

SPECIAL SEVENTEENTH DIVISION

[CV No. 88141, March 12, 2012]

FERMIN RAMOS AND SPOUSES MARIO AND CELESTINA MARUZZO, PLAINTIFFS-APPELLANTS, VS. MANOTOK REALTY, INC. AND REGISTER OF DEEDS OF STA. CRUZ, LAGUNA, DEFENDANTS-APPELLEES.

DECISION

Court of Appeals

The Case

On appeal by plaintiffs-appellants *Fermin Ramos and Spouses Mario and Celestina Maruzzo* ("**Ramos, et al.**") is the Decision^[1] dated **November 30, 2005** of the Regional Trial Court ("**RTC**") of Calamba City,^[2] in Civil Case No. 3585-04-C for Annulment of Title with Preliminary Injunction and/or Temporary Restraining Order entitled: "*Fermin Ramos and Sps. Mario and Celestina Maruzzo, Plaintiffs vs. Manotok Realty, Inc. and the Register of Deeds of Sta. Cruz, Laguna, Defendants*", the dispositive portion of which reads:

WHEREFORE, in the light of the foregoing considerations, the **complaint for annulment** of title with preliminary injunction and/or temporary restraining order filed by **plaintiffs Fermin Ramos and Spouses Mario and Celestina Maruzzo** is hereby dismissed for lack of merit.

SO ORDERED."^[3] (emphasis Ours)

The Facts

This case stems from Ramos, et al.'s **Complaint for Annulment of Title** with Preliminary Injunction and/or Temporary Restraining Order^[4] involving a portion of a land consisting of 13,814 square meters situated in Bambang, Los Baños, Laguna. Ramos, et al. alleged therein that they and their predecessors-in-interest have been in actual **physical possession under claim of ownership** over the subject property, said possession being open, public, notorious, continuous and in good faith since time immemorial and for a period of more than 30 years.

Ramos, et al. narrates that in **1991, Manotok Realty, Inc. ("Manotok")**, through force, threats and violence, occupied a portion of the subject property. Despite their demands, Manotok refused to vacate said property. Fermin Ramos was thus compelled to file a case against Manotok for illegal entry. Ramos, et al. further claims that Manotok has a **spurious title, i.e., Transfer Certificate of Title ("TCT")** No. (4205) T-7812,^[5] covering a 649-square meter lot which encroached the subject property. Manotok used said spurious title in filing a complaint for **unlawful detainer** against them entitled "*Manotok Realty, Inc., plaintiff vs. Sps. Mario and*

Celestina Maruzzo, et al., defendants," and docketed as Civil Case No. 1457, before the Municipal Trial Court ("MTC")^[6] of Los Baños, Laguna.

Ramos, et al. further alleged that the **MTC in Civil Case No. 1457** issued an **Order on January 27, 2004** directing their ejectment. They thus prayed that an injunctive writ or temporary restraining order ("TRO") be issued to restrain the execution of said Order and, after trial, Manotok's title be declared as void and consequently, plaintiffs-appellants be declared as the lawful possessors of the subject land.

Manotok, on the other hand, filed a **Motion to Dismiss**^[7] to Ramos, et al.'s Complaint for Annulment of Title below on the grounds: (1) Ramos, et al. have no cause of action; (2) Ramos, et al. are not the proper parties to file an action for annulment of title against Manotok; (3) Fermin Ramos himself violated the rule against forum-shopping; and (4) the application for an injunctive writ and/or TRO is without basis. In support thereof, Manotok denied the allegations in Ramos, et al.'s Complaint and averred that its **title was issued by the General Land Registration Office-Registry of Deeds of Laguna on November 3, 1950**. The same **may not therefore be collaterally attacked** in this case. Manotok further averred that Ramos, et al. could not claim ownership of the subject land thru adverse possession in the concept of owner sans prior reclassification that said land is alienable.

In their **Opposition to Motion to Dismiss**,^[8] Ramos, et al. argue that they are the proper parties to question Manotok's title as they would be injured by the latter's claim of a valid title, especially that they are not being ejected from the subject property. They further assert that the land in question is a military reservation which was only recently declared as alienable by the government. The Manotok's, therefore, have no valid title over said property.^[9]

In its Reply,^[10] Manotok reiterated the claim it made in its Motion to Dismiss that Ramos, et al. failed to establish that its title was obtained thru fraud or machination. It further averred that its right to the subject property cannot be overcome by mere allegations of Ramos, et al. that it occupied the property for 30 years.

On April 22, 2004, Ramos, et al. filed an Ex-Parte Urgent Motion to Resolve Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction.^[11]

On December 21, 2004, the date set for the hearing of the prayer for issuance of TRO and/or preliminary injunction,^[12] the RTC issued an Order,^[13] in open court, requiring the parties to submit their respective Memorandum after which, the matter would be submitted for resolution.

On November 30, 2005, the lower court Tendered its Decision.^[14]

The Ruling of the Trial Court

In arriving at the disputed decision, the RTC 'explained:

"In Republic vs. Doldol, the requisite to acquire title to public land were laid down as follows:

' ...The original Section 48(b) of CA No. 141 provided for possession and occupation of lands of the public domain since July 26, 1894. This was superseded by RA No. 1942 which provided for a simple thirty year prescriptive period of occupation by an applicant for judicial confirmation of imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977. As amended, Sec. 48(b) now reads:

(b) Those who themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, since June 12, 1945, or earlier, immediately preceding the filing of the application for confirmation of title, except when prevented by wars or force majeure. Those shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter.'

Thus, in the aforecited Republic vs. CA case, the Public Land Act requires that the applicant must prove (a) that the land is alienable public land and (b) that his open, continuous, exclusive and notorious possession and occupation of the same must be since time immemorial or for the period prescribed in the Public Land Act. When the conditions set by law are complied with, the possessor of the land, by operation of law, acquires a right to a grant, a government grant, without the necessity of a certificate of title being issued.'

Clear from the above is the requirement that **the applicant must prove that the land is alienable public land.**

Under Article 477 of the Civil Code of the Philippines, it provides that 'the plaintiff must have legal or equitable title to, or interest in the real property which is the subject matter of the action. He need not be in possession of said property.'

In the case at bar, **plaintiffs have no legal or equitable title to the land in question.** Legal title means registered ownership and equitable title meant beneficial ownership. Since the plaintiffs have no legal or equitable title to the parcels of land in question, it is obvious that there is no cloud to be removed or to be prevented from being cast upon. The voice of judicial conscience calls for the dismissal of the instant action.

***. (E)ven assuming for a moment that the action is for annulment of the certificate of title, the Court finds that the **plaintiffs are not the proper parties to bring the action, but rather the Solicitor General.** And even assuming further that the plaintiffs are the proper

parties, the **action has already prescribed** because the action partakes of the nature of reconveyance which **prescribes after ten years**. The argument that the action has not prescribed because plaintiffs are in possession of the property does not merit the consideration of the court. The argument holds true only if plaintiffs have the legal or equitable title to the property.^[15] (emphasis Ours)

Plaintiffs-appellants Ramos, et al. filed a motion for reconsideration¹⁶ dated December 14, 2005 which however was denied in an Order^[17] dated October 3, 2006, Consequently, they filed a Notice of Appeal.^[18]

Issues:

In their Brief, plaintiffs-appellants assigned the following error:

"THE TRIAL COURT COMMITTED A REVERSIBLE ERROR IN ITS ASSAILED DECISION WHEN IT DISMISSED THE CASE FOR ANNULMENT OF TITLE, WHEN ON ITS FACE THE TITLE OF THE DEFENDANT-APPELLANT IS VOID AB INITIO".^[19]

Such is the issue of this case.

OUR RULING

In their Brief, Ramos, et al., now plaintiffs-appellants, fault the RTC for failing to declare **TCT No. 4205 issued in 1950** as null and void. They argue that the land covered by said title was **part of a military reservation** that has only been **recently declared open for private appropriation by President Gloria Macapagal Arroyo**. The trial court should have taken **judicial notice** of such infirmity.

We are not persuaded.

Section 101 of Commonwealth Act No. 141 (Public Land Act) states:

"Section 101. All actions for reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth [now Republic] of the Philippines."

It is the **Solicitor-General**, on behalf of the government, who is **by law mandated to institute an action for reversion**.^[20] He has the specific power and function to "represent the Government in all land registration and related proceedings" and to "institute actions for the reversion to the Government of lands of the public domain and improvements thereon as well as lands held in violation of the Constitution."^[21] It is only the State which may institute reversion proceedings under Section 101 of the Public Land Act.^[22]

In this case, plaintiffs-appellants Ramos, et al. did not adduce any evidence of title to the subject property, whether by judicial confirmation of title, or homestead, sale or free patent. They, therefore, cannot maintain an action for reconveyance^[23] or