



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**FRANCISCA SUMAMPONG,**  
Petitioner,

**G.R. No. 277682**

Present:

- versus -

CAGUIOA, *J.*, Chairperson,  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, *JJ.*

**HEIRS OF BENIGNA  
SUMAMPONG-SARATE,**  
represented by **ARTEMIO  
SARATE and TOMAS SARATE,**  
Respondents.

Promulgated:

FEB 05 2026  
MISDCB:HT

**DECISION**

**DIMAAMPAO, J.:**

For the Court's resolution is this Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court filed by petitioner Francisca Sumampong (Francisca), assailing the Decision<sup>2</sup> and the Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 07850. The assailed rulings reversed and set aside the Decision<sup>4</sup> of Branch 50 of the Regional Trial Court of Loay, Bohol (RTC), thereby declaring respondents Heirs of Benigna Sumampong-Sarate (heirs of Benigna), represented by Artemio Sarate (Artemio) and Tomas Sarate (Tomas), as the rightful owners of Lot No. 3584, as described in Original Certificate of Title (OCT) No. 27731.

<sup>1</sup> *Rollo*, pp. 30–50.

<sup>2</sup> *Id.* at 53–71. The March 22, 2024 Decision was penned by Associate Justice Marilyn B. Lagura-Yap, with the concurrence of Associate Justices Jacinto G. Fajardo, Jr. and Rogelio G. Largo of the Nineteenth Division, Court of Appeals, Cebu City.

<sup>3</sup> *Id.* at 90–94. Dated September 17, 2024.

<sup>4</sup> *Id.* at 134–140. The April 16, 2020 Decision in Civil Case No. 0620 was penned by Acting Presiding Judge Rufo U. Naragas.

J

### Antecedents

This case has its progenitor in a complaint for recovery of possession of real property, quieting of title, cancellation of tax declaration, and damages (Complaint), filed by the Heirs of Benigna against Francisca.<sup>5</sup>

In their Complaint, the heirs of Benigna averred that they are the grandchildren of the late Benigna, who was the registered owner of a 17,094-square-meter parcel of land located in Lower Bonbon, Loboc, Bohol, and covered by OCT No. 27731.<sup>6</sup> As the registered owner, Benigna possessed the property, exercised acts of ownership thereon, and paid the corresponding real property taxes until her death in 1976.<sup>7</sup>

Following Benigna's demise, she was succeeded by her seven children over the Loboc property. As it happened, her children purportedly did nothing to oppose Francisca's occupation of a 3,000-square-meter portion thereof, as they were unaware of the exact boundaries of the property they inherited. All seven of Benigna's children had since passed away and were survived by their respective children, two of whom were Artemio and Tomas. Similarly, the heirs of Benigna took no action against Francisca.<sup>8</sup>

However, Francisca eventually committed acts allegedly inimical to the interest of the heirs of Benigna. Thus, in August 2012, Tomas caused their lot to be resurveyed and discovered that Francisca occupied a substantial portion thereof. He verbally demanded Francisca to vacate the subject property, but his demand went unheeded. Inevitably, the heirs of Benigna instituted the Complaint, seeking to be declared the true and lawful owners of the property in dispute. They likewise prayed for the cancellation of the tax declaration issued in Francisca's name and for the issuance of a new one in their favor.<sup>9</sup>

In her Answer,<sup>10</sup> Francisca asserted that in 1966, she had purchased the subject parcel of land from its owner, Ruperto Dante (Ruperto), through a notarized Deed of Absolute Sale.<sup>11</sup> She claimed to have possessed the property as an owner since then, and constructed a house thereon as early as 1973.<sup>12</sup>

### Ruling of the RTC

After due consideration of the parties' submissions, the RTC issued its Decision,<sup>13</sup> the dispositive portion of which states:

<sup>5</sup> *Id.* at 115–119, Complaint dated January 29, 2013.

<sup>6</sup> *Id.* at 120–123.

<sup>7</sup> *Id.* at 54.

<sup>8</sup> *Id.* at 54–55, 137–138.

<sup>9</sup> *Id.* at 55.

<sup>10</sup> *Id.* at 129–132.

<sup>11</sup> *Id.* at 56, 136.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 134–140.



