

SECOND DIVISION

[G.R. No. 208586, June 22, 2016]

HEIRS OF DATU MAMALINDING MAGAYOONG, REPRESENTED BY DR. MAIMONA MAGAYOONG-PANGARUNGAN WITH HER SPOUSE DATU SA MARAWI RASID PANGARUNGAN, AND DR. ANISHA* MAGAYOONG-MACABATO WITH HER SPOUSE DATU KHALIQUZZAMAN MACABATO, PETITIONERS, VS. HEIRS OF CATAMANAN MAMA, REPRESENTED BY HASAN MAMA, RESPONDENTS.

D E C I S I O N

CARPIO, J.:

The Case

G.R. No. 208586 is a petition for review^[1] assailing the Decision^[2] promulgated on 25 September 2012 as well as the Resolution^[3] promulgated on 10 July 2013 by the Court of Appeals (CA) in CA-G.R. CV No. 01867-MIN. The CA reversed and set aside the Decision dated 25 March 2009^[4] of Branch 9 of the Regional Trial Court of Lanao del Sur (RTC) in Civil Case No. 1073-93.

In its 25 March 2009 Decision, the RTC rendered judgment in favor of petitioners Heirs of Datu Mamalinding Magayoong (petitioners) and against respondents Heirs of Catamanan Mama (respondents). The RTC quieted petitioners' title over the land described in their complaint and ordered respondents to pay damages to petitioners.

In its 25 September 2012 Decision, the CA granted respondents' appeal and set aside the RTC's decision. The CA dismissed petitioners' complaint for lack of cause of action.

The Facts

The CA recited the facts as follows:

The disputed piece of land at Lilod-Madaya, Marawi City is -

A portion of Cadastral Lot No. 38 of the Dansalan Cadastre, at the southeast corner of said lot; bounded on the South, by Mamalampac Ander, measuring 17 meters, more or less; on the North, by City Road to Dilay, measuring 17 meters, more or less; on the East, by lot of Amai M[e]ring, measuring 30 meters, more or less; and on the West, by Road and Lot of Moslem Ayo [part of Lot No. 38] measuring 30 meters, more or less; [or a total area of 510 sq. meters, more or less;]

assessed at P800.00; and covered by T.C.T. No. [T-]254; x x
x.

Sometime in 1963, Datu Muslim Ayo executed a "Deed of Absolute Sale" of the disputed property in favor of Datu Mamalinding Magayoong for the price of P800.00. Some three years later, the corresponding Original Certificate of Title [OCT] No. P-189 dated 18 November 1966 was issued in the name of Mamalinding Magayoong.

On 4 September 1985, Datu Mamalinding Magayoong died intestate. Before he died, though, he declared that the disputed property must be preserved and reserved for his daughters, petitioners-appellees Maimona and Anisah.

On 5 September 1985, Baih Dinganoman Magayoong filed with the Regional Trial Court [RTC], Branch IX of Lanao del Sur a Petition for Perpetuation of Testimony of Datu Mamalinding Magayoong regarding the property.

Petitioners-appellees Maimona Magayoong, married to Rasid Pangarungan, and Anisah Magayoong, married to Khaliquzaman Macabato occupied the property, where they both built their homes. Sometime in 1980, Maimona and her husband started a clinic in that lot, the Mamalinding Memorial Specialist Clinic.

On 17 September 1993, respondents-appellants, the heirs of Catamanan Mama sent a letter demanding that petitioners vacate the property and to pay accrued rent. Attached to the letter was an Alias Writ of Execution dated 4 September 1979 in Civil Case No. 1953 for Partition of Real Property entitled *Maroki Asar Ayo Munder versus Muslim Ayo*.

On 24 September 1993, petitioners filed Civil Case No. 1073-93 before Branch IX of the Regional Trial Court of Marawi City against the heirs of Catamanan Mama for Quieting of Title over the property.

Petitioners aver that they are the actual possessors of the subject property since 1963. In fact, in 1981, they mortgaged it with the Calawi-Bacolod Rural Bank for the sum of P10,000.00 to develop the medical clinic built on the property.

In their Answer, respondents stated that the subject property was a portion of Lot 38 covered by OCT No. RO-918[N.A.] in the name of Muslim Ayo. They further stated that Mamalinding Magayoong purchased a residential property from Muslim Ayo which apparently was part of Lot 38 under Transfer Certificate of Title [TCT] No. [T-]254 and registered in the name of Daria [sic] Adiong. Mamalinding Magayoong obtained title to the property under OCT No. RO-918[N.A.].

A partition proceeding was instituted by Maroki Asar Ayo Munder before the Court of First Instance of Lanao del Sur, Branch 1 and docketed as Civil Case No. 1953. Lot 38 was partitioned between Muslim Ayo [Lot 38-A], Maroki Ayo [Lot 38-B], and Babai Asar Ayo [Lot 38-C]. The land in

question is a portion of Lot 38-C. If at all, respondents aver, petitioners' possession of their portion of the property was by mere tolerance of their predecessors-in-interest.

On 25 November 1993, there being no stipulation of facts and no request for admissions, the trial court issued an order declaring the pre-trial terminated.

On 28 February 1994, in view of respondents' admission of the material facts in their answer, petitioners moved for judgment on the pleadings. The trial court rendered its 14 November 1994 decision granting petitioners' motion for judgment on the pleadings and upholding petitioners' position. Respondents moved for reconsideration but it was denied in an order dated 20 March 1995. Unperturbed, respondents filed their notice of appeal from the trial court's decision.

On 29 December 1999, the Court of Appeals, Manila rendered its decision, to wit:

WHEREFORE, the decision appealed from is SET ASIDE and this case is REMANDED to the lower court for reception of the evidence of the parties.

SO ORDERED.

Hence, trial ensued in the lower court. After the parties submitted their memoranda, the case was submitted for decision.^[5]

The RTC's Ruling

The RTC issued the assailed decision dated 25 March 2009 and ruled in favor of petitioners. The RTC ruled that the evidence proved that petitioners are the owners of the subject land. The RTC stated:

As copiously borne by the records, petitioners have preponderantly, if not overwhelmingly, shown that they are the absolute, lawful and true owner [sic] of the parcel of land described in their petition with an area of Five Hundred Ten (510) square meters and covered by OCT No. P-189 (Exhibits "C," "C-1" and "C-2") issued by the Register of Deeds of Marawi City in the name of the late Mamalinding F. Magayoong in 1966. Said property was acquired by the late Mamalinding Magayoong by purchase from its former owner, Muslim Ayo, as evidenced by a Deed of Absolute Sale of a Portion of a Residential Lot (Exhibits "A" and "A-1" to "A-9") which described with particularity its technical descriptions and boundaries, with its exact location and portion being clearly underscored and delineated in the sketch plan (Exhibit "A-9") drawn and/or found at the dorsal side of said deed of sale.^[6]

The RTC further considered that the following facts and circumstances, taken together, prove that petitioners' predecessor-in-interest had exercised right of ownership over the subject property.

"[I]n 1963, he immediately took possession thereof and occupied it openly, publicly, adversely and uninterruptedly by having it fenced with hollow blocks and had constructed a house thereon which has long been used up to the present to house the Mamalinding Specialists' Clinic established by him for his daughters Dra. Maimona Magayoong-Pangarungan and Dra. Anisah Magayoong-Macabato. He had it declared for taxation purposes as shown by the Tax Declarations marked as Exhibits "D", "D-1", "D-2" and "D-3"; and thereafter, he paid the corresponding realty taxes thereon as shown not only by the Official Receipts marked as Exhibits "E," "E-1," "E-2," "E-3," "E-4," "E-5," "E-6," "E-7," "E-8," "E-9," and "E-10," but also by the Tax Clearance marked as Exhibit "F." Moreover, he had it, at one time, mortgaged with the Calawi-Bacolod Rural Bank as a security for a P10,000.00 loan he obtained from said bank sometime in 1981 or 1982. As further indicia of possession and ownership over the property in question, the late Mamalinding Magayoong and Danganuman Magayoong (petitioners' parents and predecessors-in-interest) were even interred on the same parcel of land. Above all, their possession of said property was never disturbed for more than thirty (30) years by anybody, much less the respondents. All these facts and circumstances, taken together, deafeningly and eloquently speak of the stark truth that petitioners' predecessors-in-interest were the true and legitimate owners of the parcel of land in question.^[7]

The RTC pointed out that the land referred to as covered by TCT No. T-254 in the deed of sale is not the same land referred to as TCT No. T-254 registered in the name of Diaria Adiong.

