



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

WILFREDO DE VERA, EUFEMIO DE VERA, ROMEO MAPANAO, JR., ROBERTO VALDEZ, HIROHITO ALBERTO, APARICIO RAMIREZ, SR., ARMANDO DE VERA, MARIO DE VERA, RAMIL DE VERA, EVER ALMOGELA ALDA, JUANITO RIBERAL, represented by PACITA PASENA CONDE, ANACLETO PASCUA, ISIDRO RAMIREZ, represented by MARIANO BAINA, SPOUSES TRUDENCIO RAMIREZ and ESTARLITA HONRADA, ARNEL DE VERA, ISABELO MIRETTE, and ROLANDO DE VERA,

Petitioners,

-versus-

SPOUSES EUGENIO SANTIAGO, SR., and ESPERANZA H. SANTIAGO, SPOUSES RAMON CAMPOS and WARLITA SANTIAGO, SPOUSES ELIZABETH SANTIAGO and ALARIO MARQUEZ, SPOUSES EFRAEM SANTIAGO and GLORIA SANTIAGO, SPOUSES EUGENIO SANTIAGO, JR. and ALMA CAASI, JUPITER SANTIAGO, and JON-JON CAMOS,

Respondents.

G.R. No. 179457

Present:

VELASCO, JR. J., *Chairperson*,
PERALTA,
PEREZ,*
REYES, and
JARDELEZA, JJ.

Promulgated:

June 22, 2015

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* Designated Acting Member in lieu of Associate Justice Martin S. Villarama, Jr., per Raffle dated September 22, 2014.

DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* of the Court of Appeals (CA) Decision¹ dated May 29, 2007 and its Resolution² dated August 22, 2007 in CA-G.R. SP No. 79769. The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the instant Petition is hereby **GRANTED**. The assailed Decision dated 14 June 2002 of the Regional Trial Court, Branch 54, Alaminos City, Pangasinan in Civil Case No. A-2750 and the Decision dated 09 November 2001 of the Municipal Trial Court of Bolinao, Pangasinan in Civil Case No. 939 are hereby both **ANNULLED** and **SET ASIDE** for lack of jurisdiction.

This decision, however, is without prejudice to the filing of an appropriate action before the proper court by the contending parties herein.

No pronouncement as to costs.

SO ORDERED.³

The antecedent facts follow.

On February 14, 2000, petitioners filed an action for reconveyance of ownership or possession with damages against respondents before the Municipal Trial Court (*MTC*) of Bolinao, Pangasinan, which was docketed as Civil Case No. 939.

In their Complaint⁴ dated January 24, 2000, petitioners alleged that they are the owners of certain portions⁵ of a subdivided land located at Barangay Patar, Bolinao, Pangasinan, denominated as Lot No. 7303, Cad. 559-D, Bolinao Cadastre, with an area of about 265,342 square meters. Along with their predecessors-in-interest, petitioners have allegedly been in actual and continuous possession and occupation of their respective portions

¹ Penned by Associate Justice Arturo G. Tayag, with Associate Justices Martin S. Villarama, Jr. (now Supreme Court Associate Justice), and Hakim S. Abdulwahid, concurring; *rollo*, pp. 217-236.

² *Id.* at 242-243.

³ *Id.* at 235. (Emphasis in the original)

⁴ CA *rollo*, pp. 47-53.

⁵ Wilfredo De Vera – Lot No. 7303-A; Eufemio De Vera – Lot No. 7303-B; Romeo Mapanao, Jr. - Lot No. 7303-C; Roberto Valdez – Lot No. 7303-D; Hirohito Alberto – Lot No. 7303-E; Aparicio Ramirez, Sr. - Lot No. 7303-O; Armando De Vera – Lot no. 7303-J; Mario De Vera – Lot No. 7303-K, Ramil De Vera – Lot No. 7303-L; Ever Almogela Alda – Lot No. 7303-N; Juanito Riberal – Lot No. 7303-S; Anacleto Pascua – Lot No. 7303-?, Isidro Ramirez – Lot No.-?; Spouses Trudencio Ramirez and Estarlita Honrada – Lot No. 7303-?, Arnel De Vera – Lot no. 7303-X, Isabelo Mirette – Lot No. 7303-? and Rolando De Vera – Lot No. 7303-P.

of the land since 1967, without disturbance from any third person. Later on, however, they discovered that their respective lots covered by Lot 7303 were already covered by Free Patent Titles in the names of respondents, except Eugenio Santiago, Sr., which were acquired through manipulation, misrepresentation, fraud and deceit.

Petitioners also claimed that their open, continuous and exclusive possession of Lot 7303 for at least a period of thirty (30) years prior to the issuance of the Free Patent Titles, *ipso jure* converted it into a private property. Thus, the Bureau of Lands has no jurisdiction to issue the said titles which are therefore null and void. In support of their claims, petitioners attached to their complaint copies of their respective tax declarations. They also prayed to be declared as absolute owners of Lot 7303, for respondents to reconvey to them the whole area of the same lot, and for the award of actual, moral and exemplary damages and litigation expenses.

In their Answer⁶ dated March 21, 2000, respondents specifically denied the material allegations in petitioners' complaint and countered that they are the owners of the land denominated as Lot 7303, Cad. 559-D, Bolinao Cadastre. They insisted that their acquisition of titles over the land was regular and done in accordance with law. They also claimed that they and their predecessors-in-interest are the actual possessors and owners of the disputed land as shown by their titles⁷ and tax declarations.⁸

As part of their affirmative defenses, respondents alleged that the MTC has no jurisdiction over the case. As the combined assessed value of the disputed land is more than ₱20,000.00, the case is within the exclusive original jurisdiction of the RTC pursuant to Section 19, paragraph 2 of Batas Pambansa Bilang 129 (*B.P. Blg. 129*), known as the *Judiciary Reorganization Act of 1980*, as amended by Republic Act No. 7691. They also alleged that titles over the land denominated as Lot No. 7303 has already acquired the status of indefeasibility as they were issued as early as 1996, and they were also issued tax declarations over their titled properties. They claimed to have acquired the land from Eugenio Santiago, Sr., as shown in the Deeds of Sale which were all duly registered with the Register

⁶ CA *rollo*, pp. 95-100.

⁷ Katibayan ng Orihinal na Titolo Bilang or Original Certificate of Title (OCT) Free Patent (FP) No. 15820 – Jupiter Santiago; OCT (FP) No. 15819 – Efraem Santiago; OCT (FP) No. 15765 – Elizabeth Santiago; OCT (FP) No. 15755 – Eugenio Santiago, Jr.; OCT (FP) No. 15754 – Jon-jon Campos; and OCT (FP) No. 15818 – Ramon Campos. CA *rollo*, at 47-78.

⁸ Tax Declaration No. 5187 – Jon-jon Campos; Tax Declaration No. 5189 – Ramon Campos; Tax Declaration No. 5186 – Eugenio Santiago, Jr.; Tax Declaration No. 5185 – Efraem Santiago; Tax Declaration No. 5188 – Jupiter Santiago; and Tax Declaration No. 5190 – Elizabeth Santiago. CA *rollo*, pp. 113-114.

of Deeds, Alaminos, Pangasinan in 1991 and 1992. They noted that the only documents of petitioners are tax declarations which were issued as “new” in 1990 without any proof of acquisition, hence, inferior to the Original Certificate of Titles and Tax Declarations issued to respondents. By way of counterclaim, respondents prayed for the award of attorney's fees, appearance fees, litigation expenses, and moral and exemplary damages. They also prayed for the dismissal of the complaint, and to be declared lawful owners and possessors of the disputed land.

The issues having been joined and the pre-trial conference having been terminated, the MTC went on to try the case upon the following issues agreed upon by the parties: (1) Who has a better right to the disputed land? (2) Who are the lawful owners of Lot No. 7303? (3) Are respondents guilty of fraud, deceit and misrepresentation in obtaining their free patents? (4) Who between the parties are in prior continuous and actual possession of Lot 7303? And (5) Are the parties entitled to damages?

On November 9, 2001, the MTC rendered a Decision, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered in favor of the defendants [respondents herein]:

1. DISMISSING the above-entitled complaint;
2. DECLARING defendants [respondents] the lawful owners and possessors of the land in question, Lot No. 7303, CAD 559-D, Bolinao Cadastre embraced by Certificate of Title Nos. 15818, 15819, 15820, 15754, 15755, and 15756, inclusive;
3. ORDERING all the plaintiffs to jointly and solidarily pay the defendants [respondents] the amount of ₱50,000.00 as Attorney's Fee and Litigation Expenses, and to pay cost of suit.

SO ORDERED.⁹

Dissatisfied with the MTC Decision, petitioners filed an appeal with the Regional Trial Court (RTC) of Alaminos City, Pangasinan, Branch 64.

On June 14, 2002, the RTC rendered a Decision¹⁰ in favor of petitioners, the dispositive portion of which states:

⁹ CA rollo, p. 194.

¹⁰ *Id.* at 21-39.

WHEREFORE, in consideration of the foregoing, Judgment is hereby rendered REVERSING IN TOTO the findings and decision of the Municipal Trial Court of Bolinao, Pangasinan, dated November 9, 2001 and that therefore a SEPARATE JUDGMENT IS NOW RENDERED, to wit:

1. ORDERING THAT:

OCT (FP) No. 15820 – in the name of Jupiter Santiago, denominated as Lot 7303-E with an area of 50,000 square meters, copy of which is hereto attached as Annex HH;

OCT (FP) No. 15819 – in the name Efraem Santiago and Gloria Santiago, denominated as Lot 7303-D, with an area of 50,000 square meters, copy of which is hereto attached as Annex II;

OCT (FP) No. 15765 – in the name of Sps. Elizabeth Santiago and Almario Marquez, denominated as Lot 7303-F, with an area of 15,542 square meters, copy of which is hereto attached as Annex JJ;

OCT (FP) No. 15755 – in the name of Sps. Eugenio Santiago Jr. and Alma Caasi with an area of 50,000 square meters, copy of which is hereto attached and marked as Annex KK;

OCT (FP) No. 15754 – in the name of Jonjon Santiago denominated as Lot 7303-B, with an area of 50,000 square meters. Copy of which is hereto attached and marked as Annex LL;

OCT (FP) No. 15818 – in the name of Sps. Ramon Campos and Warlita Santiago, denominated as Lot 7303-A, with an area of 50,000 square meters, copy of which is hereto attached and marked as Annex MM;

to reconvey the entire area as stated in their free patent in favor of the plaintiffs, as the same Free-Patent Titles to defendants [respondents herein] are now declared VOID and without legal effect;

2. The plaintiffs [petitioners herein], commensurate with their land area which was lost as a result of the issuance of free patent titles shall then proceed to divide their respective lands possessed by each or any of them.

3. Ordering the defendants [respondents] to pay the following damages, jointly and severally in favor of the plaintiffs [petitioners], to wit:

- a. The reduced sum of TWENTY THOUSAND PESOS (₱20,000.00) each for moral damages;
- b. The reduced sum of TWENTY THOUSAND PESOS (₱20,000.00) each for exemplary damages; and
- c. The sum of FIVE THOUSAND PESOS (₱5,000.00) each as actual damages.

IT IS SO ORDERED.¹¹

Aggrieved by the RTC Decision, respondents filed with the CA a petition for review under Rule 42 of the Rules of Court.

On May 29, 2007, the CA granted the petition for review, and annulled and set aside the Decisions of both the RTC and the MTC on the ground of lack of jurisdiction. For the same reason, the CA declined to resolve and deemed as moot and academic the other factual issues raised in the petition.

The CA also ruled that assuming *arguendo* that the RTC had jurisdiction over the case, it nonetheless has no authority to declare as null and void the Original Certificates of Title (Free Patents) registered in the name of respondents because the said titles were issued four (4) years prior to the filing of the petitioners' complaint for reconveyance. In support of its ruling, the CA cited the following basic principles in land registration: (a) that a certificate of title serves as evidence of an indefeasible and incontrovertible title to the land in favor of the person whose name appeared thereon; (b) such indefeasibility commences after the lapse of one (1) year from date of entry of the decree of registration; (c) the act of registration is considered a constructive notice to all persons respecting title to land, and such title can no longer be contested after the lapse of one (1) year from registration; and (d) a certificate of title cannot be subject to collateral attack, and can be altered, modified or cancelled only in a direct proceeding in accordance with law.

On August 22, 2007, the CA denied petitioners' motion for reconsideration of its Decision. Hence, the petition for review on *certiorari*, raising the sole issue:

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN
ANNULLING THE DECISION OF THE REGIONAL TRIAL COURT OF

¹¹ *Id.* at 37-39.

ALAMINOS CITY, PANGASINAN, BRANCH 54 FOR LACK OF JURISDICTION.¹²

Petitioners contend that while the MTC of Bolinao, Pangasinan, is without jurisdiction to act upon the action for reconveyance of ownership and possession with damages, involving a land with an assessed value of more than P20,000.00, the RTC of Alaminos, Pangasinan, nonetheless correctly assumed jurisdiction thereon on appeal pursuant to Section 8, Rule 40 of the Rules of Court, as amended. Thus, the RTC Decision should not have been nullified as a result of the MTC's lack of jurisdiction over the case. They also point out that even if the CA ruled that the nullification of the Decisions of both the MTC and the RTC is without prejudice to the filing of an appropriate action before the proper court, such would result in multiplicity of suits. This is because the trial court where such action will be filed anew will just repeat the task already done competently by the RTC.

As to the issue of indefeasibility of respondents' free patent titles, petitioners argue that an action for reconveyance is still an available remedy, as the disputed land has not yet passed to an innocent purchaser for value. They add that the rule on incontrovertibility of a certificate of title upon the lapse of 1 year after the entry of the decree of registration does not apply when an action for the cancellation of free patent title is instituted on the ground that it is null and void for having been issued with respect to a private property.

Citing the rule that a free patent issued over a private land is null and void, and produces no legal effects, petitioners contend that the presentation of either a duly-registered possessory information or a clear showing of their open, continuous, exclusive and notorious possession of the disputed land, suffices to strip it of its public character, and render it unavailable for application for a free patent title. Petitioners assert that since both parties claimed that they have been in possession of the subject land for more than thirty (30) years prior to the issuance of the disputed free patent titles, their claims have the effect of establishing the private character of the same property. Thus, the only question that remains is who between petitioners and respondents adequately proved their claim. In this regard, petitioners posit that the RTC correctly concluded that their evidence is more persuasive than that of respondents. As to the issue of the immunity of the disputed titles from collateral attack, petitioners submit that their action for reconveyance of ownership and possession with damages, is an appropriate action to directly assail such titles.

¹² *Id.* at 18.

For their part, respondents counter that Section 8, Rule 40 of the Rules of Court is not applicable in the case at bar, as it refers only to cases where the lower court (*MTC*) dismissed a case filed with it without trial on the merits, and an appeal to the RTC was taken from the order of dismissal. In which case, according to respondents, the RTC may reverse the dismissal and, if it has jurisdiction, shall try the case on the merits as if the case were originally filed with it.

Respondents further argue that if petitioners were indeed unlawfully deprived of their real right of possession and ownership of the disputed property, they should have filed an *accion publiciana* or *reivindicatoria* with the RTC, and not before the MTC. They also insist that the RTC has no jurisdiction to declare as null and void the free patent titles in their names because of the principle of indefeasibility and incontrovertibility of titles after the lapse of one (1) year from the issuance of a decree of registration.

The petition is meritorious.

In resolving the issue of whether the CA erred in annulling the RTC Decision for lack of jurisdiction, the Court is guided by the well-settled rule that “jurisdiction over the subject matter of a case is conferred by law and determined by the allegations in the complaint which comprise a concise statement of the ultimate facts constituting the plaintiff's cause of action. The nature of an action, as well as which court or body has jurisdiction over it, is determined based on the allegations contained in the complaint of the plaintiff, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein. The averments in the complaint and the character of the relief sought are the ones to be consulted. Once vested by the allegations in the complaint, jurisdiction also remains vested irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.”¹³

The jurisdictions of the RTC and the MTC over civil actions involving title to, or possession of real property or interest therein, like petitioners' action for reconveyance of ownership and possession with damages, are distinctly set forth under Section 19 (2) and Section 33 (3) of B.P. Blg. 129, as amended:

Section 19. *Jurisdiction in civil cases.* – Regional Trial Courts shall exercise exclusive original jurisdiction:

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where

¹³ *Padlan v. Dinglasan*, G.R. No. 180321, March 20, 2013, 91 SCRA 91, 98-99.

the assessed value of the property involved exceeds Twenty thousand pesos (₱20,000.00) or for civil actions in Metro Manila, where such the value exceeds Fifty thousand pesos (₱50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

Section 33. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in civil cases.* – Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

(3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (₱20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (₱50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs: *Provided*, That value of such property shall be determined by the assessed value of the adjacent lots. (*as amended by R.A. No. 7691*)

A careful perusal of the allegations in their complaint for reconveyance of ownership and possession with damages, would show that petitioners failed to indicate the assessed value of the subject real property. At any rate, based on the Tax Declarations¹⁴ attached to their complaint, the disputed land located in Bolinao, Pangasinan, has a total assessed value of ₱54,370.00. In line with the above-quoted statutory provisions, therefore, the RTC has jurisdiction over petitioners' civil action involving title to a real property outside Metro Manila with a total assessed value in excess of ₱20,000.00.

Thus, while the CA is correct in ruling that the MTC has no jurisdiction over the case for reconveyance and recovery of ownership and possession of a land with an assessed value over P20,000.00, the same cannot be said of its ruling with respect to the RTC. Under Section 8, Rule 40 of the Rules of Court, if the MTC tried a case on the merits despite having no jurisdiction over the subject matter, its decision may be reviewed on appeal by the RTC, to wit:

Sec. 8. Appeal from orders dismissing case without trial; lack of jurisdiction.

¹⁴ CA rollo, pp. 55-81. See dorsal portions.

If an appeal is taken from an order of the lower court dismissing the case without a trial on the merits, the Regional Trial Court may affirm or reverse it, as the case may be. In case of affirmance and the ground of dismissal is lack of jurisdiction over the subject matter, the Regional Trial Court, if it has jurisdiction thereover, shall try the case on the merits as if the case was originally filed with it. In case of reversal, the case shall be remanded for further proceedings.

If the case was tried on the merits by the lower court without jurisdiction over the subject matter, the Regional Trial Court on appeal shall not dismiss the case if it has original jurisdiction thereof, but shall decide the case in accordance with the preceding section, without prejudice to the admission of amended pleadings and additional evidence in the interest of justice.¹⁵

In *Serrano v. Spouses Gutierrez*,¹⁶ the Court explained that the first paragraph of Section 8, Rule 40 contemplates an appeal from an order of dismissal issued without trial of the case on the merits, while the second paragraph deals with an appeal from an order of dismissal but the case was tried on the merits. Both paragraphs, however, involve the same ground for dismissal, *i.e.*, lack of jurisdiction. Verily, the second paragraph refutes respondents' contention that Section 8, Rule 40 refers solely to cases where the MTC dismissed a case filed therein without a trial on the merits and an appeal to the RTC was taken from the order of dismissal. Therefore, the RTC correctly proceeded to decide the case on the merits despite the MTC's lack of jurisdiction over the subject matter.

In contrast, the CA erroneously reversed and set aside the RTC Decision for lack of jurisdiction. Indeed, the RTC has appellate jurisdiction over the case and its decision should be deemed promulgated in the exercise of that jurisdiction. The RTC's appellate jurisdiction, as contrasted to its original jurisdiction, is provided in Section 22 of B.P. Blg. 129, as amended, thus:

SECTION 22. *Appellate jurisdiction.*—Regional Trial Courts shall exercise appellate jurisdiction over all cases decided by Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in their respective territorial jurisdictions. Such cases shall be decided on the basis of the entire record of the proceedings had in the court of origin such memoranda and/or briefs as may be submitted by the parties or

The above-quoted provision vests upon the RTC the exercise of appellate jurisdiction over all cases decided by the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in their

¹⁵ Emphasis added.

¹⁶ 537 Phil. 187, 197 (2006).

respective territorial jurisdictions. Clearly then, the amount involved is immaterial for purposes of the RTC's appellate jurisdiction; all cases decided by the MTC are generally appealable to the RTC irrespective of the amount involved.¹⁷ Hence, the CA grossly erred in nullifying the RTC Decision for lack of jurisdiction, and in declaring as moot and academic the factual issues raised in the respondents' petition for review when it should have proceeded to review on appeal the factual findings of the RTC. This is because the RTC not only has exclusive original jurisdiction over petitioners' action for reconveyance of ownership and possession with damages, but also appellate jurisdiction over the MTC Decision itself.

On a final note, it bears emphasis that in a petition for review on *certiorari* under Rule 45 of the Rules of Court, only questions of law may be raised by the parties and passed upon by this Court. This restriction of the review to questions of law has been institutionalized in Section 1, Rule 45 of the Rules of Court, the second sentence of which provides that the petition shall raise only questions of law which must be distinctly set forth. Indeed, in the exercise of its power of review, the Court is *not* a trier of facts and, subject to certain exceptions, it does not normally undertake the re-examination of the evidence presented by the parties during trial.¹⁸ In certain exceptional cases, however, the Court may be urged to probe and resolve factual issues, *viz.*:

- (a) When the findings are grounded entirely on speculation, surmises, or conjectures;
- (b) When the inference made is manifestly mistaken, absurd, or impossible;
- (c) When there is grave abuse of discretion;
- (d) When the judgment is based on a misapprehension of facts;
- (e) When the findings of facts are conflicting;
- (f) When in making its findings the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee;
- (g) When the CA's findings are contrary to those by the trial court;
- (h) When the findings are conclusions without citation of specific evidence on which they are based;
- (i) When the facts set forth in the petition, as well as in the petitioner's main and reply briefs, are not disputed by the respondent;
- (j) When the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or
- (k) When the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.¹⁹

¹⁷ *Serrano v. Spouses Gutierrez, supra*, at 196.

¹⁸ 669 Phil. 570, 578-579. (Citations omitted)

¹⁹ *Spouses Andrada v. Pilhino Sales Corporation*, 659 Phil. 71, 78-79 (2011).

Not one of those exceptions was shown to obtain in the instant case as would justify a liberal interpretation of procedural rules and a determination of factual issues by the Court. A perusal of petitioners' sole assigned error would readily show that the only issue raised is one of law. There is a question of law when the doubt or difference arises as to what the law is on certain state of facts and which does not call for an existence of the probative value of the evidence presented by the parties-litigants.²⁰ Undeniably, the issue whether the CA erred in annulling the RTC Decision for lack of jurisdiction is a question of law. The resolution of such issue rests solely on what the law [B.P. Blg. 129, as amended] provides on the given set of circumstances as alleged in petitioners' complaint for reconveyance of ownership and possession with damages.

Meanwhile, the factual questions necessitating a review of the evidence presented by the parties are raised in the respondents' petition for review filed with the CA. An issue is factual when the doubt or difference arises as to the truth or falsehood of alleged facts, or when the query invites calibration of the whole evidence, considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation to each other and to the whole, and the probabilities of the situation.²¹ Without doubt, the following issues duly raised before the CA but it failed to resolve are all questions of fact which are beyond the province of a petition for review on *certiorari* under Rule 45:

I. THE REGIONAL TRIAL COURT, BR. 54, ALAMINOS CITY, PANGASINAN, ERRED IN ORDERING OCT (FP) NO. 15820 IN THE NAME OF JUPITER SANTIAGO, OCT (FP) NO. 15819 IN THE NAME OF EFRAEM SANTIAGO AND GLORIA SANTIAGO; OCT NO. 15765 IN THE NAME OF SPS. ELIZABETH SANTIAGO AND ALMARIO MARQUEZ; OCT (FP) 15755 IN THE NAME OF SPS. EUGENIO SANTIAGO, JR. AND ALMA CAASI; OCT (FP) NO 15754 IN THE NAME OF JON-JON SANTIAGO AND OCT (FP) NO. 15818 IN THE NAME OF RAMON CAMPOS, NULL AND VOID, AND ORDERING THEM TO RECONVEY THE AREA INDICATED IN THEIR FREE PATENTS TITLES TO RESPONDENTS (DEFENDANTS IN THE RTC CIVIL CASE NO. A-2750) AND FOR RESPONDENTS TO DIVIDE AMONG THEMSELVES SAID PROPERTY;

II – THE REGIONAL TRIAL COURT ERRED IN DECLARING THAT FREE PATENT TITLES OF HEREIN PETITIONERS WERE ACQUIRED THRU FRAUD, HENCE, NULL AND VOID;

III – THE REGIONAL TRIAL COURT ERRED IN UPHOLDING THE VALIDITY OF TAX DECLARATIONS OF RESPONDENTS (PLAINTIFFS IN CIVIL CASE NO. 939-MTC, BOLINAO,

²⁰ *Emiliano S. Samson v. Spouses Jose and Guillermina Gabor, et al.*, G.R. No. 182970, July 23, 2014.

²¹ *Spouses Agner v. BPI Family Savings Bank, Inc.*, G.R. No. 182963. June 3, 2013, 697 SCRA 89, 93.

PANGASINAN) OVER THE PROPERTIES IN QUESTION AND DID NOT GIVE DUE CREDENCE OF (SIC) THE TAX DECLARATION OF PETITIONERS;

IV – THE REGIONAL TRIAL COURT ERRED IN ORDERING PETITIONERS TO PAY RESPONDENTS DAMAGES AS SPECIFIED IN SAID DECISION;

V – THE REGIONAL TRIAL COURT ERRED IN REVERSING IN TOTO THE DECISION OF THE MUNICIPAL TRIAL COURT OF BOLINAO, PANGASINAN AND DECIDING THAT PETITIONERS ARE NOT THE OWNERS OF THE PROPERTIES SUBJECT MATTER OF THIS CASE (CIVIL CASE NO. 939-MTC, BOLINAO, PANGASINAN.²²

In view of the foregoing discussion, the Court no longer finds any necessity to delve into the parties' contentions relative to the principles of indefeasibility and incontrovertibility of Torrens Titles, and immunity of such titles from collateral attack. However, a remand of the case to the CA is necessary in order to fully resolve all the above-quoted factual issues raised in the respondents' petition for review.

WHEREFORE, premises considered, the petition for review on *certiorari* is **GRANTED**. The Court of Appeals Decision dated May 29, 2007 and its Resolution dated August 22, 2007 in CA-G.R. SP No. 79769 are **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for the prompt resolution of the factual issues raised in the respondents' petition for review of the Decision dated June 14, 2002 of the Regional Trial Court of Alaminos City, Pangasinan, Branch 64.

This Decision is immediately executory.

SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

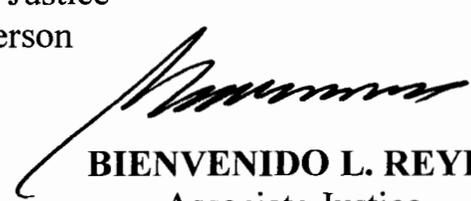
WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



JOSE PORTUGAL PEREZ
Associate Justice



BIENVENIDO L. REYES
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

ATTESTATION

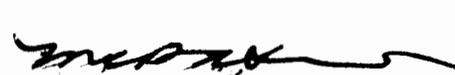
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII 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 the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice