



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 18, 2020 which reads as follows:

“G.R. No. 221520 – (IGNACIO BACKONG, ET AL., and all persons claiming rights under them, petitioners v. GONZALO V. SYQUIA, JR. in his behalf, and as representative of RAMONA V. SYQUIA, respondents – This Petition for Review filed by petitioners seeks to annul the April 6, 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. SP No. 125663, affirming the September 6, 2011 Decision² of the Regional Trial Court (RTC), Branch 60, Baguio City.

Involved in this case is a parcel of land located in Baguio City containing an area of 6,500 square meters and covered by Transfer Certificate of Title (TCT) No. T-32213³ of the Register of Deeds of Baguio City in the name of Gonzalo M. Syquia (Gonzalo Sr.). Said parcel of land was acquired by inheritance by respondent Gonzalo V. Syquia, Jr. (Syquia) from his father, Gonzalo Sr., and by respondent Ramona V. Syquia, being Gonzalo Sr.’s surviving spouse. The realty taxes for the property were paid by Gonzalo Sr., and even by herein respondents after the former died.⁴

The subject land was part of TCT No. 769⁵ of the Registry of Deeds of Baguio City, in the name of Elmore Findlay Taggart (Taggart) who died in 1934.⁶ On October 9, 1940, the ancillary executor of the estate, by order and approval of the Court of First

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113

¹ *Rollo*, pp. 43-51; penned by Associate Justice Victoria Isabel A. Paredes and concurred in by Associate Justices Isaias P. Dicedican and Elihu A. Ybanez..

² *Id.* at 112-119; penned by Presiding Judge Edilberto T. Claravall.

³ *Id.* at 81.

⁴ *Id.* at 81-82.

⁵ *Id.*

⁶ *Id.*

Instance of Manila,⁷ sold the subject land to Leopoldo Syquia, Pedro Syquia and Gonzalo Sr. Hence, on November 26, 1940, TCT No. 769 in the name of Taggart, was cancelled in favor of the Syquias. Thereafter, three certificates were issued in the name of the Syquias, one of which was TCT No. 32213 which covers the subject land.

However, unknown to the respondents, the subject parcel of land was occupied by the petitioners. Hence, in 1993, respondents sent demand letters to the petitioners to vacate the land. Thereafter, a Demolition Order was issued by the Mayor of Baguio City directing the City Engineer to demolish the illegal construction on the subject land.⁸

In response thereto, petitioners filed Civil Case No. 2870-R for Injunction, seeking to enjoin the demolition of their structures on the subject land. Likewise, in their attempt to assert ownership over the subject land, petitioners sent letters to different government agencies to seek assistance and support. Petitioners insisted that when the property was sold to Gonzalo Sr. in 1940, the transfer was not valid as the same was not in accordance with Section 118 of Act No. 2874 which states that conveyances and encumbrances made by persons belonging to the so-called "non-Christian" shall not be valid unless duly signed by the Director of the Bureau of Non-Christian Tribes.

Meanwhile, the injunction case filed by the petitioners against the respondents was dismissed by the lower court. Despite the MTCC's favorable ruling, respondents opted not to enforce the demolition order issued by the City Mayor.

In 2009, when respondents already needed the property, they again sent notices to the petitioners demanding them to vacate the subject land. However, despite the demands, petitioners stayed on the property and continuously refused to vacate the same. Hence, respondents filed a case for ejectment⁹ before the Municipal Trial Court in Cities (MTCC), Second Branch, Baguio City.

Petitioners argued before the MTCC that they are the rightful owners of the subject parcel of land. They claimed that their ancestors and predecessors-in-interest had been in possession of the subject land in the concept of an owner since 1934 or earlier, or for almost 70 years or more. According to them, the original owner of the land was

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⁷ Id. at 82.

⁸ Id. at 85.

⁹ Id. at 61-68.

Taggart who was survived by his wife, Rosa Ganayo, a member of an indigenous cultural minority and a native of Bontoc, Mountain Province, and their adopted son, Sito Backong, who was adopted under the Igorot custom. Petitioners argued that all the properties of Taggart had been effectively transmitted to his wife and adopted son.

On May 7, 2010, the MTCC rendered a Joint Decision¹⁰ finding for herein respondents ordering the petitioners to vacate the subject land, thus:

WHEREFORE, premises duly considered, judgment is hereby rendered ordering defendants, their heirs, assigns, successors-in-interest and all persons claiming right under them (1) to vacate the lot located at Residential Section "D", Baguio City, described in Transfer Certificate of Title Number T-32213 and (2) to peacefully surrender possession thereof to the plaintiffs.

SO ORDERED.¹¹

Aggrieved, petitioners appealed to the RTC. However, like the MTCC, the RTC ruled in favor of herein respondents in a Decision¹² dated September 6, 2011. The RTC disposed:

WHEREFORE, all premises duly considered, the assailed Joint Decision is hereby affirmed.

The defendants, their heirs, assigns, successors-in-interest and all persons claiming right under them are hereby ordered to vacate the lot located at Residential Section "D", Baguio City, described in Transfer Certificate of Title No. T-32213.

SO ORDERED.¹³

Petitioners timely moved for a reconsideration¹⁴ of the RTC Decision but their motion was denied in an Order¹⁵ dated June 13, 2012.

When elevated to the CA, the latter likewise found the petitioners' contentions unmeritorious, hence, it dismissed their petition in a Decision¹⁶ dated April 6, 2015. According to CA, the petitioners had been duly notified to vacate the subject land in 1993

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113

¹⁰ Id. at 80-90; penned by then Acting Presiding Judge Jennifer P. Humiding.

¹¹ Id. at 90.

¹² Id. at 112-119.

¹³ Id. at 119.

¹⁴ Id. at 120-124.

¹⁵ Id. at 125-126.

¹⁶ Id. at 43-51.

and that the demand to vacate was even enforced by the City Mayor's issuance of a Demolition Order. However, despite being adjudged favorably by the MTCC, the respondents opted not to implement the demolition thus, giving them the tolerance to stay in the subject land. Clearly, petitioners are therefore bound by the implied promise to vacate the land upon demand. However, when they were demanded to vacate the subject land in 2009, petitioners still refused to vacate the same hence, their possession became illegal thus, giving rise to an action for unlawful detainer. The CA decreed:

WHEREFORE, premises considered, the petition is **DISMISSED**. The assailed Decision dated September 6, 2011 and Order dated June 13, 2012 issued by the Regional Trial Court, Branch 60, Baguio City (RTC), in Civil Case No. 7185-R are **AFFIRMED**.

SO ORDERED.¹⁷

Hence, this petition assailing the CA's Decision where petitioners still insist that they are the rightful owners of the subject land.

The Court is not persuaded.

First, the petitioners' assertion that they have a better right over the subject land being in possession of the same for 70 years or more even long before its sale to the respondents, lacks merit.

Other than the petitioners' bare allegation of open, conclusive and continuous possession of the property for almost 70 years or more, no other evidence was presented, documentary or otherwise, to prove that they have, indeed, the right to possess the subject property. Hence, as compared to the certificate of title in the name of Gonzalo Sr. which proves that the subject property was a portion of TCT No. 769 in the name of Taggart, and that the late Gonzalo Sr. acquired the same from the latter in 1940, petitioners' assertions have no leg to stand on. Truly, a Torrens certificate of title is indefeasible and binding upon the whole world unless it is nullified by a court of competent jurisdiction in a direct proceeding for cancellation of title.¹⁸

Second, their allegation that they are the successors of Sito Backong, the alleged adopted son of the Taggart spouses who, according to them was adopted according to Igorot custom of

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113

¹⁷ Id. at 50.

¹⁸ *Co v. Militar*, 466 Phil. 217, 224 (2004).

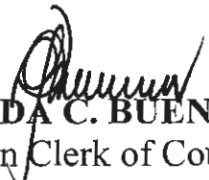
adoption, is bereft of any evidence to support their claim. Neither were they able to show any proof that they are, indeed, related to Sito Backong. The mere fact that they have the same surname is not proof that they are related to Sito Backong as use of a family surname certainly does not establish pedigree.¹⁹

Third, petitioners' claim that the action is already barred by laches cannot be given weight. It is clear that respondents merely tolerated the petitioners' occupation of the property when, after sending them notices to vacate the property in 1993, and after the injunction case filed by the petitioners against the respondents was dismissed by the court, they opted not to implement the demolition order issued by the City Mayor. Instead, it was only in 2009 when respondents again sent them the notices to vacate the subject land. Clearly, petitioners' possession of the subject land was merely by tolerance and with their continued refusal to vacate the same despite demand from the respondents give rise to an action for unlawful detainer.

WHEREFORE, the petition is hereby **DENIED**. Accordingly, the Decision dated April 6, 2015 of the Court of Appeals in CA-G.R. SP No. 125663 is **AFFIRMED**.

SO ORDERED." *Carandang, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

113

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¹⁹ *Aguilar v. Siasat*, 752 Phil. 344, 352 (2015).



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