

## SPECIAL FIFTEENTH DIVISION

[ CA-G.R. CV. No. 101175, December 03, 2014 ]

**HEIRS OF ELIAS JUAN, REPRESENTED BY DELFIN JUAN,  
PLAINTIFFS-APPELLANTS, VS. EFREN JUAN, GODOFREDO JUAN,  
JOVITO PABLO AND HILARIO TATTAO, DEFENDANTS-APPELLEES.**

### D E C I S I O N

**MACALINO, J:**

#### **The Case**

This is an appeal under Rule 41 of the Rules of Court challenging and seeking the reversal of the September 17, 2012 Decision<sup>[1]</sup> ("Assailed Decision"), as well as the May 30, 2013 Resolution<sup>[2]</sup> ("Assailed Resolution"), of the Regional Trial Court ("RTC") of Pata, Tuao, Cagayan, Branch 11. The Assailed Decision dismissed on the ground of lack of jurisdiction the Complaint docketed as Civil Case No. 424-04-T for "*Accion Reivindicatoria* and Damages with Prayer for Preliminary Injunction and/or Restraining Order", filed by Plaintiffs-Appellants Heirs of Elias C. Juan ("Plaintiffs-Appellants") against Defendants-Appellees Efren Juan, Godofredo Juan, Jovito Pablo and Hilario Tattao (collectively, "Defendants-Appellees"); while the Assailed Resolution denied for lack of merit Plaintiffs-Appellants' Motion for Reconsideration<sup>[3]</sup> of the Assailed Decision.

#### **The Facts**

On August 4, 2004, Plaintiffs-Appellants instituted a Complaint<sup>[4]</sup> for "*Accion Reivindicatoria* and Damages with Prayer for Preliminary Injunction an/or Restraining Order" against Defendants-Appellees. The Complaint, docketed as Civil Case No. 424-04-T, was assigned to the RTC of Pata, Tuao, Cagayan, Branch 11.

In their Complaint, Plaintiffs-Appellants made the following allegations, among others:

"3. Spouses Elias C. Juan and Gliceria Juan, both died intestate in 1965 and 2000, respectively, at Piat, Cagayan, are survived by their children, namely: Delfin, Lolita, Purisima, Nora, Noemi, Necitas, Rizalinda and Fidel all surnamed Juan;

4. Said spouses were the registered owners of an agricultural land covered and embraced under Original Certificate of Title No. **P-2712, Lot No. 1609, Pls-149**, situated at Aquib, now Villareyno, Piat, Cagayan,

Xerox Copy is hereto attached as **Annex 'A'**, bounded as follows:

On the N.E. and S. by Nangalisan River; on the SW., by lot 1604 of Piat Pls-149., and on the W. by lot 1608 of Piat Pls-149., and on the NW. by lot 1608 and 1613 of Piat Pls-149, containing an area of 55,238 square meters, more or less;

5. Real Estate Taxes over the land has always been paid and covered by Tax Declarations, the latest Revision of which is No. 99-5413, for the year 2000, Xerox copy is hereto attached as **Annex 'B'**;

6. Elias Juan, during his lifetime, in the concept of owner, was in open, public, adverse, notorious, uninterrupted and peaceful possession of the corn land above described by cultivating and planting corn;

7. After the death of Elias Juan, his children, the herein plaintiffs, likewise, in the concept of owner, continued the possession and cultivation of said parcel of land in open, public, adverse, uninterrupted and peaceful possession;

8. Sometime in 1997, as a result of a relocation survey made by a Private Surveyor of the parcel of land described in paragraph 4 hereof in order to partition the same among the heirs, but did not push through because Plaintiffs, for the first time, became aware that defendants by means of strategy, stealth, deceit, clandestinely and unlawfully encroached and usurped the western portion of their land designated as Lot No. 1609, Pls-149, OCT No. P-2712, described as follows:

'The portion of Lot 1609, Pls-149, with an area of two (2) hectares, more or less, bounded on the north by remaining portion; East by remaining portion; on the South by remaining portion, and on the West by Lot 1608.'

Xerox copy of the Sketch Plan of Lot 1609, Pls-149, as prepared for Elias Juan is hereto attached as **Annex 'C'**;

9. Immediately thereafter, plaintiffs tried to invoke their right of ownership over the portion of land described in the immediately preceding paragraph by demanding defendants to restore possession to them but all were in vain, however, with the exception of Marte Maramag, cousin of the defendants, who returned approximately  $\frac{1}{4}$  hectare admitting to have unlawfully possessed the same which is included in the area encroached;

10. Due to the defiance to surrender possession and to avoid bloodshed, the plaintiffs had no other recourse but to tolerate the unlawful possession and cultivation of the above described portion of agricultural land by the defendants;

11. Sometime in March 2002, plaintiffs made again demands but defendants failed and refuse to vacate and voluntarily surrender possession of the land they encroached, and, defendants to verify the claim of the plaintiffs caused CENRO the relocation survey of their land, Lot No. 1608 and also Lot No. 1609 owned by the plaintiffs which confirmed the extent of the area defendants encroached and usurped as shown in the shaded area of the Sketch/Special Plan of Lot 1608 & 1809, Pls-149, as prepared for Castor Juan & Elias Juan, Xerox copy of which is hereto attached as **Annex 'D'**;

