

SIXTH DIVISION

[CA-G.R. CV NO. 67989, August 14, 2006]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DEPARTMENT OF EDUCATION, CULTURE AND SPORTS,
PLAINTIFF-APPELLEE, VS. SPS. DEOGRACIAS AND MILAGROS
KABAMALAN, DEFENDANTS-APPELLANTS.**

D E C I S I O N

TAGLE, J.:

Appealed to this Court by the defendants is the decision^[1] dated June 7, 2000 of **Branch 26** of the RTC of Sta. Cruz, Laguna in Civil Case No. SC-3629 in a complaint for recovery of possession (accion publiciana) filed by the Republic in behalf of the DECS, ordering defendants and all those claiming under them to vacate **Lot 2325** of Majayjay Cadastre and to turn over the possession thereof to the plaintiff.

The antecedent facts are as follows:

Plaintiff-Republic has been in the peaceful, open, continuous and exclusive possession of Lot 2325 of the Majayjay Cadastre in Laguna since November 22, 1939 when it purchased the said lot as evidenced by a School Site Card dated February 16, 1940. After taking possession thereof, an elementary school was established thereat but a portion is devoted for the garden site of Majayjay Elementary School.

In December 1994, defendants entered the portion devoted for the garden site of the school while it was closed for the Christmas vacation, through force, fraud and claim of ownership based on a reconstituted title. Thereupon, defendants constructed a structure on the garden site, introduced plantings and posted a "No Trespassing" sign on the land; thereby ousting and depriving plaintiff from the possession of the subject land which it had been enjoying from 1939 to 1994 or for 55 long years.

Instead of immediately seeking the eviction of defendants from the area, plaintiff filed before this Court a petition for annulment of the final order/judgment dated April 2, 1994 of RTC, **Br. 27** of the Sta. Cruz, Laguna which reconstituted defendants' supposed title to Lot 2325. On March 31, 1997, We set aside the April 2, 1994 Order of the RTC reconstituting defendants' title and dismissed the reconstitution case.

Upon finality of our March 31, 1997 decision, plaintiff made several demands upon the defendants to vacate the subject lot. Due to defendants' continuing refusal, plaintiff was constrained to file the present action for recovery of possession before the RTC Br. 26 and a decision was rendered in its favor and against the defendants.

Hence, the assignment of the following errors in defendants-appellants' brief, to wit:

I

THE LOWER COURT ERRED WHEN IT UPHELD APPELLEE'S SCHOOL SITE CARD AS ITS PRIMARY BASIS TO ALLOW THE REPOSSESSION OF LOT NO. 2325 OF MAJAYJAY CADASTRE, WHEN THE LAND IS PLACED ALREADY UNDER THE OPERATIVE ACT OF ACT 496.

II

THE LOWER COURT ERRED WHEN IT TREATED THE ACTION STRICTLY AN ACCION PUBLICIANA INSTEAD AT THE SAME TIME, AN ACTION FOR QUIETING OF TITLE.

III

THE LOWER COURT ERRED WHEN IT DENY THE PROBATIVE VALUE OF EXHIBITS "6" AND "7" SUFFICIENT TO BAR APPELLEE'S CLAIM FOR POSSESSION OF LOT 2325.

IV

THE LOWER COURT ERRED WHEN IT HOLDS THAT THE ISSUE OF POSSESSION WAS LAID TO REST IN AN ACTION FOR ANNULMENT OF JUDGMENT INVOLVING RECONSTITUTION OF TITLE IN CA-G.R. SP NO. 37565.

Appellants postulate that the lower court erred in limiting the issue in the present case to whether or not the appellee has the right to recover possession of the subject lot. In so doing, it debunked appellants' assertion of ownership of the land under the Land Registration Act. Appellants opine that the subject lot was already placed under the operation of the land registration law by the issuance of a decree of registration. Being already registered, no title in derogation to that of the registered owner can be acquired by prescription or adverse possession. Necessarily, the issue of possession can no longer be entertained as the land is a registered property.

Appellants assert that appellee's claim of having purchased and possessed for a long period of time the subject lot on the basis of the School Site Card is of no moment inasmuch as there was already a decision rendered by the cadastral court in Cadastral Case No. 19, Cadastral Record No. 730, clearly showing that Lot 2325 has been adjudicated to Florencia Rosal, a widow, 1/2 share; Pio Gozo, married to Eugenia Estella, 1/6 share; Potenciana Gozo, married to Tomas Kabamalan, 1/6 share; and Maria Gozo, single, 1/6 share. Witness Gerardo Kabamalan traced his relationship to Florencia Rosal & Potenciana Gozo, claiming that Florencia Rosal was her grandmother while Potenciana Gozo, daughter of Florencia, was his mother. He further declared that Lot 2325 is now owned by his mother, Potenciana Gozo, to whom it was adjudicated in a judicial partition. Said decision of the cadastral court had become final, resulting in the issuance of Decree No. 240532 on January 18, 1927, as certified^[2] by the Land Registration Authority. The decision of the cadastral