



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SPOUSES ROLANDO D.
SOLLER and NENITA T.
SOLLER,

G.R. No. 175552

Petitioners,

Present:

- versus -

VELASCO, JR., *J.*, Chairperson,
PERALTA,
ABAD,
MENDOZA, and
PERLAS-BERNABE, *JJ.*

HEIRS OF JEREMIAS ULAYAO,
namely, NELSON ULAYAO,
FERELYN ULAYAO-DEL
MUNDO, EDJUNNE ULAYAO,
WILMA ULAYAO, LAILA
ULAYAO, ANALYN ULAYAO,
and LILIBETH ULAYAO,

Promulgated:

18 July 2012

Respondents.

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RESOLUTION

PERLAS-BERNABE, *J.*:

This Petition for Review on Certiorari assails the August 18, 2006 Decision¹ and November 21, 2006 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 92478 which vacated and set aside the November 9, 2005 Decision³ of the Regional Trial Court (RTC) of Pinamalayan, Oriental Mindoro, Branch XLII, which, in turn, affirmed with modification the July

¹ Rollo, pp. 37-49.

² Id. at 51.

³ Id. at 52-56.

1, 2005 Summary Judgment⁴ rendered by the Municipal Circuit Trial Court (MCTC) of Bansud-Gloria, Oriental Mindoro.

The Factual Antecedents

Petitioners-spouses Rolando and Nenita Soller are allegedly the registered owners of a parcel of land situated in Poblacion, Bansud, Oriental Mindoro with an area of 564 square meters, more or less, covered by Transfer Certificate of Title (TCT) No. 72780 of the Register of Deeds of Oriental Mindoro. Petitioners and their predecessors-in-interest were purportedly in open, peaceful, and continuous possession of the property in the concept of owner since time immemorial.

However, in February 1996, the original defendant, now-deceased Jeremias Ulayao (Jeremias), and all persons claiming rights under him, allegedly by means of force, violence, stealth and intimidation, entered into the possession of the land and, despite repeated demands to desist, constructed a house on the property. This prompted petitioners to bring the matter before the *barangay*, but conciliation failed. Thus, petitioners instituted a complaint⁵ for recovery of possession with damages before the MCTC of Bansud, Oriental Mindoro.

⁴ Id. at 57-59.

⁵ Id. at 60-63.

In Jeremias' Answer,⁶ he denied petitioners' allegations and raised the special and affirmative defense of acquisitive prescription, as he had purportedly been in long, continuous and adverse possession of the property for more than thirty (30) years. Jeremias also claimed that when Paulina Lusterio (Paulina), petitioners' predecessor-in-interest, surreptitiously had the property registered in her name under a free patent, the Community Environment and Natural Resources Office (CENRO) conducted an investigation, upon Jeremias' protest, and found that it was the latter who was in actual occupation and possession of the property. The CENRO thus recommended that the title issued in Paulina's name be revoked in order for the property to be reverted back to the state. To further support his defense of acquisitive prescription, Jeremias claimed that his house and other permanent improvements are still existing on the property.

The MCTC Ruling

Upon motion of petitioners, the MCTC rendered a Summary Judgment upon a finding that no genuine issue of fact had been tendered by the answer. Holding that petitioners' claim to the disputed property was founded on TCT No. 72780 issued in their names, which is indefeasible and cannot be attacked collaterally, the MCTC directed Jeremias and all persons claiming rights under him (1) to surrender the possession of the property to petitioners and (2) to pay actual damages in the amount of ₱3,000.00 per month from February 1996 until actual turnover of the possession of the property, as well as moral damages and attorney's fees, each in the amount of ₱10,000.00.

⁶ Id. at 66-70.

The RTC Ruling

During the pendency of the case⁷ before the MCTC, Jeremias died and was consequently substituted by his heirs, herein respondents, who appealed the Summary Judgment before the RTC.

While the RTC affirmed the findings of the MCTC, it however deleted the award of damages, ruling that the “environmental milieu does not justify such recovery x xx”⁸ and that there was no showing of gross and evident bad faith on the part of respondents.

The CA Ruling

On appeal before it, the CA found merit in respondents' petition and vacated the summary judgments rendered by the RTC and MCTC on the ground that the defenses raised by respondents' predecessor-in-interest, Jeremias, are *substantially factual* as to necessitate a full-blown trial on the merits. The CA held that, having raised the defense of *acquisitive prescription* in Jeremias' answer, he ought to have been duly heard on such defense in the course of a trial. Consequently, the rendition of a summary judgment in this case was improper. The CA, thus, ordered the remand of the case to the MCTC of Bansud-Gloria for the conduct of a full-blown trial.

⁷ Supra note1, p. 39.

⁸ Supra note3, p. 56.

Issue Before The Court

The basic issue advanced for resolution in this case is the propriety of rendering a summary judgment.

The Court's Ruling

Summary judgments are proper when, upon motion of the plaintiff or the defendant, the court finds that the answer filed by the defendant does not tender a genuine issue as to any material fact and that one party is entitled to a judgment as a matter of law.⁹ In *Viajar v. Estenzo*,¹⁰ the Court explained:

Relief by summary judgment is intended to expedite or promptly dispose of cases where the facts appear undisputed and certain from the pleadings, depositions, admissions and affidavits. But if there be a doubt as to such facts and there be an issue or issues of fact joined by the parties, neither one of them can pray for a summary judgment. Where the facts pleaded by the parties are disputed or contested, proceedings for a summary judgment cannot take the place of a trial.

x xx [R]elief by summary judgment can only be allowed after compliance with the minimum requirement of vigilance by the court in a summary hearing considering that this remedy is in derogation of a party's right to a plenary trial of his case. At any rate, a party who moves for summary judgment has the burden of demonstrating clearly the absence of any genuine issue of fact, or that the issue posed in the complaint is so patently unsubstantial as not to constitute a genuine issue for trial, and any doubt as to the existence of such an issue is resolved against the movant.

⁹ *Calubaquib, et al. v. Republic of the Philippines*, G.R. No. 170658, June 22, 2011.

¹⁰ 178 Phil. 561 (1979).

In this case, records show that the original defendant, Jeremias, raised the special and affirmative defense of *acquisitive prescription* in his answer, claiming that he was in open, continuous and notorious possession of the disputed property as, in fact, his house and other permanent improvements are still existing thereon. As succinctly explained by the CA in its assailed Decision, the defense of acquisitive prescription inevitably involves the issue of actual, physical and material possession, which is always a question of fact.¹¹ The existence of this issue therefore necessitates, for its proper resolution, the presentation of competent and relevant evidence, which can only be done in the course of a full-blown trial.


As aptly observed in the case of *Calubaquib, et al. v. Republic*,¹² where the disputed property was actually covered by an *original certificate of title* (OCT) in the name of the respondent:

More importantly, by proceeding to rule against petitioners without any trial, the trial and appellate courts made a conclusion which was based merely on an assumption that petitioners' defense of acquisitive prescription was a sham, and that the ultimate facts pleaded in their Answer (e.g., open and continuous possession of the property since the early 1900s) cannot be proven at all. This assumption is baseless as it is premature and unfair.

x x x

WHEREFORE, the assailed Decision and Resolution of the Court of Appeals are hereby **AFFIRMED**.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

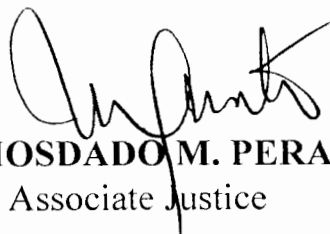
¹¹ Supra note 1, p. 45.


¹² Supra note 9.


WE CONCUR:


PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson


DIOSDADO M. PERALTA
Associate Justice


ROBERTO A. ABAD
Associate Justice


JOSE C. MENDOZA
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson, Third Division

CERTIFICATION

I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

A handwritten signature in black ink, appearing to read "Antonio T. Carpio", with a stylized flourish at the end.**ANTONIO T. CARPIO**

Senior Associate Justice

(Per Section 12, R.A. 296,
The Judiciary Act of 1948, as amended)