



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

HEIRS OF NICANOR GARCIA,
represented by SPOUSES JOSEFINA
GARCIA-DOBLADA AND JOSE V.
DOBLADA,

Petitioners,

- versus -

SPOUSES DOMINADOR J. BURGOS
and PRIMITIVA I. BURGOS,
SPOUSES FILIP GERARD V.
BURGOS and MARITES A.
BURGOS, and ESTER GABRIEL
DOMINGUEZ,

Respondents.

G.R. No. 236173

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,
REYES, A., JR.,
HERNANDO,
INTING, and
DELOS SANTOS, JJ.

Promulgated:

04 MAR 2020

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DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ filed by the heirs of Nicanor Garcia² (Garcia), represented by Spouses Josefina Garcia-Doblada and Jose V. Doblada (collectively, petitioners) against Spouses Dominador J. Burgos (Dominador) and Primitiva I. Burgos (Spouses Dominador and Primitiva), the Spouses Filip Gerard V. Burgos

¹ *Rollo*, at 9-71, under Rule 45 of the 1997 Rules of Civil Procedure.

² Benilda G. Galvez, Dahlia Carmencita C. Garcia, and Wilma G. Cabrera, *id.* at 102.

(Filip) and Marites A. Burgos (Spouses Filip and Marites), and Ester Gabriel Dominguez (Dominguez) (collectively, respondents) assailing the Orders dated June 7, 2017³ and November 23, 2017⁴ of Branch 7, Regional Trial Court (RTC), Malolos, Bulacan in Civil Case No. 325-M-2016. The RTC dismissed the Complaint for Reconveyance of Ownership, Possession and Property, Breach of Agreement/Undertaking, Cancellation of Titles, Nullity of Deeds of Sale, and Damages⁵ filed by petitioners on the grounds of lack of cause of action, lack of plaintiffs' personality to sue, and prescription.

The Facts

In the complaint, petitioners alleged the following:

In June 1980, landowner Fermina Francia (Francia), with the conformity of the previous tenant Juan De Armas, designated Garcia as the legal transferee or legitimate tenant (*kasama*) to possess, own, and cultivate a parcel of land, with an area of 8,115 square meters (sq. m.), situated in *Brgy.* Daungan, Guiguinto, Bulacan. Dominador was one of Garcia's agricultural workers. Garcia commenced actual possession and cultivation of the land from 1980 until his death on June 23, 2010. Garcia shouldered all the expenses in farming the land. In turn, Dominador would give the harvest from the land to Garcia and his wife Priscila.

On November 24, 2008, Garcia discovered that about one-third of the land, or 2,705 sq. m., was unlawfully assigned to Dominador. The land assigned to Dominador was further subdivided into six small lots with their respective issued titles, as follows:

- (1) Lot 815-B, with an area of 486 sq. m., under Transfer Certificate of Title (TCT) No. T-197871 in the name of Dominguez;
- (2) Lot 815-C, with an area of 486 sq. m., under TCT No. T-126116 in the name of Dominador;
- (3) Lot No. 815-D, with an area of 485 sq. m., under TCT No. T-288493 in the name of Filip;

³ *Rollo*, pp. 77-83; penned by Presiding Judge Isidra A. Argafiosa-Maniego.

⁴ *Id.* at 84-85.

⁵ *Id.* at 93-101.

- (4) Lot No. 815-E, with an area of 485 sq. m., TCT No. T-126118 in the name of Filip;
- (5) Lot No. 815-F, with an area of 589 sq. m., TCT No. T-126119 in the name of Dominador; and
- (6) Lot No. 815-G, with an area of 174 sq. m., under TCT No. T-126120 in the name of Dominador.⁶

On the date of his discovery of the subdivision of the land, Garcia executed a letter-authority in favor of his nephew, Basilio C. Ignacio and Jose V. Doblada to administer and fix the land. Garcia likewise filed a complaint against Dominador for illegal titling, selling, and reconveyance before the *barangay* chairman of *Brgy. Daungan, Guiguinto, Bulacan*. Dominador promised to reconvey, at his expense, to Garcia the four lots he has not yet sold to another person.

Francia died on November 1, 2000, eight years prior to Garcia's discovery of the subdivision of the land.

Petitioners further alleged that while they were on vacation in the Philippines,⁷ they learned about the agreement between Garcia and Dominador regarding the return of the four lots. They sought the help of the *barangay* captain of Daungan for the return of the lots, but Dominador failed to comply with his promise to Garcia. The subdivision and sale of the lots deprived them of the use and fruits of the land. They sent Dominador a demand letter, dated February 25, 2016, for reconveyance of the lots. When Dominador still failed to reconvey the lots, petitioners filed the complaint docketed as Civil Case No. 325-M-2016 against respondents.

Finally, petitioners alleged that Dominador committed fraud, falsification of document, and misrepresentation when he acquired the titles to the six parcels of land.

⁶ *Id.* at 73.

⁷ The documents attached to the Special Power of Attorney in favor of Josefina Garcia-Doblada and Jose Doblada are the heirs' driver's licenses issued in California.

In their Answer to the Complaint as well as their Supplemental Answer with Special and Affirmative Defenses and Counterclaims, the Spouses Dominador and Primitiva alleged that the case filed by petitioners is an agrarian dispute over which the RTC has no jurisdiction; that petitioners have no cause of actions against them; and that the complaint was filed without a certificate to file action from the *barangay*. They further alleged that Dominador acquired the land, with an area of 2,705 sq. m., through a Deed of Absolute Sale, dated February 8, 1999, executed by Francia in Dominador's favor.

The Orders of the RTC

In the Order dated January 20, 2017, the RTC ruled out tenancy relationship between Garcia and Dominador. The RTC held that Garcia was not the owner of the land, but only a substitute tenant of Francia. Dominador, on the other hand, was Garcia's agricultural worker. Since there was no tenancy relationship between Dominador and Garcia, the case is not an agrarian dispute.

The RTC further ruled that the parties reside in different *barangays* and municipalities. As such, a *barangay* certification is not necessary for the filing of the complaint. As regards the lack of cause of action, the RTC ruled that the issue can be properly threshed out in a full-blown trial. The dispositive portion of the RTC's Order reads:

In view of the above premises, this court hereby finds the first and third affirmative defenses of defendants Dominador and Primitiva Burgos which allegedly constitute as grounds for a motion to dismiss as lacking in merit. Thus, the same are hereby ordered DENIED.

As to the second affirmative defense of lack of cause of action, to reiterate, this must be threshed out in a full blown [sic] trial.

Accordingly, the pre-trial conference setting on March 9, 2017 at 8:30 in the morning is still maintained.

SO ORDERED.⁸

⁸ *Rollo*, p. 75.

The Spouses Dominador and Primitiva and the Spouses Filip and Marites filed a Motion for Reconsideration of the Order dated January 20, 2017 on the ground that petitioners have no cause of action against them. They alleged that since Garcia was not the owner of the land, he had nothing to transfer or transmit to his heirs. They also insisted that even if the parties reside in different *barangays*, the certification should be issued by the *barangay* where the land is located. They maintained that the case should be referred to the Department of Agrarian Reform (DAR) because it is an agrarian dispute.

Meanwhile, Dominguez filed her own Answer and Supplemental Answer to the Complaint alleging that Garcia was not the owner of the land, and that the action had already prescribed.

In an Order dated June 7, 2017,⁹ the RTC dismissed the case for lack of cause of action, lack of personality on the part of petitioners to sue, and prescription. The RTC ruled that Garcia was only a tenant and not an heir of Francia. As such, petitioners have no personality to file an action for reconveyance because their predecessor-in-interest was not the owner of the land they sought to be reconveyed. The RTC also ruled that since the titles to the lots were registered in 1999, the heirs of Francia, not the heirs of Garcia, only had ten years or until 2009 within which to file the action for reconveyance. The RTC further ruled that the action had already prescribed.

The dispositive portion of the Order dated June 7, 2017 reads:

In view of the above premises, this court hereby GRANTS the Motion for Reconsideration of defendants spouses Dominador and Primitiva Burgos and UPHOLDS the affirmative defenses of lack of cause of action and prescription of defendant Ester Gabriel Dominguez.

Accordingly, this case is hereby ordered DISMISSED for lack of cause of action, lack of plaintiff's personality to sue and prescription.

SO ORDERED.¹⁰

⁹ *Id.* at 77-83.

¹⁰ *Id.* at 82.

Petitioners filed a Motion for Reconsideration and/or Clarification (Re: Order dated June 7, 2017) *Ex Abundante Cautela*. In the assailed Order dated November 23, 2017, the RTC denied the motion. The RTC ruled that the grounds raised by petitioners in their motion for reconsideration were already considered and discussed in its Order dated June 7, 2017.

The dispositive portion of the Order dated November 23, 2017 reads:

In view of the above premises, this court hereby DENIES the instant Motion for Reconsideration of this court's Order dated June 7, 2017.

SO ORDERED.¹¹

Petitioners initially filed a Notice of Appeal. Before the expiration of the 15-day period within which to file the Notice of Appeal, petitioners withdrew the appeal and filed a Motion for Extension to File Petition for Review before the Court on the ground that only questions of law are involved in their petition.

The Spouses Dominador and Primitiva and the Spouses Filip and Marites filed their Comment alleging that petitioners raised both factual and legal issues before the Court and, as such, the Court should deny the petition. Dominguez likewise filed her own Comment questioning the mode of appeal used by petitioners and asserting that the RTC did not err in dismissing the complaint.

The Issues

The issues in this case are as follows:

- (1) Whether petitioners availed of the proper mode of appeal in filing the petition before the Supreme Court; and
- (2) Whether the RTC correctly dismissed the complaint.

¹¹ *Id.* at 85.

The Ruling of the Court

*Petitioners Availed Themselves
of a Wrong Mode of Appeal*

Section 2, Rule 41 of the Rules of Court (Rules) provides:

Section 2. *Modes of appeal* -

(a) *Ordinary appeal*. - The appeal to the Court of Appeals in the cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law of these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

(b) *Petition for review*. - The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review in accordance with Rule 42.

(c) *Appeal by certiorari*. - In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on *certiorari* in accordance with Rule 45.

Petitioners insist that only questions of law are involved in the case. Hence, Section 2(c), Rule 41, in relation with Rule 45 of the Rules should apply in the case.

The Court does not agree.

In *Heirs of Cabigas v. Limbaco*,¹² the Court made a distinction among the three modes of appeal under Rule 41. The Court explained:

The first mode of appeal, the ordinary appeal under Rule 41 of the Rules of Court, is brought to the CA from the RTC, in the exercise of its original jurisdiction, and resolves questions of fact or

¹² 670 Phil. 274 (2011).

mixed questions of fact and law. The second mode of appeal, the petition for review under Rule 42 of the Rules of Court, is brought to the CA from the RTC, acting in the exercise of its appellate jurisdiction, and resolves questions of fact or mixed questions of fact and law. The third mode of appeal, the appeal by *certiorari* under Rule 45 of the Rules of Court, is brought to the Supreme Court and resolves only questions of law.¹³

As to whether the issues involve question of law or question of fact, the Court added:

There is a question of law when the issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of facts being admitted, and the doubt concerns the correct application of law and jurisprudence on the matter. On the other hand, there is a question of fact when the doubt or controversy arises as to the truth or falsity of the alleged facts.¹⁴

Petitioners raised the following arguments before the Court:

The *Kasunduan Ukol sa Salinan ng Pamumuwisang sa Lupang Palayan*, (Complainant's Annex "H") albeit[] unnotarized[,] is an exception to the rule;

The execution of an Agreement/Undertaking (Annex "P", Complaint) between Dominador Burgos and Nicanor Garcia amounts to a partial performance of a contract or undertaking;

The possession of the two (2) original Owner's Duplicate Copy of Titles Nos. T-126119 and T-126120 constitutes constructive possession or resulting trust;¹⁵

Contrary to the claim of the defendants that the plaintiffs have no personality to sue, the latter being direct descendants of Nicanor Garcia, rights are transmissible upon the death of the decedent;¹⁶

Action for reconveyance which is equivalent to an action for quieting of title is the proper action filed at the lower court;

The Court *a quo* committed another misrepresentation of the law by ruling that the action for reconveyance has prescribed;¹⁷ and

¹³ *Id.* at 285.

¹⁴ *Id.*

¹⁵ *Rollo*, pp. 58-59.

¹⁶ *Id.* at 62.

¹⁷ *Id.* at 63.

The trial court made one more misapplication of the law when it ruled a quo that this trial court is not the proper court to resolve breach of agreement at the Barangay.¹⁸

The arguments do not merely call for the interpretation of the law, but also the appreciation of the factual matters raised by the parties. The arguments require the Court to look into the contracts, interpret their contents, and determine their nature.

In addition, petitioners alleged that Garcia had been in actual cultivation and possession of the land from 1980, when he became Francia's legitimate tenant, until his death on June 23, 2010. Respondents disputed this allegation, pointing out that Garcia died in California, United States of America (USA). In fact, the death certificate¹⁹ submitted by petitioners indicated that Garcia had been in the USA for ten years prior to his death. Clearly, whether Garcia was in actual possession and cultivation of the land until his death is a question of fact. Further, petitioners are not only questioning the authenticity of the sale between Francia and Dominador arguing that it was not a valid deed of sale. Petitioners also alleged that Dominador was guilty of fraud, falsification of document, and misrepresentation when he subdivided the land and acquired titles over the subdivided lots. It is a settled rule that questions of authenticity of documents are questions of fact.²⁰ When the resolution of issues invites a review of the evidence presented, the questions posed before the courts are questions of fact.²¹

Hence, the resolution of the merits of the case involves both questions of fact and law. Petitioners availed themselves of a wrong mode of appeal in filing the petition directly to the Court instead of filing a Notice of Appeal under Section 2(a), Rule 41 of the Rules.

RTC Correctly Dismissed the Complaint

The RTC dismissed the complaint for lack of cause of action, lack of personality to sue, and prescription.

¹⁸ *Id.* at 66.

¹⁹ *Id.* at 109, Annex B to the petition.

²⁰ See *Millena v. Court of Appeals*, 381 Phil. 132 (2000).

²¹ *Heirs of Villanueva v. Heirs of Syquia Mendoza*, 810 Phil. 172 (2017).

The Court sustains the RTC.

Petitioners' complaint is for Reconveyance of Ownership, Possession and Property, Breach of Agreement/Undertaking, Cancellation of Titles, Nullity of Deeds of Sale, and Damages. An action for reconveyance is a remedy available to the rightful owner of land which has been wrongly or erroneously registered in the name of another for the purpose of compelling the latter to transfer or reconvey the land to him.²² In an action for reconveyance, there are two crucial facts that must be alleged in the complaint: (1) that the plaintiff was the owner of the land; and (2) that the defendant had illegally dispossessed him of the same.²³ The complainant has the burden of proving ownership over the registered sought to be reconveyed.²⁴

In this case, petitioners claim for reconveyance is based on Garcia's designation as a tenant or *kasama* of Francia, the owner of the land. As correctly pointed out by the RTC, Garcia was not the owner of the land sought to be reconveyed. Garcia, if he were alive, has no personality to file the action for reconveyance against respondents. As Garcia's successors-in-interest, petitioners merely stepped into the shoes of Garcia. Hence, they also have no personality to file for an action for reconveyance. Only Francia, or her heirs, are entitled to file an action for reconveyance against respondents.

The Court has held that "[f]ailure to state a cause of action and lack of cause of action are distinct grounds to dismiss a particular action."²⁵ The Court explained that failure to state a cause of action refers to the insufficiency of the allegations in the pleading, while lack of cause of action refers to the insufficiency of the factual basis for the action.²⁶ A dismissal for failure to state a cause of action may be raised at the earliest stages of the proceedings through a motion to dismiss under Rule 16 of the Rules.²⁷ On the other hand, a dismissal for lack of cause of action may be raised at any time after the questions of fact have been resolved on the basis of stipulations, admissions, or evidence presented by the plaintiff.²⁸ In determining the existence of a cause of action, the court may only consider the allegations in the complaint.²⁹

²² *Toledo v. Court of Appeals*, 765 Phil. 649 (2015).

²³ *Spouses Yabut v. Alcantara*, 806 Phil. 745 (2017).

²⁴ *Id.*

²⁵ *Zuñiga-Santos v. Santos-Gran*, 745 Phil. 171, 177 (2014).

²⁶ *Id.* at 177.

²⁷ *Id.* at 177-178.

²⁸ *Id.* at 178.

²⁹ *Aquino, et al. v. Quiazon, et al.*, 755 Phil. 793 (2015).

The RTC's dismissal of the case is for failure to state a cause of action rather than for lack of cause of action. This is clear from the RTC's statement that in resolving the issue, it "re-examined the allegations in the Complaint and its annexes."³⁰ Unfortunately, the terms are sometimes used interchangeably by the courts and the parties without regard to their distinction. The ground "lack of cause of action" has been frequently confused with the ground "failure to state a cause of action."³¹ Nevertheless, despite the RTC's improper use of the term, it actually dismissed the complaint for failure to state a cause of action. The RTC, in resolving the issue, likewise reiterated that Garcia was only a substitute tenant and not an heir of Francia. As such, the RTC ruled that the designation of Garcia as Francia's tenant could not be the basis for an action for reconveyance.

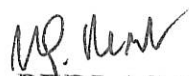
All told, the Court finds no cogent reason to reverse the RTC in dismissing the complaint.

WHEREFORE, the petition is **DENIED** for lack of merit.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

³⁰ *Rollo*, p. 79

³¹ *Aquino, et al. v. Quiazon, et al., supra*, note 29 at §07.

Reyes
ANDRES B. REYES, JR.
Associate Justice

R. Paul L. Hernando
RAMON PAUL L. HERNANDO
Associate Justice

Edgardo L. De los Santos
EDGARDO L. DELOS SANTOS
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Acting Chief Justice

Perlas-Bernabe