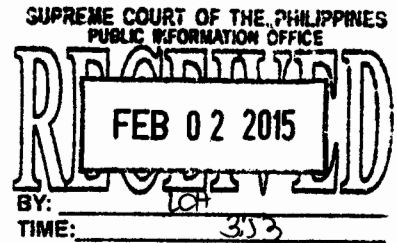




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 26, 2014** which reads as follows:*

“**G.R. No. 213043** (Ursula Fermin, *petitioner*, v. Sps. Eufrocina Padilla and Ariel Calunsagin, Edgar Paderes and Myrna Paderes, *respondents*). - For resolution is the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court filed by Ursula Fermin (Ursula) seeking the reversal and setting aside of the 22 November 2013 Decision¹ of the Court of Appeals (CA), as well its 29 May 2014 Resolution² denying the motion for reconsideration.

Ursula filed a complaint for forcible entry against Sps. Eufrocina Padilla and Ariel Calunsagin, Edgar Paderes and Myrna Paderes (respondents) before the Municipal Trial Court (MTC) of Peñaranda, Nueva Ecija. Ursula alleged that she is the actual possessor in the concept of an owner, by herself and through her predecessor-in-interest, as early as 1910, of a 1,000 square-meter parcel of land located at *Barangay* Sto. Tomas, Peñaranda, Nueva Ecija. She further alleged that the property was the subject of a protest case between her and a certain Benito Ramos. The protest case was allegedly decided in her favor but despite the ruling, Benito Ramos was able to obtain an approval plan covering Lot 247 to be issued by the Department of Environment and Natural Resources (DENR).³


- over – four (4) pages

3

¹ *Rollo*, pp. 38-44; Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Mario V. Lopez and Socorro B. Inting.

² *Id.* at 47.

³ *Id.* at 38.



Respondents, on the other hand, asserted that they bought the lot from Ramos on 19 January 1992 free from any lien, claims and encumbrances which resulted in the issuance of Original Certificate of Title (OCT) No. P-15615 and Tax Declaration No. 170010-01042. In 2004, they were able to secure a "*Katibayan ng Orihinal na Titulo Blg. P-15615*" in the name of Eufrocina Padilla.⁴ They countered that from 1992 up to the present, they have been in physical possession of the property without receiving any complaint or demand to vacate from Ursula. They contended that they bought the property in good faith and for value and without knowledge of any infirmity in the title. They also alleged that Ursula has no proof of prior possession neither has she paid real estate taxes on the property.

In a Decision dated 11 May 2011,⁵ the MTC dismissed Ursula's complaint for lack of jurisdiction. It held that the MTC had no jurisdiction over the subject case since Ursula had no proof of prior possession of the property upon which a complaint for forcible entry may be predicated.

On appeal, the Regional Trial Court (RTC) affirmed⁶ the MTC decision with modification. It ruled that the case falls within the jurisdiction of the first level court as an examination of the complaint would reveal that it contains both mandatory allegations of petitioner's prior possession of the subject land and deprivation of said possession by the respondents by means of stealth and strategy. The motion for reconsideration filed by Ursula was denied by the RTC on 29 February 2012.

Aggrieved, Ursula assailed the RTC decision and resolution before the Court of Appeals (CA).

In a Decision dated 22 November 2013, the CA denied the petition for lack of merit and affirmed the 9 January 2012 decision and 29 February 2012 resolution of the RTC. The motion for reconsideration subsequently filed was likewise denied in a resolution dated 29 May 2014.

Ursula raises in her petition before this Court this sole issue:

Whether the CA erred in denying the appeal filed by Ursula and when it declared that she cannot invoke her father's possession of the subject property as her own.

- over -

3

⁴ Id. at 39.

⁵ Id at. 20-23.

⁶ Id. at 24-32.

OUR RULING

The Court noted that the issue raised by Ursula, as well as the arguments proffered, by Ursula are the same as those she averred before the MTC, RTC and CA. These had all been considered and exhaustively discussed by the CA in its Decision dated 22 November 2013.

As correctly observed by the lower courts, Ursula failed to present any proof that she has, personally and by her own right, prior possession of the property that would entitle her to the reliefs provided for under the rule of forcible entry.

Respondents' certificate of title serves as their evidence of an indefeasible and incontrovertible title to the property. Basic is the rule that a person who has torrens title over a land is entitled to the possession thereof.⁷ It is also an established rule that possession, for whatever length of time, cannot prevail over a torrens title, the validity of which is presumed and immune to any collateral attack.⁸

WHEREFORE, the Court **ADOPTS** the findings and conclusions of law of the Court of Appeals and **AFFIRMS** its Decision dated 22 November 2013 and Resolution dated 29 May 2014 in CA-G.R. SP No. 123960. The instant petition is hereby **DENIED** for lack of merit.

The compliance of Atty. Bayani P. Dalangin, counsel for petitioner, stating his contact details pursuant to the Resolution dated July 23, 2014 is **NOTED** and **ACCEPTED**.

The petitioner is hereby **DIRECTED** to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF files of the signed petition for review on certiorari and its annexes and the signed compliance pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

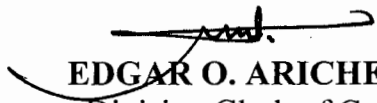
- over -

3

⁷ *Heirs of Jose Maligaso, Sr. v. Encinas*, 20 June 2012, 674 SCRA 215, 221.
⁸ *Id.* at 222-223.

SO ORDERED.” PERLAS-BERNABE, J., on leave;
VILLARAMA, JR., J., acting member per S.O. No. 1885 dated
November 24, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{11/26/14}
3

Atty. Bayani P. Dalangin
Counsel for Petitioner
Maestrang Kikay District
Talavera 3114 Nueva Ecija

Court of Appeals (x)
Manila
(CA-G.R. SP No. 123960)

Atty. Rodolfo Beltran
Counsel for Respondent
1071 Del Pilar St.
3100 Cabanatuan City

The Hon. Presiding Judge
Regional Trial Court, Br. 35
3105 Gapan City, Nueva Ecija
(Civil Case No. 4005-11)

The Hon. Presiding Judge
Municipal Trial Court
Peñaranda, Nueva Ecija
(Civil Case No. 25)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR

