

## THIRD DIVISION

[ G.R. No. 159788, December 23, 2009 ]

**SOTERO ROY LEONERO, RODOLFO LIM, ISIDORO A. PADILLA, JR., AMY ROSE FISMA, AND NORMA CABUYO, PETITIONERS, VS. SPOUSES MARCELINO B. BARBA AND FORTUNA MARCOS-BARBA, REPRESENTED BY IMELDA N. FORONDO, AND REGISTER OF DEEDS OF QUEZON CITY, RESPONDENTS.**

### DECISION

**PERALTA, J.:**

This resolves the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, praying that the Decision<sup>[1]</sup> of the Court of Appeals (CA) dated July 31, 2002 denying petitioner's appeal, and its Resolution<sup>[2]</sup> dated September 8, 2003 denying the motion for reconsideration, be reversed and set aside.

The undisputed facts, as gathered from the records, are as follows.

Petitioners filed a complaint against respondents for Quieting of Title and Preliminary Injunction before the Regional Trial Court (RTC) of Quezon City, Branch 216, docketed as Q-94-20097, praying that Transfer Certificates of Title (TCT) Nos. 59721, 59725, 59726 and 59727, in the name of respondents, be declared null and void for having emanated from Original Certificate of Title (OCT) No. 614. Petitioners alleged that said OCT No. 614 had been declared void in a Partial Decision on Defaulted Private Respondents in Civil Case No. Q-35672.

Respondents filed their Answer, maintaining that TCT Nos. 59721, 59725, 59726 and 59727, all in their names, were all genuine titles duly issued by the Register of Deeds of Quezon City and correctly plotted by the Land Registration Authority. They further argued that the Partial Decision in Civil Case No. Q- 35672 could not possibly have any effect on them, as they were not parties to said case. It was also pointed out that petitioners, as defendants in a separate ejectment case filed against them by respondents, had been ordered by the Metropolitan Trial Court (MeTC), Branch 36 to vacate the subject lots. A Writ of Execution had been issued on April 6, 1994 to implement the order to vacate.

On May 6, 1994, the RTC issued an Order<sup>[3]</sup> directing the parties to submit memoranda, "after which, the case shall be deemed submitted for resolution whether or not they have filed their respective memoranda."

Thereafter, on July 7, 1994, the RTC issued an Order<sup>[4]</sup> denying the prayer for a writ of preliminary injunction and also dismissing the principal action for quieting of title. Petitioners moved for reconsideration of said Order and moved for leave to amend the complaint. In an Order dated July 29, 1994, the RTC denied the motion for reconsideration and, consequently, no longer acted on the motion for leave to

amend the complaint.

Aggrieved by the foregoing Orders of the RTC, petitioner appealed to the CA. In the assailed CA Decision dated July 31, 2002, the dismissal of petitioners' complaint was affirmed. The CA ruled that the RTC committed no error in dismissing petitioners' complaint even before conducting trial on the merits, because the Partial Decision in Civil Case No. Q-35672 could not have any legal effect on herein respondents, as they were not parties to the aforementioned action. Petitioners' motion for reconsideration of the said CA Decision was denied *per* Resolution dated September 8, 2003.

Hence, this petition where the main issue is whether the CA erred in affirming the RTC's dismissal of the complaint for quieting of title despite the lack of trial on the merits, hence, allegedly depriving petitioners of the opportunity to prove their allegations that respondents' aforementioned TCTs were null and void.

The petition is doomed to fail.

It is not correct to say that petitioners were deprived of their day in court when the RTC dismissed the complaint even before conducting trial on the merits. As held in *Luzon Development Bank v. Conquilla*,<sup>[5]</sup> the court, *motu proprio*, may render judgment on the pleadings based on the parties' admissions in their pleadings and even without introduction of evidence, if and when these amply establish that there is insufficiency of factual basis for the action.<sup>[6]</sup>

In this case, petitioners admit that they are mere possessors of the parcels of land in question and have been ordered by the MeTC to vacate the same. The gist of their claim in the action for quieting of title with preliminary injunction is that the MeTC Decision in the ejectment case against them should not be implemented, because respondents' TCTs are spurious, having emanated from OCT No. 614, which has been declared null and void in a Partial Decision rendered in Civil Case No. Q-35672. Petitioners' main prayer is for the nullification of respondents' TCTs.

From such allegations, it is already clear that petitioners' action cannot succeed. Firstly, Section 48 of the Property Registration Decree provides that a certificate of title cannot be subject to collateral attack and can only be altered, modified or cancelled in a direct proceeding in accordance with law. In *Foster-Gallego v. Galang*,<sup>[7]</sup> the Court held that the issue of whether a title was procured by falsification or fraud should be raised in an action expressly instituted for the purpose, not in an action for quieting of title.<sup>[8]</sup> Again, in *Vda. de Gualberto v. Go*,<sup>[9]</sup> the Court held that the validity of a certificate of title cannot be assailed in an action for quieting of title; an action for annulment of title is the more appropriate remedy to seek the cancellation of a certificate of title.<sup>[10]</sup> Hence, herein petitioners' action for quieting of title is a mere collateral attack against respondents' TCT Nos. 59721, 59725, 59726 and 59727, and is proscribed by the law.

Secondly, as early as 2001 in *Pinlac v. Court of Appeals*,<sup>[11]</sup> the Court categorically struck down the Partial Decision issued in Civil Case No. Q-35672, upon which herein petitioners base their claim that respondents' TCTs are spurious. The Court ruled that said Partial Decision was null and void. Thus, in *Cañete v. Genuino Ice*