



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 June 2020** which reads as follows:*

“**G.R. No. 251090** (*Jose Pillos, et al. v. Alejo Domingo*). – After a judicious study of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the Decision¹ dated 30 April 2019 and the Resolution² dated 27 November 2019 of the Court of Appeals (CA) in CA-G.R. CV No. 108152 for failure of petitioners Jose Pillos, Ricardo Pillos, Robert Pillos, Rodolfo Pillos, Jerry Pillos, and Juan Sabban (petitioners) to show that the CA committed any reversible error in granting respondent Alejo Domingo’s (respondent) complaint for recovery of possession which ordered petitioners to vacate the subject property with Transfer Certificate of Title (TCT) No. T-46883.

Article 434 of the New Civil Code provides that to successfully maintain an action to recover the ownership of a real property, the person who claims a better right must prove the following: (1) the identity of the land claimed by describing the location, area, and boundaries thereof; and (2) his title thereto. In the present case, both respondent and petitioners claim ownership of the subject property. Petitioners presented deeds of sale purportedly executed by their predecessors-in-interest. However, a perusal of the records show that the property, particularly TCT No. T-46883,³ was clearly registered in respondent’s name.

As correctly ruled by the CA, it is well settled that a Torrens title is evidence of indefeasible title to property in favor of the person in whose name the title appears. The Torrens title serves as conclusive evidence of ownership of the property described therein. Respondent, as the registered

¹ *Rollo*, pp. 29-36. Penned by Associate Justice Geraldine C. Fiel-Macaraig, with Associate Justices Apolinario D. Bruselas, Jr. and Rafael Antonio M. Santos, concurring.

² *Id.*, at 38-39.

³ *Id.* at 49.

owner, is entitled to all the attributes of ownership of the property including the right to possess. In *Legarda v. Saleeby*,⁴ the Court held:

The real purpose of [the Torrens] system is to quiet title to land; to put a stop forever to any question of the legality of the title, except claims which were noted at the time of registration, in the certificate, or which may arise subsequent thereto. That being the purpose of the law, it would seem that once a title is registered[,] the owner may rest secure, without the necessity of waiting in the portals of the court, or sitting in the “*mirador de su casa*,” to avoid the possibility of losing his land.

Article 428 of the New Civil Code provides:

Article 428. The owner has the right to enjoy and dispose of a thing, without other limitations than those established by law. The owner has also a right of action against the holder and possessor of the thing in order to recover it.

Accion reivindicatoria or *accion de reivindicacion* is an action whereby plaintiff alleges ownership over a parcel of land and seeks recovery of its full possession. It is a suit to recover possession of a parcel of land as an element of ownership.⁵ In *Amoroso v. Alegre, Jr.*,⁶ the Court held that an *accion reivindicatoria* is an action instituted to recover possession of a parcel of land as an element of ownership. It is an action whereby the plaintiff alleges ownership over a parcel of land and seeks recovery of its full possession. The judgment in such a case determines the ownership of the property and awards the possession of the property to the lawful owner.

The Court has consistently held, in a long line of cases, that prescription and laches cannot apply to registered land. In *Diaz, Jr. v. Valenciano, Jr.*,⁷ the Court also held that the registered owners’ right to eject any person illegally occupying their property cannot be barred by prescription or laches,⁸ to wit:

As a registered owner, petitioner has a right to eject any person illegally occupying his property. This right is imprescriptible and can never be barred by laches. In *Bishop v. Court of Appeals*, we held, thus:

As registered owners of the lots in question, the private respondents have a right to eject any person illegally occupying their property. This right is imprescriptible. Even if it be supposed that they were aware of the petitioners’ occupation of the property, and regardless of the length of that possession, the lawful owners have a right to demand the return of their property at any time as long as the possession was unauthorized or merely tolerated, if at all. This right is never barred by laches.⁹

⁴ 31 Phil. 590 (1915).

⁵ *S.J. Vda. de Villanueva v. Court of Appeals*, 403 Phil. 721, 730 (2001).

⁶ 552 Phil. 22, 35 (2007).

⁷ G.R. No. 209376, December 6, 2017, 848 SCRA 85, 103.

⁸ *Id.*, citing *Spouses Esmaquel and Sordevilla v. Coprada*, 653 Phil. 96, 108 (2010).

⁹ *Labrador v. Pobre*, 641 Phil. 388, 396 (2010).

In the present case, both prescription and laches cannot run against respondent, the registered owner of the subject property, to institute his complaint to recover possession as a consequence of his ownership of the said property.

SO ORDERED." (*J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020.*)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *urh 8/4*

05 AUG 2020

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HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 3
Tuguegarao City
(Civil Case No. 7319)

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