12. Sometime in March 2003, Plaintiffs filed against the defendants in the Municipal Trial Court, Piat, Cagayan, for: "Forcible Entry" which was dismissed based on a technicality that the dispute is obviously a controversy as to the actual extent of their respective lots, the dispositive portion of the Decision stated that: 'there is no evidence to substantiate the constitutive element of force, intimidation, stealth and strategy to create a case for forcible entry, Xerox copy of the decision, consisting of 4 pages, is hereto attached as **Annex 'E'**;

13. To the present, defendants cultivated the above-described portion of land by planting corn twice a year; x x x"<sup>[5]</sup>

Hence, Plaintiffs-Appellants prayed that they be reinstated as absolute owners of Lot No. 1609, and that Defendants-Appellees be ordered to immediately vacate and surrender the portion of Lot No. 1609 occupied by them, among others.

On September 17, 2004, Defendants-Appellees filed an Answer<sup>[6]</sup> to the Complaint. They countered that Lot No. 1609 was once a part of Lot No. 1608 which belongs to the parties' grandfather, the late Castor Juan ("Castor"). Allegedly, Lot Nos. 1608 and 1609 were applied for homestead patent by Castor in the 1930's; but since he was already old, he entrusted the titling of the said lots to his eldest son, Elias Juan ("Elias").

According to Defendants-Appellees, Lot Nos. 1608 and 1609 were jointly tilled by Castor's children, namely, Victoria (mother of Defendant-Appellee Hilario Tattao), Basalisa<sup>[7]</sup>, Alvaro (father of Defendants-Appellees Godofredo and Efren Juan) and Ester (wife of Defendant-Appellee Jovito Pablo), except Elias who resided in Nangalisan (now Sibatna), Piat, Cagayan. Allegedly, it was only after the declaration of Martial Law that Plaintiff-Appellant Delfin Juan ("Delfin") started to cultivate the easternmost part of Lot No. 1609, which has an area of about two (2) hectares. They asserted that the western portion of Lot No. 1609 and the whole of Lot No. 1608 have always been in their possession as well as their predecessors-in-interest for almost 70 years.

Defendants-Appellees thus denied that they encroached upon Plaintiffs-Appellants' property and pointed out that the parties' respective properties are bounded by old living trees such as madre de cacao, coconuts, damortis and alibabag tree. They likewise argued that the Complaint should be dismissed outright on the grounds of

prescription, estoppel, laches and Plaintiffs-Appellants' failure to refer the dispute to the Lupong Tagapamayapa.

In the ensuing trial, Plaintiffs-Appellants presented Delfin to the witness stand and formally offered their documentary evidence consisting of copies of the following: (1) OCT No. P-2712<sup>[8]</sup>; (2) tax declarations<sup>[9]</sup> and real estate tax receipts<sup>[10]</sup> covering Lot No. 1609; (3) Sketch Plan of Lot 1609, Pls 149, as prepared for Elias Juan<sup>[11]</sup>; (4) Sketch/Special Plan of Lot 1608 & 1609, Pls 149 as prepared for Castor Juan and Elias Juan<sup>[12]</sup>; (5) the October 13, 2003 Decision<sup>[13]</sup> of the Municipal Circuit Trial Court ("MCTC") of Piat, Cagayan in Civil Case No. 198 for Forcible Entry with Application for a Preliminary Injunction and Damages; and (6) the Certification to File Action<sup>[14]</sup> issued by the Barangay Captain of Aquib, Piat, Cagayan on June 2, 2004. For Defendants-Appellees' part, Defendants-Appellees Efren Juan and Jovito Pablo, as well as Segundo Gagarin, Jose Padilla and Alfredo Pamittan, took the witness stand to deny Plaintiffs-Appellants' claims. Defendants-Appellees, however, failed to file their formal offer of documentary evidence within the period required by the RTC and were deemed to have waived the filing of the same.<sup>[15]</sup>

As aforementioned, the RTC in the Assailed Decision dismissed Plaintiffs-Appellants' Complaint on the ground of lack of jurisdiction. The RTC reasoned and decreed thus:

"It is a legal truism that jurisdiction of a court over the subject matter of an action is determined by the allegations in the complaint and the prayers it seek. From the allegations in the complaint, the jurisdiction of the court must clearly and categorically appear.

In the instant case, what determines jurisdiction of the court over the subject matter of the action is the assessed value of the property. It is unfortunate, however, that nothing in the 19 paragraphs in the complaint ever mentioned the assessed value of Lot No. 1609. While Tax Declaration No. 99-5413 covering Lot No. 1609 was attached as Annex B of the complaint, it does not clearly and categorically appear in the said tax declaration how much the assessed value of the lot is. In consequence, the jurisdiction of the court over the instant case is uncertain.

Furthermore, the jurisdiction of the court over the subject matter of an action must be based upon the allegations in the complaint. A court cannot be vested with jurisdiction by evidence aliuinde. And it is very elementary in law and in jurisprudence that a judgment, decision, resolution or any action of a court without jurisdiction is a nullity.

WHEREFORE, in view of the foregoing, the complaint is hereby DISMISSED.

SO ORDERED."<sup>[16]</sup>