

SECOND DIVISION

[G.R. No. 198026, November 28, 2018]

NARCISO MELENDRES, SUBSTITUTED BY HIS WIFE, OFELIA MELENDRES AND CHILDREN JOSE MARI MELENDRES, AND NARCISO MELENDRES, JR., PETITIONERS, V. ALICIA CATAMBAY, LORENZA BENAVIDEZ, IN SUBSTITUTION OF HER HUSBAND EDMUNDO BENAVIDEZ, AND THE REGISTER OF DEEDS OF RIZAL (MORONG BRANCH), RESPONDENTS.

D E C I S I O N

CAGUIOA, J:

Before the Court is a Petition for Review on *Certiorari*^[1] (Petition) under Rule 45 of the Rules of Court filed by the now deceased petitioner Narciso Melendres (Narciso), substituted by his wife, Ofelia Melendres, and children Jose Mari Melendres and Narciso Melendres, Jr., assailing the Decision^[2] dated May 27, 2011 (assailed Decision) and Resolution^[3] dated August 3, 2011 (assailed Resolution) issued by the Court of Appeals (CA) Special Second Division and Former Special Second Division, respectively in CA-G.R. CV No. 93082, which affirmed the Decision^[4] dated September 14, 2007 of the Regional Trial Court of Morong, Rizal, Branch 80 (RTC) in Civil Case No. 324-T.

The Facts and Antecedent Proceedings

As narrated by the CA in its assailed Decision, and as culled from the records of the case, the essential facts and antecedent proceedings of the instant case are as follows:

[The instant case is centered on a **1,622-square-meter property** located in Plaza Aldea, Tanay, Rizal, described as **Lot No. 3302**, Cad-393, Tanay Cadastre (subject property).]

[Petitioner Narciso claimed that] he inherited the [subject property] from Ariston Melendres [(Ariston)], who died on January 1, 1992[.]

[Petitioner Narciso likewise alleged that respondent] Alicia Catambay's [(Catambay) predecessor-in-interest, Alejandro Catambay (Alejandro)], like the other previous tenants and adjoining farmers of the subject property, [had previously] attested that he and Ariston owned the subject property, which had an original area of 13,742 square meters[, and [that Petitioner Narciso and his father Ariston] were actually, publicly, openly, adversely and continuously in possession of the subject property for more than thirty (30) years[.]

[Petitioner Narciso also maintained that] they planted it with palay on a regular seasonal basis; the subject property became a private land by

operation of law and it may not be treated as a public land falling under the jurisdiction of the Bureau of Lands for the purpose of issuance of Homestead Patent[.] [Petitioner Narciso also asserted that] Ariston paid the taxes on the subject property [as evidenced by various tax declaration receipts spanning several years.]

[Petitioner Narciso also alleged that what respondent] Catambay [actually owns is] the 1,353-square-meter parcel of land adjoining the subject property [on the eastern side of the subject property, which respondent Catambay inherited] from the late Alejandro[.] [Immediately adjoining the aforesaid 1,353-square-meter lot of respondent Catambay on the eastern side is a parcel of land owned by a certain Mercedes Amonoy (Amonoy).]

[According to petitioner Narciso,] in 1971, unknown to him and Ariston, a Cadastral Survey Team from the Bureau of Lands surveyed the subject property, the property of [respondent] Catambay, and other properties in Barangay Plaza Aldea, Tanay, Rizal[.]

[An alleged] gross error [was] committed by the [Cadastral Survey Team of the Bureau of Lands, which] resulted in the reduction of the original area of the subject property from 13,742 square meters to 4,762 square meters[, docketed as **Lot No. 3300**]. **Original Certificate of Title [(OCT)] No. 1112**, which contains an area of only 4,762 square meters, was issued to Ariston[.]

On the other hand, **OCT No. M-2177** for **Lot No. 3302**[, which covers the subject property] was [supposedly mistakenly] issued [in favor of Alejandro] with an area of 1,622 square meters[.] [Upon the death of Alejandro,] Transfer Certificate of Title [(TCT)] No. M-28802 was issued [in favor of respondent Catambay after the extrajudicial settlement of the estate of Alejandro.]

[Eventually, **TCT No. M-28802 was cancelled and TCT No. M-39517 was issued in favor of respondents Spouses Edmundo (Edmundo) and Lorenza (Lorenza) Benavidez (collectively, respondents Sps. Benavidez) who bought the property from respondent Catambay**

[Petitioner Narciso] discovered the grave errors in the survey and registration of the subject property sometime on September 13, 1989 and brought the same to the attention of [respondent] Catambay who pointed to [respondent] Edmundo as her persistent buyer of the subject property[.]

[**DENR Case**]

[O]n November 24, 1989, a petition for reinvestigation was filed [by petitioner Narciso] before the [Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR)] in Taytay, Rizal. It was claimed by [petitioner Narciso] that a serious error was committed by the Cadastral Survey Team of the Bureau of Lands in the conduct of the cadastral survey of Cad-393 of the Tanay Cadastre.]

[O]n December 12, 1989, the CENRO ordered [respondents] Catambay and Edmundo to observe and maintain the status quo on the subject property until such time that the case is finally resolved by the said office[.]

[According to petitioner Narciso,] in spite of his written advice [to respondents Catambay and Edmundo] to desist from any untoward action or from performing any act that would disturb or alter the status quo condition of the subject property, [respondents Sps. Benavidez] proceeded with the possession and occupation of the subject property by putting filling materials on it and converting it into a commercial area[, specifically a gasoline station.]

[In its Order^[5] dated January 21, 1993, the DENR Regional Office No. IV denied the petition filed by petitioner Narciso, holding that there was no error committed in the cadastral survey of the Tanay Cadastre.

The matter was elevated to the Office of the Secretary, DENR, which, in a Decision^[6] dated June 27, 1995, denied the appeal for lack of merit.

The matter was again elevated to the Office of the President (OP), which, in a Decision^[7] dated June 30, 2003, reversed the decisions of the DENR Regional Office and the Office of the Secretary, directing the DENR to institute reversion proceedings respecting Lot Nos. 3302 and 3304 so that appropriate free patents and corresponding titles be issued in favor of petitioner Narciso, respondent Catambay, and Mercedes Amonoy.

In the OP's Decision, the OP found that based on the evidence on record and the findings of the DENR investigators themselves, "the area being actually worked and cultivated by [respondent] Catambay through her overseer was included in the title of [Amonoy]"^[8] and not the subject property. The OP also found that petitioner Narciso and his predecessors-in-interest were the ones "in actual possession" of the subject property and that petitioner Narciso "was still occupying and tilling the same area, which was not actually possessed and occupied by both Catambay and Amonoy." Further, the OP held that the OCT issued in favor of Catambay is "void".^[9]

[Forcible Entry Case]

[During the pendency of the abovementioned petition for reinvestigation filed before the CENRO, petitioner Narciso] sued [respondent] Edmundo for Forcible Entry and Damages with Prayer for Preliminary Injunction and Restraining Order before the Municipal Trial Court of Tanay, Rizal [(MTC)].

[On January 14, 1994 the MTC declared Ariston as the rightful possessor of the land in controversy and ordering respondent Edmundo to remove the improvements introduced on the property and to vacate and restore petitioner Narciso to its physical possession.^[10]

The MTC considered the admission of respondent Edmundo that he proceeded in filling the subject lot with soil and other filling materials and

constructed a gasoline station thereon without asking permission from tenant Mendez. The MTC disregarded the claim of respondent Edmundo that he was the owner of the land as ownership of the property was not material in actions for recovery of possession. Moreover, such claim of ownership, even if valid, was belied by the Deed of Sale respondent Edmundo presented before the MTC as it was only executed on February 5, 1990 or more than two (2) months after the date of his unlawful entry on November 29, 1989.^[11]

On appeal, the RTC reversed the decision of the MTC. It held that the issue involved in the case was not merely physical or *de facto* possession but one of title to or ownership of the subject property; consequently, the MTC did not acquire jurisdiction over it.^[12]

Petitioner Narciso appealed the case to the CA Special Twelfth Division. The appellate court sustained the arguments of petitioner Narciso. It reversed the decision of the RTC and reinstated that of the MTC, affirming the latter court's decision ejecting respondent Edmundo from the subject property. The matter was then elevated to the Court.^[13]

This Court, in *Edmundo Benavidez v. Court of Appeals*^[14] (*Benavidez v. CA*), sustained the CA, Special Twelfth Division's Decision, affirming the ejectment of respondent Edmundo from the subject property.

In the said case, the Court, in sustaining the CA, Special Twelfth Division's Decision affirming the ejectment of respondent Edmundo from the subject property, upheld the MTC's finding that Ariston Melendres is the rightful possessor of the subject property.^[15]

The Court also sustained the MTC's assessment that a prior judgment issued by the Department of Agrarian Reform Adjudicatory Board (DARAB) declaring Mendez, who is the tenant of petitioners, as the agricultural tenant of the subject lot and ordering respondents to reinstate Mendez to the possession of the property was a persuasive proof of possession by petitioners through their agricultural tenant, Mendez.^[16]

[DARAB Case]

[[Petitioner Narciso] and his tenant, Mendez, likewise filed a complaint for illegal conversion against respondents Catambay and Benavidez before the [DARAB]. The case titled *Ariston Melendres, rep. by Narciso Melendres, Jr., and Felino Mendez v. Alicia Catambay, rep. by the Heirs of Alejandro Catambay and Edmundo Benavidez*, was docketed as DARAB Case No. IV-Ri-369-91.]

[O]n March 4, 1992, the DARAB found [respondent] Edmundo guilty of illegal conversion and ordered the payment of damages to him and Mendez. [T]he DARAB [D]ecision^[17] became final and executory and a writ of execution was issued on August 24, 1992[.]

[In the aforementioned Decision, the DARAB found that "the records are replete with evidence adequately establishing the claim of [petitioner

Narciso and Mendez] that they were in possession of the landholding in question until they were ejected by the Respondents in 1989."^[18]

The DARAB ordered respondents Catambay and Edmundo to pay petitioners' tenant, Mendez, P61,875.00 as disturbance compensation. In an [Acknowledgment]^[19] dated November 5, 1992, tenant Mendez certified that he had received an amount of P61,875.00 from respondents in compliance with the DARAB's Decision.]

[The Instant Complaint for Annulment of Deed of Absolute Sale with Reconveyance]

[On November 6, 1992, [petitioner Narciso] filed before the RTC a Complaint for Annulment of Deed of Absolute Sale with Reconveyance and Damages with Prayer for Preliminary Injunction and Restraining Order against [respondents] Catambay, [the Sps. Benavidez,] and the Register of Deeds of Rizal, Morong Branch [(RD)]. The case was docketed as Civil Case No. 324-T.]

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[Respondents filed their Answer with Grounds for Dismissal and Compulsory Counterclaim, refuting the allegations of petitioner Narciso. Eventually, respondents filed an Amended and Supplemental Answer with Grounds for Dismissal and Compulsory Counterclaim and a Second Amended and Supplemental Answer with Grounds for Dismissal and Compulsory Counterclaim. However, the parties decided to put aside the grounds for dismissal and proceeded with the presentation of the witnesses of petitioner.]

On May 17, 1996, [respondents] filed their Motion to Dismiss and/or Demurrer to Evidence on [the] grounds that [petitioner Narciso] [had] no legal capacity to sue and for insufficiency of cause of action.

On November 8, 1996, the [RTC] dismissed the case [for lack of cause of action].

On appeal by [petitioner Narciso before the CA, Former Third Division, the appeal was initially denied.] [However,] an Amended Decision^[20] was [subsequently] issued by the [CA Former Third Division] on August 30, 2000 in CA-G.R. CV No. 55641 [reversing the RTC's dismissal of the case and] remanding this case to the lower court [for further reception of evidence].

[In its Amended Decision, the CA Former Third Division found that the RTC's finding that there is a lack of cause of action was incorrect considering that based on its review of the records of the case, the subject property was held and occupied by petitioner Narciso and his predecessors-in-interest, "publicly, adversely, and uninterruptedly, and in the concept of owner, for a very long time (some 50 years), before Ariston's death on January 1, 1991."^[21] The CA Former Third Division also found that the patent title covering the subject property that "was issued in favor of Alejandro Catambay, father to Alicia Catambay, is a fraudulently issued title because Alejandro Catambay was never an actual