

## SECOND DIVISION

[ G.R. No. 236173, March 04, 2020 ]

**HEIRS OF NICANOR GARCIA, REPRESENTED BY SPOUSES JOSEFINA GARCIA-DOBLADA AND JOSE V. DOBLADA, V. SPOUSES DOMINADOR J. BURGOS AND PRIMITIVA I. BURGOS, SPOUSES FILIP GERARD V. BURGOS AND MARITES A. BURGOS, AND ESTER GABRIEL DOMINGUEZ, RESPONDENTS.**

### D E C I S I O N

**INTING, J.:**

Before the Court is a Petition for Review on *Certiorari*<sup>[1]</sup> filed by the heirs of Nicanor Garcia<sup>[2]</sup> (Garcia), represented by Spouses Josefina Garcia-Doblada and Jose V. Doblada (collectively, petitioners) against Spouses Dominador J. Burgos (Dominador) and Primitiva I. Burgos (Spouses Dominador and Primitiva), the Spouses Filip Gerard V. Burgos (Filip) and Marites A. Burgos (Spouses Filip and Marites), and Ester Gabriel Dominguez (Dominguez) (collectively, respondents) assailing the Orders dated June 7, 2017<sup>[3]</sup> and November 23, 2017<sup>[4]</sup> of Branch 7, Regional Trial Court (RTC), Malolos, Bulacan in Civil Case No. 325-M-2016. The RTC dismissed the Complaint for Reconveyance of Ownership, Possession and Property, Breach of Agreement/Undertaking, Cancellation of Titles, Nullity of Deeds of Sale, and Damages<sup>[5]</sup> filed by petitioners on the grounds of lack of cause of action, lack of plaintiffs' personality to sue, and prescription.

#### *The Facts*

In the complaint, petitioners alleged the following:

In June 1980, landowner Fermina Francia (Francia), with the conformity of the previous tenant Juan De Armas, designated Garcia as the legal transferee or legitimate tenant (*kasama*) to possess, own, and cultivate a parcel of land, with an area of 8,115 square meters (sq. m.), situated in *Brgy.* Daungan, Guiguinto, Bulacan. Dominador was one of Garcia's agricultural workers. Garcia commenced actual possession and cultivation of the land from 1980 until his death on June 23, 2010. Garcia shouldered all the expenses in farming the land. In turn, Dominador would give the harvest from the land to Garcia and his wife Priscila.

On November 24, 2008, Garcia discovered that about one-third of the land, or 2,705 sq. m., was unlawfully assigned to Dominador. The land assigned to Dominador was further subdivided into six small lots with their respective issued titles, as follows:

- (1) Lot 815-B, with an area of 486 sq. m., under Transfer Certificate of Title (TCT) No. T-197871 in the name of Dominguez;
- (2) Lot 815-C, with an area of 486 sq. m., under TCT No. T-

126116 in the name of Dominador;

(3) Lot No. 815-D, with an area of 485 sq. m., under TCT No. T-288493 in the name of Filip;

(4) Lot No. 815-E, with an area of 485 sq. m., TCT No. T-126118 in the name of Filip;

(5) Lot No. 815-F, with an area of 589 sq. m., TCT No. T-126119 in the name of Dominador; and

(6) Lot No. 815-G, with an area of 174 sq. m., under TCT No. T-126120 in the name of Dominador.<sup>[6]</sup>

On the date of his discovery of the subdivision of the land, Garcia executed a letter-authority in favor of his nephew, Basilio C. Ignacio and Jose V. Doblada to administer and fix the land. Garcia likewise filed a complaint against Dominador for illegal titling, selling, and reconveyance before the *barangay* chairman of *Brgy. Daungan, Guiguinto, Bulacan*. Dominador promised to reconvey, at his expense, to Garcia the four lots he has not yet sold to another person.

Francia died on November 1, 2000, eight years prior to Garcia's discovery of the subdivision of the land.

Petitioners further alleged that while they were on vacation in the Philippines,<sup>[7]</sup> they learned about the agreement between Garcia and Dominador regarding the return of the four lots. They sought the help of the *barangay* captain of Daungan for the return of the lots, but Dominador failed to comply with his promise to Garcia. The subdivision and sale of the lots deprived them of the use and fruits of the land. They sent Dominador a demand letter, dated February 25, 2016, for reconveyance of the lots. When Dominador still failed to reconvey the lots, petitioners filed the complaint docketed as Civil Case No. 325-M-2016 against respondents.

Finally, petitioners alleged that Dominador committed fraud, falsification of document, and misrepresentation when he acquired the titles to the six parcels of land.

In their Answer to the Complaint as well as their Supplemental Answer with Special and Affirmative Defenses and Counterclaims, the Spouses Dominador and Primitiva alleged that the case filed by petitioners is an agrarian dispute over which the RTC has no jurisdiction; that petitioners have no cause of actions against them; and that the complaint was filed without a certificate to file action from the *barangay*. They further alleged that Dominador acquired the land, with an area of 2,705 sq. m., through a Deed of Absolute Sale, dated February 8, 1999, executed by Francia in Dominador's favor.

#### *The Orders of the RTC*

In the Order dated January 20, 2017, the RTC ruled out tenancy relationship between Garcia and Dominador. The RTC held that Garcia was not the owner of the land, but only a substitute tenant of Francia. Dominador, on the other hand, was

Garcia's agricultural worker. Since there was no tenancy relationship between Dominador and Garcia, the case is not an agrarian dispute.

The RTC further ruled that the parties reside in different *barangays* and municipalities. As such, a *barangay* certification is not necessary for the filing of the complaint. As regards the lack of cause of action, the RTC ruled that the issue can be properly threshed out in a full-blown trial. The dispositive portion of the RTC's Order reads:

In view of the above premises, this court hereby finds the first and third affirmative defenses of defendants Dominador and Primitiva Burgos which allegedly constitute as grounds for a motion to dismiss as lacking in merit. Thus, the same are hereby ordered DENIED.

As to the second affirmative defense of lack of cause of action, to reiterate, this must be threshed out in a full blown [sic] trial. Accordingly, the pre-trial conference setting on March 9, 2017 at 8:30 in the morning is still maintained .

SO ORDERED.<sup>[8]</sup>

The Spouses Dominador and Primitiva and the Spouses Filip and Marites filed a Motion for Reconsideration of the Order dated January 20, 2017 on the ground that petitioners have no cause of action against them. They alleged that since Garcia was not the owner of the land, he had nothing to transfer or transmit to his heirs. They also insisted that even if the parties reside in different *barangays*, the certification should be issued by the *barangay* where the land is located. They maintained that the case should be referred to the Department of Agrarian Reform (DAR) because it is an agrarian dispute.

Meanwhile, Dominguez filed her own Answer and Supplemental Answer to the Complaint alleging that Garcia was not the owner of the land, and that the action had already prescribed.

In an Order dated June 7, 2017,<sup>[9]</sup> the RTC dismissed the case for lack of cause of action, lack of personality on the part of petitioners to sue, and prescription. The RTC ruled that Garcia was only a tenant and not an heir of Francia. As such, petitioners have no personality to file an action for reconveyance because their predecessor-in-interest was not the owner of the land they sought to be reconveyed. The RTC also ruled that since the titles to the lots were registered in 1999, the heirs of Francia, not the heirs of Garcia, only had ten years or until 2009 within which to file the action for reconveyance. The RTC further ruled that the action had already prescribed.

The dispositive portion of the Order dated June 7, 2017 reads:

In view of the above premises, this court here by GRANTS the Motion for Reconsideration of defendants spouses Dominador and Primitiva Burgos and UPHOLDS the affirmative defenses of lack of cause of action and prescription of defendant Ester Gabriel Dominguez.

Accordingly, this case is hereby ordered DISMISSED for lack of cause of action, lack of plaintiff's personality to sue and prescription.

SO ORDERED.<sup>[10]</sup>

Petitioners filed a Motion for Reconsideration and/or Clarification (Re: Order dated June 7, 2017) *Ex Abundante Cautela*. In the assailed Order dated November 23, 2017, the RTC denied the motion. The RTC ruled that the grounds raised by petitioners in their motion for reconsideration were already considered and discussed in its Order dated June 7, 2017.

The dispositive portion of the Order dated November 23, 2017 reads:

In view of the above premises, this court hereby DENIES the instant Motion for Reconsideration of this court's Order dated June 7, 2017.

SO ORDERED.<sup>[11]</sup>

Petitioners initially filed a Notice of Appeal. Before the expiration of the 15-day period within which to file the Notice of Appeal, petitioners withdrew the appeal and filed a Motion for Extension to File Petition for Review before the Court on the ground that only questions of law are involved in their petition.

The Spouses Dominador and Primitiva and the Spouses Filip and Marites filed their Comment alleging that petitioners raised both factual and legal issues before the Court and, as such, the Court should deny the petition. Dominguez likewise filed her own Comment questioning the mode of appeal used by petitioners and asserting that the RTC did not err in dismissing the complaint.

#### *The Issues*

The issues in this case are as follows:

- (1) Whether petitioners availed of the proper mode of appeal in filing the petition before the Supreme Court; and
- (2) Whether the RTC correctly dismissed the complaint.

#### *The Ruling of the Court*

##### *Petitioners Availed Themselves of a Wrong Mode of Appeal*

Section 2, Rule 41 of the Rules of Court (Rules) provides:

##### *Section 2. Modes of appeal -*

(a) *Ordinary appeal.* - The appeal to the Court of Appeals in the cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law of these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

(b) *Petition for review.* - The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate