

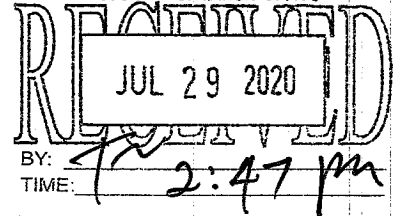


Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 26, 2020 which reads as follows:

“G.R. No. 248718 – Georgiana H. Hilado, Ramon H. Hilado, Isabelita H. Hilado, and Corazon H. Hilado vs. Adriano S. Perlas, Lourdes S. Perlas, Asuncion S. Perlas, Monserrat S. Perlas, Eva S. Perlas Sevilla, Manuel S. Perlas, Beatriz S. Perlas Gallego, Rosario S. Perlas and Raul Guiking

The Case

This Petition for Review on *Certiorari*¹ assails the Decision dated October 24, 2018 of the Court of Appeals in CA-G.R. CV No. 03464, affirming the Joint Decision² dated April 22, 2008 of the Regional Trial Court (RTC) – Branch 60, Cadiz City, Negros Occidental with respect to the dismissal of the complaint for Recovery of Possession, Annulment of Lease Contract, Damages with Urgent Prayer for Issuance of Writ of Preliminary Injunction docketed as Civil Case No. 260-C, and modifying the trial court’s Joint Decision in the complaint for Annulment of Sale, Recovery of Possession and Cancellation of Title docketed as Civil Case No. 255-C.

The Antecedents of the Case

On September 4, 1987,³ petitioners Georgiana Hilado, Ramon Hilado, Isabelita Hilado, and Corazon Hilado bought from Rosario Perlas a lot which used to be part of the estate of Leonor Sabale Vda. De Perlas located at Cadiz City, Philippines. Rosario was the attorney-

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79 & 125

¹ *Rollo*, pp. 21-36.

² *Id.* at 68-90.

³ *Id.* at 24.

in-fact⁴ of Lourdes Perlas, the duly appointed Special Administratrix of Leonor's estate. Eventually, a new certificate of title, *i.e.* TCT No. T-11964 was issued in petitioners' name.⁵

On November 4, 1988, respondents Adriano Perlas, Lourdes Perlas, Asuncion Perlas, Monserrat Perlas, and Manuel Perlas who were heirs of Leonor filed a complaint against petitioners docketed as Civil Case No. 255C for annulment of sale, recovery of possession, and cancellation of title.⁶ Respondents alleged they were not notified of the sale of the property, hence, the same was void.⁷

Earlier on July 6, 1987 or two (2) months prior to the sale, more or less, respondent Adriano leased the property to respondent Raul Guiking. The lease was subsequently extended for two (2) years or until March 8, 1988. Respondents Manuel, Beatriz, and Rosario likewise executed separate lease contracts on the property without the approval of the intestate court.⁸

Petitioners filed a complaint for recovery of possession, annulment of lease contract, and damages with urgent prayer for writ of preliminary injunction against respondents.⁹ The case was docketed as Civil Case No. 260C.

Both cases were raffled to the RTC – Branch 60, Cadiz City, Negros Occidental. Joint trial ensued.

The Trial Court's Ruling

By Joint Decision¹⁰ dated April 22, 2008, the trial court dismissed both Civil Case No. 260-C and Civil Case No. 255-C. It ruled that the trial court had no jurisdiction to take cognizance of these cases while an intestate proceeding pertaining to Leonor's estate was pending before the RTC – Branch 48, Negros Occidental.¹¹

- over -

79 & 125

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 23-24.

¹⁰ *Id.* at 68-90.

The *fallo* reads:

WHEREFORE, in view of all the foregoing, Civil Case No. 255-C and Civil Case No. 260-C are hereby ordered **DISMISSED** without prejudice to the filing of the same in the proper forum. The respective counterclaims and cross-claims are likewise **DISMISSED**.

Cost against the respective plaintiffs in both cases.

SO ORDERED.

¹¹ *Id.* at 89.

The Court of Appeals' Ruling

Petitioners and respondents interposed their separate appeals. By Decision¹² dated October 24, 2018, the Court of Appeals reversed the trial court and ruled in respondents' favor.

It held that the complaints involved title to, or possession of the disputed property, or any interest therein, an action incapable of pecuniary estimation, which the trial court can take cognizance of.¹³ The intestate court has limited jurisdiction over matters involving the settlement of estate of the deceased person and does not extend to questions involving ownership that may arise during the proceedings.¹⁴

Too, records did not show that Rosario Perlas had a Special Power of Attorney to act on behalf of Lourdes, the appointed special administratrix of Leonor's estate.¹⁵ Thus, the Deed of Sale in favor of petitioners was void. Besides, not all the heirs were notified of the sale in question. A sale without notice to all heirs is void.¹⁶

Finally, the Court of Appeals ordered respondents to pay petitioners ₱150,000.00 which the former received in consideration of the sale.

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79 & 125

¹² *Id.* at 49-66.

The *fallo* reads:

WHEREFORE, the appeal filed by the Perlases in Civil Case No. 255-C is **GRANTED**, while the appeal of the Hilados in Civil Case No. 260-C is **DENIED**. The Joint Decision dated April 22, 2008 of Branch 60 of the Regional Trial Court of Negros Occidental, insofar as the dismissal of Civil Case No. 260-C is **AFFIRMED**. Meanwhile, such Joint Decision with respect to Civil Case No. 255-C is **MODIFIED** as follows:

1. The Complaint filed by the Perlases in Civil Case No. 255-C is **PARTLY GRANTED**.
2. The Deed of Absolute Sale dated September 4, 1987 and Transfer Certificate of Title No. T-11964 issued in the name of the Hilados are declared **VOID**.
3. The Register of Deeds of Cadiz City is **DIRECTED** to **CANCEL** Transfer Certificate of Title No. T-11964 and **REINSTATE** Transfer Certificate of Tile No. T-8857 in the name of Leonor Sabale Vda. De Perlas;
4. Rosario Perlas, Beatriz Gallego, Eva Sevilla, Adriano Perlas, and Manuel Perlas are **DIRECTED** to **RETURN** to the Hilados the amount of P150,000.00, which was paid by the latter in consideration of the sale; and,
5. All other claim for damages are **DENIED**.

No pronouncement as to costs.

SO ORDERED.

¹³ *Id.* at 59.

¹⁴ *Id.* at 60.

¹⁵ *Id.* at 62.

¹⁶ *Id.* at 63.

The Present Petition

Petitioners now seek affirmative relief from the Court, repleading the arguments they raised before the trial court and the Court of Appeals.

Respondents no longer filed their Comment.

Core Issue

Did the Court of Appeals err when it ruled that the trial court has jurisdiction to take cognizance of the subject complaints *i.e.*, Recovery of Possession, Annulment of Lease Contract, Damages with Urgent Prayer for Issuance of Writ of Preliminary Injunction docketed as Civil Case No. 260-C, and Annulment of Sale, Recovery of Possession and Cancellation of Title docketed as Civil Case No. 255-C?

Ruling

The petition is denied.

On the jurisdictional issue, Section 19 of *Batas Pambansa 129*, as amended by Republic Act No. 7691 (RA 7691) enumerates the cases falling within the jurisdiction of the regional trial courts, *viz.*:

Sec. 19. Jurisdiction in civil cases. — Regional Trial Courts shall exercise exclusive original jurisdiction:

- 1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;
- 2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty Thousand Pesos (P20,000.00) or, for civil actions in Metro Manila, where such value exceeds Fifty Thousand Pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts.

Here, the two (2) complaints instituted below were for “Annulment of Sale, Recovery of Possession, and Cancellation of Title” (Civil Case No. 255C, filed by respondents), and “Recovery of Possession, Annulment of Lease Contract, Damages with Urgent Prayer for Issuance of Writ of Preliminary Injunction” (Civil Case No. 260-C, filed by petitioners). Clearly, the consolidated complaints

involved a case of joinder of causes of action --- one which comprehends the issue of title to, possession, or any interest in a real property, while the other is on annulment of contracts, which is incapable of pecuniary estimation. The issue of recovery of property is intertwined with the issue of annulment of contracts which falls squarely **within the jurisdiction of the regional trial court.**¹⁷

Too, the Court of Appeals was correct when it noted that the probate court has a limited jurisdiction. *Aranas v. Mercado, et al.*¹⁸ dictates, thus:

There is no dispute that the jurisdiction of the trial court as an intestate court is special and limited. The trial court cannot adjudicate title to properties claimed to be a part of the estate but are claimed to belong to third parties by title adverse to that of the decedent and the estate, not by virtue of any right of inheritance from the decedent. All that the trial court can do regarding said properties is to determine whether or not they should be included in the inventory of properties to be administered by the administrator. Such determination is provisional and may be still revised.

Similarly, in *Mayor v. Tiu*¹⁹ the Court ruled that the probate court cannot adjudicate title to properties part of the estate which are equally claimed to belong to outside parties. What it can determine is whether the properties in question should or should not be included in the inventory or list of properties overseen by the administrator. More, the Court in *Agtarap v. Agtarap*²⁰ held that if there is a dispute involving a property of an estate which is being claimed by third parties, an ordinary action may be filed before a **court of general jurisdiction**, that is, the **regional trial court**,²¹ for a final determination of conflicting claims over the property, as in this case.

Verily, the Court of Appeals correctly held that the RTC – Branch 60, Cadiz City, Negros Occidental, had jurisdiction to hear the complaints filed below.

On the factual issues: 1) whether Rosario Perlas was armed with a Special Power of Attorney when she sold one of the properties of the estate and 2) whether the heirs were notified of such sale, the

- over -

79 & 125

¹⁷ See *Sps. Villafria, et al., v. Rinoza*, 765 Phil. 761, 783 (2015).

¹⁸ See 724 Phil. 174, 189-190 (2014). Penned by Justice Lucas Bersamin.

¹⁹ See 800 Phil. 700, 717 (2016). Penned by Justice Jose Mendoza.

²⁰ See 666 Phil. 452, 469 (2011). Penned by Justice Antonio Eduardo Nachura.

²¹ See *Concorde Condominium Inc. v. Baculio, et al.*, 781 Phil. 174 (2016). Penned by Chief Justice Diosdado Peralta.

same are beyond this Court's cognizance *via* Rule 45. *Spouses Miano v. Manila Electric Company*²² is on point:

The Rules of Court states that a review of appeals filed before this Court is "not a matter of right, but of sound judicial discretion." The Rules of Court further requires that **only questions of law** should be raised in petitions filed under Rule 45 since **factual questions are not the proper subject of an appeal by certiorari.** (Emphasis supplied)

Surely, the Court is not a trier of facts nor is it tasked to recalibrate or weigh anew the evidence adduced by the parties. Petitioners have not shown that the present case calls for a departure from the general rule, nor did they prove that the Court of Appeals misapprehended or misapplied certain facts which would overturn its decision.

It is time to put *finis* to this three-decade dispute which robbed both parties, and even the estate's property itself, the tranquility they have been seeking for the longest time.

All told, the Court of Appeals did not err in rendering its assailed dispositions.


WHEREFORE, the petition is **DENIED**, and the Decision dated October 24, 2018 of the Court of Appeals in CA-G.R. CV No. 03464, **AFFIRMED**.

SO ORDERED. *Reyes, J., Jr., J., on official leave.*

Very truly yours,

LIBRADA C. BUENA
Division Clerk of Court

by:


MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
79 & 125 ^{L. 2020}

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²² See 800 Phil. 118, 122 (2016). Penned by Justice Marvic Leonen.



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(Civil Case Nos. 255-C & 260-C)

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