

TWENTY-FIRST DIVISION

[CA-G.R. SP NO. 04090-MIN, March 27, 2014]

**PERRY CONVICTO-ESTOCONING AND DONDIE B. CONVICTO,
PETITIONERS, VS. HON. EVANGELINE S. YUIPCO-BAYANA,
PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 31, DAPA,
SURIGAO DEL NORTE, AND HEIRS OF ZOSIMO GONZALES
REPRESENTED BY SANTIAGO GONZALES, RESPONDENTS.**

D E C I S I O N

FRANCISCO, J.:

This is a Petition for Certiorari and Prohibition with Temporary Restraining Order^[1] which assailed the following Orders both issued by the Regional Trial Court, Branch 31, Dapa, Surigao del Norte, to wit:

1. Order dated January 14, 2010^[2] which denied the Motion to Dismiss the Complaint; and
2. Order dated December 22, 2010^[3] which denied the Motion for Reconsideration.

The salient facts are:

Private respondents, Heirs of Zosima Gonzales, represented herein by Santiago Gonzales, claiming ownership of a property covered by Tax Declaration No. 4251 filed the present action for quieting of title and damages. Private respondent alleged among others:

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5. That Plaintiff is the possessor and owner of a certain parcel of land as evidenced by herein Tax Declaration No. 4251 year 1998 marked as Annex "A" which particularly described as follows:

"A parcel of coco land situated in the Sitio Pagao, San Roque, Pilar, Surigao del Norte, bounded as follows: North, Quillope Salvaloya; East, Pedro Escuyos; South, Pedro Escuyos; West, Crispen Noguerra; containing an area of 2.000 has., with an assessed value of P12,270.00 covered by Tax Dec. No. 4251 year 1998, declared as owner in the of Zosimo Gonzales and the administrator as Santiago Gonzales";

6. That Defendants Abundia Convicto, Soriana vda. de Convicto, Jacquelyn C. Wilson, Perry C. Estoconing, Dondie Convicto, Mr. Wilson, Arito S. Convicto, alleged to be owners of a parcel of land declared under the name of VICENTE CONVICTO on tax declaration No. 4837 year 2006, copy of which is hereto attached as Annex "B", and who attempted to occupy a portion of land which is

in actual possession of Plaintiff, by destroying the fence surrounding it, under brushing the said portion of the land and planting some banana seedlings;

7. That this particular land has been declared since 1939 under the name of Zosimo Gonzales xxx and an area of about 0.6218 has. xxx was added to the area declaration under tax declared marked as Annex "B";
8. That historical data of Tax Dec. No. 4251 xxx, showed that there was no conveyance nor transfer of ownership made by the parties hereto or its predecessor's in interest; xxx, until the general revision was made by the Assessor's Office on the basis of the erroneous cadastral survey made on the area without the presence of the Plaintiff or his representative and now on the records of the DENR Sub-Office, Dapa, Surigao del Norte;
9. That the reduction of the area coverage of ownership of Zosimo Gonzales of about 0.6216 has. that correspondingly increased the area coverage of ownership of Vicente Convicto now casted clouds both on the respective interest/ownership of herein parties, thus Plaintiff desires to quiet the said record of interest and ownership over these parcels of land in order to reflect and describe the true area of coverage of interest and ownership as actually possessed;
10. That xxx this action has been brought for the courts intervention to remove the cloud or to quiet title on the interest;

xxx

15. That because of such changes on the area on the respective tax declarations, Defendants maliciously destroy the erected fences in the boundary as delineation of its ownership just to suit the area on the record, which causes actual damages to the Plaintiff in the amount of more or less P10,000.00;

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17. That by reason of such hostile actions and the reduction on Plaintiff's land xxx, the Former suffers anguished feelings, anxiety and sleepless nights, hence prays to claim for moral damages in the amount of P40,000.00 and exemplary damages of P10,000.00;
18. That because of Defendant's conduct of refusing to execute a waiver of ownership over the portion of land subject of this case even if demanded, Plaintiffs were forced to litigate this case, in the process incurring actual expenses in the sum of P10,000.00, by way of attorneys fees in the sum of P20,000.00, and litigation fee and cost in the course of the trial.

WHEREFORE, it is respectfully prayed that, judgment be rendered ordering the Defendants Heirs of Vicente Convicto to cause its correction by executing a waiver of such portion of land and direct the Municipal Assessor of Pilar municipality and DENR-Dapa Sub Office to correct the delineation and boundary on its records, correspondingly.

Likewise, it is prayed the Defendants Heirs of Vicente Convicto be ordered to pay the damages, actual expenses and attorneys fees in a

sum of not less than P100,000.00 aside from the cost of litigation during the trial.

xxx.”^[4]

Petitioners, in their Answer^[5] to the Complaint, denied all the allegations therein. They asserted that the property described in Tax Declaration 4837, which is designated as Lot 6540, Cad. 789-D, has an area of 1.5625 hectares based on a validly survey of the DENR.

Also, petitioners claimed that the tax declaration of the property claimed by private respondents does not show that the latter’s lot is bounded on any side by their lot. Their respective lots are neither adjacent to each other. Thus, according to petitioners, it cannot be said that 0.6218 hectares was deducted from private respondents’ lot and added to their lot.^[6]

In addition, petitioners averred that, as the subject property has an assessed value of only P12,270.00, jurisdiction lies with the Municipal Trial Court, and not with the court *a quo*.^[7]

Finally, petitioners lamented that regular courts have no jurisdiction over the instant case. They claimed that disputes as to the correct measurements of the subject lot, which was allegedly classified as timberland by the DENR, have to be resolved in an appropriate administrative proceeding at the DENR level.^[8]

Hence, their prayer for the dismissal of the case.

The Pre-trial conference was accordingly terminated raising an issue of jurisdiction of the court *a quo*. Consequently, the court *a quo* required the parties to submit Position Paper on the matter of jurisdiction.

On January 14, 2010, the court *a quo* issued the first assailed Order which denied the motion to dismiss of the petitioner. It ratiocinated that:

“Simply, they claim that the instant complaint is sought for the court to remove the clouds or to quiet the title, and the boundary delineation is necessary to do the same; that it is not merely the amount of property to be considered, nor a boundary dispute, but rather, it is more of removing the cloud or quieting the title of the subject property which is incapable of pecuniary estimation thus within the legal competence of this Court.

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Indeed, the present dispute pertains to the title, possession and interest of each of the contending parties over the contested property the assessed value of which falls within the jurisdictional range of the MTC. Nonetheless, the nature of the action filed, the allegations set forth, and the reliefs prayed for, forestall its cognizance by the MTC.

As can be readily gleaned from the records, the complaint was for ‘Quieting of Title and Damages.’ Plaintiffs alleged therein that they were the possessors and owners of a certain parcel of land situated in Sitio Pagao, San Roque, Pilar, Surigao del Norte as evidenced by Tax Declaration No. 4251 year 1998; that this particular land has been

declared since 1939 under the name of Zosimo Gonzales; and that the historical data showed no reconveyance nor transfer of ownership made by the plaintiff or its predecessor's in interests. Plaintiff's also sought payment of actual damages, moral damages, exemplary damages, litigation expenses, attorney's fees plus appearance fees amounting to P90,000.00.

Clearly, this is a case of joinder of causes of action which comprehends more than the issue of removing the cloud or quieting the title of the subject property which is incapable of pecuniary estimation and thus properly within the jurisdiction of this Court.

If the only issue involved herein is naked possession or bare ownership, then defendants would not be amiss in their assertion xxx. But as herein before stated, the issue of title, ownership and/or possession thereof is intertwined with the issue of reconveyance and damages, hence, within the ambit of the jurisdiction of this Court. The assessed value of the parcel of land thus becomes merely an incidental matter to be dealt with by the court, when necessary, in the resolution of the case but is not determinative of its jurisdiction."^[9]

The subsequent Motion for Reconsideration having been denied on December 22, 2010, hence this instant Petition for Certiorari raising the following issues, to wit:

"I

WHETHER OR NOT REGULAR COURTS HAVE JURISDICTION INVOLVING DISPUTES ON LANDS OF PUBLIC DOMAIN

II

WHETHER OR NOT REGIONAL TRIAL COURT HAS JURISDICTION OVER THE COMPLAINT FOR QUIETING OF TITLE WHERE THE ASSESSED VALUE IS LESS THAN P20,000.00^[10]

This Court deems it proper to resolve first the issue on which has jurisdiction on actions for quieting of title and for reconveyance.

This issue is not novel as it has been laid to rest in a spate of cases decided by the High Court.

The nature of actions for reconveyance or actions to remove cloud on one's title, says the Supreme Court, brings to fore the application of Section 19(2) of B.P. 129, as amended by R.A. No. 7691,¹¹ thus:

Section 19. Jurisdiction in Civil Cases.-- Regional Trial Courts shall exercise exclusive original jurisdiction: x x x

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred