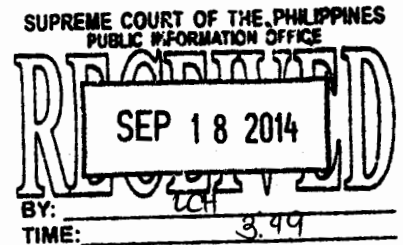




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 23, 2014 which reads as follows:

“G.R. No. 195315 (*Aquilina Robles Pasion, et al., represented by their attorney-in-fact, Rosario P. Cortez, Emeteria M. Pasion, et al., represented by their attorney-in-fact, Angelita P. Viernes vs. Maura Salas, et al.*). – Subject of this Petition for Review¹ are several parcels of land located in San Isidro, Tarlac City. Said property was originally the subject of an application for free patent by Angel Pasion (Angel). After Angel died without the application having been approved, Monica Pasion (Monica), one of Angel’s children, took over the application. Monica has two other siblings, Bernardino and Carlos. The application was subsequently approved, and Free Patent No. 457855 and Original Certificate of Title No. 3984 were consequently issued in the name of Monica.

Some time in 1999, Monica’s son, Valeriano, together with the widows of Bernardino and Carlos, Aquilina and Emeteria, respectively, filed a complaint for Judicial Partition of the subject property, docketed as Civil Case No. 8812, which was granted by the Regional Trial Court (RTC) of Tarlac City, Branch 64, in its Judgment² dated March 16, 2002. Thus, the property was partitioned, with 1/3 portion pertaining to the heirs of Monica, 1/3 to the heirs of Carlos, and 1/3 to the heirs of Bernardino. It appears, however, that physical possession of the 2/3 portion of the entire property remained in the heirs of Monica.

With Transfer Certificate of Title (TCT) No. 411809 having been issued in their names some time in 2006,³ the heirs of Carlos and Bernardino sent a notice dated January 25, 2007 to the heirs of Monica demanding that the latter vacate the property and to remove the structures

¹ Rollo, pp. 10-26.

² Issued by Judge Martonino R. Marcos; CA rollo, pp. 107-111.

³ Id. at 164-165.

standing thereon.⁴ As a result of the refusal of Monica's heirs to comply with the notice, the heirs of Carlos and Bernardino filed a complaint for ejectment with the Municipal Trial Court in Cities (MTCC) of Tarlac City, Branch II.

In its Decision⁵ dated July 18, 2007, the MTCC granted the complaint and ordered the heirs of Monica to vacate the property, pay attorney's fees and the costs of suit.

The MTCC decision was affirmed *in toto* by the RTC of Tarlac City, Branch 64, in its Decision⁶ dated November 6, 2007.

On review, the Court of Appeals (CA), in its Decision⁷ dated September 17, 2010, reversed and set aside the RTC decision, and dismissed the complaint for ejectment. A Motion for Reconsideration⁸ was filed with the CA, which was dismissed in Resolution⁹ dated January 5, 2011.

In dismissing the complaint for ejectment, the CA found that the complaint filed by the petitioners is one for unlawful detainer.¹⁰ The CA ruled further that the allegations in the complaint "rule out" the finding of possession by mere tolerance.¹¹ According to the CA, the allegation that "while in possession of the above-described parcels of land, defendants had claimed ownership of the properties being heirs of the late Monica Pasion" contradicts the claim that the heirs of Monica occupy the property by mere tolerance.¹²

The heirs of Carlos and Bernardino (petitioners) now seek a reversal of the dismissal of their complaint for ejectment. The petitioners argued that the cases of *Go, Jr. v. Court of Appeals*¹³ and *Sarona, et al. v. Villegas, et al.*¹⁴ cited by the CA do not find application in the instant case because these cases involved possession that was illegal or unlawful from the very beginning, while the petitioners' case involved possession that was lawful at the start but became unlawful when title passed on to them.¹⁵ The petitioners also argued that the allegations in their complaint satisfied the jurisdictional requirements of a case for unlawful detainer.¹⁶

⁴ Id. at 45-46.

⁵ Issued by Judge Eleanor V. de Jesus; id. at 36-38.

⁶ Issued by Judge Domingo C. San Jose, Jr.; id. at 28-32.

⁷ Penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Fernanda Lampas Peralta and Danton Q. Bueser, concurring; *rollo*, pp. 39-50.

⁸ Id. at 51-56.

⁹ Id. at 57-58.

¹⁰ Id. at 45.

¹¹ Id. at 46.

¹² Id. at 48.

¹³ 415 Phil. 172 (2001).

¹⁴ 131 Phil. 365 (1968).

¹⁵ *Rollo*, pp. 16-21.

¹⁶ Id. at 22-24.

Respondents, on the other hand, brought to the attention of the Court the CA Decision¹⁷ dated September 25, 2009 in CA-G.R. SP No. 100559, which annulled and set the Decision dated March 16, 2002 issued by the RTC of Tarlac City, Branch 64, in Civil Case No. 8812 for Judicial Partition. The CA decision also annulled and set aside the writ of execution and all other orders issued by the RTC pursuant to its decision, cancelled TCT No. 411809 issued in the petitioners' names, and ordered the reinstatement of TCT Nos. 322046, 322047, 322048, 322049, 322051 and 322053 in the names of the respondents. The petitioners filed a petition for review with the Court, docketed as G.R. No. 193369, but it was denied per Resolution dated December 6, 2010,¹⁸ on grounds of late filing, failure to comply with the Rules of Civil Procedure, as amended, and the petitioners' failure to show any reversible error committed by the CA as to warrant the Court's discretionary appellate jurisdiction.¹⁹

The respondents also maintained the correctness of the CA's dismissal of the petitioners' complaint for ejectment.

Without going into the substantial merits of this case, the Court dismisses the petition for having been rendered moot and academic.

In the material averments of their complaint, the petitioners alleged that:

3. That plaintiffs are the registered co-owners of those parcels of land designated as Lot Nos. 737-A, 737-B, 737-C, 737-D, 737-F and 737-H, of the subdivision plan, Psd-0101209, being a portion of Lot 737, Cad 274 LRC Rec. No.), all embraced in Transfer Certificate of title No. 411809 of the Registry of Deeds for the Province of Tarlac, x x x;

4. That defendants, as surviving heirs of the late Monica Pasion, sister of the late Bernardino Pasion and Carlos Pasion, predecessors-in-interest of the plaintiffs, took possession and actual occupation of the above-described parcels of land and constructed their residential houses thereat;

5. That while in possession of the above-described parcels of land, defendants had claimed ownership of the properties being heirs of the late Monica Pasion;

6. That[,] however, in a decision rendered by the **Regional Trial Court (Branch 64), in Civil Case No. 8812 for Judicial Partition, the above-described parcels of land formerly covered and embraced in OCT No. 3984 of the Registry of Deeds of Tarlac then in the name of Monica Pasion, was ordered to**

¹⁷ Penned by Associate Justice Hakim S. Abdulwahid, with Associate Justices Rebecca de Guia-Salvador and Arturo G. Tayag (now retired), concurring; id. at 106-126.

¹⁸ Id. at 127-128.

¹⁹ Id.

be partitioned into three (3) equal shares each by Monica Pasion, the predecessors-in-interest of the plaintiffs, Carlos Pasion and Bernardino Pasion, the predecessors-in-interest of the plaintiffs, x x x;

7. That the said Decision of the RTC had been fully implemented upon a Writ of Execution issued by the Court, with the six (6) parcels of land covered by TCT No. 411809 correspond to the two-third (2/3) portion of the property ordered to be partitioned by the Court, and which is now in the name of the plaintiffs as heirs of Carlos Pasion and Bernardino Pasion, x x x;

8. That with the transfer of ownership of the subject properties in their plaintiffs name, defendants possession over the properties became unlawful and their continued possession thereof up to the present were only tolerated and notified the defendants of their intention to take over the possession and actual occupation of the subject properties, x x x.²⁰ (Emphasis ours)

Thus, based on the foregoing, it is clear that the petitioners' cause of action in the ejectment/unlawful detainer case was premised on their alleged ownership over the 2/3 portion of the property, which was adjudicated by the RTC of Tarlac City, Branch 64, in its Decision dated March 16, 2002 issued in Civil Case No. 8812 for Judicial Partition, and for which TCT No. 411809 was issued in their names. The CA's annulment of the RTC Decision dated March 16, 2002 and the subsequent orders issued by the RTC pursuant to said decision, however, effectively eliminated the basis for the petitioners' claim. It must be noted that the petition for review filed by the petitioners assailing the CA decision which annulled the RTC Decision was already denied by the Court per Resolution²¹ dated December 6, 2010. The petitioners' motion for reconsideration was likewise denied with finality by the Court in its Resolution dated May 27, 2011. For all intents and purposes, therefore, the petitioners' cause of action in the ejectment/unlawful detainer case has no more legal leg to stand on, so to speak, and no substantial relief can be afforded to the petitioners if the Court were still to discuss the merits of their petition.

It is a rule of universal application, almost, that courts of justice constituted to pass upon substantial rights will not consider questions in which no actual interests are involved; they decline jurisdiction of moot cases. **And where the issue has become moot and academic, there is no justiciable controversy, so that a declaration thereon would be of no practical use or value.** There is no actual substantial relief to which petitioners would be entitled and which would be negated by the dismissal of the petition.²² (Emphasis ours)

²⁰ CA rollo, pp. 40-42.

²¹ Rollo, pp. 127-128.

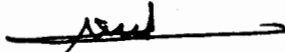
²² *Pasig Printing Corporation v. Rockland Construction Company, Inc.*, G.R. Nos. 193592, 193610 and 193686, February 5, 2014; *Spouses Felipe Sarmiento and Evelyn Sarmiento and Spouses Greg and Feliza Amarillo v. Spouses Rodolfo and Carmelita Magsino*, G.R. No. 193000, October 16, 2013.

WHEREFORE, the petition for review is **DISMISSED**.

The letter dated May 16, 2014 of the Judicial Records Division, Court of Appeals, Manila, transmitting the Court of Appeals rollo of this case consisting of 337 pages is **NOTED**.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *pb/ali*
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