



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

WENCESLAO EBANCUEL (now deceased), substituted by his heirs, namely: ADORACION EBANCUEL, MELITA EBANCUEL, ALBERT EBANCUEL, ROWENA EBANCUEL, AILYN EBANCUEL, and WILLIAM EBANCUEL,
Petitioners,

G.R. No. 214540

- versus -

ROMULO ACIERTO,
 SEGUNDINO ACIERTO,
 BENJAMIN BARNACHIA,
 FELIZA BARNACHIA,
 MOISES BARNACHIA,
 ROMEO BARNACHIA,
 FEDERICO CANIAS,
 FELICIDAD ECLARINAL,
 DR. HONORIO A. EDAÑO,
 INECITA EDUCALANE,
 LOLITA EDUCALANE,
 TRINIDAD ECALDRE,
 LARRY ACIERTO (as per Amended Answer instead of GUIDO ELAGO),
 MANUEL ECLEVIA, SR.,
 HERMINIA ENCISO,
 ESPIRIDION MAGAYANO,
 CANDELARIA MAGAYANO,
 CONCEPCION REALIZO, and
 DOMINADOR REALIZO,
Respondents.

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,
 HERNANDO,
 INTING,
 GAERLAN, and
 ROSARIO,* JJ.

Promulgated

JUL 28 2021

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DECISION

GAERLAN, J.:

As a general rule, laches shall not defeat the registered owner's right to

* Designated additional Member per Special Order No. 2835 dated July 15, 2021.

recover his/her property. Moreover, the question of laches is not resolved by simply counting the years that passed before an action is instituted. Rather, any alleged delay must be proven to be unreasonable, and must lead to the conclusion that the claimant abandoned his/her right.

This resolves the Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by petitioners Heirs of Wenceslao Ebancuel praying for the reversal of the September 22, 2014 Decision² of the Court of Appeals (CA) in CA-G.R. CV No. 95105. The CA affirmed the January 28, 2010 Decision of the Regional Trial Court (RTC) of Zambales, Branch 70 which dismissed the *accion publiciana* filed by Wenceslao Ebancuel (Wenceslao).

Antecedents

Buenaventura Ebancuel (Buenaventura) was the registered owner of a two-hectare parcel of land located in Barangay Baloganon, Masinloc, Zambales, covered by Certificate of Title No. 97. The subject property was declared for taxation under Tax Declaration Nos. 5050 and 5867 in Buenaventura's name.³

In 1948, Buenaventura died, leaving his son Wenceslao orphaned. Wenceslao was forced to live with his relatives in Olongapo City. As an orphan and living far from Masinloc, he was unaware about the property left behind by his father.⁴

Sometime in 1974, he and his cousin searched for existing properties in his father's name. Thus, they went to the Register of Deeds of Zambales and discovered the subject property. After which, Wenceslao paid the inheritance tax and the real property taxes, including all arrears.⁵

Subsequently, in 1981, Wenceslao visited the subject property and was surprised to discover the respondents Romulo Acierto, Segundino Acierto, Benjamin Barnachia, Feliza Barnachia, Moises Barnachia, Romeo Barnachia, Federico Canias, Felicidad Eclarinal, Dr. Honorio A. Edaño, Inecita Educalane, Lolita Educalane, Trinidad Ecaldre, Larry Acierto (as per Amended Answer instead of Guido Elago), Manuel Eclevia, Sr., Herminia Enciso, Espiridion Magayano, Candelaria Magayano, Concepcion Realizo, and Dominador Realizo (respondents) occupying the same. Dismayed, he filed a complaint with the Barangay. Unfortunately, they failed to reach an amicable settlement.

¹ *Rollo*, pp. 9-23.

² *Id.* at 28-43; penned by Associate Justice Eduardo B. Peralta, Jr., with Associate Justices Magdangal M. De Leon and Stephen C. Cruz, concurring.

³ *Id.* at 15.

⁴ *Id.* at 16.

⁵ *Id.*

Thereafter, on May 17, 1984, Wenceslao filed a case for recovery of possession and damages. However, on October 8, 1986, the action was dismissed without prejudice due to lack of interest to prosecute the case.⁶

Then, on December 1, 1997, Wenceslao filed the instant complaint for *accion publiciana*.

In their Answer, respondents countered that they purchased the subject property from Buenaventura themselves or through their predecessors-in-interest between the years 1940 to 1945. Likewise, they stated that they have been in possession of the subject property for more than 30 years.

On September 12, 2001, Wenceslao died. Consequently, the title over the subject property was transferred under the name of his widow, Adoracion Ebancuel (Adoracion), by virtue of a Deed of Extrajudicial Settlement of Estate with Quitclaim. Said Deed of Extrajudicial Settlement was duly registered with the Register of Deeds.⁷ Wenceslao was substituted by Adoracion and their children Melita Ebancuel, Albert Ebancuel, Rowena Ebancuel, Ailyn Ebancuel, and William Ebancuel (petitioners).⁸

On January 28, 2010, the RTC dismissed the *accion publiciana* on the ground of laches, and declared the respondents as the absolute owners and possessors of the subject property.

Aggrieved, petitioners filed an appeal⁹ with the CA.

Ruling of the CA

On September 22, 2014, the CA rendered a Decision¹⁰ affirming the RTC's judgment. The CA agreed that Wenceslao's action is barred by laches. It noted that Wenceslao learned of the existence of the subject property, yet did not bother to check its status. Likewise, the CA observed that Wenceslao waited for seven (7) years to verify the condition of the property in 1981. Thereafter, he allowed three (3) years to lapse before obtaining judicial relief by filing the first *accion publiciana* case in 1984. Worse, said case was dismissed without prejudice due to his lack of interest to prosecute.¹¹ Then, he waited for another eleven (11) years before filing the second *accion publiciana* case in 1997.¹² He

⁶ Id. at 16; 29.

⁷ Id. at 17.

⁸ Id. at 32.

⁹ Id. at 29.

¹⁰ Id. at 28-43.

¹¹ Id. at 40.

¹² Id.

failed to give any justifiable reason for his procrastination.¹³

The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the APPEAL is hereby DENIED and the challenged Decision dated January 28, 2010 is hereby AFFIRMED.

SO ORDERED.¹⁴

Dissatisfied with the ruling, petitioners filed the instant Petition for Review on *Certiorari*.

Issue

The core issue is who is entitled to possession of the subject property.

In asserting their claim, petitioners contend that their cause of action is not barred by laches.¹⁵ They point out that the requisites of laches are wanting.¹⁶ They emphasize that there was no delay in asserting their rights over the subject property, considering that Wenceslao immediately took action. They further argue that any purported delay in obtaining judicial relief was justified by the circumstances.

Moreover, petitioners claim that the respondents could not feign ignorance of Wenceslao's cause of action against them. They met before the Barangay and were informed of the latter's status as the registered owner of the subject property.¹⁷

Likewise, petitioners assert that the case for recovery of possession may not be barred by prescription since the property is covered by a Torrens title.¹⁸ They harp on Section 47 of the Property Registration Decree which states that "no title to registered land in derogation of the title of the registered owner shall be acquired by prescription or adverse possession."¹⁹

Finally, petitioners bewail that the CA and the RTC erred in declaring the respondents as the owners of the subject property.²⁰ They aver that respondents failed to present sufficient documents to prove their ownership of the property.²¹

¹³ Id.

¹⁴ Id. at 43.

¹⁵ Id. at 17.

¹⁶ Id. at 19.

¹⁷ Id. at 19-20.

¹⁸ Id. at 20.

¹⁹ Id.

²⁰ Id.

²¹ Id.

Also, respondents never made any move to register their rights over the property despite their knowledge of Wenceslao's claims.²²

On the other hand, respondents retort that they purchased the subject property from Buenaventura from 1940 to 1945. In fact, they maintain that all the sales were duly executed with the proper formalities. However, due to the length of time that lapsed, most of the documents have been lost and destroyed.²³ Likewise, respondents insist that the sale is supported by public records such as tax declarations which bore the annotation, "Bought from Ebancuel."²⁴ They urge that said tax declarations are admissible as secondary evidence of the sale, and their genuineness and due execution may be proven under the doctrine of "ancient documents."²⁵

Additionally, respondents state that they have been occupying the subject property continuously and in good faith for more than 60 years. They aver that petitioners' right had long elapsed and the issuance of the title in Wenceslao's name was fraudulent, illegal and in bad faith since his father had long ago disposed of the subject property.²⁶

Ruling of the Court

The petition is impressed with merit.

The right of the registered owner to recover possession of his/her property is not barred by laches.

It is noted at the outset that an *accion publiciana* is the plenary action to recover the right of possession filed before the proper regional trial court when the dispossession has lasted for more than one year.²⁷ Notably, the issue in an *accion publiciana* is the better right of possession of the realty, independent of the title. However, the registered owner or one with a Torrens title may likewise file an *accion publiciana* to recover possession if the one-year prescriptive period for forcible entry and unlawful detainer has already passed.²⁸ The Court's ruling shall be limited to the issue of possession.

In line with this, it is a fundamental principle in land registration that the

²² Id. at 19.

²³ Id. at 50.

²⁴ Id.

²⁵ Id. at 51.

²⁶ Id.

²⁷ *Heirs of Alfonso Yusingco v. Busilak*, 824 Phil. 454, 461 (2018).

²⁸ *Heirs of Alfredo Cullado v. Gutierrez*, G.R. No. 212938, July 30, 2019.

certificate of title is evidence of an indefeasible and incontrovertible title over the property in favor of the person in whose name it is registered. The title serves as conclusive evidence of the ownership of the land described therein. Thus, the person who has a Torrens title over the property is entitled to its possession. Likewise, the registered owner's right to evict the illegal occupant is imprescriptible.²⁹

In the case at bar, Wenceslao is the registered owner of the subject property, having inherited the same from his father. Likewise, Wenceslao possessed a title over the same, as proven by Transfer Certificate of Title (TCT) No. T-20033.³⁰ Thereafter, upon Wenceslao's death, the property was inherited by herein petitioners. In fact, they hold a Torrens title over the subject property as evidenced by TCT No. T-55599 in Adoracion's name. Lamentably, despite these crucial pieces of information, the RTC and the CA awarded said property to the respondents, solely due to Wenceslao's purported delay in enforcing his rights over the property.

The Court disagrees.

Notably, laches exists when a party was negligent or has failed to assert a right within a reasonable time, thereby giving rise to the presumption that he or she has abandoned it³¹ or declined to assert it.³² As an equitable doctrine, the application of laches is controlled by fair considerations, and it shall not be used to defeat justice or to perpetrate fraud.³³

Similarly, laches is evidentiary in nature and cannot be established by mere allegations in the pleadings.³⁴ The issue of laches is addressed to the court's sound discretion. There is no absolute rule as to what renders a demand stale, and each case shall be determined according to its peculiar circumstances.³⁵

Remarkably, the Court has repeatedly affirmed that the right of the registered owner to eject any person illegally occupying his/her property is imprescriptible, and may not be barred by laches.³⁶ This stems from the fact that

²⁹ *Id.*, citing *Catindig v. Vda. de Meneses*, 656 Phil. 361, 373-374 (2011),

³⁰ *Rollo*, p. 11.

³¹ *Sps. Aboitiz v. Sps. Po*, 810 Phil. 123, 148 (2017), citing *Ignacio v. Basilio*, 418 Phil. 256, 265-266 (2001).

³² *Heirs of Anacleto B. Nieto v. Municipality of Meycauayan, Bulacan*, 564 Phil. 674, 680 (2007).

³³ *Department of Education v. Casibang*, 779 Phil. 472, 482 (2016), citing *Romero v. Natividad*, 500 Phil. 322, 327 (2005).

³⁴ *Abadiano v. Sps. Martir*, 582 Phil. 647, 665 (2008), citing *Department of Education, Division of Albay v. Oñate*, 551 Phil. 633, 649 (2007), citing *Gochan and Sons Realty Corp. v. Heirs of Raymundo Baha*, 456 Phil. 569, 571 (2003).

³⁵ *Department of Education v. Casibang*, *supra*.

³⁶ *Heirs of Anacleto B. Nieto v. Municipality of Meycauayan, Bulacan*, *supra* note 32; *Department of Education v. Casibang*, *supra* at 484; *Catindig v. Vda. De Meneses*, *supra* at 374.

laches cannot be set up to resist the enforcement of an imprescriptible legal right.³⁷ Laches, is a principle based on equity, and may not prevail against a specific provision of law, because equity, which is defined as “justice outside legality,” is applied in the absence of and not against statutory law or rules of procedure.³⁸

In fact, it was stressed in *Catindig v. Vda. de Meneses*,³⁹ that 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:

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.⁴⁰

A similar doctrine was laid down in *Heirs of Jose Maligaso, Sr. v. Spouses Encinas*⁴¹ and *Spouses Ragudo v. Fabella Estate Tenants Association, Inc.*,⁴² where it was emphasized that the sheer lapse of time will not legitimize the occupants’ refusal to vacate the subject area nor bar the registered owners from gaining possession thereof. Again, it was enunciated that laches will not operate to deprive the registered owners of their right to recover possession of the land.⁴³

Likewise, in *Pen Development Corp. v. Martinez Leyba, Inc.*,⁴⁴ and *Spouses Ocampo v. Heirs of Bernardino Dionisio*,⁴⁵ it was declared that the owner of the property has the imprescriptible right to demand the return of his/her property at any time. This holds true regardless of the fact that the deforciants have been occupying the property for a significant period of time. Prescription and laches cannot apply to registered land covered by the Torrens system because under the Property Registration Decree, “no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession.”⁴⁶

³⁷ Id., citing *Heirs of Romana Ingjug-Tiro v. Casals*, 415 Phil. 665, 674 (2001).

³⁸ Id. at 680-681, citing *Mateo v. Diaz*, 424 Phil. 772, 781 (2002); *Bailon-Casilao v. Court of Appeals*, 243 Phil. 888, 896 (1988).

³⁹ Supra note 29.

⁴⁰ Id. at 374.

⁴¹ Supra note 42.

⁴² 503 Phil. 751 (2005), cited in *Heirs of Jose Maligaso, Sr. v. Spouses Encinas*, supra.

⁴³ *Heirs of Jose Maligaso, Sr. v. Spouses Encinas*, id. at 526.

⁴⁴ 816 Phil. 554 (2017).

⁴⁵ 744 Phil. 716 (2014)

⁴⁶ *Pen Development Corp. v. Martinez Leyba, Inc.*, supra.

Similarly, in *Dablo v. Court of Appeals*,⁴⁷ it was underscored that no amount of possession of the property may defeat the registered owners' proprietary rights thereon. The owners' right to institute an action to recover possession of the land based on the Torrens Title is imprescriptible and not barred under the doctrine of laches.⁴⁸

Admittedly, the Court is aware of its pronouncement⁴⁹ declaring that in certain cases, laches may bar the registered owner from recovering his/her property. It is important to note that the exception does not apply. More importantly, **the respondents failed to prove all the requisites of laches.**

It bears stressing that for laches to apply, the oppositor must clearly establish the following requisites, namely, (i) the oppositor's conduct or the one under whom the oppositor demands, gave rise to the situation complained of; (ii) the claimant's delay in asserting his/her right after knowledge of the oppositor's conduct and after an opportunity to sue; (iii) the oppositor had no knowledge or notice that the claimant would assert his/her right; and (iv) injury or prejudice to the oppositor if relief is granted in favor of the claimant.⁵⁰ **The last three requisites are wanting in the instant case.**

First, Wenceslao is not guilty of an unjustified delay in filing the action to recover his property. It must be noted that Wenceslao was only ten years old when his father, the original owner of the subject property, passed away. Following his father's demise, he was sent to live with his relatives, far from where his father's property was located. His inaction was due to his ignorance and naiveté, having been forced to leave the subject property as a child. Thereafter, upon reaching the age of majority, he sought the assistance of his relative to search for existing properties in his father's name. It was only in 1974 that he belatedly discovered the subject property. Immediately after, he took active steps to protect his rights by paying the inheritance tax and real property tax, and registering the property in his name.

Not long after, he visited the property in 1981, which was when he learned about the respondents' illegal occupation. He instantly lodged a complaint before the barangay, met with the respondents, and tried to reach an amicable settlement. Unfortunately, no settlement was forged, which caused him to file an *accion publiciana* in 1984 – which is merely three years from his first confrontation with the respondents. He likewise caused a survey of the subject property. Based on this timeline, there is no unreasonable and unjustified delay that would render Wenceslao's claim stale.

⁴⁷ 297 Phil. 692 (1993).

⁴⁸ Id. at 703, citing *J.M. Tuason & Co., Inc. v. Macalindong*, 116 Phil. 1227, 1231-1232 (1962), *Francisco v. Cruz*, 43 O.G. 5105, *Jimenez v. Fernandez*, 263 Phil. 72, 81 (1990).

⁴⁹ *Catholic Bishop of Balanga v. Court of Appeals*, 332 Phil. 206 (1996).

⁵⁰ *Sps. Aboitiz v. Sps. Po.*, supra note 31 at 148, citing *Ignacio v. Basilio*, supra note 31.

Also, the dismissal of the first *accion publiciana* in 1984 due to lack of interest to prosecute, and the lapse of time between the first case and the institution of the second *accion publiciana* in 1997, do not constitute an unreasonable delay. Wenceslao adequately explained that he had no sufficient means to pursue the first case.⁵¹ He was in dire financial straits and was saddled with the difficulties of traveling and communicating between Iba, Zambales where the case was pending and Olongapo City, where he was residing.⁵² In fact, he filed the second case as soon as his financial condition improved.⁵³

It is apparent from the foregoing, that Wenceslao did not sleep on his rights. Rather, he took active steps to fight for his claim. To reiterate, he paid the inheritance tax, and real property tax; registered the property in his name; lodged a complaint before the barangay; and filed actions to recover possession of his property. True, his actions may have taken time but said delay does not lead to a conclusion that he abandoned his right or that he had no intention to assert it. Quite the contrary, his acts evince a strong desire to vindicate his rights. More importantly, any purported lag in pursuing the actions were completely justified.

To note, jurisprudence states that there can be no laches against the owners who took steps to protect their property. Specifically in *Sps. Aboitiz v. Sps. Po*,⁵⁴ the owners' act of registering their property belied the accusation of laches, and was clear evidence that they did not abandon their rights over the disputed property. Also, in *De Vera-Cruz v. Miguel*,⁵⁵ the persons who had been judicially fighting to be recognized as the legal owners of the disputed property were not considered to have neglected their right over the same.

Second, respondents may not feign ignorance of Wenceslao's cause of action against them. In as early as 1981, the respondents were notified of Wenceslao's claim over the subject property. In fact, the parties confronted each other about their respective rights over the property. Hence, petitioners may not pretend to have been caught off-guard about the filing of the *accion publiciana*. Neither may the respondents fault Wenceslao for instituting the second case in 1997. It bears noting that the action to recover possession availed by the registered owner is not barred by prescription. Likewise, the first case was dismissed without prejudice, thereby allowing the filing of another action.

Interestingly, in *Heirs of Enrique Diaz v. Virata*,⁵⁶ it was held that there can be no laches against the registered owner since the occupants were aware that the former may institute an action. Here, the first case was dismissed without

⁵¹ *Rollo*, p. 19.

⁵² *Id.* at 16.

⁵³ *Id.* at 17.

⁵⁴ *Supra* note 31.

⁵⁵ 505 Phil. 591 (2005).

⁵⁶ 529 Phil. 799 (2006)

prejudice, which thus served as a warning that the action may eventually be re-filed. Although the cited case involved an action for quieting of title, the same ratio applies to the instant case:

Moreover, the appellate court said that laches cannot lie against respondent on the ground that petitioners cannot feign ignorance of the possibility of respondent's action for quieting of title because from the time of the dismissal of the case for recovery of possession in 1969, they knew that another action would be instituted by respondent since the dismissal of the prior case was without prejudice to the filing of a subsequent action.

We agree.

For laches to apply, it must be shown that there was lack of knowledge or notice on the part of the defendant that complainant would assert the right in which he bases his suit. Petitioners cannot be said to be without knowledge of respondent's claims over the subject properties as even prior to 1969, Antenor filed Civil Case N-501, an action for recovery of possession against Enrique. On 16 October 1969, the CFI of Cavite dismissed the case without prejudice to the filing of a subsequent action. **The dismissal without prejudice was adequate to apprise petitioners that an action to assert respondent's rights was forthcoming.**⁵⁷ (Emphasis supplied)

Third, respondents will not sustain any prejudice or injury if the petitioners' claim is granted. Since laches is a creation of equity, acts or conduct alleged to constitute the same must be intentional and unequivocal so as to avoid injustice. Laches will operate not so much to penalize neglect or sleeping on one's rights, but rather to avoid recognizing a right when to do so would result in a clearly inequitable situation.⁵⁸ The respondents failed to establish their right to possess the subject property, as will be exhaustively discussed.

The respondents failed to prove their alleged ownership of the subject property.

Respondents staunchly insist that they purchased the subject property from Buenaventura by themselves or through their predecessors-in-interest sometime between the years of 1940 to 1945. They brazenly assert that the sale was effected with all the proper formalities and was covered by deeds of sale. Surprisingly, however, the respondents failed to present their alleged deeds of sale, save for Dominador Realizo, Aleja Barnachia, and Nicolas Acierto Educalane.⁵⁹ Oddly enough, the boundaries stated in the said deeds of sale are different from the boundaries of the property involved in the case. Also, the title

⁵⁷ Id. at 825.

⁵⁸ *D.B.T Mar-Bay Construction, Inc. v. Panes*, 612 Phil. 93, 111 (2009), citing *Maestrado v. Court of Appeals*, 384 Phil. 418, 430 (2000).

⁵⁹ *Rollo*, pp. 33-34; 36.

of the property was not mentioned in the said deeds. Equally dubious is the fact that the deeds, assuming they were valid, were never registered.

Unfortunately, the respondents merely relied on their own testimonies, tax declarations and their possession of the property for many years. It is strange that respondents have claimed possession as early as the 1940s to the 1970s, yet not one of them (or their predecessors) registered their respective properties in their name. The respondents' failure to register the sale for over sixty years is questionable. Ironically, it was actually the respondents who slept on their rights, if any.

Quite similar to the case at bar, in *Department of Education v. Casibang*,⁶⁰ the Court noted that therein petitioner-occupant failed to prove its contention that it purchased the disputed property, and instead, conveniently relied on the defense of laches to bar the registered owners from recovering the same. The occupant failed to present a deed of sale, a certificate of title, or proof of the seller's receipt of the consideration. Thus, the Court stringently ruled that the registered owners' Torrens title must prevail against the occupant's unsubstantiated self-serving claim that it acquired the property by virtue of a sale.⁶¹

To quote pertinent portions of the case:

As against the DepEd's unsubstantiated self-serving claim that it acquired the property by virtue of a sale, the Torrens title of respondents must prevail.

It is undisputed that the subject property is covered by OCT No. O-627, registered in the name of the Juan Cepeda. A fundamental principle in land registration under the Torrens system is that 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. Thus, the certificate of title becomes the best proof of ownership of a parcel of land.

As registered owners of the lots in question, the 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 petitioner's 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.

Case law teaches that those who occupy the land of another at the latter's tolerance or permission, without any contract between them, are necessarily bound by an implied promise that the occupants will vacate the property upon demand.⁶² (Citations omitted)

⁶⁰ Supra note 33.

⁶¹ Id. at 484.

⁶² Id.

Moreover, respondents may not harp on their possession of the subject property regardless of the length thereof. Their occupation, even in good faith, will not ripen into ownership. It is settled that no title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.⁶³ Since Buenaventura, followed by Wenceslao, and presently, the petitioners, hold a Torrens title over the subject property, their rights may not be stolen through the respondents' occupation.

Furthermore, the respondents' tax declarations are insufficient proof of ownership. A tax declaration does not prove ownership, but merely serves as an indicium of possession in the concept of ownership.⁶⁴ A tax receipt or a declaration of ownership for taxation purposes does not constitute evidence of ownership or of the right to possess realty when not supported by other effective proofs.⁶⁵

Worse, the boundaries described in the respondents' tax declarations do not coincide with the subject property. This is admitted by the respondents, albeit with the feeble excuses that the discrepancies are of no moment because the boundaries in the tax declarations are mere approximations, and said declarations have undergone various revisions in the course of time that it is impossible to keep track of them.⁶⁶ Respondents' explanations fail to persuade.

Finally, civil cases are decided based on a preponderance of evidence. In this case, Wenceslao and the petitioners presented the following documents as proof of their ownership: (i) Certified True Copy of OCT No. 97; (ii) Certified True Copy of TCT No. T-20033; (iii) Tax Declarations; (iv) Location Plan; and (v) Survey Plan. In contrast, all that respondents presented were a few deeds of sale and tax declarations that did not coincide with the description of the disputed property. Clearly, Wenceslao's evidence prevails over those of the respondents. Accordingly, respondents, having no title or document to overcome the petitioners' ownership, are intruders who have no possessory rights over the land. Certainly, their acts cannot affect petitioners' ownership.

WHEREFORE, premises considered, the petition is **GRANTED**. The September 22, 2014 Decision of the Court of Appeals in CA-G.R. CV No. 95105 is hereby **REVERSED and SET ASIDE**. Respondents are **ORDERED to IMMEDIATELY VACATE** the subject property and **SURRENDER** its possession to the petitioners.

⁶³ *Heirs of Sps. Manguardia v. Heirs of Simplicio Valles*, 742 Phil. 16, 36 (2014); *Oropeza v. Allied Banking Corporation*, G.R. No. 222078, April 1, 2019 and *Pen Development Corp. v. Martínez Leyba, Inc.*, supra note 44.

⁶⁴ *De Vera-Cruz v. Miguel*, supra note 55 at 606-607, citing *Arambulo v. CA*, 355 Phil. 311, 321-322 (1998).

⁶⁵ *Id.*, citing *Elumbaring v. Elumbaring*, 12 Phil. 384, 388-389 (1909).

⁶⁶ *Rollo*, p. 51.

SO ORDERED.

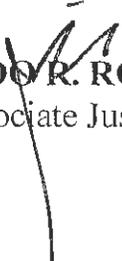

SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

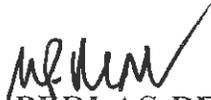

RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RICARDO R. ROSARIO
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.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson, Second 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.


ALEXANDER G. GESMUNDO
Chief Justice

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