



Republic of the Philippines  
Supreme Court  
Manila

**SPECIAL FIRST DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Special First Division, issued a Resolution dated **October 14, 2020** which reads as follows:*

**“G.R. No. 211419** – (*Spouses Aselito Cinco and Simplicia Cinco v. Nancy A. Calio, Marife Habunal-Empremiado, represented by Rosario Empremiado-Agan, and Paul Olive E. Agan, represented by Roshil Inding-Agan*).

On July 24, 2019, this Court issued a Resolution<sup>1</sup> which reversed and set aside the August 19, 2013 Decision<sup>2</sup> and January 20, 2014 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 04760. The Court partially granted the Petition for Review on *Certiorari* filed by Spouses Aselito Cinco and Simplicia Cinco (*petitioners*) and ordered the dismissal of the complaint, complaint-in-intervention and counterclaims in Civil Case No. 755 for lack of jurisdiction.

While this Court affirmed the finding of the CA that the complaint is an action for reversion, it also ruled that the Regional Trial Court of Dipolog City, Branch 9 (*RTC*), had exclusive jurisdiction over actions for reversion; thus, the Municipal Trial Court in Cities of Dapitan City, 9<sup>th</sup> Judicial Region (*MTCC*), should have dismissed the complaint outright for lack of jurisdiction.

It is settled that “actions for cancellation of title and reversion, like the present case, belong to the class of cases that ‘involve the title to, or possession of, real property, or any interest therein’ and where the assessed value of the property exceeds ₱20,000.00, fall under the jurisdiction of the RTC.”<sup>4</sup>

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**44**

<sup>1</sup> *Rollo*, pp. 157-162.

<sup>2</sup> *Id.* at 114-120; penned by Associate Justice Edgardo T. Lloren with Associate Justices Marie Christine Azcarraga-Jacob and Edward B. Contreras, concurring.

<sup>3</sup> *Id.* at 127-128.

<sup>4</sup> *Republic v. Roman Catholic Archbishop of Manila*, 698 Phil. 429, 435-436 (2012).

Thus, jurisdiction over actions for reversion, as in this case, can be exercised by either the RTC or the MTCC, depending on the allegation of the assessed value of the land in the complaint. It is a hornbook doctrine that the court should only look into the facts alleged in the complaint to determine whether a suit is within its jurisdiction.<sup>5</sup>

An examination of the complaint filed by respondent Nancy A. Calio shows that she alleged that the land had an assessed value of ₱1,770.00. As it is below the threshold amount of ₱20,000.00, the MTCC correctly exercised its jurisdiction over the action.

Nonetheless, We still find that the allegations in the complaint partake that nature of an action for reversion, which may only be instituted by the Office of the Solicitor General (*OSG*) pursuant to Section 101 of the Public Land. Private persons may not bring an action for reversion or any action which would have the effect of canceling a land patent and the corresponding certificate of title issued on the basis of the patent, such that the land covered thereby will again form part of the public domain. Only the OSG or the officer acting in his stead may do so. Since the title originated from a grant by the government, its cancellation is a matter between the grantor and the grantee.<sup>6</sup>

**WHEREFORE**, in view of the foregoing, the Motion for Reconsideration is **PARTIALLY GRANTED**. The July 24, 2019 Resolution of this Court is **REVERSED and SET ASIDE** and the August 19, 2013 Decision and January 20, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 04760 are **REINSTATED**.

Let a copy of this Resolution be furnished to the Office of the Solicitor General for its information and appropriate action on the subject matter of this case, including the circumstances surrounding the issuance of Free Patent No. 0972012004-2402 and Original Certificate of Title No. P-374 of the Register of Deeds of Dapitan City.

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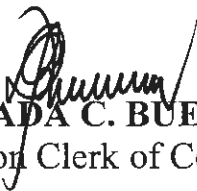
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<sup>5</sup> *Foronda-Crystal v. Son*, 821 Phil. 1033, 1044 (2017).

<sup>6</sup> *Cawis v. Cerilles*, 632 Phil. 367, 375 (2010).

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
44 <sup>MS</sup>

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(Civil Case No. 6667)

Municipal Trial Court in Cities  
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(Civil Case No. 755)

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