WHEREFORE, upon all the foregoing considerations, judgment is hereby rendered:

a. Declaring defendant [Francisca] as the lawful owner of a portion of Lot No. 3584 which she is presently occupying with an approximate area of [t]hree [t]housand [m]eters (3,000 [sqm]);

b. Ordering the subdivision of the above portion from the entirety of Lot No. 3584, the cost to be borne equally by both parties;

c. No pronouncement as to cost of litigation and damages.

SO ORDERED.<sup>14</sup>

The RTC ruled that the heirs of Benigna and their predecessors-in-interest failed to timely assert any claim over the property and were thus barred by laches.<sup>15</sup> It accordingly pronounced Francisca as the rightful owner of the disputed lot, noting her possession dating back to 1966 and her continuous payment of real property taxes.<sup>16</sup>

Taking exception to the RTC's ruling, the heirs of Benigna elevated the case to the CA.

### **Ruling of the CA**

In the challenged Decision,<sup>17</sup> the CA reversed and set aside the RTC's ruling, and in lieu thereof rendered judgment as follows—

**WHEREFORE**, premises considered, the appeal is **GRANTED**. The *Decision* dated April 16, 2020 of the [RTC] in Civil Case No. 0620 is **REVERSED** and **SET ASIDE**. A new one is entered:

1. **DECLARING** plaintiffs-appellants [heirs of Benigna] as the rightful owners of Lot No. 3584, as described in OCT No. 27731.

2. **ORDERING** the Municipal Assessor of the Municipality of Loboc, Bohol and the Provincial Assessor of the Province of Bohol to cancel Tax Declaration No. 2008-29-0007-00216 in the name of defendant-appellee [Francisca].

3. **DIRECTING** defendant-appellee [Francisca] to either surrender possession of Lot No. 3584 after being paid proper indemnity, pay the price of the portion of the lot she is occupying, or pay reasonable rentals to plaintiffs-appellants [heirs of Benigna], at the option of plaintiffs-appellants [heirs of Benigna].

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<sup>14</sup> *Id.* at 139–140.

<sup>15</sup> *Id.* at 137.

<sup>16</sup> *Id.* at 139.

<sup>17</sup> *Id.* at 53–71.

**SO ORDERED.**<sup>18</sup> (Emphasis in the original)

The CA held that the heirs of Benigna hold a superior right of possession over the property in question, stating that Francisca's tax declaration cannot prevail over an OCT.<sup>19</sup> It further found that the heirs of Benigna were not barred by laches as the brief interval between their discovery of the encroachment and the filing of the Complaint negated any inference of unreasonable delay.<sup>20</sup> In any event, the CA emphasized that a registered owner's right to recover possession of a property from an unlawful occupant cannot be defeated by laches.<sup>21</sup>

Confronted with the denial of her motion for reconsideration,<sup>22</sup> Francisca brings forth her case before this Court, insisting on her better right of possession based on the following considerations: (1) the notarized 1966 Deed of Absolute Sale evincing her purchase of the subject property; (2) her prior possession of the lot since 1973; (3) the tax declaration in her name and her payment of real property taxes; and (4) the lack of evidence supporting the prior possession of the heirs of Benigna's predecessors-in-interest.<sup>23</sup>

Francisca likewise maintains that the heirs of Benigna are guilty of laches and argues that the reckoning point should be the date when she began occupying the property, rather than their discovery of the purported encroachment in 2012.<sup>24</sup>

**Issues**

1. Who, as between Francisca and the heirs of Benigna, holds the better right of possession over the disputed property?
2. Are the heirs of Benigna barred by laches?

**Ruling of the Court*****Francisca's contentions fail to persuade.***

The present Petition distills itself into two pivotal controversies: (1) the determination of the party who holds the better right of possession; and (2) the applicability of the principle of laches to the case at bench. Notably, the Court has already spoken on these matters in *Aledro-Ruña v. Lead Export and Agro-Dev't. Corp.*,<sup>25</sup> where it sagely pronounced:

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<sup>18</sup> *Id.* at 70.

<sup>19</sup> *Id.* at 64.

<sup>20</sup> *Id.* at 67.

<sup>21</sup> *Id.* at 67–68.

<sup>22</sup> *Id.* at 94; 73–84, Motion for Reconsideration.

<sup>23</sup> *Id.* at 40.

<sup>24</sup> *Id.* at 44.

<sup>25</sup> 836 Phil. 946 (2018) [Per J. Gesmundo, Third Division].



Ultimately, in this jurisdiction, a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein and that a person who has a Torrens title over a land is entitled to the possession thereof. Thus, as against the registered owner and the holder of an unregistered deed of sale, it is the former who has a better right to possess. In this case, it is the petitioner who, being an heir of the registered owner Segundo, acquires a better right of possession over the parcels of land covered by OCT Nos. (P-6303) P-1781 and (P-6224) P-1712.

....

An action to recover possession of a registered land never prescribes in view of the provision of [Section] 44 of Act No. 496 to the effect that no title to registered land in derogation of that of a registered owner shall be acquired by prescription or adverse possession. It follows that an action by the registered owner to recover a real property registered under the Torrens System does not prescribe. The rule on imprescriptibility of registered lands not only applies to the registered owner but **extends to the heirs of the registered owner as well**. Therefore, petitioner's right to recover possession did not prescribe.

Likewise, laches did not bar petitioner's right of recovery. An action to recover registered land covered by the Torrens System may not generally be barred by laches. Neither can laches be set up to resist the enforcement of an imprescriptible legal right. It is a principle based on equity and may not prevail against a specific provision of law, because equity, which has been defined as "justice outside legality," is applied in the absence of and not against statutory law or rules of procedure.<sup>26</sup> (Emphasis in the original, citations omitted)

Guided by the foregoing doctrinal polestars, the Court discerns no reversible error in the CA's finding that the heirs of Benigna are entitled to possession of the subject property. They presented a copy of OCT No. 27731, demonstrating that the land was registered in the name of their predecessor-in-interest. This was further bolstered by the testimony of Engineer Victor B. Galon, who surveyed the property and confirmed that Francisca had encroached upon a substantial portion of it.<sup>27</sup> In contrast, while Francisca presented an array of proofs, including a Deed of Absolute Sale and real property tax receipts, these, as earlier explicated, cannot prevail over a certificate of title.

Along this vein, the Court echoes with approbation the ruling of the CA that the doctrine of laches is inapplicable. "The registered owner's right to evict an illegal deforciant is not barred by laches despite the former's knowledge of the latter's occupation, and regardless of the length of said occupation."<sup>28</sup> While the Court has recognized in certain instances that laches

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<sup>26</sup> *Id.* at 964–965.

<sup>27</sup> *Rollo*, pp. 55, 63–64.

<sup>28</sup> *Wenceslao Ebancuel v. Acierto*, 909 Phil. 51, 58 (2021) [Per J. Gaerlan, Second Division]. (Citation omitted)

may prevent a registered owner from recovering property,<sup>29</sup> none of those exceptions obtain in this case.

As the CA infallibly noted, the heirs of Benigna acted diligently in protecting their rights. Upon discovering that Francisca had secured a tax declaration in her name, they promptly retained the services of a geodetic engineer to determine the precise metes and bounds of their property. Having confirmed Francisca's encroachment, they formally demanded that she vacate the premises. When this proved unavailing, they sought the intervention of the barangay authorities and subsequently instituted a complaint in court. The brief interval between the discovery of the encroachment and the filing of the complaint demonstrates that there was no undue delay in asserting their legal rights.<sup>30</sup>

In light of the foregoing discourse, there exists no persuasive reason to disturb the CA's disposition.

**ACCORDINGLY**, the Petition for Review on *Certiorari* is **DENIED**. The March 22, 2024 Decision and the September 17, 2024 Resolution of the Court of Appeals in CA-G.R. CV No. 07850 are **AFFIRMED**.

**SO ORDERED.**



**JAPAR B. DIMAAMPAO**

*Associate Justice*

**WE CONCUR:**



**ALFREDO BENJAMIN S. CAGUIOA**

*Associate Justice*

<sup>29</sup> See *id.* at 59. (Citation omitted)

<sup>30</sup> *Rollo*, p. 67.

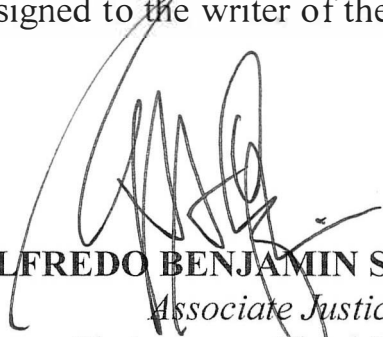
  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*

**ATTESTATION**

I attest 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's Division.

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*  
*Chairperson, Third Division*

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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 this Court.

  
**ALEXANDER G. CUSMUNDO**  
*Chief Justice*