



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**NICASIO MACUTAY,**  
 Petitioner,

**G.R. No. 205559**

Present:

- versus -

PERALTA, C.J., Chairperson,  
 CAGUIOA,  
 CARANDANG,  
 ZALAMEDA, and  
 GAERLAN, JJ.

**SOSIMA SAMOY, ALFREDO  
 GRANIL, RENE ACORDA,  
 NOBLITO SAMOY and  
 SIBIRINO ROQUE,**  
 Respondents.

Promulgated:

**DEC 02 2020**

X ----- X

**DECISION**

**CAGUIOA, J.:**

*The Case*

This is a Petition for Review on *Certiorari*<sup>1</sup> (Petition) filed under Rule 45 of the Rules of Court against the Decision<sup>2</sup> dated June 27, 2012 (assailed Decision) and Resolution<sup>3</sup> dated January 22, 2013 (assailed Resolution) in CA-G.R. CV No. 94612 rendered by the Court of Appeals<sup>4</sup> (CA).

The assailed Decision and Resolution affirmed the Decision<sup>5</sup> dated April 30, 2009 of the Regional Trial Court (RTC) of Cabagan, Isabela, Branch 22 in Civil Case No. 22-1063 dismissing the “*Accion Reinvidicatoria* with Damages” (RTC Complaint) filed by petitioner Nicasio Macutay (Nicasio) against respondents Sosima Samoy (Sosima),

• “Silvino” in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 6-18, excluding Annexes.

<sup>2</sup> *Id.* at 19-36. Penned by Associate Justice Agnes Reyes Carpio, with the concurrence of Associate Justices Jose C. Reyes, Jr. (now a retired Member of the Court) and Priscilla J. Baltazar-Padilla (also a retired Member of the Court).

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

<sup>4</sup> Tenth Division and Former Tenth Division, respectively.

<sup>5</sup> *Rollo*, pp. 85-91. Penned by Judge Felipe Jesus Torio II.

Alfredo Granil (Alfredo), Rene Acorda (Rene), Noblito Samoy (Noblito) and Sibirino Roque (Sibirino).

*The Facts*

This case is an offshoot of a long-running land dispute between the parties' predecessors-in-interest, Fortunato Manuud (Fortunato) and Urbana Casasola (Urbana).

Nicasio is the registered owner of a parcel of land located in Barangay Liwanag, Tumauni, Isabela with an area of twelve (12) hectares. Said parcel is covered by Original Certificate of Title (OCT) No. P-20478.<sup>6</sup> **Nicasio traces his ownership and right of possession to his stepfather, Fortunato.**<sup>7</sup>

Sosima, Alfredo, Rene, Noblito and Sibirino (collectively, respondents) are in possession of specific areas of a parcel of land in Tumauni, Isabela, with a total area of three (3) hectares (Disputed Portion). **Respondents assert that they have been cultivating the Disputed Portion as tenants of Urbana and her son, Eugenio Vehemente (Eugenio)**<sup>8</sup> — the successive owners of a parcel of land registered under OCT No. P-4319, and Transfer Certificate of Title (TCT) No. T-8058, respectively. Said parcel, in turn, allegedly includes the Disputed Portion.<sup>9</sup>

The records show that on December 9, 1946, Urbana filed a homestead application over a parcel of land in Tumauni, Isabela with an area of 16.75 hectares.<sup>10</sup> This application was approved by the Director of Lands on September 11, 1947.<sup>11</sup> Accordingly, an order directing the issuance of a homestead patent in Urbana's favor was issued on December 3, 1951.<sup>12</sup>

Nevertheless, Homestead Patent No. V-41498 was issued only on January 4, 1955, and later transmitted to the Register of Deeds (RD) of Isabela on February 7, 1955.<sup>13</sup> On the same date, OCT No. P-4319 was issued in Urbana's name.<sup>14</sup>

On June 13, 1955, Fortunato sent a telegram to then President Ramon Magsaysay protesting the issuance of Homestead Patent No. V-41498, as he had allegedly been in possession of a four (4)-hectare portion of the land

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<sup>6</sup> Id. at 20.

