the Decision of the MTCC.¹⁷ The Court of Appeals upheld the judgment of the RTC. The appellate court ruled that the right to possess the disputed tract of land pertained to respondent as the registered owner and as the party who had established prior possession. The appellate court held that petitioner failed to substantiate her allegation of possession for 40 years. Finally, in a Resolution dated September 21, 2015, we affirmed the ruling of the Court of Appeals and upheld the ejectment of petitioner.¹⁸ A motion for reconsideration was filed by petitioner but it was denied by this Court with finality on April 18, 2016.¹⁹ A corresponding Entry of Judgment was issued in due course.

During the pendency of Civil Case No. 00-11133 and while petitioner was about to present her sur-rebuttable evidence, respondent filed a Manifestation with Motion to Dismiss²⁰ alleging that the principal issue in the case, *i.e.*, whether Creek I is a man-made or a public creek, has been resolved in the ejectment case when the Supreme Court affirmed and declared that Creek I is man-made and belongs to respondent. Petitioner opposed²¹ the Motion and stated that the issue in the ejectment case is confined only to possession and there is substantial evidence that Creek I is a natural creek.

Ruling of the Regional Trial Court

The RTC of Bacolod City issued the first assailed March 30, 2017 Resolution dismissing the case in light of the pronouncement of this Court that Ogumod Creek or Creek I belongs to respondent. Petitioner filed a Motion for Reconsideration but it was denied by the trial court in the second assailed May 11, 2018 Order.²²

Petitioner files a direct appeal to this Court via a Petition for Review under Rule 45 of the Rules of Court. Petitioner contends that the RTC erred in prematurely terminating the proceedings and dismissing the Complaint for cancellation of title simply because of a ruling touching on ownership in a related ejectment case. Petitioner argues that the ruling is contrary to established law and jurisprudence that the determination of ownership in an ejectment proceeding is merely ancillary to resolve the issue of possession.

Respondent prays for the denial of the petition. In its Comment²³ filed on January 23, 2019, respondent asserts that petitioner is not even claiming ownership over the lot and by insisting that Creek I belongs to the State,

¹⁷ *Id.* at 169-171; *see* September 21, 2015 Resolution in G.R. No. 162119.

¹⁸ *Id.* at 169-171.

¹⁹ *Id.* at 173.

²⁰ *Id.* at 128-130.

²¹ *Id.* at 131-137.

²² *Id.* at 152-153.

²³ Temporary *Rollo*, unpaginated.

petitioner is not the proper party to prosecute the complaint for its reconveyance. Respondent also points out that the ruling with respect to the nature of the creek as man-made has already attained finality.

Issue

The issue of whether petitioner is the proper party to file the suit for cancellation of title should be raised in the main case. The RTC should be afforded the opportunity to rule on this issue. The only issue to be resolved, at this point, is the propriety of the dismissal by the trial court.

Our Ruling

We note that the petitioner directly appealed to this Court via a Rule 45 petition, in relation to Rule 41 of the Rules of Court on an alleged pure question of law. It is recognized under Rule 45 that an appeal from the trial court's decision may be undertaken through a petition for review on *certiorari* directly filed with the Court where only questions of law are raised or involved.

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, its resolution must not involve an examination of the probative value of the evidence presented by the litigants, but must rely solely on what the law provides on the given set of facts. If the facts are disputed or if the issues require an examination of the evidence, the question posed is one of fact. The test, therefore, is not the appellation given to a question by the party raising it, but whether the appellate court can resolve the issue without examining or evaluating the evidence, in which case, it is a question of law; otherwise, it is a question of fact.²⁴

An examination of the present petition shows petitioner essentially challenging the dismissal of the case based solely on the premise that a ruling on ownership in an ejectment case is merely ancillary to resolve the issue of possession and should not bind the title or ownership of the land. This is clearly a question of law which calls for an examination and interpretation of the prevailing law and jurisprudence.

“[T]he sole issue in ejectment cases is physical or material possession of the subject property, independent of any claim of ownership by the parties.”²⁵ Section 16, Rule 70 of the Rules of Court provides the exception to the rule in that the issue of ownership shall be resolved in deciding the issue of possession if the question of possession is intertwined with the issue of ownership. In the related ejectment case, the parties were allowed to

²⁴ *Far Eastern Surety and Insurance Co., Inc. v. People*, 721 Phil. 760, 767 (2013).

²⁵ *Holy Trinity Realty Development Corporation v. Abacan*, 709 Phil. 653, 661 (2013).

prove how they came into possession of the property. Petitioner claims open and continuous possession of the accreted portion of Creek I for over 67 years and a Miscellaneous Sales Application for said accreted portion was filed and approved by the DENR. On the other hand, respondent insists that Creek I is part of a lot owned by it. Incidentally, the issue of the ownership of Creek I, came into forth. Petitioner stresses that Creek I is classified as property under public domain, hence, respondent could not have been validly issued a title, while respondent maintains that Creek I is man-made.

In the ejectment case, the issue of ownership over Creek I was resolved in favor of respondent. Time and again, this Court has consistently held that where the issue of ownership is inseparably linked to that of possession, adjudication of the issue on ownership is not final and binding, but merely for the purpose of resolving the issue of possession. The adjudication of the issue of ownership is only provisional, and not a bar to an action between the same parties involving title to the property.²⁶ In an ejectment case, questions as to the validity of the title cannot be resolved definitively. A separate action to directly attack the validity of the title must be filed, as was in fact filed by petitioner, to fully thresh out as to who possesses a valid title over the subject property. Thus, any ruling on ownership that was passed upon in the ejectment case is not and should not be binding on Civil Case No. 00-11133.

It is worthy to note that petitioner's application for a TRO had become moot and academic because subsequently on March 3, 2019,²⁷ the writ of demolition has been fully satisfied, the house erected thereon was demolished, and that possession of the subject premises was already turned over to respondent. However, this should not deter us from remanding the case to the trial court for further proceedings to determine who between the parties is the rightful owner of the disputed property as to put an end to this protracted litigation.

WHEREFORE, the Petition for Review is **GRANTED**. The March 30, 2017 Resolution and the May 11, 2018 Order of the Regional Trial Court, Branch 42, Bacolod City in Civil Case No. 00-11133 are **REVERSED**. This case is **REMANDED** to the Regional Trial Court of Bacolod City, Branch 42 which is **ORDERED** to proceed with Civil Case No. 00-11133 with due and deliberate dispatch. The Register of Deeds of Bacolod City is **DROPPED** as party-respondent pursuant to Section 4, Rule 45 of the Rules of Court.


²⁶ *Santiago v. Northbay Knitting*, G.R. No. 217296, October 11, 2017, 842 SCRA 502, 511; and *Quijano v. Amante*, 745 Phil. 40 (2014).

²⁷ See letter of petitioner's daughter dated March 3, 2019; *rollo*, p. 325.

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



ANDRES B. REYES, JR.
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
Chief Justice