



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court's First Division issued a Resolution dated November 22, 2023, which reads as follows:

“G.R. No. 230097 (*Rosie T. Rivera v. Spouses Gravy Ramirez and Nelly Caranay, Rodolfo Laguesma, Heirs of Felipe Valdevia, represented by Maria Valdevia, Surviving spouse Liberty Valdevia, Buena Q. De Perio, and Agnes P. Tabora*). — This is a Petition for Review on *Certiorari*¹ assailing the September 21, 2016 Decision² and the February 20, 2017 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 104205. The CA reversed the March 16, 2014 Decision⁴ of the Regional Trial Court of Alaminos City, Pangasinan, Branch 55 (RTC) in Civil Case No. A-2726, and dismissed the Amended Complaint for Quieting of Title⁵ filed by Rosie Rivera (*petitioner*) on the ground of lack of cause of action.

Antecedents

At the center of the controversy is a parcel of land measuring 55,866 square meters (*sq.m.*) situated in *Barangay Patar, Bolinao, Pangasinan*, described as Cadastral Lot No. 7345 Gad. 559-D (*Lot 7345*) and covered by Tax Declaration No. 6921.⁶ Petitioner claims that she and her deceased husband, Jeremias Rivera (*Jeremias*), own Lot 7345.⁷

It appears that Lot 7345, and its adjacent lots 7346 and 7347, became the subject of Sales Application No. 10837-A filed by Julia Botin and Roberto Botin (*spouses Botin*). Jeremias opposed the application for Lot 7345, while

¹ *Rollo*, pp. 83-99.

² *Id.* at 101-110; penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Ramon A. Cruz and Renato C. Francisco.

³ *Id.* at 8-9.

⁴ *Id.* at 111-135; penned by Presiding Judge Elpidio N. Abella.

⁵ *Records*, pp. 92-100.

⁶ *Id.* at 101.

⁷ *Id.* at 92.

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Olimpio Ortaleza and Antonio Buccat filed their opposition for Lots 7346 and 7347, respectively.⁸ On February 6, 1991, Sabado T. Batcagan, Regional Executive Director of the Department of Environment and Natural Resources (*DENR*) Region I, issued an Order⁹ finding merit in the opposition:

WHEREFORE, PREMISES CONSIDERED, the protest filed by Olimpio Ortaleza, Antonio Buccat and Jeremias C. Rivera, all claimants-protestant over D.L.O. Claim [Nos.] 926, 925, and 924, Cad. 559-D of Patar, Bolinao, Pangasinan, respectively, is hereby given merit and due course.

Claimants-protestants are hereby given thirty (30) days from receipt of the decision to file for free patent over their respective lots.

SO ORDERED.¹⁰

Spouses Botin filed a Petition for Relief from Judgment from the February 6, 1991 Order, which Secretary Victor O. Ramos (*Sec. Ramos*), then Secretary of the DENR, dismissed in his November 21, 1996 Decision.¹¹ On the motion for reconsideration filed by spouses Botin, Sec. Ramos issued an Order¹² dated November 25, 1997, modifying his earlier Decision as follows:

In view of the foregoing, this Office affirms our Decision dated 21 November 1996 insofar as it gave due course to the protest of Ortaleza [et] al. that Julia Botin failed to comply with the occupation and cultivation requirements for the issuance [of] a free patent. **However, we modify the Decision insofar as it instructed Ortaleza [et al.] to file their respective Free Patent applications as the latter are likewise not entitled to an award of the same.**

SO ORDERED.¹³ (Emphasis supplied)

Spouses Botin filed an appeal from the November 21, 1996 Decision and the November 25, 1997 Resolution of Sec. Ramos before the Office of the President, but the same was also denied in the latter's Decision¹⁴ dated June 8, 2000. Although spouses Botin elevated the matter to the CA, their appeal was subsequently declared abandoned and the case was declared closed and terminated.¹⁵

⁸ Id. at 93.

⁹ Id. at 105-108.

¹⁰ Id. at 107-108.

¹¹ *Rollo*, pp. 137-140.