<sup>7</sup> Id. at 22.

<sup>8</sup> See id.

<sup>9</sup> See id. at 59, 87-88.

<sup>10</sup> Id. at 58, 63.

<sup>11</sup> Id. at 63.

<sup>12</sup> Id. at 58, 63-64.

<sup>13</sup> Id. at 59, 64.

<sup>14</sup> Id.

covered by Urbana's Homestead Patent No. V-41498 since 1936 "even before the outbreak of the last World War."<sup>15</sup>

Fortunato sent another telegram to the Presidential Complaints and Action Committee (PCAC) on October 24, 1955 reiterating his protest.<sup>16</sup> Subsequently, the PCAC referred the matter to the Bureau of Lands for investigation.<sup>17</sup>

On January 23, 1957, prior to the reception of the parties' evidence, and upon Urbana's motion, the Director of Lands dismissed Fortunato's protest,<sup>18</sup> there being "no *prima facie* showing that fraud has been committed in the issuance of the patent in favor of [Urbana]."<sup>19</sup>

Fortunato's appeal and subsequent motion for reconsideration filed with the Secretary of Agriculture and Natural Resources were also denied on June 23, 1958 and June 20, 1959, respectively.<sup>20</sup>

In the interim, Fortunato and Urbana passed away. Homestead Patent No. V-41498 was later transferred to Urbana's sole heir Eugenio, through TCT No. T-8058.<sup>21</sup>

Meanwhile, Fortunato's heirs, represented by his surviving wife Maria Bartolome, filed a petition for *certiorari* with the Court of First Instance (CFI) assailing the adverse orders issued by the Director of Lands and Secretary of Agriculture and Natural Resources.<sup>22</sup> The CFI dismissed said petition on June 6, 1960.<sup>23</sup>

The CA reversed on appeal and remanded the petition for *certiorari* to the CFI for reception of evidence relative to the conflicting claims between the parties.<sup>24</sup>

On June 20, 1977, the CFI issued a Decision, this time granting the petition for *certiorari* and directing the reinstatement of Fortunato's protest, among others.<sup>25</sup> **Despite the favorable Decision of the CFI, however, Fortunato's heirs did not pursue the protest.**<sup>26</sup>

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<sup>15</sup> Id. at 57, 59, 64.

<sup>16</sup> Id. at 60, 64.

<sup>17</sup> Id.

<sup>18</sup> Id. at 64-65.

<sup>19</sup> Id. at 63.

<sup>20</sup> Id. at 65.

<sup>21</sup> Id. at 31.

<sup>22</sup> See id. at 53.

<sup>23</sup> Id. at 49.

<sup>24</sup> Id. at 47-52. Decision dated June 23, 1967 in CA-G.R. No. 31400-R, penned by Associate Justice Antonio Cañizares, with the concurrence of Associate Justices Francisco R. Capistrano and Nicasio A. Yatco.

<sup>25</sup> Id. at 82-83.

<sup>26</sup> See respondents' Answer to the RTC Complaint, *rollo*, p. 45.

Nevertheless, Fortunato's stepson, herein petitioner Nicasio, managed to secure OCT No. P-20478 sometime in 1972.

### *RTC Complaint*

Thirty-four (34) years later, Nicasio filed the RTC Complaint. Therein, Nicasio alleged that respondents are "all in actual possession of [the] [n]orthern portions of the [land covered by OCT No. P-20478] with an area of more or less three (3) hectares without any legal right to possess the same and against the will of [Nicasio]",<sup>27</sup> and that respondents have refused to surrender possession despite repeated demands.<sup>28</sup>

Nicasio thus prayed that judgment be rendered ordering respondents to surrender actual and physical possession of the Disputed Portion, and pay damages and costs of suit.<sup>29</sup>

In their Answer, respondents averred that the Disputed Portion is covered by Urbana's OCT No. P-4319 and later, Eugenio's TCT No. T-8058, and that Eugenio recognized the "possession and ownership" of their respective predecessors-in-interest during his lifetime. Respondents further alleged that they have been cultivating the Disputed Portion since 1969, and have built significant improvements on the areas they respectively possess.<sup>30</sup>

In this connection, respondents argued that Nicasio's Torrens title is null and void, since: (i) it covers a portion of private land that had already been registered under Urbana's OCT No. P-4319 decades prior to the issuance of Nicasio's OCT No. P-20478, and has since been declared for taxation purposes in Urbana's name;<sup>31</sup> (ii) Lot 647, within which the Disputed Portion falls, is shown to be in the name of Urbana in the Tumauni Public Land Subdivision Plan Pls-964.<sup>32</sup>

As counterclaim, respondents prayed that Nicasio be ordered to pay actual damages, attorney's fees, and costs of suit.<sup>33</sup>

On April 30, 2009, the RTC issued a Decision (RTC Decision), the dispositive portion of which reads:

**WHEREFORE**, premises considered, judgment is hereby rendered in favor of [respondents] and against [Nicasio,] and the [RTC] Complaint is hereby ordered DISMISSED. Similarly, the counterclaim of [respondents] is ordered DISMISSED for lack of evidence in support thereof.

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<sup>27</sup> Id. at 40.

<sup>28</sup> Id.

<sup>29</sup> Id. at 41.

<sup>30</sup> Id. at 45.

<sup>31</sup> Id. at 45-46.

<sup>32</sup> Id. at 46.

<sup>33</sup> Id.

**SO ORDERED.**<sup>34</sup>

While the RTC recognized that the Disputed Portion is embraced in Nicasio's Torrens title, it observed that no evidence had been presented to establish that he had ever been in possession of the Disputed Portion. Moreover, Nicasio was unable to show that he acquired the Disputed Portion through any of the modes of acquiring ownership recognized by the Civil Code. On such basis, the RTC held that Nicasio's Torrens title only serves as conclusive proof of ownership over the land in his possession, which, based on the evidence on record, excludes the Disputed Portion.<sup>35</sup>

Nicasio filed a motion for reconsideration claiming that his Torrens title serves as conclusive proof of ownership of the land it covers, and that it cannot be collaterally attacked except in a direct proceeding instituted for the purpose.<sup>36</sup> The RTC denied said motion through its December 29, 2009 Order.<sup>37</sup>

*CA Proceedings*

Aggrieved, Nicasio filed an appeal with the CA *via* Rule 42 of the Rules of Court, insisting on the strength of his Torrens title.<sup>38</sup>

The CA denied the appeal through the assailed Decision on the ground of laches, ruling as follows:

x x x [Nicasio], through laches, has lost his right to lay claim on the [Disputed Portion] for having slept on his rights for more than thirty-four (34) years. *Vigilantibus sed non dormientibus jura subvertuntur*. The law aids the vigilant, not those who sleep on their rights.

Having determined that laches had already set in, [the CA] finds it no longer necessary to address [Nicasio's] assigned errors on this appeal.

**WHEREFORE**, premises considered, the instant appeal is hereby **DENIED.**<sup>39</sup>

The CA denied Nicasio's subsequent motion for reconsideration through the assailed Resolution, which Nicasio received on February 5, 2013.<sup>40</sup>

On February 19, 2013, Nicasio filed this Petition.

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<sup>34</sup> Id. at 91.

<sup>35</sup> Id. at 90.

<sup>36</sup> Id. at 92-97.

<sup>37</sup> Id. at 98.

<sup>38</sup> See id. at 23.

<sup>39</sup> Id. at 35-36.

<sup>40</sup> Id. at 7.

In compliance with the Court's directive, respondents filed their Comment<sup>41</sup> to the Petition on June 21, 2013, while Nicasio filed his Reply<sup>42</sup> on December 9, 2013.

The Court issued a Resolution<sup>43</sup> directing the parties to file their respective memoranda. After submission of the required memoranda, the case was deemed submitted for resolution.

Foremost, Nicasio argues that the defense of laches is not available to respondents since they are mere intruders who have not shown any color of title to the Disputed Property.<sup>44</sup> Hence, Nicasio argues that the CA erred when it denied his appeal solely on this ground.

Nicasio also maintains that the RTC erroneously permitted a collateral attack against his Torrens title when it upheld respondents' right of possession due to his failure to substantiate his claim of ownership over the Disputed Portion.<sup>45</sup>

For their part, respondents insist on their right to possess the Disputed Portion upon Eugenio's authority. As evidence of such authority, respondents rely on a private document dated February 8, 1955 purportedly executed by Eugenio, which, in turn, had been presented by respondent Noblito during cross-examination before the RTC.<sup>46</sup>

#### *The Issues*

The issues presented for the Court's resolution are:

1. Whether the validity of Nicasio's Torrens title may be assailed in the present case; and
2. Whether Nicasio has the right to recover possession of the Disputed Portion in this case.

#### *The Court's Ruling*

The Petition is denied.

At the outset, the Court observes that even as Nicasio's RTC Complaint is captioned as an "*Accion Reinvidicatoria* with Damages," it

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<sup>41</sup> Id. at 129-142.

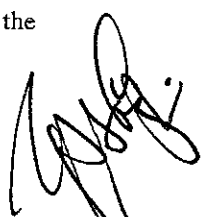
<sup>42</sup> Id. at 150-155.

<sup>43</sup> Id. at 162-163.

<sup>44</sup> See id. at 168-174.

<sup>45</sup> See id. at 174-176.

<sup>46</sup> Neither the actual document presented during cross-examination nor its contents form part of the records of the case.



does *not* include a prayer for recovery of ownership or annulment of the title relied upon by respondents. To quote:

[Nicasio] and his children are in actual possession of a parcel of land located along the National Highway of Barangay Liwanag, Tumauni, Isabela containing an area of One Hundred Twenty Seven Thousand Five [Hundred] Eighty Seven (127,587) [square meters], more or less, registered in his name and embraced under [OCT] No. P-20478 issued by the Registry of Deeds of the Province of Isabela on May 4, 1972, and which parcel of land is more particularly described as follows x x x:

x x x x

The [respondents] are all in actual possession of [n]orthern portions of the afore-described parcel [of] land with an area of more or less three (3) hectares without any legal right to possess the same and against the will of [Nicasio];

x x x x

Repeated demands were made by [Nicasio] to the [respondents] for them to peacefully surrender actual possession of the land but the [respondents] refuse[d] to accede to the legal and rightful demand of [Nicasio] to his damage and prejudice;

x x x x

In compliance with the provision of the Local Government Code of 1991, the matter was brought to the Lupon of Barangay Liwanag, Tumauni, Isabela, for conciliation [by] the parties [but they could not] agree to any [of the] terms that might resolve the dispute. x x x

**WHEREFORE, [Nicasio] prays for judgment ordering [respondents] to fully surrender their actual and physical possession of the portions of the land to [Nicasio] AND [o]rdering [respondents] to pay [Nicasio] joint and severally[,] an amount that is submitted to the discretion of the [RTC] representing the costs of the suit.**

[Nicasio] prays for such other reliefs as may be just and equitable in the premises.<sup>47</sup> (Emphasis supplied)

These allegations indicate that the RTC Complaint is essentially an action for recovery of possession, or *accion publiciana*.

That the RTC Complaint is one for recovery of possession is further confirmed by the allegations in the present Petition, thus:

1. [Nicasio] is a registered owner of a parcel of land located in barangay Liwanag, Tumauni, Isabela with an area of twelve (12) hectares which parcel of land is covered by Original Certificate of Title No. P-20478;

<sup>47</sup> Rollo, pp. 39-41.

2. [Nicasio] was in actual possession of the said parcel of land since birth up to present;
3. However, more or less three (3) hectares on the northern portion of the said parcel of land was occupied by [r]espondents without any right to posses[s] the same, which possession is against the will of [Nicasio];
4. Repeated demands were given to [r]espondents to peacefully vacate the said land but they refused to comply with the said demands to vacate;
5. **On January 16, 2007, [Nicasio] was constrained to institute the instant case against [r]espondents to recover possession of said three (3) hectares presently occupied by them, which was answered by [r]espondents. x x x<sup>48</sup> (Emphasis and underscoring supplied)**

In *The Heirs of Alfredo Cullado v. Gutierrez*<sup>49</sup> (*Heirs of Cullado*), the Court *En Banc* clarified the distinctions between and among the usual actions to recover real property. The pronouncements in *Heirs of Cullado*, particularly with regard to *accion reivindicatoria* and *publiciana*, lend guidance:

Proceeding now to the main issue, it may be recalled that the three usual actions to recover possession of real property are:

1. *Accion interdical* or a summary ejectment proceeding, which may be either for forcible entry (*detentacion*) or unlawful detainer (*desahucio*), for the recovery of physical or material possession (possession *de facto*) where the dispossession has not lasted for more than one year, and should be brought in the proper inferior court;

2. *Accion publiciana* or the plenary action to recover the better right of possession (possession *de jure*), which should be brought in the proper inferior court or Regional Trial Court (depending upon the value of the property) when the dispossession has lasted for more than one year (or for less than a year in cases other than those mentioned in Rule 70 of the Rules of Court); and

3. *Accion reivindicatoria* or *accion de reivindicacion* or reivindicatory action, which is an action for recovery of ownership which must be brought in the proper inferior court or Regional Trial Court (depending upon the value of the property).

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. x x x

<sup>48</sup> Id. at 7-8.

<sup>49</sup> G.R. No. 212938, July 30, 2019.



X X X X

*Jus vindicandi* [or the right to vindicate or recover,] is expressly recognized in paragraph 2 of Article 428, Civil Code, viz.: “The owner has also a right of action against the holder and possessor of the thing in order to recover it.”

If the plaintiff’s claim of ownership (and necessarily, possession or *jus possidendi*) is based on his Torrens title and the defendant disputes the validity of this Torrens title, then the issue of whether there is a direct or collateral attack on the plaintiff’s title is also irrelevant. This is because the court where the reivindicatory or reconveyance suit is filed has the requisite jurisdiction to rule definitively or with finality on the issue of ownership — it can pass upon the validity of the plaintiff’s certificate of title.

X X X X

As to *accion publiciana*, this is an ordinary civil proceeding to **determine the better right of possession of real property independently of title**. It also refers to an ejectment suit filed after the expiration of one year from the accrual of the cause of action or from the unlawful withholding of possession of the real property.

X X X X

The issue in an *accion publiciana* is the “better right of possession” of real property independently of title. **This “better right of possession” may or may not proceed from a Torrens title.** Thus, a lessee, by virtue of a registered lease contract or an unregistered lease contract with a term longer than one year, can file, as against the owner or intruder, an *accion publiciana* if he has been dispossessed for more than one year. **In the same manner, a registered owner or one with a Torrens title can likewise file an *accion publiciana* to recover possession if the one-year prescriptive period for forcible entry and unlawful detainer has already passed.**

While there is no express grant in the Rules of Court that the court wherein an *accion publiciana* is lodged can provisionally resolve the issue of ownership, unlike an ordinary ejectment court which is expressly conferred such authority (albeit in a limited or provisional manner only, *i.e.*, for purposes of resolving the issue of possession), there is ample jurisprudential support for upholding the power of a court hearing an *accion publiciana* to also rule on the issue of ownership.

In *Supapo v. Sps. de Jesus (Supapo)*, the Court stated:

In the present case, the Spouses Supapo filed an action for the recovery of possession of the subject lot but they based their better right of possession on a claim of ownership [based on Transfer Certificate of Title No. C-28441 registered and titled under the Spouses Supapo’s names].

