



Republic of the Philippines  
Supreme Court  
Manila

Mis-PCBatt  
Division Office of the Court  
Department of Justice  
Manila

MAY 12 2021

THIRD DIVISION

SPOUSES TEOFANES and G.R. No. 251537 [Formerly  
FELICIANA ANSOK and UDK-16573]  
SPOUSES CLARITO and  
JISELY\* AMAHIT, Present:

*Petitioners,*

LEONEN, J., Chairperson,  
HERNANDO,  
INTING  
DELOS SANTOS,\*\* and  
ROSARIO, JJ.

- versus -

Promulgated:

DIONESIA TINGAS,

*Respondent.*

November 25, 2020

X ----- Mis-PCBatt ----- X

RESOLUTION

INTING, J.:

Before the Court is a Petition<sup>1</sup> for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision<sup>2</sup> dated March 15, 2018 and the Resolution<sup>3</sup> dated September 20, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 07886. The assailed Decision and Resolution affirmed the Decision dated July 24, 2013 of Branch 38, Regional Trial Court (RTC), Dumaguete City in Civil Case No. AP-05-13-1217 that affirmed the Decision dated February 14, 2013 of the 5<sup>th</sup> Municipal Circuit Trial Court (MCTC), Zamboanguita-Dauin, Negros Oriental in Civil Case No. 2010-338.

\* Referred to as Jeseli in some parts of the *rollo*.

\*\* On official leave.

<sup>1</sup> *Rollo*, pp. 6-15.

<sup>2</sup> *Id.* at 22-35; penned by Associate Justice Gabriel T. Robeniol with Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap, concurring.

<sup>3</sup> *Id.* at 19-20; penned by Associate Justice Marilyn B. Lagura-Yap with Associate Justices Gabriel T. Ingles and Pamela Ann Abella Maximo, concurring.

*The Antecedents*

The case stemmed from a complaint for recovery of property and actual damages filed by Dionesia Tingas (respondent) against Spouses Teofanes (Teofanes) and Feliciana Ansok, and Spouses Clarito and Jisely Amahit (petitioners).<sup>4</sup>

The subject property is Lot No. 859 situated in Brgy. Mayabon, Zamboanguita, Negros Oriental covered by Original Certificate of Title (OCT) No. OCT-12607 registered under the name of respondent.<sup>5</sup>

Early on, both respondent and petitioners had conflicting claims of ownership over the subject property. Petitioners asserted that the subject property was inherited by Teofanes from his mother Cristina Ansok and his grandfather Gaudencio Elma; and that they have been in continuous possession of the property for 75 years. On the other hand, respondent maintained that she is one of the heirs of Cipriana Elma, the owner of the subject property.<sup>6</sup>

According to the respondent, petitioners occupied the property by mere tolerance of the heirs of Cipriana Elma. Respondent allowed petitioners to occupy the subject property on the condition that they will vacate it upon demand. In September 2004, respondent and her predecessors-in-interest demanded from the petitioners to vacate the subject property, but the latter refused claiming that they were in possession of the subject property for more than 75 years. Petitioners' refusal to vacate the subject property prompted respondent and her predecessors-in-interest to file a case for unlawful detainer against petitioners before the 5<sup>th</sup> MCTC of Zamboanguita-Dauin, Negros Oriental which was docketed as Civil Case No. CC-284.<sup>7</sup>

The 5<sup>th</sup> MCTC of Zamboanguita-Dauin, Negros Oriental ruled in favor of the petitioners, and declared that the respondent and the heirs of Cipriana Elma failed to establish that the petitioners entered the property

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<sup>4</sup> *Id.* at 22-23.

<sup>5</sup> *Id.* at 23.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 7.

by mere tolerance.<sup>8</sup> It further ruled that as between the heirs of Cipriana Elma and petitioners, the latter have shown superior right as they have possessed the subject lot for at least 75 years.<sup>9</sup> On appeal, the RTC Branch 40 dismissed the complaint for lack of jurisdiction on the part of the 5<sup>th</sup> MCTC of Zamboanguita-Dauin, Negros Oriental.<sup>10</sup> The RTC Branch 40 held that the complaint did not contain the essential facts for an unlawful detainer case.

Several years after, the Department of Agrarian Reform (DAR) granted respondent a Certificate of Land Ownership Award (CLOA) No. 00234689 over the subject property. As a result, respondent was able to secure OCT No. OCT-12607 in her name. Thus, respondent filed the aforesaid complaint for recovery of property with actual damages against petitioners based on her subsequent acquisition of the OCT before the 5<sup>th</sup> MCTC of Zamboanguita-Dauin, Negros Oriental.<sup>11</sup> The case was docketed as Civil Case No. 2010-338.

In their answer, petitioners averred that the complaint is dismissible on the ground of *res judicata* in view of the dismissal of the unlawful detainer case that she filed earlier; that respondent's CLOA was issued without factual and legal basis; that Teofanes has been in possession of the subject property since birth considering that he inherited the subject property from his mother Cristina Ansok and his grandfather Gaudencio Elma; and that his possession of the subject property was uncontested for 75 years. For these reasons, petitioners assert that respondent's OCT is void.<sup>12</sup>

*The Ruling of the 5<sup>th</sup> MCTC of Zamboanguita-Dauin,  
Negros Oriental*

On February 14, 2013, the 5<sup>th</sup> MCTC of Zamboanguita-Dauin, Negros Oriental ruled in favor of respondent. According to the trial court, respondent, who is armed with a title, is preferred in the possession of the subject property.<sup>13</sup> It rejected petitioners' challenge of

<sup>8</sup> *Id.* at 30.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 23.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 23-24.

respondent's title as it amounts to a collateral attack which is proscribed by law.<sup>14</sup> It disposed of the case as follows:

WHEREFORE, judgment is hereby rendered in favor of plaintiffs (*sic*) declaring her the rightful possessor of Lot No. 859. Consequently, defendants are hereby ordered:

1. To immediately vacate Lot No. 859;
2. To surrender the peaceful possession of Lot No. 859 to plaintiff;
3. To remove all improvements introduced by defendants on Lot No. 859 at their expense; and
4. To pay the costs of the suit.

SO ORDERED.<sup>15</sup>

Aggrieved, petitioners appealed to the RTC.

#### *The Ruling of the RTC*

On July 24, 2013, Branch 38, RTC, Dumaguete City rendered the Decision dismissing petitioners' appeal, to wit:

WHEREFORE, in view of the foregoing, defendants-appellants' appeal is hereby DISMISSED. The Decision of the Municipal Circuit Trial Court of Dauin-Zamboanguita, is hereby AFFIRMED in toto.

SO ORDERED.<sup>16</sup>

#### *The Ruling of the CA*

In the assailed Decision, the CA affirmed the RTC Decision and ruled in this wise:

WHEREFORE, premises considered, the instant petition for review is DENIED. The Decision dated 24 July 2013 of the Regional

<sup>14</sup> *Id.*

<sup>15</sup> As culled from the Decision dated March 15, 2018 of the Court of Appeals, *id.* at 24.

<sup>16</sup> *Id.*

Trial Court, 7<sup>th</sup> Judicial Region, Branch 38, Dumaguete City, in Civil Case No. AP-05-13-1217, is AFFIRMED *in toto*.

SO ORDERED.<sup>17</sup>

The CA agreed with the RTC that the MCTC had jurisdiction over respondent's complaint for recovery of possession and damages against petitioners. It found that based on the allegations in the subject complaint, respondent prayed for the recovery of possession of the subject property from petitioners.<sup>18</sup> According to the CA, there is no juridical tie of landownership or tenancy that exists between the parties which would categorize the complaint as an agrarian dispute.<sup>19</sup> The CA added that *res judicata* is not a bar to Civil Case No. 2010-338 as the first case in Civil Case No. CC-284 was dismissed based on technical grounds and thus, not a judgment on the merits.<sup>20</sup> Lastly, the CA ruled that OCT No. OCT-12607 gives respondent a better right to the possession of the subject lot and such title is immune from collateral attack.<sup>21</sup>

The CA denied petitioners' Motion for Reconsideration.<sup>22</sup> Hence, the present petition.

Petitioners raise the following errors:

I.

WHETHER THE MCTC HAS JURISDICTION OVER THE CASE.

II.

WHETHER THE RESPONDENT HAS BETTER RIGHT TO THE SUBJECT LOT.

III.

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<sup>17</sup> *Id.* at 34.

<sup>18</sup> *Id.* at 26-28.

<sup>19</sup> *Id.* at 29.

<sup>20</sup> *Id.* at 29-31.

<sup>21</sup> *Id.* at 32-34.

<sup>22</sup> *Id.* at 36-40.

WHETHER PETITIONERS' COUNTERCLAIM  
CONSTITUTE A COLLATERAL ATTACK ON THE  
TITLE.

Petitioners insist that it is the DAR that has jurisdiction over the case and not the MCTC because the case involves the implementation of the agrarian reform law.<sup>23</sup> Moreover, they maintain that they have a better right to possess the subject property as their rights have already been settled early on before the MCTC in Civil Case No. CC-284 and that respondent, being one of the heirs of Cipriana Elma who previously filed an ejectment case against them before the MCTC is bound by the judgment of that case. Petitioners assert that the declaration of nullity of a void title may be sought through direct or collateral attack.<sup>24</sup> Thus, their answer with counterclaim attacking the respondent's title was a permissible direct attack.<sup>25</sup>

On the other hand, respondent reiterates her contentions that: (1) the complaint, not being an agrarian case, fell properly within the jurisdiction of the MCTC;<sup>26</sup> and (2) the RTC was correct in dismissing petitioners' appeal as their challenge against respondent's title constituted an impermissible collateral attack against OCT No. OCT-12607.<sup>27</sup>

*The Court's Ruling*

The petition is bereft of merit.

First, the MCTC has jurisdiction over respondent's Complaint for Recovery of Possession and Damages. It is worthy to emphasize that jurisdiction is conferred by law and determined from the nature of action pleaded as appearing from the material averments in the complaint and the character of the relief sought.<sup>28</sup> It is axiomatic that the nature of an

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<sup>23</sup> *Id.* at 9-11.

<sup>24</sup> *Id.* at 11.

<sup>25</sup> *Id.* at 12.

<sup>26</sup> *Id.* at 26.

<sup>27</sup> *Id.*

<sup>28</sup> *Ignacio v. Office of the City Treasurer of Q.C., et al.*, 817 Phil 1133, 1143-1144 (2017). Citations omitted.

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action and whether the tribunal has jurisdiction over such action are to be determined from the material allegations of the complaint, the law in force at the time the complaint is filed, and the character of the relief sought irrespective of whether the plaintiff is entitled to all or some of the claims averred.<sup>29</sup> Jurisdiction is not affected by the pleas or the theories set up by defendant in an answer to the complaint or in a motion to dismiss<sup>30</sup> otherwise, jurisdiction becomes dependent almost entirely upon the whims of the defendant.<sup>31</sup>

Section 33 of Batas Pambansa Blg. 129, as amended by Section 3 of Republic Act No. (RA) 7691,<sup>32</sup> vests the Metropolitan Trial Courts, Municipal Trial Courts, and the MCTCs with exclusive and original jurisdiction over possessory actions, *i.e.*, *accion publiciana* and *accion reivindicatoria*, where the assessed value of the subject property does not exceed ₱20,000.00, or, if the realty involved is located in Metro Manila, such value does not exceed ₱50,000.00.

On the other hand, Section 50 of RA 6657, or the Comprehensive Agrarian Reform Law of 1998, grants the DAR with the primary jurisdiction to determine and adjudicate agrarian reform disputes and exclusive jurisdiction over all matters involving the implementation of the agrarian reform programs. Section 3(d) of RA 6657 defines an agrarian dispute as *any controversy relating to tenural agreements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements.*

A judicious perusal of respondent's complaint reveals that all she prayed for was to recover possession of the subject property from petitioners. The Court finds no juridical tie of landownership, or tenancy that exists between respondent and petitioners which would have

<sup>29</sup> *Republic v. Heirs of Paus*, G.R. No. 201273, August 14, 2019.

<sup>30</sup> *Id.*

<sup>31</sup> *Malabanan v. Republic*, G.R. No. 201821, September 19, 2018.

<sup>32</sup> Entitled, "An Act Expanding The Jurisdiction Of The Metropolitan Trial Courts, Municipal Trial Courts, And Municipal Circuit Trial Courts, Amending For The Purpose Batas Pambansa, Blg. 129, Otherwise Known As The 'JUDICIARY Reorganization Act Of 1980,'" approved on March 25, 1994.

categorized the complaint as an agrarian dispute. The fact that respondents' OCT emanated from the CLOA will not make the controversy an agrarian dispute and divest the regular courts of jurisdiction over it. Evidently, the CA was correct in sustaining the jurisdiction of the MCTC over Civil Case No. 2010-338.

Second, it is worthy to stress and reiterate that *res judicata* is not a bar to the subsequent civil case for recovery of property filed by respondent. The Court finds that the CA correctly affirmed the RTC's ratiocination that *res judicata* has no application to the case at bench.

*Res judicata* literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment."<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup>

The doctrine of *res judicata* is provided in Section 47(b) and (c), Rule 39 of the Rules of Court, which reads:

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

xxx

xxx

xxx

(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 raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the

<sup>33</sup> *Heirs of Casiño, Sr. v. Development Bank of the Philippines, Malaybalay Branch, Bukidnon*, G.R. Nos. 204052-53, March 11, 2020.

<sup>34</sup> *Fenix (CEZA) International, Inc. v. Executive Secretary*, G.R. No. 235258, August 6, 2018, 876 SCRA 379, 387.

<sup>35</sup> *Id.*, citing *Degayo v. Magbanua-Dinglasan*, 757 Phil. 376, 382 (2015).



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.

Under the aforequoted provisions, there are two distinct concepts of *res judicata*; namely: (a) bar by prior judgment; and (b) conclusiveness of judgment. In *Sps. Ocampo v. Heirs of Bernardino U. Dionisio*,<sup>36</sup> the Court explained these concepts as follows:

There is "bar by prior judgment" when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action. Otherwise put, the judgment or decree of the court of competent jurisdiction on the merits concludes the litigation between the parties, as well as their privies, and constitutes a bar to a new action or suit involving the same cause of action before the same or other tribunal.

But where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as to those matters actually and directly controverted and determined and not as to matters merely involved therein. This is the concept of *res judicata* known as "conclusiveness of judgment." Stated differently, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies whether or not the claim, demand, purpose, or subject matter of the two actions is the same.<sup>37</sup>

For *res judicata* under the first concept (bar by prior judgment) to apply, the following requisites must concur: (a) a former final judgment that was rendered on the merits; (b) the court in the former judgment had jurisdiction over the subject matter and the parties; and (c) identity of parties, subject matter and cause of action between the first and second

<sup>36</sup> 744 Phil. 716 (2014).

<sup>37</sup> *Id.* at 726-727, citing *Judge Abelita III v. P/Supt. Doria, et al.*, 612 Phil. 1127, 1136-1137 (2009).

actions.<sup>38</sup> In contrast, the elements of conclusiveness of judgment are identity of: (a) parties; and (b) subject matter in the first and second cases.<sup>39</sup>

In this case, the elements of *res judicata*, as a bar by prior judgment, are not present.

One of the requisites of *res judicata* calls for a judgment on the merits or that which is rendered after arguments and investigation and when there is determination which party is right, as distinguished from a judgment rendered upon some preliminary or formal or merely technical point, or by default and without trial.<sup>40</sup> Thus, a judgment on the merits is one wherein there is an unequivocal determination of the rights and obligations of the parties with respect to the causes of action and the subject matter of the case.<sup>41</sup>

The decision in the unlawful detainer case is not a judgment on the merits. It is worthy to recall that Civil Case No. CC-284 (unlawful detainer), which was subsequently appealed to the RTC as Civil Case No. 13819, was dismissed based on the ground of lack of jurisdiction, or clearly based on mere technicality. According to the RTC, respondent's complaint for unlawful detainer failed to aver essential facts for unlawful detainer. There was no unequivocal determination of the rights and obligations of the parties with respect to the cause of action for unlawful detainer. As such, the final disposition of the complaint for unlawful detainer, which is a dismissal for lack of jurisdiction, is not a ruling on the merits.

Likewise, even for the sake of argument that the previous unlawful detainer case was decided on the merits, still the concept of *res judicata* will not apply in the instant case. A judicious perusal of the records reveals that there is no identity of causes of actions between

<sup>38</sup> *Fenix (CEZA) International, Inc. v. Executive Secretary*, supra note 34 at 389, citing *Ley Construction & Development Corporation v. Philippine Commercial & International Bank*, 635 Phil. 503, 511-512 (2010), further citing *Alcantara v. Department of Environment and Natural Resource*, 582 Phil. 717, 734-735 (2008).

<sup>39</sup> *Id.*

<sup>40</sup> *Custodio v. Corrado*, 479 Phil 415, 424 (2004), citing *Sta. Lucia Realty and Development, Inc. v. Cabrigas*, 411 Phil. 369, 391 (2001), further citing *Diwa v. Donato*, 304 Phil. 771, 779 (1994).

<sup>41</sup> *Id.*

Civil Case No. CC-284 (*accion interdicial* or unlawful detainer) and Civil Case No. 2010-338 (*accion reivindicatoria* or recovery of property).

A judgment in a forcible entry or unlawful detainer case disposes of no other issue except possession and establishes only who between the claimants has the right of possession. In *Heirs of Cullado v. Gutierrez*<sup>42</sup> the Court held:

x x x The judgment rendered in an action for forcible entry or unlawful detainer is conclusive with respect to the possession only, will not bind the title or affect the ownership of the land or building, and will not bar an action between the same parties respecting title to the land or building. When the issue of ownership is raised by the defendant in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.

X X X X

In an *accion reivindicatoria*, the cause of action of the plaintiff is to recover possession by virtue of his ownership of the land subject of the dispute. This follows that universe of rights conferred to the owner of property, or more commonly known as the attributes of ownership.<sup>43</sup>

A careful scrutiny of respondent's Complaint for Recovery of Property reveals that it is an *accion reivindicatoria* or an action to recover possession by virtue of ownership. It is apparent in respondent's complaint that she filed the action to recover possession of the subject property by virtue of OCT No. OCT-12607. Evidently, in the action for recovery of property, respondent is asserting her ownership of the subject property and seeking to recover its possession by virtue of such ownership.

The Court in *Custodio v. Corrado*<sup>44</sup> elucidated that *res judicata* has no application between an ejectment case and one for *accion*

<sup>42</sup> G.R. No. 212938, July 30, 2019.

<sup>43</sup> *Id.*

<sup>44</sup> *Custodio v. Corrado*, *supra* note 40.

*reivindicatoria* because there is no identity of causes of action between the two cases, thus:

Indeed, an ejectment case such as Civil Case No. 116, involves a different cause of action from an *accion publiciana* or *accion reivindicatoria*, such as Civil Case No. 120, and the judgment of the former shall not bar the filing of another case for recovery of possession as an element of ownership. A judgment in a forcible entry or detainer case disposes of no other issue than possession and establishes only who has the right of possession, but by no means constitutes a bar to an action for determination of who has the right or title of ownership. Incidentally, we agree with the findings of the RTC that Civil Case No. 120 is not an *accion publiciana* but more of an *accion reivindicatoria* as shown by the respondent's allegation in the complaint that he is the registered owner of the subject lot and that the petitioner had constructed a bungalow thereon and had been continuously occupying the same since then.

The distinction between a summary action of ejectment and a plenary action for recovery of possession and/or ownership of the land is well-settled in our jurisprudence. What really distinguishes an action for unlawful detainer from a possessory action (*accion publiciana*) and from a reivindicatory action (*accion reivindicatoria*) is that the first is limited to the question of *possession de facto*. An unlawful detainer suit (*accion interdical*) together with forcible entry are the two forms of an ejectment suit that may be filed to recover possession of real property. Aside from the summary action of ejectment, *accion publiciana* or the plenary action to recover the right of possession and *accion reivindicatoria* or the action to recover ownership which includes recovery of possession, make up the three kinds of actions to judicially recover possession.

Further, it bears stressing that the issue on the applicability of *res judicata* to the circumstance obtaining in this case is far from novel and not without precedence. In *Vda. de Villanueva v. Court of Appeals*, we held that a judgment in a case for forcible entry which involved only the issue of physical possession (*possession de facto*) and not ownership will not bar an action between the same parties respecting title or ownership, such as an *accion reivindicatoria* or a suit to recover possession of a parcel of land as an element of ownership, because there is no identity of causes of action between the two.<sup>45</sup>

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<sup>45</sup> *Id.* at 425-426.

Without doubt, *res judicata* cannot be invoked between the previous unlawful detainer case and the instant case for recovery of property.

Finally, petitioners' challenge against respondent's title is clearly a collateral attack on the latter which is proscribed by law.

Section 48 of Presidential Decree No. 1529 or the Property Registration Decree, prohibits a collateral attack to a certificate of title, *viz.*:

Sec. 48. Certificate not subject to collateral attack. — A certificate of title shall not be subject to collateral attack. It cannot be altered, modified or cancelled except in a direct proceeding in accordance with law.

The Court, through the pen of Associate Justice Florenz D. Regalado, judiciously discussed in *Co, et al. v. Court of Appeals, et al.*,<sup>46</sup> the distinctions between a direct attack and collateral attack on Torrens Title, thus:

Anent the issue on whether the counterclaim attacking the validity of the Torrens title on the ground of fraud is a collateral attack, we distinguish between the two remedies against a judgment or final order. *A direct attack against a judgment is made through an action or proceeding the main object of which is to annul, set aside, or enjoin the enforcement of such judgment, if not yet carried into effect; or, if the property has been disposed of, the aggrieved party may sue for recovery. A collateral attack is made when, in another action to obtain a different relief, an attack on the judgment is made as an incident in said action.* This is proper only when the judgment, on its face, is null and void, as where it is patent that the court which rendered said judgment has no jurisdiction.

In their reply dated September 11, 1990, petitioners argue that the issues of fraud and ownership raised in their so-called compulsory counterclaim partake of the nature of an independent complaint which they may pursue for the purpose of assailing the validity of the

<sup>46</sup> 274 Phil 108 (1991).

transfer certificate of title of private respondents. That theory will not prosper.

While a counterclaim may be filed with a subject matter or for a relief different from those in the basic complaint in the case, it does not follow that such counterclaim is in the nature of a separate and independent action in itself. In fact, its allowance in the action is subject to explicit conditions, as above set forth, particularly in its required relation to the subject matter of the opposing party's claim. Failing in that respect, it cannot even be entertained as a counterclaim in the original case but must be filed and pursued as an altogether different and original action.

*It is evident that the objective of such claim is to nullify the title of private respondents to the property in question, which thereby challenges the judgment pursuant to which the title was decreed. This is apparently a collateral attack which is not permitted under the principle of indefeasibility of a Torrens title.* It is well settled that a Torrens title cannot be collaterally attacked. The issue on the validity of title, *i.e.*, whether or not it was fraudulently issued, can only be raised in an action expressly instituted for that purpose. Hence, whether or not petitioners have the right to claim ownership of the land in question is beyond the province of the instant proceeding. That should be threshed out in a proper action. The two proceedings are distinct and should not be confused.<sup>47</sup>

Unmistakably, petitioners' claim that the OCT No. OCT-12607 was improvidently issued by DAR to respondent constitutes an impermissible collateral attack on respondent's title. Petitioners' attack on the proceeding granting respondent's title was made as an incident in the main action for recovery of property. The MCTC, RTC, as well as the CA, correctly struck down petitioners' attack against respondent's certificate of title.

**WHEREFORE**, the petition is **DENIED**. The Decision dated March 15, 2018 and the Resolution dated September 20, 2019 of the Court of Appeals in CA-G.R. SP No. 07886 are **AFFIRMED** *in toto*.

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<sup>47</sup> *Id.* at 115-116. Citations omitted; italics supplied.

**SO ORDERED.**




**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:



**MARVIC M. V. F. LEONEN**  
*Associate Justice*  
*Chairperson*

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

(On official leave)  
**EDGARDO L. DELOS SANTOS**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

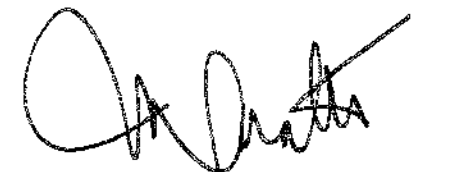
**ATTESTATION**

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

  
**MARVIC M.V.F. LEONEN**  
*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 Resolution 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*

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