Respondents' protestation, however, cannot be taken hook, line, and sinker so to speak. Transfer Certificate of Title (TCT) No. T-254 (Exhibit "2") clearly shows on its [sic] face that it was issued only on October 12, 1967, or almost four (4) years after the aforesaid deed of sale (Exhibits "A" and "3") was executed on November 19, 1963, and it covers a parcel of land located at the Dansalan Townsite with an area of Three Hundred Eighteen (318) square meters. Clearly and undoubtedly, at the time of the execution of the aforesaid deed of sale dated November 19, 1963 by and between Muslim Ayo and the late Mamalinding Magayoong, TCT No. T-254 was not yet existing as it was not yet issued. Besides, the area of the land as reflected in TCT No. T-254 is only 318 square meters, whereas the area of the land sold under the aforesaid deed of sale dated November 19, 1963 was 510 square meters. Thus, no other logical conclusion can be drawn from the aforesaid discrepancies than the fact that Muslim Ayo and Mamalinding Magayoong did not have in mind TCT No. T-254 at the time they executed the aforesaid deed of sale dated November 19, 1963.^[8]

The RTC considered respondents' attempt to cast doubt on the propriety of the deed of sale as an indirect attack on OCT No. P-189 issued to petitioners' predecessor-in-interest, Mamalinding Magayoong, by the Register of Deeds of Marawi City on 18 November 1966.

The RTC also dismissed respondents' presentation of an Alias Writ of Execution of a decision for the partition of Lot No. 38 in Civil Case No. 1953. The decision was

rendered on 2 June 1971, and the Alias Writ of Execution was dated 4 September 1979. Respondents, however, did not register the writ of execution with the Register of Deeds and did not annotate it on OCT No. P-189. Moreover, respondents never filed an action for reconveyance within 10 years from the date of registration of the deed of sale, or the date of the issuance of the certificate of title over the subject property. The deed of sale was executed on 19 November 1963, and registered on 2 June 1964. OCT No. P-189 was issued to Mamalinding Magayoong on 18 November 1966.

Finally, the RTC ruled that petitioners proved by preponderance of evidence that they are entitled to moral and exemplary damages, as well as attorney's fees. The dispositive portion of the RTC's decision reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the petitioners and against the respondents, as follows:

1. Quieting petitioners' title over the parcel of land described in their petition dated September 22, 1993 and removing any cloud of doubt that may be cast upon it; and
2. Ordering the respondents, particularly Hassan Mama, to pay petitioners the sum of P100,000.00 by way of moral damages, P50,000.00 as attorney's fees and litigation expenses, and P20,000.00 by way of exemplary damages.

SO ORDERED.^[9]

Respondents filed their appellants' brief dated 25 November 2009 through the Public Attorney's Office.

The CA's Ruling

The CA granted respondents' appeal and reversed the RTC's 25 March 2009 Decision. The CA rejected the RTC's ruling that petitioners' complaint qualified as one for quieting of title.

At the outset, it must be stated that had the lower court thoroughly considered the complaint filed, it would have had no other course of action under the law but to dismiss it. Petitioners went no further than to allege in their complaint before the trial court that they received a letter with an attached Writ of Execution from the respondents demanding that they vacate and surrender the property and to pay accrued rentals. The allegation is vague and unconvincing. The trial court could not be reasonably expected to supply the missing details in their complaint. The complaint failed to allege that an "instrument, record, claim, encumbrance or proceeding" beclouded the petitioners' title over the property involved.

They then proceeded to claim that the writ of execution could not be enforced as they were not made a party to the case and prayed, aside from removing clouds on their title, for damages and litigation costs. Hence, through their allegations, what petitioners imagined as clouds