**This Court has held that the objective of the plaintiffs in *accion publiciana* is to recover possession only, not ownership. However, where the parties raise**

**the issue of ownership, the courts may pass upon the issue to determine who between the parties has the right to possess the property.**

This adjudication is not a final determination of the issue of ownership; it is only for the purpose of resolving the issue of possession, where the issue of ownership is inseparably linked to the issue of possession. The adjudication of the issue of ownership, being provisional, is not a bar to an action between the same parties involving title to the property. The adjudication, in short, is not conclusive on the issue of ownership.

The Court, recognizing the nature of *accion publiciana* as enunciated above, did not dwell on whether the attack on Spouses Supapo's title was direct or collateral. It simply, and rightly, proceeded to resolve the conflicting claims of ownership. The Court's pronouncement in *Supapo* upholding the indefeasibility and imprescriptibility of Spouses Supapo's title was, however, subject to a Final Note that emphasized that even this resolution on the question of ownership was not a final and binding determination of ownership, but merely provisional[.]<sup>50</sup> (Emphasis and underscoring supplied; citations omitted)

Bearing these principles in mind, the Court now resolves the issues raised by the parties.

*There is no collateral attack on Nicasio's title.*

Nicasio argues that the RTC Decision sanctioned an impermissible collateral attack on his Torrens title. This assertion lacks merit.

As explained, the RTC Complaint is in the nature of an *accion publiciana* which is limited to the recovery of the better right of possession independent of title or ownership. Since an *accion publiciana* solely involves the issue of better right of possession, any determination of ownership made in such connection is neither final nor binding, but rather, merely provisional.

A provisional determination of ownership, whether made in an ejectment or *publiciana* proceeding, does not pose a "real attack" on the Torrens title in dispute since courts do not possess the jurisdiction to order the alteration, modification or cancellation of Torrens titles in such cases. This is because Section 48 of Presidential Decree No. 1529<sup>51</sup> (PD 1529) explicitly bars the alteration, modification or cancellation of a certificate of title, "except in a direct proceeding in accordance with law."<sup>52</sup> Again, as held in *Heirs of Cullado*:

<sup>50</sup> Id. at 5-12.

<sup>51</sup> AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES, otherwise known as the PROPERTY REGISTRATION DECREE, June 11, 1978.

<sup>52</sup> Section 48 of PD 1529 states:

Forcible entry and unlawful detainer cases are governed by the rules on summary procedure. 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.

When the ejectment court thus resolves the issue of ownership based on a certificate of title to determine the issue of possession, the question is posed: is this a situation where the Torrens title is being subjected to a collateral attack proscribed by Section 48 of [PD] 1529 or the Property Registration Decree, *viz.*: "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 answer to this is "No" because there is no real attack, whether direct or collateral, on the certificate of title in question for the simple reason that the resolution by the ejectment court cannot alter, modify, or cancel the certificate of title. **Thus, the issue of whether the attack on a Torrens title is collateral or direct is immaterial in forcible entry and unlawful detainer cases because the resolution of the issue of ownership is allowed by the Rules of Court on a provisional basis only. To repeat: 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

As to *accion publiciana*, this is an ordinary civil proceeding to determine the better right of possession of real property independently of title. It also refers to an ejectment suit filed after the expiration of one year from the accrual of the cause of action or from the unlawful withholding of possession of the real property.

X X X X

x x x [T]he Court thus clarifies here that in an *accion publiciana*, the defense of ownership (*i.e.*, that the defendant, and not the plaintiff, is the rightful owner) will not trigger a collateral attack on the plaintiff's Torrens or certificate of title because the resolution of the issue of ownership is done only to determine the issue of possession.<sup>53</sup> (Emphasis supplied)

*Respondents have the better right of possession.*

In the assailed Decision, the CA anchored the denial of Nicasio's appeal on the principle of laches. Specifically, the CA held that Nicasio has

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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.

<sup>53</sup> *Heirs of Cullado v. Gutierrez*, supra note 49, at 7-12.

lost his right to lay claim on the Disputed Portion as he had slept on his right to do so for more than thirty-four (34) years following the issuance of his Torrens title.<sup>54</sup>

Nicasio disputes the ruling of the CA by claiming that respondents have no colorable title or any valid claim of ownership over the Disputed Portion, and are “mere squatters, whose possession, no matter how long, could not prevail over [his] certificate of title.”<sup>55</sup> He cites *Bishop v. Court of Appeals*,<sup>56</sup> where the Court held that owners of registered land have the imprescriptible right to eject any person illegally occupying their property, and that such right is never barred by laches.<sup>57</sup>

**The Court notes, however, that the Disputed Portion appears to have been registered under two (2) overlapping titles issued in the name of two (2) different persons namely, respondents’ predecessor-in-interest Urbana, and herein petitioner Nicasio. This situation has been squarely addressed by the Court in the early case of *Legarda v. Saleeby*,<sup>58</sup> thus:**

The rule, we think, is well settled that the decree ordering the registration of a particular parcel of land is a bar to future litigation over the same between the same parties. In view of the fact that all the world are parties, it must follow that future litigation over the title is forever barred; there can be no persons who are not parties to the action. This, we think, is the rule, except as to rights which are noted in the certificate or which arise subsequently, and with certain other exceptions which need not be discussed at present. A title once registered can not be defeated, even by an adverse, open, and notorious possession. Registered title under the [T]orrens system can not be defeated by prescription x x x. The title, once registered, is notice to the world. All persons must take notice. No one can plead ignorance of the registration.

x x x x

We have in this jurisdiction a general statutory provision which governs the right of the ownership of land when the same is registered in the ordinary registry in the name of two different persons. Article 1473 of the Civil Code provides, among other things, that when one piece of real property has been sold to two different persons it shall belong to the person acquiring it, who first inscribes it in the registry. This rule, of course, presupposes that each of the vendees or purchasers has acquired title to the land. The real ownership in such a case depends upon priority of registration. While we do not now decide that the general provisions of the Civil Code are applicable to the Land Registration Act, even though we see no objection thereto, yet we think, in the absence of other express provisions, they should have a persuasive influence in adopting a rule for governing the effect of a double registration under said Act. **Adopting the**

<sup>54</sup> See *rollo*, p. 35.

<sup>55</sup> *Id.* at 10.

<sup>56</sup> 284-A Phil. 125 (1992).

<sup>57</sup> *Rollo*, pp. 11-12.

<sup>58</sup> 31 Phil. 590 (1915).

**rule which we believe to be more in consonance with the purposes and the real intent of the [T]orrens system, we are of the opinion and so decree that in case land has been registered under the Land Registration Act in the name of two different persons, the earlier in date shall prevail.**<sup>59</sup> (Emphasis supplied)

As narrated above, Urbana's OCT No. P-4319 was issued on February 7, 1955 pursuant to Homestead Patent No. V-41498. On the other hand, Nicasio's OCT No. P-20478 was issued decades later, in 1972. Notably, the fact that the Disputed Portion is covered by OCT No. P-4319 *and* OCT P-20478 does not appear to be in dispute. Respondents' possession must thus be respected, as it is anchored on the ownership of the first registrant Urbana and the latter's son and transferee, Eugenio.

Nicasio attempts to evade the issue of double registration by insisting on respondents' alleged failure to present proof of their authority to occupy and cultivate the Disputed Portion as Eugenio's tenants. Suffice it to state, however, that in actions involving real property, petitioners must rely on the strength of their own title, and not on the weakness of respondents' claim.<sup>60</sup> The Court echoes the keen observations of the RTC:

It is extant from the allegations of the [RTC Complaint], as it is from the evidence adduced in support thereof, that [Nicasio] is not shown to have ever been in possession of the contested northern portion of Lot 647. Additionally, the contested lot is declared for taxation purposes in the name of [Urbana]. Neither (*sic*) is there any showing in the evidence on record that [Nicasio] acquired the [Disputed Portion] of Lot 647 by any of the modes of acquiring ownership under the Civil Code. The law defines the modes through which ownership may be acquired as it states:

“Ownership and other real rights over property are acquired and transmitted by law, by donation, by testate and intestate succession and in consequence of certain contracts, by tradition.

They may also be acquired by means of prescription.”

In the present case, there is no showing that [Nicasio] did acquire the contested portions of the land now in possession of the [respondents], through a mode of acquisition recognized by Article 712 of the New Civil Code.<sup>61</sup>

Moreover, while Nicasio alleges that he had been “in actual possession of the [Disputed Portion] since birth up to the present,”<sup>62</sup> he failed to explain how respondents managed to wrest possession of the

<sup>59</sup> Id. at 594-597.

<sup>60</sup> *Catapusan v. Court of Appeals*, 332 Phil. 586, 592 (1996).

<sup>61</sup> *Rollo*, p. 90.

<sup>62</sup> Id. at 7.

Disputed Portion. To the mind of the Court, Nicasio's failure to explain the circumstances of his alleged dispossession sheds serious doubt on the veracity of his claims.

*The issue of ownership can only be determined with finality in an accion reivindicatoria filed against the proper party.*

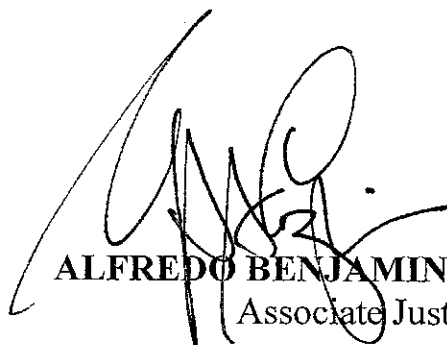
As a final note, the Court reiterates its closing remarks in *Supapo v. Sps. de Jesus*,<sup>63</sup> as it did in *Heirs of Cullado*:

As a final note, we stress that our ruling in this case is limited only to the issue of determining who between the parties has a better right to possession. **This adjudication is not a final and binding determination of the issue of ownership. As such, this is not a bar for the parties or even third persons to file an action for the determination of the issue of ownership.**<sup>64</sup> (Emphasis supplied)

The proper action for the final determination of ownership and possession (as a consequence of such ownership), particularly with regard to the overlapping portion covered by OCT Nos. P-4319 (now TCT No. T-8058) and P-20478 is an *accion reivindicatoria* that may be filed against Eugenio, the registered owner of the land covered by TCT No. T-8058.

**WHEREFORE**, premises considered, the Petition is **DENIED**. The Decision and Resolution respectively dated June 27, 2012 and January 22, 2013 rendered by the Court of Appeals in CA-G.R. CV No. 94612 are **AFFIRMED**.

**SO ORDERED.**

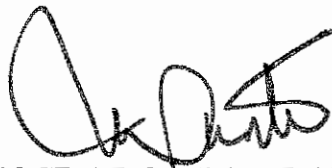
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

<sup>63</sup> 758 Phil. 444 (2015).

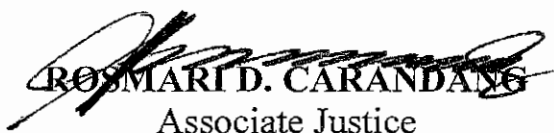
<sup>64</sup> Id. at 467.



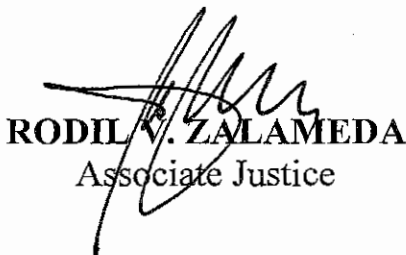
WE CONCUR:



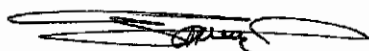
**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson



**ROSMARI D. CARANDANG**  
Associate Justice



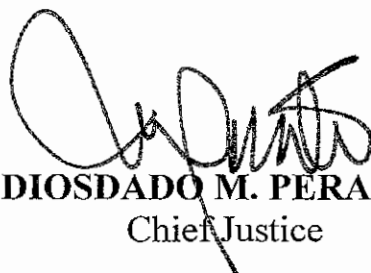
**RODIL V. ZALAMEDA**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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