¹² Records, pp. 424-426.

¹³ Id. at 426.

¹⁴ Id. at 427-430.

¹⁵ Id. at 434; CA Resolution dated September 26, 2000.

Sometime in July 1998, respondents Felipe Valdevia (*Felipe*), Liberty Valdevia (*Liberty*), and Rodolfo Laguesma (*Rodolfo*), declared portions of Lot 7345 as “new” before the Office of the Provincial Assessor.¹⁶ As such, the following tax declarations were issued to them as follows:

Name of Declarant	Tax Declaration No.	Area
Felipe Valdevia	11892 (New)	2,376 sq.m.
	11895 (New)	2,349 sq.m.
	11896 (New)	2,398 sq.m.
Liberty Valdevia	11893 (New)	2,377 sq.m.
	11894 (New)	2,373 sq.m.
Rodolfo Laguesma	10148 (New)	14,186 sq.m.
	10149 (New)	9,183 sq.m. ¹⁷

Liberty subsequently sold some portions of the land covered by the tax declarations issued in her name to respondents Buena de Perio (*Buena*) and Agnes Tabora (*Agnes*)¹⁸ in the following manner:

Tax Declaration No.	Area	Buyer	New Tax Declaration No.
11893 (New)	1,377 sq.m.	Buena de Perio	11916
	1,000 sq.m.	Agnes P. Tabora	11917
11894 (New)	500 sq.m.	Buena de Perio	11914 ¹⁹

On the other hand, Rodolfo sold 5,040 sq.m. of land covered by Tax Declaration No. 10148 to respondent spouses Gravy Ramirez and Nelly Caranay (*spouses Ramirez*),²⁰ which is now declared for taxation purposes under Tax Declaration No. 10188.²¹

Petitioner alleged that after respondents had secured their respective tax declarations, they filed an ejectment case against her, but it was eventually dismissed.²² This prompted petitioner to file an action for quieting of title and declaration of nullity of documents with prayer for injunction and damages against Felipe, Liberty, Rodolfo, spouses Ramirez, Buena and Agnes (collectively, *respondents*). Petitioner claimed that she and her husband merely tolerated the presence of spouses Ramirez, Felipe, and Rodolfo, after they all pleaded to stay because they have no place to go.²³ She further asserted

¹⁶ Id. at 95.

¹⁷ Id. at 115-122.

¹⁸ Id. at 95-96.

¹⁹ Id. at 122-125; the remaining portion of 1,873 sq.m. in Tax Declaration No. 11894 is now covered by Tax Declaration No. 11915.

²⁰ Id. at 96.

²¹ Id. at 126.

²² Id. at 97; Order dated January 5, 2011 of the Municipal Trial Court of Bolinao, Pangasinan.

²³ *Rollo*, p. 88.

that through their predecessors-in-interest, she has been religiously paying taxes on Lot 7345 since 1956.²⁴

In their Answer,²⁵ Rodolfo and Liberty countered that: (1) they and the other respondents are the actual occupants under *bona fide* claim of ownership with adverse, continuous, and uninterrupted possession of Lot 7345; (2) they were the successors-in-interest of their grandparents who had previous possession of Lot 7345; and, (3) being possessors in the concept of owners, they have acquired the land by prescription.²⁶

Meanwhile, spouses Ramirez averred that petitioner and Jeremias only bought a portion of Lot 7345 equivalent to two hectares and not the entire subject property. They likewise claimed that: (1) they have been occupying their 5,040-sq.m. land for more than 20 years, which they bought from Rodolfo; (2) they filed a protest when petitioner and Jeremias filed an application for free patent in 1991, but petitioner did not pursue the application; and (3) Jeremias erroneously declared the whole Lot 7345 under his name, for taxation purposes.²⁷

Finally, Buena and Agnes in their Answer²⁸ claimed good faith in purchasing the three parcels of land from Liberty.²⁹

Ruling of the RTC

On March 16, 2014, the RTC rendered its Decision declaring a cloud over petitioner's interest on Lot 7345 due to the issuance of new tax declarations in the names of respondents.³⁰ The dispositive portion of the decision reads:

WHEREFORE, in the light of the foregoing considerations, the Court renders judgment in favor of the plaintiff and against the defendants[:]

1. Declaring the newly-issued Tax Declarations of the defendants, Deeds of Sale and other documents relative to the land in suit (Lot 7345-D, Cad 559-D, Bolinao Cadastre) Void Ab Initio, Ineffective and Unenforceable;
2. Declaring the plaintiff the lawful and legal owner of the land in suit (Lot 7345-D, Cad 559-D, Bolinao Cadastre) described in

²⁴ Id. at 115.

²⁵ Records, pp. 59-60.

²⁶ Id. at 60.

²⁷ Id. at 42-43.

²⁸ Id. at 53-55.

²⁹ Id. at 53.

³⁰ *Rollo*, p. 130.

paragraph 2 of the Amended Complaint covered by Tax Declaration No. 6921 in the name of plaintiff's husband and predecessor-in-interest, Jeremias Rivera;

3. Issuing a permanent Writ of Injunction enjoining the defendants to cease and desist from exercising acts of ownership and possession over any portion of the land in litigation;
4. Ordering defendants to pay the cost.

SO ORDERED.³¹

The RTC found that petitioner was able to establish her title or interest over Lot 7345 based on the tax declarations and decisions rendered by the DENR. Thus, the issuance of tax declarations in respondents' favor was prejudicial to petitioner's title or interest over Lot 7345.³²

Respondents, with the exception of Buena and Agnes, filed a Motion for Reconsideration,³³ but the same was denied by the RTC in its December 10, 2014 Order.³⁴ Aggrieved, respondents filed an Appeal³⁵ from the March 16, 2014 Decision and the December 10, 2014 Order of the RTC before the CA.

Ruling of the CA

On September 21, 2016, the CA granted the appeal, thus:

WHEREFORE, the appeal is **GRANTED** and the Decision of the Regional Trial Court, Branch 55, Alaminos City, Pangasinan, dated March 16, 2014, in Civil Case No. A-2726 is **REVERSED** and **SET ASIDE**. Accordingly, the Amended Complaint is hereby **DISMISSED**.

SO ORDERED.³⁶

The CA found that petitioner had no cause of action because DENR Secretary Ramos modified his January 6, 1991 Order by declaring Jeremias and his co-protestant-claimants disqualified to apply for free patent over the respective lots they claimed to own.³⁷

³¹ Id. at 134-135.

³² Id. at 131-133.

³³ Records, pp. 530-545.

³⁴ Id. at 551.

³⁵ Id. at 552-553.

³⁶ *Rollo*, p. 109.

³⁷ Id. at 108-109.

On October 14, 2016, petitioner filed a moved for reconsideration³⁸ but the CA denied the same in its Resolution issued on February 20, 2017.

Hence, this petition.

Issue

The sole issue being raised by petitioner is whether the CA erred in concluding that she has no cause of action against respondents, despite having sufficiently proven her equitable title over Lot 7345. She insists that the tax declarations she submitted and the discussions in the decision and orders of the DENR clearly established her right over Lot 7345.³⁹

On the other hand, respondents assert in their Comment⁴⁰ that petitioner neither alleged nor presented any evidence that a free patent was issued in her favor.⁴¹ She also failed to prove that she was qualified to substitute Jeremias, in his rights over Lot 7345, upon his death.⁴²

In her Reply,⁴³ petitioner clarified that the DENR Decision and Orders established her priority or preferential rights over Lot 7345 through actual occupation and introduction of improvements in the concept of an owner.⁴⁴ At any rate, she has already acquired title over Lot 7345 through acquisitive prescription since she has occupied the said realty for more than 30 years. As such, the absence of a free patent will not necessarily render futile her complaint for quieting of title.⁴⁵

Ruling of the Court

The Petition lacks merit.

The action to quiet or remove a cloud over a title is a remedy or form of proceeding originating in equity jurisprudence.⁴⁶ Pertinently, an action to quiet or remove the cloud over a title is a special civil action governed by Section 1, Rule 63 of the Rules of Court.⁴⁷

³⁸ Id. at 91.

³⁹ Id. at 94.

⁴⁰ Id. at 217-236.

⁴¹ Id. at 222-224.

⁴² Id. at 228-229.

⁴³ Id. at 259-269.

⁴⁴ Id. at 259.

⁴⁵ Id. at 260-263.

⁴⁶ *Spouses Divinagracia v. Cometa*, 518 Phil. 79, 84 (2006).

⁴⁷ *Salvador v. Patricia, Inc.*, 799 Phil. 116, 131 (2016).

Under Article (*Art.*) 476 of the Civil Code, a cloud on title to real property exists when: (a) there is an instrument, record, claim, encumbrance or proceeding; (b) apparently valid or effective; (c) which in truth and in fact, invalid, ineffective, voidable or unenforceable; and (d) may be prejudicial to the title of another party. In *Republic v. Mangotara*⁴⁸ (*Mangotara*), the Court explained that the relief being sought in an action for quieting of title is the declaration of a petitioner's rights and duties under a deed, will, contract or other written instrument.⁴⁹ In this proceeding, the competent court shall determine the respective rights of the parties in the action, so that the party who has the right "would see every cloud of doubt over the property dissipated, and he could afterwards without fear introduce the improvements he may desire, to use, and even to abuse the property as he deems best."⁵⁰

Thus, to successfully prosecute an action to quiet title, the following requisites must be present: (1) the plaintiff or complainant has a legal or an equitable title to, or interest in the real property subject of the action; and (2) the deed, claim, encumbrance, or proceeding claimed to be casting cloud on the title must be shown to be in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy.⁵¹

The first requisite is founded on Art. 477⁵² of the Civil Code which requires that the plaintiff must have legal or equitable title or interest over the property in question. Legal title denotes registered ownership, while equitable title means beneficial ownership.⁵³

Hence, it is not necessary that the plaintiff in a suit for quieting of title be the registered owner of the property,⁵⁴ or need not even be in possession of the same.⁵⁵ "Title" is not limited to the certificate of registration under the Torrens system,⁵⁶ since it may also connote acquisitive prescription by possession in the concept of an owner.⁵⁷ One who has equitable title or, may also file an action to quiet title.⁵⁸ Equitable title refers to one derived through a valid contract or relation, and based on recognized equitable principles.⁵⁹

⁴⁸ 638 Phil. 353 (2010).

⁴⁹ *Id.* at 430-431.

⁵⁰ *Salvador v. Patricia, Inc.*, *supra* note 47, at 134.

⁵¹ *Heirs of Delfin and Maria Tappa v. Heirs of Bacud*, 783 Phil. 536, 547-548 (2016).

⁵² Art. 477. The plaintiff must have legal or equitable title to, or interest in the real property which is the subject matter of the action. He need not be in possession of said property.

⁵³ *Khoo Boo Boon v. Belle Corporation*, G.R. No. 204778, December 6, 2021; *Serrano v. Espejo*, G.R. No. 210338, March 17, 2021.

⁵⁴ *Spouses Mamadsual v. Judge Moson*, 268 Phil. 77, 85 (1990).

⁵⁵ *Republic v. Mangotara*, *supra* note 48, at 435.

⁵⁶ *Id.*

⁵⁷ *Spouses Momadsual v. Moson*, *supra* note 54.

⁵⁸ *Id.* at 85-86.

⁵⁹ *Heirs of Extremadura v. Extremadura*, 787 Phil. 414, 421 (2016), citing *PVC Investment & Management Corporation v. Borcena*, 507 Phil. 668, 681 (2005).

In *Mangotara*,⁶⁰ a party was declared to have equitable title or interest over a piece of land by right of succession although no certificates of title had ever been issued.⁶¹ The Court likewise held, in *Heirs of Extremadura v. Extremadura*,⁶² that the plaintiff has equitable title based on a notarized contract of sale indicating that the previous owners sold the contested realty to him, and that he possessed the realty through his son. It was likewise noted that the plaintiff paid taxes thereon based on tax declarations which constitute proof that the holder has a claim of title over the property. Such voluntary declaration of a piece of property for taxation purposes strengthened the plaintiff's claim of acquisition of ownership.⁶³

Bare allegations will not suffice in claiming title or interest over a property. It is settled rule that a cloud which may be removed by suit to quiet title is not created by mere verbal or parol assertion of ownership of or an interest in property.⁶⁴ It is therefore incumbent upon the plaintiff in an action for quieting of title to prove his/her title, legal or equitable, through preponderance of evidence,⁶⁵ or that evidence of greater weight or more convincing that the evidence offered by the other party.⁶⁶ In the absence of preponderant evidence establishing legal or equitable title or interest by the plaintiff, there is no cloud to be prevented or removed thereon.⁶⁷

In *PVC Investment and Management Corporation v. Borcena*,⁶⁸ the Court ruled that the plaintiffs therein who sourced their rights from a deed of sale which was previously declared as void and thus, could not have transferred any title in their favor, are devoid of any title to be cleared or to be quieted.⁶⁹ A claim of equitable title will likewise be rejected in the absence of any link that would connect the plaintiff's possession of the contested realty with the partition from which they alleged to be the source of their rights.⁷⁰

Here, petitioner posits that a cloud over her title existed when respondents registered several portions of Lot 7345 under their names for taxation purposes. To prove her claim, petitioner offered the following evidence which were admitted by the RTC:

⁶⁰ Supra note 48.

⁶¹ Id. at 435.

⁶² Supra note 59.

⁶³ Id. at 421-425.

⁶⁴ *Tandog v. Macapagal*, 559 Phil. 316, 320 (2007).

⁶⁵ See *Spouses Divinagracia v. Cometa*, supra note 46, at 84.

⁶⁶ *Heirs of Villanueva v. Heirs of Mendoza*, 810 Phil. 172, 183 (2017).

⁶⁷ *Desiderio Dalisay Investments, Inc. v. Social Security System*, 829 Phil. 341, 370 (2018).

⁶⁸ Supra note 59.

⁶⁹ Id. at 680-681.

⁷⁰ *Spouses Divinagracia v. Cometa*, supra note 46, at 85.

Exhibit "A"	Tax Declaration No. 6921 in the name of Jeremias Rivera
Exhibit "B," "B-1" and "B2"	Joint Affidavits executed by the heirs of Jeremias Rivera
Exhibit "C"	February 6, 1991 Order of the Regional Executive Director of the DENR
Exhibit "D"	Notice of Issuance of the November 21, 1996 Decision of DENR Sec. Victor O. Ramos
Exhibit "E"	November 21, 1996 Decision of the DENR Sec. Victor O. Ramos
Exhibit "F"	May 30, 1991 Letter of Regional Executive Director Sabado T. Batcagan indicating that the February 6, 1991 Order has become final and executory
Exhibits "G" to "R"	Tax Declarations issued to respondents
Exhibit "S"	January 5, 2011 Order of the MTC Bolinao, Pangasinan dismissing the complaint for ejectment filed by respondent Rodolfo against petitioner
Exhibit "T"	Special Power of Attorney executed by petitioner in favor of Mabini Buccat
Exhibit "AA"	Notice of Issuance of the November 25, 1997 Order of DENR Sec. Ramos
Exhibits "AA-1 to AA-3"	November 25, 1997 Order of DENR Sec. Ramos
Exhibit "BB", "BB1 to BB4"	June 8, 2020 Decision of the Office of the President
Exhibit "CC", "CC-1" and "CC-2"	Entry of Judgment and Notice of the September 26, 2000 Resolution of the CA ⁷¹

It is evident from the abovementioned documents that petitioner solely relied on Tax Declaration No. 6921 and the Decision and Orders of the DENR in laying claim over the entire five (5)-hectare contested property. Unfortunately, neither of these documents can serve as valid source of title to Lot 7345.

To reiterate, an action to remove cloud on property is a specie of declaratory relief where the Court determines the rights of the party based on a deed, will, contract, or other written instrument. To be a source of rights and obligations which are proper in a proceeding for quieting of title, these documents must convey ownership or interest over a real property in favor of a party.

Thus, petitioner cannot solely rely on one tax declaration, Tax Declaration No. 6921, as source of her title to Lot 7345. A tax declaration has been traditionally viewed as a mere *indicium* of ownership. It is not conclusive evidence of ownership, does not give title to a party, and has little value in

⁷¹ Records, pp. 394-397.

proving one's ownership.⁷² Hence, Tax Declaration No. 6921 did not vest or convey title to petitioner over Lot 7345.

Neither can petitioner be vested with the requisite title or interest by virtue of the Decision and Orders of the DENR. Such issuances by the DENR only made reference to the ocular inspection conducted by Special Land Investigator Oscar B. Saplaco as between the opposing claims over Lot 7345 by Jeremias and the spouses Botin. More importantly, these issuances by the DENR did not convey ownership or interest over Lot 7345 in favor of petitioner.

Furthermore, the tax declaration, as well as the Decision and Orders of the DENR, were all in the name of Jeremias, whom petitioner claims to be her husband. However, the Court did not find any evidence whatsoever from the records of such relationship, other than her bare allegation that Jeremias was her deceased husband. The tax declaration did not indicate that Jeremias was married to petitioner. The opposition filed by Jeremias before the DENR was initiated by him alone, and did not name petitioner as his spouse. She also neither appeared in court to testify on her marriage with Jeremias, nor submitted evidence of such relationship. The joint affidavits executed by the alleged heirs of Jeremias are also insufficient evidence of her relationship, considering that in the Joint Affidavit of Waiver,⁷³ the said heirs only attested that they have waived their rights over Lot 7345 to "Rosy T. Rivera," without any indication as to their relationship to her, or of her connection to Jeremias. In *Tandog v. Macapagal*,⁷⁴ the Court emphasized that plaintiffs in an action to quiet title must be able to establish their title or interest over the realty, and present proof of their relationship to their predecessor-in-interest, viz.:

It is important that petitioners must first establish their legal or equitable title to, or interest in the real property which is the subject matter of the action. Petitioners failed to do so. Parenthetically, they did not present any evidence to prove that Casimiro Policarpio "existed" and that he is their predecessor-in-interest. Their testimonies [cannot] be considered declarations about pedigree. In order that pedigree may be proved by acts or declarations of relatives under Section 39 of the Revised Rules of Evidence, it is necessary that (a) the actor or declarant is dead or unable to testify; (b) the act of declaration is made by a person related to the subject by birth or marriage; (c) the relationship between the declarant or the actor and the subject is shown by evidence other than such act or declaration; and (d) the act or declaration was made *ante litem motam* or prior to the controversy.⁷⁵ (Citation omitted)

⁷² *Titong v. Court of Appeals*, 350 Phil. 544, 558 (1998).

⁷³ Records, pp. 102-103.

⁷⁴ *Supra* note 64.

⁷⁵ *Id.* at 320-321.

Unfortunately, petitioner failed to satisfy these requirements.

As the plaintiff in an action to quiet title, petitioner has the duty to present evidence of her legal or equitable title, or interest over Lot 7345. Having failed to do so, there is no cloud to be prevented or removed on Lot 7345. Hence, the Court finds no serious error on the part of the CA when it reversed the March 16, 2014 Decision of the RTC, and consequently ordered the dismissal of petitioner's Amended Complaint for Quieting of Title.

ACCORDINGLY, the Court **DENIES** the Petition for Review on *Certiorari* for being unmeritorious, and **AFFIRMS** the September 21, 2016 Decision and the February 20, 2017 Resolution of the Court of Appeals in CA-G.R. CV No. 104205.

SO ORDERED." (Zalameda, J., on official leave)

By authority of the Court:



MARIA TERESA B. SIBULO
Division Clerk of Court *ff. 212*
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DEC 14 2023

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