

## FIRST DIVISION

[ G.R. No. 159101, July 27, 2011 ]

**SPS. GONZALO T. DELA ROSA & CRISTETA DELA ROSA,  
PETITIONERS, VS. HEIRS OF JUAN VALDEZ AND SPOUSES  
POTENCIANO MALVAR AND LOURDES MALVAR, RESPONDENTS.**

### D E C I S I O N

**LEONARDO-DE CASTRO, J.:**

This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court with Prayer for Temporary Restraining Order and/or a Writ of Preliminary Injunction assailing the Decision<sup>[1]</sup> dated June 10, 2003 and Resolution<sup>[2]</sup> dated July 24, 2003 of the Court of Appeals in CA-G.R. SP No. 76081. The Court of Appeals found that Judge Felix S. Caballes of the Regional Trial Court (RTC), Branch 71 of Antipolo City, did not commit grave abuse of discretion in issuing the Orders dated December 16, 2002<sup>[3]</sup> and February 28, 2003<sup>[4]</sup> in Civil Case No. 00-6015, which granted the issuance of a writ of preliminary mandatory injunction, placing spouses Juan<sup>[5]</sup> and Apolinaria Valdez (spouses Valdez) and spouses Potenciano and Lourdes Malvar (spouses Malvar) in possession of Lot 4, Psd-76374, located in Barrio Sta. Cruz, Antipolo City, Rizal, with an area of 103 hectares (subject property).

The instant Petition traces its roots to a Complaint for Quieting of Title and Declaration of Nullity of Transfer Certificates of Title<sup>[6]</sup> involving the subject property, filed before the RTC by Manila Construction Development Corporation of the Philippines (MCDC), against Gonzalo and Cristeta dela Rosa (spouses Dela Rosa) and Juan, Jose, Pedro and Maria, all surnamed De la Cruz, docketed as Civil Case No. 00-6015. Complaints-in-intervention were filed in the said case by (1) North East Property Ventures, Inc. (NEPVI),<sup>[7]</sup> and (2) spouses Valdez and spouses Malvar.<sup>[8]</sup> The spouses Malvar were the grantees/assignees under a Deed of Absolute Transfer/Conveyance<sup>[9]</sup> over the subject property executed by the spouses Dela Rosa on September 6, 2001.

The RTC took note of the following facts in its Order dated December 16, 2002:

In its complaint, plaintiff MCDC in substance states that: thru its President, Honor P. Moslares, the subject property consisting an area of 103 hectares was acquired by virtue of the Deed of Absolute Sale executed on January 16, 1996. It is further stated that Juan Valdez and Apolinaria Valdez were awarded with Sales Patent after compliance with corresponding requirements. Plaintiff MCDC and its predecessor-in-interest Juan Valdez have been in continuous, adverse and open possession of the property in the concept of owners.

However, plaintiff MCDC has been unlawfully deprived of the possession and enjoyment of the property because of the continuing acts of dispossession committed and perpetuated by the defendants spouses Gonzales and Cristeta dela Rosa as well as the other defendants and other occupants who have no property right at all. As a result plaintiff [MCDC] has suffered and continues to suffer grave and irreparable damages and injuries; thus, the writ of preliminary injunction is urgently necessary to prevent further acts of dispossession of plaintiff MCDC.

While in the Complaint-in-intervention of Intervenor North East Property Ventures, Inc. it is substantially alleged that: It claims to be the co-owner to the extent of one half or fifty percent (50%) of the subject parcel of land according to a Deed of Absolute Conveyance/Transfer for valuable services to be rendered; and for the amounts to be advanced by intervenor corporation needed to update the real estate taxes; and to clear the title of Juan Valdez from overlapping titles from the adverse claim of the interlopers; and the removal of the defendants and other occupants from the disputed property. Intervenor North East Property Ventures, Inc. sought for the relief to be placed in possession of the property by the process of the writ of mandatory injunction.

Whereas, in the subsequent complaint-in-intervention, intervenors Valdez spouses state that they are the absolute owners of the subject parcel of land being the vendees/grantees of Sales Patent No. 38713 dated September 5, 1983 which was preceded by Sales Application dated July 21, 1968 and Order of Sales Patent No. (IV-1) 13442 issued on August 31, 1983, and paid under official receipt No. 6010195. On the other hand, intervenors Malvar spouses allege that they are the grantees/assignees under the Deed of Absolute Transfer/Conveyance executed on September 6, 2001 by the intervenors spouses Valdez.

Indubitably, the pleadings reveal admitted and uncontroverted facts, to wit:

1. The subject matter of this case is a parcel of land located at Barrio Sta. Cruz, Antipolo City consisting of one hundred three (103) hectares, more or less;
2. Defendants dela Rosa spouses and Intervenor Valdez spouses have been in possession of the said parcel of land in question;
3. Several portions of the disputed property have been occupied by the other unknown defendants and numerous occupants;
4. Certification dated April 11, 2002 certified that Transfer Certificate of Title No. 541423-A was not recorded in the Registry of Deeds, Marikina City;
5. Certification dated April 12, 2002 certified that Transfer Certificate of Title No. 541423-A was not recorded in the Registry of Deeds, Antipolo City.

To dovetail the uncontroverted or admitted facts and the evidence presented, this Court has found that:

On the side of plaintiff MCDC:

1. MCDC's right or claim on the disputed parcel of land is based on Sales Patent No. 38713 issued in the name of plaintiff-intervenor Juan Valdez;
2. The price or consideration stipulated in the Deed of Absolute Sale dated January 16, 1996 covering the realty was not paid; thus, the sale is simulated according to the handwritten letter dated April 5, 2002 of plaintiff MCDC and according to the Joint Venture Agreement;
3. The terms and conditions of the Joint Venture Agreement were not complied with as shown by the very allegations in paragraphs 12, 14 and 15 by the plaintiff [MCDC] in its complaint against defendant Dela Rosa spouses.

On the part of defendants Dela Rosa spouses:

1. Defendants Dela Rosa have been in the physical possession of the substantial portions of the questioned property;
2. They base their claim of possession and ownership: Firstly, on the *Titulo de Propiedad* No. 4136 that was previously nullified in the Intestate Estate of Don Mariano San Pedro y Esteban vs. Court of Appeals reported in Volume 265 Supreme Court Reports Annotated page 733; Secondly, Transfer Certificate of Title No. 451423-A in the name of defendant Cristeta dela Rosa shows on its face the following:
  - a. June 16, 1934 was certified the date of original registration; while, the dates of survey of the subject land were on July 14-25, 1969 and the approval was on June 30, 1971;
  - b. The technical description of the disputed property Lot 4 of the plaintiff [MCDC] in the Sales Patent No. 38713 was copied and manipulated in TCT No. 451423-A to be as Lots 4-A and 4-B;
3. TCT No. 451423-A was not recorded in the Registry of Deeds of Marikina according to the certification dated April 11, 2002 and was not recorded in the Registry of Deeds of Antipolo City per certification dated April 12, 2002.

On the side of plaintiff-intervenor North East Property Ventures, Inc.:

1. Deed of Absolute Transfer/Conveyance executed on 3<sup>rd</sup> September 1999 by the plaintiffs-intervenors Juan Valdez and Apolinaria Valdez;
2. Special Power of Attorney dated also 3<sup>rd</sup> September 1999;
3. Complaint-in-Intervention failed to attach any document showing accomplishment of any of the terms and conditions of the transfer/conveyance.

On the part of plaintiff-intervenor spouses Juan Valdez and Apolinaria Valdez and plaintiff-intervenor spouses Potenciano Malvar and Lourdes Malvar:

1. Sales Application No. (IV-1) 1344-2 dated July 21, 1968 filed by plaintiff-intervenor Juan Valdez;
2. Official Receipt No. 6030195 dated April 26, 1983, payor Juan Valdez covering Lot 4;
3. Order: Issuance of Patent dated August 31, 1983 signed and issued on 05 September 1983;
4. Sales Patent No. 38713 issued on September 05, 1983;
5. Transmittal Letter dated December 3, 1993 of Sales Patent No. 38713 to the Registry of Deeds, Marikina, Rizal, for registration and issuance of certificate of title;
6. 1<sup>st</sup> Indorsement dated August 1, 1994 issued by the Land Registration Authority;
7. December 5, 1990 Official communication by Land Management Bureau signed by Director Abelardo Palad, Jr. relating to 1<sup>st</sup> Indorment of Land Registration Authority (LRA) clarifying the existence of Sales Patent No. 38713 issued in the name of Juan Valdez for Lot 4, Psd-76374;
8. August 15, 1994 Reply of Artemio B. Cana, Acting Register of Deeds, Marikina City to the 1<sup>st</sup> Indorsement dated August 1, 1994 of the Land Registration Authority;
9. Letter of Official Inquiry dated November 21, 1994 by the Hon. Estanislao U. Valdez on the request for assistance of Intervenor Juan Valdez on Sales Patent No. 37813;

10. Letter dated August 1, 1994 of Juan Valdez to the Register of Deeds, Marikina City, requesting for registration of Sales Patent No. 37813;
11. Plan Psd-76374 of Lot 4 covered by Sales Patent No. 37813;
12. Deed of Absolute Transfer/Conveyance dated 06 September 2001 executed by Intervenors Juan Valdez and Apolinaria Valdez in favor of Intervenor Potenciano Malvar family corporation, Noel Rubber Development Corporation;
13. Deeds of Absolute Sale dated 06 September 2001 selling 150,000 or 15 hectares of Lot 4 covered by Sales Patent.

Noticeably, plaintiff MCDC; Intervenor North East Property Ventures, Inc. and Intervenor Valdez spouses and Malvar spouses under separate applications have commonly prayed for the relief of mandatory injunction; although plaintiff MCDC initially sought for the relief of preventive injunction; however, all the prayers for reliefs of mandatory injunction have conjoined against defendants dela Rosa spouses and the other occupants of Lot 4, the land in controversy.<sup>[10]</sup> (Citations omitted.)

The RTC had to determine: (1) whether or not it should issue a writ of preliminary mandatory injunction in Civil Case No. 00-6015, directing that a party or parties be placed in possession of the subject property; and (2) in whose favor should such writ be issued.

In its Order dated December 16, 2002, the RTC granted the joint prayer for the issuance of a writ of preliminary mandatory injunction of the spouses Valdez and spouses Malvar, decreeing thus:

WHEREFORE, premises considered, this Court orders the issuance of the Writ of Preliminary Mandatory Injunction to place Intervenor Spouses Juan Valdez and Apolinaria Valdez and the Intervenor Spouses Potenciano Malvar and Lourdes Malvar in the possession of the subject parcel of land Lot 4 covered by Sales Patent No. 38713 dated September 5, 1983 in the name of Juan Valdez upon posting the bond in the amount of P1,000,000.00 subject to the approval of the Court which shall answer for damages that defendant may suffer if it is found that said intervenors are not entitled thereto.<sup>[11]</sup>

The spouses Dela Rosa filed a Motion for Reconsideration of the aforementioned Order, but it was denied by the RTC in another Order<sup>[12]</sup> dated February 28, 2003. According to the RTC, the issues and evidence presented by the spouses Dela Rosa in their Motion for Reconsideration merely re-hashed those already thoroughly discussed in the Order dated December 16, 2002, thus, there was no valid reason to alter, modify, or reverse said order.