

SECOND DIVISION

[G.R. No. 174346, September 12, 2008]

**FERNANDA GEONZON VDA. DE BARRERA AND JOHNNY OCO, JR.,
PETITIONERS, VS. HEIRS OF VICENTE LEGASPI, REPRESENTED
BY PEDRO LEGASPI, RESPONDENTS.**

D E C I S I O N

CARPIO MORALES, J.:

Under review before this Court is the July 31, 2006 Decision of the Court of Appeals, [1] which affirmed that of the Regional Trial Court, Branch 16, of Tangub City in Civil Case No. TC-97-001, ordering the defendants-petitioners herein, Fernanda Geonzon vda. de Barrera and Johnny Oco. Jr. to return possession of the subject property to the plaintiffs-herein respondents, Heirs of Vicente Legaspi.

On October 1, 1996, petitioner Johnny Oco Jr. (Oco), said to be a "peace officer connected with the PNP," accompanied by "unidentified CAGU members," forced his way into respondents' 0.9504-hectare irrigated farmland located at Liloan, Bonifacio, Misamis Occidental. After dispossessing respondents of the property, Oco and company used a tractor to destroy the planted crops, took possession of the land, and had since tended it.[2]

Respondents thus filed on February 7, 1997 a complaint before the Regional Trial Court of Tangub City for *Reconveyance of Possession with Preliminary Mandatory Injunction and Damages*[3] against petitioners.

In their Answer, petitioners claimed that the subject land forms part of a three-hectare property described in OCT No. P-447 issued on February 10, 1956 in the name of Andrea Lacson who sold a 2-hectare portion thereof to Eleuterio Geonzon who, in turn, sold 1.1148 thereof to his sister petitioner Fernanda Geonzon vda. de Barrera (Fernanda).[4]

Respondents, on the other hand, asserted that the land was occupied, possessed and cultivated by their predecessor-in-interest Vicente Legaspi and his wife Lorenza since 1935;[5] after a subdivision survey was conducted in November 30, 1976, it was found out that the land formed part of the titled property of Andrea Lacson,[6] and despite this discovery, they never filed any action to recover ownership thereof since they were left undisturbed in their possession,[7] until October 1, 1996 when petitioners forced their way into it.

Petitioners raised the issue of ownership as a special affirmative defense.[8] In their Memorandum, however, they questioned the jurisdiction of the RTC over the subject matter of the complaint, the assessed value of the land being only P11,160,[9] as

reflected in Tax Declaration No. 7565.^[10]

By Decision of November 27, 1998, the trial court found for respondents, disposing as follows:

WHEREFORE, judgment is hereby rendered in favor of the plaintiffs [herein respondents] and against the defendants [-herein petitioners]:

1. Ordering the latter to return the possession of the land in question to the plaintiffs and
2. Ordering the latter to desist from further depriving and disturbing plaintiffs' peaceful possession thereof, unless there be another court judgment to the contrary.

SO ORDERED.

On the issue of jurisdiction over the subject matter, the trial court, maintaining that it had, held:

The Court is not persuaded by [the defendants'] arguments. What determines the nature of the action as well as the jurisdiction of the [c]ourt are the facts alleged in the complaint and not those alleged in the answer of the defendants.

x x x x

In [p]ar. 2 of plaintiffs' complaint, the land in question was described as a riceland "situated at Liloan, Bonifacio, Misamis Occ. and declared under [T]ax [D]eclaration No. 7564 in the name of Vicente Legaspi and bounded on the north by a creek, on the east Sec. 12, on the south Lot No. 007 and on the west also by Lot No. 007 which tax declaration cancels former [T]ax [D]eclaration No. 12933 under the name of Lorenza Bacul Legaspi which likewise cancels [T]ax [D]eclaration No. 5454 covering the bigger portion of the land under which the land described under [T]ax [D]eclaration No. 7565 is part and parcel thereof [sic]; **the present estimated value being P50,000.**"^[11] (Emphasis and underscoring supplied)

Petitioners thereupon appealed to the Court of Appeals which affirmed the trial court's disposition of the issue of jurisdiction over the subject matter.

On the merits, the appellate court affirmed too the trial court's decision, finding that "both testimonial and documentary evidence on record established that appellees, through their predecessors-in-interest, have been in peaceful, continuous, public and actual possession of the property in dispute even before the year 1930."^[12]

The appellate court emphasized that in an *accion publiciana*, the only issue involved is the determination of possession *de jure*.^[13]

Hence, the present petition for review which raises the following issues: