

THIRD DIVISION

[G.R. No. 251537 [Formerly UDK-16573],
November 25, 2020]

**SPOUSES TEOFANES AND FELICIANA ANSOK AND SPOUSES
CLARITO AND JISELY* AMAHIT, PETITIONERS, VS. DIONESIA
TINGAS, RESPONDENT.**

R E S O L U T I O N

INTING, J.:

Before the Court is a Petition^[1] for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision^[2] dated March 15, 2018 and the Resolution^[3] dated September 20, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 07886. The assailed Decision and Resolution affirmed the Decision dated July 24, 2013 of Branch 38, Regional Trial Court (RTC), Dumaguete City in Civil Case No. AP-05-13-1217 that affirmed the Decision dated February 14, 2013 of the 5th Municipal Circuit Trial Court (MCTC), Zamboanguita-Dauin, Negros Oriental in Civil Case No. 2010-338.

The Antecedents

The case stemmed from a complaint for recovery of property and actual damages filed by Dionesia Tingas (respondent) against Spouses Teofanes (Teofanes) and Feliciana Ansok, and Spouses Clarita and Jisely Amahit (petitioners).^[4]

The subject property is Lot No. 859 situated in Brgy. Mayabon, Zamboanguita, Negros Oriental covered by Original Certificate of Title (OCT) No. OCT-12607 registered under the name of respondent.^[5]

Early on, both respondent and petitioners had conflicting claims of ownership over the subject property. Petitioners asserted that the subject property was inherited by Teofanes from his mother Cristina Ansok and his grandfather Gaudencio Elma; and that they have been in continuous possession of the property for 75 years. On the other hand, respondent maintained that she is one of the heirs of Cipriana Elma, the owner of the subject property.^[6]

According to the respondent, petitioners occupied the property by mere tolerance of the heirs of Cipriana Elma. Respondent allowed petitioners to occupy the subject property on the condition that they will vacate it upon demand. In September 2004, respondent and her predecessors-in-interest demanded from the petitioners to vacate the subject property, but the latter refused claiming that they were in possession of the subject property for more than 75 years. Petitioners' refusal to vacate the subject property prompted respondent and her predecessors-in-interest

to file a case for unlawful detainer against petitioners before the 5th MCTC of Zamboanguita-Dauin, Negros Oriental which was docketed as Civil Case No. CC-284.
[7]

The 5th MCTC of Zamboanguita-Dauin, Negros Oriental ruled in favor of the petitioners, and declared that the respondent and the heirs of Cipriana Elma failed to establish that the petitioners entered the property by mere tolerance.^[8] It further ruled that as between the heirs of Cipriana Elma and petitioners, the latter have shown superior right as they have possessed the subject lot for at least 75 years.^[9] On appeal, the RTC Branch 40 dismissed the complaint for lack of jurisdiction on the part of the 5th MCTC of Zamboanguita-Dauin, Negros Oriental.^[10] The RTC Branch 40 held that the complaint did not contain the essential facts for an unlawful detainer case.

Several years after, the Department of Agrarian Reform (DAR) granted respondent a Certificate of Land Ownership Award (CLOA) No. 00234689 over the subject property. As a result, respondent was able to secure OCT No. OCT-12607 in her name. Thus, respondent filed the aforesaid complaint for recovery of property with actual damages against petitioners based on her subsequent acquisition of the OCT before the 5th MCTC of Zamboanguita-Dauin, Negros Oriental.^[11] The case was docketed as Civil Case No. 2010-338.

In their answer, petitioners averred that the complaint is dismissible on the ground of *res judicata* in view of the dismissal of the unlawful detainer case that she filed earlier; that respondent's CLOA was issued without factual and legal basis; that Teofanes has been in possession of the subject property since birth considering that he inherited the subject property from his mother Cristina Ansok and his grandfather Gaudencio Elma; and that his possession of the subject property was uncontested for 75 years. For these reasons, petitioners assert that respondent's OCT is void.^[12]

The Ruling of the 5th MCTC of Zamboanguita-Dauin, Negros Oriental

On February 14, 2013, the 5th MCTC of Zamboanguita-Dauin, Negros Oriental ruled in favor of respondent. According to the trial court, respondent, who is armed with a title, is preferred in the possession of the subject property.^[13] It rejected petitioners' challenge of respondent's title as it amounts to a collateral attack which is proscribed by law.^[14] It disposed of the case as follows:

WHEREFORE, judgment is hereby rendered in favor of plaintiffs (*sic*) declaring her the rightful possessor of Lot No. 859. Consequently, defendants are hereby ordered:

1. To immediately vacate Lot No. 859;
2. To surrender the peaceful possession of Lot No. 859 to plaintiff;
3. To remove all improvements introduced by defendants on Lot No. 859 at their expense; and
4. To pay the costs of the suit.

SO ORDERED.^[15]

Aggrieved, petitioners appealed to the RTC.

The Ruling of the RTC

On July 24, 2013, Branch 38, RTC, Durnaguete City rendered the Decision dismissing petitioners' appeal, to wit:

WHEREFORE, in view of the foregoing, defendants-appellants' appeal is hereby DISMISSED. The Decision of the Municipal Circuit Trial Court of Dauin-Zamboanguita, is hereby AFFIRMED in toto.

SO ORDERED.^[16]

The Ruling of the CA

In the assailed Decision, the CA affirmed the RTC Decision and ruled in this wise:

WHEREFORE, premises considered, the instant petition for review is DENIED. The Decision dated 24 July 2013 of the Regional Trial Court, 7th Judicial Region, Branch 38, Dumaguete City, in Civil Case No.AP-05-13-1217, is AFFIRMED in toto.

SO ORDERED.^[17]

The CA agreed with the RTC that the MCTC had jurisdiction over respondent's complaint for recovery of possession and damages against petitioners. It found that based on the allegations in the subject complaint, respondent prayed for the recovery of possession of the subject property from petitioners.^[18] According to the CA, there is no juridical tie of landownership or tenancy that exists between the parties which would categorize the complaint as an agrarian dispute.^[19] The CA added that *res judicata* is not a bar to Civil Case No. 2010-338 as the first case in Civil Case No. CC-284 was dismissed based on technical grounds and thus, not a judgment on the merits.^[20] Lastly, the CA ruled that OCT No. OCT-12607 gives respondent a better right to the possession of the subject lot and such title is immune from collateral attack.^[21]

The CA denied petitioners' Motion for Reconsideration.^[22] Hence, the present petition.

Petitioners raise the following errors:

I.

WHETHER THE MCTC HAS JURISDICTION OVER THE CASE.

II.

WHETHER THE RESPONDENT HAS BETTER RIGHT TO THE SUBJECT LOT.

III.

WHETHER PETITIONERS' COUNTERCLAIM CONSTITUTE A COLLATERAL

ATTACK ON THE TITLE.

Petitioners insist that it is the DAR that has jurisdiction over the case and not the MCTC because the case involves the implementation of the agrarian reform law.^[23] Moreover, they maintain that they have a better right to possess the subject property as their rights have already been settled early on before the MCTC in Civil Case No. CC-284 and that respondent, being one of the heirs of Cipriana Elma who previously filed an ejectment case against them before the MCTC is bound by the judgment of that case. Petitioners assert that the declaration of nullity of a void title may be sought through direct or collateral attack.^[24] Thus, their answer with counterclaim attacking the respondent's title was a permissible direct attack.^[25]

On the other hand, respondent reiterates her contentions that: (1) the complaint, not being an agrarian case, fell properly within the jurisdiction of the MCTC,^[26] and (2) the RTC was correct in dismissing petitioners' appeal as their challenge against respondent's title constituted an impermissible collateral attack against OCT No. OCT-12607.^[27]

The Court's Ruling

The petition is bereft of merit.

First, the MCTC has jurisdiction over respondent's Complaint for Recovery of Possession and Damages. It is worthy to emphasize that jurisdiction is conferred by law and determined from the nature of action pleaded as appearing from the material averments in the complaint and the character of the relief sought.^[28] It is axiomatic that the nature of an action and whether the tribunal has jurisdiction over such action are to be determined from the material allegations of the complaint, the law in force at the time the complaint is filed, and the character of the relief sought irrespective of whether the plaintiff is entitled to all or some of the claims averred.^[29] Jurisdiction is not affected by the pleas or the theories set up by defendant in an answer to the complaint or in a motion to dismiss^[30] otherwise, jurisdiction becomes dependent almost entirely upon the whims of the defendant.^[31]

Section 33 of Batas Pambansa Blg. 129, as amended by Section 3 of Republic Act No. (RA) 7691,^[32] vests the Metropolitan Trial Courts, Municipal Trial Courts, and the MCTCs with exclusive and original jurisdiction over possessory actions, *i.e.*, *accion publiciana* and *accion reivindicatoria*, where the assessed value of the subject property does not exceed P20,000.00, or, if the realty involved is located in Metro Manila, such value does not exceed P50,000.00.

On the other hand, Section 50 of RA 6657, or the Comprehensive Agrarian Reform Law of 1998, grants the DAR with the primary jurisdiction to determine and adjudicate agrarian reform disputes and exclusive jurisdiction over all matters involving the implementation of the agrarian reform, programs. Section 3(d) of RA 6657 defines an agrarian dispute as *any controversy relating to tenural agreements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements.*

A judicious perusal of respondent's complaint reveals that all she prayed for was to recover possession of the subject property from petitioners. The Court finds no juridical tie of landownership, or tenancy that exists between respondent and petitioners which would have categorized the complaint as an agrarian dispute. The fact that respondents' OCT emanated from the CLOA will not make the controversy an agrarian dispute and divest the regular courts of jurisdiction over it. Evidently, the CA was correct in sustaining the jurisdiction of the MCTC over Civil Case No. 2010-338.

Second, it is worthy to stress and reiterate that *res judicata* is not a bar to the subsequent civil case for recovery of property filed by respondent. The Court finds that the CA correctly affirmed the RTC's ratiocination that *res judicata* has no application to the case at bench.

Res judicata literally means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment."^[33] It also refers to the rule that a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on points and matters determined in the former suit.^[34] It rests on the principle that parties should not to be permitted to litigate the same issue more than once; that, when a right or fact has been judicially tried and determined by a court of competent jurisdiction, or an opportunity for such trial has been given, the judgment of the court, so long as it remains unreversed, should be conclusive upon the parties and those in privity with them in law or estate.^[35]

The doctrine of *res judicata* is provided in Section 47(b) and (c), Rule 39 of the Rules of Court, which reads:

Section 47. Effect of judgments or final orders. - The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

xxx xxx xxx

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

Under the aforequoted provisions, there are two distinct concepts of *res judicata*; namely: (a) bar by prior judgment; and (b) conclusiveness of judgment. In *Sps. Ocampo v. Heirs of Bernardino U. Dionisio*,^[36] the Court explained these concepts as follows: