



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 23, 2020** which reads as follows:*

“G.R. No. 233913 – Ibrahim B. Mamantuc, Anisa Colo, Spouses Mamantuc, et al. v. The Hon. Court of Appeals, Maisalam Ditimbang Colo and Umrah Colo Mangca

A petition under Rule 65 is aimed at determining an error of jurisdiction and not an error of judgment.

The Case

This petition for *certiorari* under Rule 65 assails the January 6, 2017 Court of Appeals of Cagayan de Oro City (CA) Decision¹ and May 18, 2017 CA Resolution² in CA-G.R. CV No. 04253-MIN, which affirmed the July 13, 2015 Regional Trial Court (RTC) of Kapatagan, Lanao del Norte, Branch 21 Decision³ in Civil Case No. 21-422, ruling in favor of respondents Maisalam Ditimbang Colo (Colo) and Umrah Colo Mangca (Mangca).

The Facts

Respondents Colo and Mangca are the surviving spouse and child of Mangca Colo, who left three lots identified by Original Certificate of Title (OCT) No. P-2607, OCT No. P-2,138, and Transfer Certificate of Title (TCT) No. T-2482, located at Sigayan, Sultan Naga Dimaporo, Lanao del Norte. They alleged that they are the owners and possessors of the lots, and they did not sell, encumber, or alienate them in any manner.⁴

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¹ Penned by Associate Justice Rafael Antonio M. Santos, with Associate Justices Edgardo T. Lloren and Ruben Reynaldo G. Roxas, concurring; *rollo*, pp. 28-39.

² *Id.* at 58-65.

³ Penned by Acting Presiding Judge Alberto P. Quinto; *id.* at 41-44.

⁴ *Id.* at 30.

Colo and Mangca learned that petitioners Ibrahim B. Mamantuc (Mamantuc), Anisa Colo (Anisa), spouses Mamantuc and Sinbangan B. Mamantuc (spouses Mamantuc), and spouses Normala D. Balindong and Maratabat S. Pagador (spouses Pagador) were claiming ownership over their inherited land and had occupied portions thereof. They also discovered that petitioners were in the process of transferring the land titles of their inherited land from the name of Mangca Colo to their names based on fabricated documents. Colo and Mangca prevented the transfer by presenting their protest before the Register of Deeds of Lanao del Norte.⁵ They also filed a complaint for quieting of title and recovery of possession and ownership against the petitioners in the RTC of Lanao del Norte.⁶

In their Answer with Motion to Dismiss, the petitioners denied the allegations and averred that their predecessor-in-interest, Atab Pagador, and one of the petitioners, Ibrahim Baso, bought the lots from Mangca Colo and Ditimbang Balinding. They claimed ownership based on an Absolute Deed of Sale (deed of sale) dated June 17, 1972. They insisted that they were in possession of the lots since 1972.⁷

The RTC Decision

On July 13, 2015, the RTC rendered a decision in favor of Colo and Mangca, and ordered the petitioners to vacate and surrender possession of the contested lots. The RTC held that Colo and Mangca proved their cause of action by preponderance of evidence, while the petitioners opted not to present their evidence despite the opportunity given them.⁸ The petitioners waived the presentation of evidence⁹ and contended that the deed of sale already formed part of the records of the case because it was attached to their Answer.¹⁰ They argued that Colo and Mangca failed to deny the existence of the deed of sale under oath.¹¹

The RTC did not give credence to the petitioners' arguments. Denial under oath applies only if the plaintiff is a party to an actionable document. Here, Colo and Mangca are not parties to the alleged deed of sale. Thus, there was no need for them to deny it under oath. Further, the petitioners should have presented the deed of

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⁵ Id. at 31.

⁶ Id. at 41.

⁷ Id. at 31.

⁸ Id. at 42-43.

⁹ Id.

¹⁰ Id. at 34.

¹¹ Id. at 42.

sale in question, because the court shall not consider any evidence which has not been formally offered. Without any evidence to support their defense, the evidence of the plaintiff or herein respondents Colo and Mangca prevails. Hence, the RTC ruled that Colo and Mangca were entitled to possession and ownership of the contested lots.¹²

Aggrieved, Mamantuc, Anisa, spouses Mamantuc and spouses Pagador appealed to the CA.

The CA Decision

On January 6, 2017, the CA denied the appeal for lack of merit and affirmed the RTC decision. *First*, the CA pointed out that in the proceedings in the RTC, the petitioners expressly and voluntarily waived their right to present evidence or testimony after failing to submit the judicial affidavits of their witnesses. The deed of sale was not identified, marked, authenticated, shown to the other party, and formally offered in evidence, as required by the rules. Therefore, the RTC was correct in not considering the deed of sale for it was not presented in evidence.¹³

Second, the alleged deed of sale was executed between the predecessors-in-interest of both petitioners and respondents. Not being parties to the contract, Colo and Mangca are not expected to have knowledge of the genuineness and due execution of the document. Thus, there is no reason to apply the rule on specific denial under oath.¹⁴

Third, the CA determined that the properties covered by Colo and Mangca's titles are not the same as those claimed by respondents under the deed of sale. In Colo and Mangca's titles, they inherited a total of 163,627 square meters of land; while the deed of sale covers only 61,855 square meters of lot. Further, the deed of sale remains unregistered despite being executed on June 17, 1972. Even after the filing of complaint on April 3, 2013 or 41 years from its execution, the deed of sale continues to be unregistered. Hence, the CA doubted the authenticity of the deed of sale.¹⁵

Lastly, the CA did not give credence to petitioners' claim that the cause of action was barred by *laches*, because they have been in possession of the land for more than 40 years. The rule is that a titled

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¹² Id. at 43.

¹³ Id. at 35.

¹⁴ Id. at 36.

¹⁵ Id. at 36-37.

land cannot be acquired by prescription or adverse possession. A registered owner of a land has a right to eject any person illegally occupying his/her property. This right is imprescriptible and is never barred by *laches*.¹⁶ Thus, the CA upheld Cola and Mangca's ownership and possession of the contested lots.

The petitioners moved for reconsideration, which the CA denied in its May 18, 2017 Resolution.¹⁷

The Issue Presented

Whether or not the CA committed grave abuse of discretion amounting to lack or excess of jurisdiction in affirming the RTC's decision.

The Court's Ruling

The petition is dismissed.

In *Bugaoisan v. OWI Group Manila*,¹⁸ the Court explained the nature of a petition under Rule 65, its purpose, and the instance when it may be availed.

A writ of *certiorari* may be issued only for the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction. It cannot be used for any other purpose, as its function is limited to keeping the inferior court within the bounds of its jurisdiction.

The supervisory jurisdiction of a court over the issuance of a writ of *certiorari* cannot be exercised for the purpose of reviewing the intrinsic correctness of a judgment of the lower court — on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision. Even if the findings of the court are incorrect, as long as it has jurisdiction over the case, such correction is normally beyond the province of *certiorari*. Where the error is not one of jurisdiction, but an error of law or fact — a mistake of judgment — appeal is the remedy. (Underscoring in the original and citations omitted)

The supervisory jurisdiction of the Court under Rule 65 is limited to resolving whether or not the CA committed grave abuse of discretion or acted without and in excess of jurisdiction when it affirmed the RTC decision. The Court cannot and will not delve into the correctness of the CA's decision.

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¹⁶ Id. at 37-38.

¹⁷ Id. at 58-65.

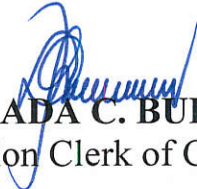
¹⁸ G.R. No. 226208, February 7, 2018.

Here, petitioners raise the following grounds for the grant of the petition: (1) the cause of action is barred by *laches*; (2) the respondents failed to establish a cause of action; and (3) respondents admitted the genuineness and due execution of the deed of sale when they failed to deny it under oath.¹⁹ These arguments involve an assessment of the correctness of the CA's evaluation of evidence, the interpretation of the law, or application of jurisprudence. They pertain to whether or not there was error of judgment, and not whether or not the action of the CA was within its jurisdiction. Correction of error of judgment is not the objective of a petition under Rule 65, but rather error of jurisdiction. Therefore, the dismissal of the petition is in order.

WHEREFORE, the petition is **DISMISSED**. The Court of Appeals Decision dated January 6, 2017 and the Resolution dated May 18, 2017 in CA-G.R. CV No. 04253-MIN are **AFFIRMED**.

SO ORDERED."

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *ok alit*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Hon. Presiding Judge
Regional Trial Court, Branch 21
Kapatagan, 9214 Lanao del Norte
(Civil Case No. 21-422)

¹⁹ Id. at 8-9.

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