



Republic of the Philippines  
**Supreme Court**  
 Manila

**SECOND DIVISION**

**MIGUELA QUITALIG,**  
*Petitioner,*

**G.R. No. 207958**

Present:

- versus -

**PERLAS-BERNABE, J.,**  
*Chairperson,*  
**HERNANDO,**  
**INTING,**  
**GAERLAN, and**  
**ROSARIO,\* JJ.**

**ELADIO QUITALIG,**  
*Respondent.*

Promulgated:  
**AUG 04 2021**

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**DECISION**

**GAERLAN, J.:**

This refers to a Petition for Review<sup>1</sup> under Rule 45 of the Rules of Court of the Decision<sup>2</sup> dated November 21, 2012 and the Resolution<sup>3</sup> dated June 5, 2013 of the Court of Appeals (CA) in CA-G.R. SP No. 111317 which reversed and set aside the Decision<sup>4</sup> dated August 18, 2009 of the Regional Trial Court (RTC) of Tarlac City, Branch 64 in Civil Case No. 10329 which originated from a Complaint for Recovery of Possession, Damages and Injunction<sup>5</sup> filed before the Municipal Trial Court in Cities (MTCC), Branch 1 of Tarlac City docketed as Civil Case No. 8973.

\* Designated additional Member per Special Order No. 2835 dated July 15, 2021.

<sup>1</sup> *Rollo*, pp. 7-27.

<sup>2</sup> *Id.* at 28-36; penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Priscilla J. Baltazar-Padilla (Retired Member of this Court).

<sup>3</sup> *Id.* at 37-38.

<sup>4</sup> *Id.* at 73-76; penned by Judge Domingo C. San Jose, Jr.

<sup>5</sup> *Id.* at 116-122.

### The Facts

In her Complaint filed before the MTCC, Miguela Quitalig (Miguela for brevity), claimed that she is the absolute owner and lawful possessor of the parcel of land herein below described as:

A portion of Lot 5358, Tarlac Cadastre. Bounded on the S. cor 1-Z by lot 5360 & NW. by lot 5358 on the NE. cor 6-7-8-9-10 & 11 Sapang Balibago creek, on the SE cor 12 & 13 by lot 5359, situated in Bgy. Armenia (now Balanti) Municipality of Tarlac, Province of Tarlac, Island of Luzon. Containing an area of 19,798 square meters, more or less.

Assessed value . . . . . P3,761.62<sup>6</sup>

Miguela alleged that she acquired the said parcel of land from Paz G. Mendoza (Paz) on March 19, 2001.<sup>7</sup> As evidence of the acquisition, she submitted before the MTCC an Acknowledgment of Absolute Sale executed by Paz.<sup>8</sup> She likewise claimed that she and her predecessor-in-interest have been in public, peaceful, and continuous possession of said land in the concept of owners for more than 30 years.<sup>9</sup> They cleared, plowed, and planted the land and appropriated the *palay* crops to themselves.<sup>10</sup>

Also averred in the Complaint is the main claim that in May 2004, Eladio Quitalig (Eladio), without color of right or title and by threats and intimidation and with the aid of armed men, entered the subject land and erected a fence.<sup>11</sup> Moreover, Eladio, made incursion on the land, plowed, and planted it, misappropriated the crops to himself, and ousted Miguela therefrom.<sup>12</sup>

According to Miguela, demands to vacate the premises and restore her in possession were made, however, the same were all ignored by Eladio.<sup>13</sup> He even threatened to make further incursion on the land, commit more acts to dispossess Miguela, and misappropriate crops.<sup>14</sup>

It was ultimately prayed in the Complaint that Eladio be ejected from the land and to pay Miguela the sum of ₱60,000.00 for loss of income per cropping

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<sup>6</sup> Id. at 116.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id. at 117.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

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from 2006 until he vacates the land. She likewise prayed for attorney's fees, and moral and exemplary damages.<sup>15</sup>

Eladio filed his Answer with Affirmative Defenses.<sup>16</sup> Eladio argued that Miguela's claims were baseless and unfounded as Lot 5358, the property in question, has never been part of the actual area of tillage by Miguela or her representatives.<sup>17</sup> Contrary to the claim of Miguela, Eladio said that he has been in actual possession and occupation of the said property in the concept of an installed tenant of the owner of the property, Bonifacio dela Cruz (Bonifacio). To prove his claim of tenancy, Eladio presented numerous receipts of lease rentals paid by him to Bonifacio through his authorized representatives and relatives.<sup>18</sup>

### **MTCC Ruling**

The MTCC found that Miguela is the absolute owner of the land in question which she acquired from the previous owner as evidenced by the Acknowledgment of Absolute Sale. Thus, the MTCC ruled:

WHEREFORE, premises considered, defendant is hereby ordered to vacate the property in question and to restore possession thereof in favor of the plaintiff. Defendant is also ordered to pay attorney's fee of P10,000.00.

SO ORDERED.<sup>19</sup>

### **RTC Ruling**

Eladio filed a Notice of Appeal<sup>20</sup> before the RTC. The appeal was denied as it was found that the ownership by Miguela was adequately established. Further, Eladio adduced no evidence to prove otherwise or establish the legality of his continued possession.<sup>21</sup> The dispositive portion of the Decision of the RTC states:

WHEREFORE, in view of the foregoing, appeal is hereby DENIED and the assailed Decision of the Court a quo dated February 4, 2009 is AFFIRMED in toto.

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<sup>15</sup> Id. at 118-119.

<sup>16</sup> Id. at 122-125.

<sup>17</sup> Id. at 124.

<sup>18</sup> Id.

<sup>19</sup> Id. at 70.

<sup>20</sup> Id. at 71-72.

<sup>21</sup> Id. at 76.

SO ORDERED.<sup>22</sup>

### CA Ruling

Eladio filed a Petition for Review<sup>23</sup> of the Decision of the RTC before the CA. He claimed that the Department of Agrarian Reform Adjudication Board (DARAB) has primary jurisdiction of the instant case due to the alleged presence of agrarian dispute arising from the tenancy relationship between the parties. The CA explained that for DARAB to have jurisdiction over a case, there must be a tenancy relationship between the parties, which is clearly wanting in the case. However, it ultimately ruled for the reversal of the MTCC and RTC and held that Miguela failed to support her allegations and Eladio's evidence is weightier.<sup>24</sup> Hence, the dispositive portion of the Decision states:

WHEREFORE, premises considered, the assailed Decision of the court a quo, dated August 18, 2009, is hereby REVERSED and SET ASIDE.

SO ORDERED.<sup>25</sup>

A motion for reconsideration was filed by Miguela but the same was denied by the CA in its Resolution<sup>26</sup> dated June 5, 2013.

Hence, this petition.

### Issues

1. The CA erred in not dismissing Eladio's petition for review despite the lack of verification, certificate of non-forum shopping, certified annexes of the pertinent pleadings, and certified annexes or original duplicates of the assailed MTCC and RTC Decisions.
2. The CA erred in reversing the decisions of the MTCC and RTC based on an issue which was not raised by Eladio before it.
3. The CA erred in giving wrong inference on the probative value of the Tax Declaration and other documents.<sup>27</sup>

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<sup>22</sup> Id.

<sup>23</sup> Id. at 51-66.

<sup>24</sup> Id. at 32-35.

<sup>25</sup> Id. at 35.

<sup>26</sup> Id. at 37-38.

<sup>27</sup> Id. at 13.

## The Ruling of this Court

### The petition is meritorious.

Miguela in her petition before this Court raised as an error CA's failure to dismiss Eladio's petition despite the lack of verification, certificate of non-forum shopping, certified annexes of the pertinent pleadings, and certified annexes or original duplicates of the assailed MTCC and RTC Decisions.<sup>28</sup>

Upon examination of the records of this case, it is undeniable that Eladio failed to comply with the requirements set forth in Section 2, Rule 42 of the Rules of Court. In his Comment for the Respondent with Motion and Manifestation,<sup>29</sup> he stated that he submitted his Compliance and Manifestation dated December 1, 2012 before the CA with the required verification and a certification against forum shopping, including all documents required under Section 2, Rule 42 of the Rules of Court.<sup>30</sup>

Section 1, Rule 42 of the Rules of Court requires that a party desiring to appeal from a decision of the RTC rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the CA. It clearly states:

**SEC. 1. *How appeal taken; time for filing.*** – A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals x x x. (Underlining supplied)

While Section 2 of the same rule requires that a petition for review from the RTC to the CA shall be, as alleged by Miguela, be accompanied by certified clearly legible duplicate original or true copies of the judgments or final orders of both lower courts and other material portions of the records and a certification against forum shopping, to wit:

**SEC. 2. *Form and contents.*** – The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final

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<sup>28</sup> Id.

<sup>29</sup> Id. at 288.

<sup>30</sup> Id. at 289.

orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom. (Underscoring supplied)

Section 3 of the same rule provides that the failure of the petitioner to comply with the requirements shall be a sufficient ground for the dismissal of the petition, to *wit*:

**SEC. 3. *Effect of failure to comply with requirements.*** — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. (Underscoring supplied)

While there is a plethora of cases that expresses the exception that “[t]he rules of procedure ought not to be applied in a very rigid, technical sense, for they are adopted to help secure, not override, substantial justice,”<sup>31</sup> it should not be forgotten that as a general rule –

Furthermore, no one has a vested right to file an appeal or a petition for *certiorari*. These are statutory privileges which may be exercised only in the manner prescribed by law. Rules of procedure must be faithfully complied with and should not be discarded with by the mere expediency of claiming substantial merit.<sup>32</sup> (Underscoring supplied; citation omitted)

Verily, the party invoking the exception must allege, substantiate, and prove that his case falls under any of the exceptions.

In *Jacinto v. Gumaru, Jr.*,<sup>33</sup> this Court cited the guidelines as well as the exceptions laid down in *Altres v. Empleo*,<sup>34</sup> with respect to non-compliance

<sup>31</sup> *Solmayor v. Arroyo*, 520 Phil. 854, 870 (2006). Citation omitted.

<sup>32</sup> *Naguit v. San Miguel Corporation*, 761 Phil. 184, 192 (2015).

<sup>33</sup> 734 Phil. 685 (2014).

<sup>34</sup> 594 Phil. 246 (2008).

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with the requirements on, or submission of defective, verification and certification against forum shopping, to wit:

For the guidance of the bench and bar, the Court restates in capsule form the jurisprudential pronouncements already reflected above respecting non-compliance with the requirements on, or submission of defective, verification and certification against forum shopping:

1) A distinction must be made between non-compliance with the requirement on or submission of defective verification, and non-compliance with the requirement on or submission of defective certification against forum shopping.

2) As to verification, non-compliance therewith or a defect therein does not necessarily render the pleading fatally defective. The court may order its submission or correction or act on the pleading if the attending circumstances are such that strict compliance with the Rule may be dispensed with in order that the ends of justice may be served thereby.

3) Verification is deemed *substantially complied* with when one who has ample knowledge to swear to the truth of the allegations in the complaint or petition signs the verification, and when matters alleged in the petition have been made in good faith or are true and correct.

4) As to certification against forum shopping, non-compliance therewith or a defect therein, unlike in verification, is generally not curable by its subsequent submission or correction thereof, unless there is a need to relax the Rule on the ground of "substantial compliance" or presence of "special circumstances or compelling reasons."

5) The certification against forum shopping must be signed by all the plaintiffs or petitioners in a case; otherwise, those who did not sign will be dropped as parties to the case. Under reasonable or justifiable circumstances, however, as when all the plaintiffs or petitioners share a common interest and invoke a common cause of action or defense, the signature of only one of them in the certification against forum shopping substantially complies with the Rule.

6) Finally, the certification against forum shopping must be executed by the party-pleader, not by his counsel. If, however, for reasonable or justifiable reasons, the party-pleader is unable to sign, he must execute a Special Power of Attorney designating his counsel of record to sign on his behalf.<sup>35</sup> (Underlining supplied and citations omitted)

Clearly, "substantial compliance" or presence of "special circumstances or compelling reasons," when there is a need to relax the rules, are the only exceptions to the rule that non-compliance or the submission of a defective certification against forum shopping is not curable by its subsequent submission or the correction thereof.

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<sup>35</sup> *Jacinto v. Gumaru, Jr.*, supra note 33 at 697.

The question really therefore is - was there a reason to relax the rules?

This Courts finds no need to do so.

A careful perusal of the records of this case revealed that the Compliance with Manifestation<sup>36</sup> of Eladio merely stated that the reason for his submission of the documents is that “in order prove that the instant petition is meritorious, hence, should not be dismissed; this representation would like to manifest that attached herewith are the following required documents, to wit:”<sup>37</sup> Eladio undeniably did not allege, substantiate, and prove the need to relax the rules in his favor. He just made a general allegation that his petition is meritorious and claimed a substantial compliance to the rule.

More importantly, a review of the evidence presented by both parties reveal that the defense of Eladio to the allegation of Miguela that she is the rightful owner of the land in dispute, thus, is entitled to the possession thereof, is that he is a *de jure* tenant of the alleged owner of land, Bonifacio.<sup>38</sup> He capitalized on his belief that the case is under the primary jurisdiction of the DARAB and that since an agricultural tenancy exists between him and Bonifacio, the case should be filed before the DARAB.<sup>39</sup> He presented as proof of the agricultural tenancy receipts of lease rentals he paid to Bonifacio.<sup>40</sup>

It has been settled by the DARAB, MTCC, RTC, and CA that the case does not fall under the jurisdiction of DARAB as the agricultural tenancy is not between Miguela and Eladio. Still, Eladio maintained such defense<sup>41</sup> but this Court concurs with the courts *a quo*. The issue to be resolved does not involve an agricultural tenancy between Miguela and Eladio, which to begin with, never existed.

Moving on, this Court observed that in his Position Paper<sup>42</sup> submitted before the MTCC, Eladio stated that Miguela’s claim of ownership is baseless and unfounded for the reason that the subject parcel of land is not part of the landholding acquired by Miguela.<sup>43</sup> He, however, also claimed that Miguela acquired her property by way of Absolute Sale dated March 19, 2001<sup>44</sup> and that the same is now covered by Transfer Certificate of Title (TCT) No. 341528.<sup>45</sup> Also, the Acknowledgment of Absolute Sale executed by Paz, from whom

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<sup>36</sup> *Rollo*, pp. 101-105.

<sup>37</sup> *Id.* at 101.

<sup>38</sup> *Id.* at 124.

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

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 292-294.

<sup>42</sup> *Id.* at 137-149.

<sup>43</sup> *Id.* at 139.

<sup>44</sup> *Id.* at 138.

<sup>45</sup> *Id.* at 138-139.



Miguela acquired the land, stated that the land sold to Miguela was covered by TCT No. 280596.<sup>46</sup> To prove his claim that the landholding of Miguela does not include the land he is currently possessing, he submitted the tax declaration of Bonifacio.<sup>47</sup>

The CA, in ruling in favor of Eladio, held that the evidence he presented is weightier than that of Miguela. The CA held that Eladio was able to show through a tax declaration that the owners of the subject property are the heirs of Bonifacio.<sup>48</sup> This Court, however, is not of the same finding. It is noteworthy at this juncture that Eladio himself claimed that the landholding of Miguela is covered by TCT No. 341528, which fact was also included in the finding of the DARAB in a case between the same parties.<sup>49</sup>

Age-old is the rule that a Torrens title is evidence of indefeasible title to property in favor of the person in whose name the title appears.<sup>50</sup> It is a conclusive evidence with respect to the ownership of the land described therein.<sup>51</sup> Compared with a tax declaration, which is merely an *indicium* of a claim of ownership,<sup>52</sup> a Torrens title is a conclusive evidence of ownership.

Eladio never questioned the existence of a Torrens title under Miguela's name. In fact, what he averred as a defense was that the subject land is not a part of the landholding of Miguela, which he miserably failed to prove considering there is not an iota of evidence to establish such claim. Basic is the rule that in civil cases, the party making allegations has the burden of proving them by a preponderance of evidence.<sup>53</sup>

The case being for recovery of possession, the issue to be resolved is who has the better right to possess the property. It has been settled that the titleholder is entitled to all the attributes of ownership of the property, including possession.<sup>54</sup> The person who has a Torrens title over a land is entitled to possession thereof.<sup>55</sup>

The CA, in reversing the ruling of the MTCC and the RTC considered an issue which was never raised by Eladio. It explained that in order to arrive at a just decision and serve the interest, it exercised its discretion to waive the

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<sup>46</sup> Id. at 121.

<sup>47</sup> Id. at 138.

<sup>48</sup> Id. at 35.

<sup>49</sup> Id. at 137-138.

<sup>50</sup> *Urieta Vda. De Aguilar v. Spouses Alfaro*, 637 Phil. 131, 142 (2010).

<sup>51</sup> Id.

<sup>52</sup> *Heirs of Brusas v. Court of Appeals*, 372 Phil. 47, 55 (2004).

<sup>53</sup> Section 1, Rule 131, 1997 RULES OF COURT states:

**SEC. 1. Burden of proof.** – Burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law.

<sup>54</sup> *Urieta v. Spouses Alfaro*, supra note 50 at 142.

<sup>55</sup> Id.


proper assignment of errors and to consider errors not assigned.<sup>56</sup> It ruled that Miguela utterly failed to support her allegations.<sup>57</sup> It explained that although the matter was not included by Eladio in his assignment of errors in his petition before it, it was deemed proper to consider the same in order to arrive at a just decision and to serve the interest of justice.<sup>58</sup>

This Court begs to differ with the CA. The tax declaration of Bonifacio which Eladio presented as proof of his defense and considered by the CA as adequate to have proven that the real owners of the land are the heirs of Bonifacio, does not support his claim that the former is the owner of the land and that the same land is not included in the land acquired by Miguela from Paz. To reiterate, a tax declaration is not a proof of ownership but a mere proof of a claim of ownership.

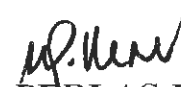
To conclude, Miguela, being the owner of the subject land, has the right to the possession thereof.

**WHEREFORE**, the petition is **GRANTED**. The Decision dated November 21, 2012 and the Resolution dated June 5, 2013 of the Court of Appeals in CA-G.R. SP No. 111317 are hereby **REVERSED** and **SET ASIDE**. The Decisions of the Municipal Trial Court in Cities, Branch 1 of Tarlac City dated February 4, 2009 in Civil Case No. 8973 and the Regional Trial Court, Branch 64 of Tarlac City dated August 18, 2009 in Civil Case No. 10329 are **REINSTATED**.

**SO ORDERED.**

  
**SAMUEL H. GAERLAN**  
Associate Justice

WE CONCUR:

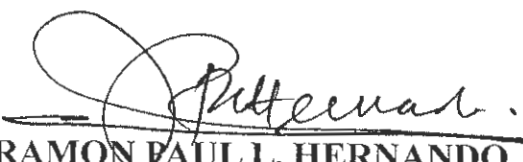
  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice


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<sup>56</sup> *Rollo*, pp. 32-33.

<sup>57</sup> *Id.* at 32.

<sup>58</sup> *Id.* at 32-33.


  
**RAMON PAUL L. HERNANDO**  
Associate Justice

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

  
**RICARDO R. ROSARIO**  
Associate Justice

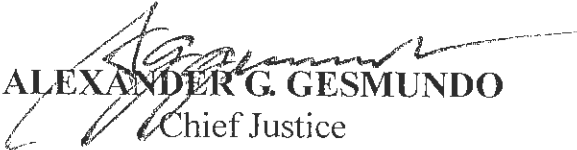
**ATTESTATION**

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, Second Division

## 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.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice