



Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

DEPARTMENT OF EDUCATION, G.R. No. 272507
represented by DR. ESTELA
CARINO, in her capacity as OIC-
Regional Director of Region II,

Petitioner,

Present:

- versus -

LEONEN, J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., JJ.

PRINCESS JOAMA MARCOSA A.
CALEDA,

Respondent.

Promulgated:

APR 21 2025

X-----X

DECISION

LEONEN, J.:

A public institution with the power of eminent domain may not be ejected from a property devoted to public use, even without a title, if there is an express or implied acquiescence—in the form of delay in asserting rights—from the owner of the property.¹ Conversely, a public institution may be ordered to vacate a property devoted to public use if it is shown that the owner did not consent to the occupation and that the owner has a better right of possession.

¹ *National Transmission Corporation v. Bermuda*, 851 Phil. 38 (2019) [Per J. Caguioa, Second Division]; *Republic v. Mendoza*, 641 Phil. 562 (2010) [Per J. Abad, Second Division]; *Manila Railroad Company v. Paredes*, 32 Phil. 534, 537 (1915) [Per J. Trent, *En Banc*]; *Eversley Childs Sanitarium v. Spouses Barbarona*, 829 Phil. 111 (2018) [Per J. Leonen, Third Division].

This Court resolves the Petition for Review on *Certiorari*² under Rule 45 of the Rules of Court assailing the Court of Appeals Decision³ and Resolution,⁴ which affirmed the Regional Trial Court and the Municipal Circuit Trial Court rulings ordering the Department of Education (DepEd) to vacate Lot No. 4721 and to peacefully turn over its possession to Princess Joama Marcosa A. Caleda (Caleda).

On March 11, 2016, Caleda filed a Complaint⁵ for Recovery of Possession with Damages before the Municipal Circuit Trial Court of Solana, Cagayan. In her Complaint, Caleda alleged that she is the absolute owner of a 10,637-square meter rice land designated as Lot No. 7421, Cad-293, located in Brgy. Iraga, Solana, Cagayan with an assessed value of PHP 15,630.00.⁶

Lot No. 7421 is a portion of a bigger parcel of land covered by Original Certificate of Title (OCT) No. 4975 registered in the name of the heirs of Bueno Gallebo.⁷ Beside Lot No. 7421 is Lot No. 7420 with an area of 14,966 square meters, also covered by the same title.⁸

Caleda claimed she bought Lot No. 7421 on November 21, 2014 through an Extrajudicial Settlement of Estate with Waiver of Rights and Sale executed by the heirs of Bueno Gallebo in her favor.⁹ Caleda narrated that when she visited Lot No. 7421 for a relocation survey, she found it occupied by the Solana Fresh Water Fishery School (SFWFS) under the direct supervision of DepEd Regional Office 2.¹⁰

Caleda claimed she sent several demand letters for DepEd to vacate Lot No. 7421 but her request went unheeded. Thus, she filed a Complaint praying that DepEd be ordered to vacate Lot No. 7421 and to demolish the structures it has built on it.¹¹

In its Answer, DepEd claimed that SFWFS is the owner of Lot No. 7421 in fee simple and had been in an open, continuous, exclusive, and notorious possession of the lot since time immemorial.¹² DepEd alleged that SFWFS bought the lot from Bueno Gallebo as evidenced by a July 7, 1965 Deed of

² *Rollo*, pp. 12–48.

³ *Id.* at 49–62. The September 27, 2023 Decision in CA-G.R. SP No. 172008 was penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Germano Francisco D. Legaspi of the Second Division, Court of Appeals, Manila.

⁴ *Id.* at 63–64. The March 6, 2024 Resolution in CA-G.R. SP No. 172008 was penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Germano Francisco D. Legaspi of the Former Second Division, Court of Appeals, Manila.

⁵ *Id.* at 89–91.

⁶ *Id.* at 89.

⁷ *Id.* at 50.

⁸ *Id.* at 138.

⁹ *Id.* at 89.

¹⁰ *Id.* at 90.

¹¹ *Id.*

¹² *Id.* at 51.

Sale. Since then, it has declared Lot No. 7421 for taxation purposes and built improvements thereon.¹³

In its January 10, 2020 Decision,¹⁴ the Municipal Circuit Trial Court ruled in favor of Caleda and ordered DepEd to vacate Lot No. 7421 and to turn over its possession to Caleda. It found that Caleda had a better right to occupy Lot No. 7421 as she sufficiently proved her ownership through the Extrajudicial Settlement of Estate with Waiver of Rights and Sale executed by the heirs of Bueno Gallebo in her favor. The fact of sale, as well as the identity of the lot sold, was confirmed by Bueno Gallebo's son Francisco, Jr., who testified in support of Caleda.¹⁵

It also found that the July 7, 1965 Deed of Sale between Bueno Gallebo and the Director of Vocational Schools (now SFWFS) actually covered Lot No. 7420. It held that even though SFWFS had been occupying Lot No. 7421 for decades, its possession cannot ripen into ownership as registered lands cannot be claimed through acquisitive prescription.¹⁶

The dispositive portion of the Decision reads:

WHEREFORE, foregoing premises considered, the Court finds that the evidence preponderates in [favor] of the plaintiff.

Accordingly, defendant is hereby ordered to vacate Lot [No.] 7421 described under Original Certificate of Title No. P-4975 and peacefully turn over its possession to plaintiff herein.

SO ORDERED.¹⁷

In its November 5, 2021 Decision,¹⁸ the Regional Trial Court affirmed the Municipal Circuit Trial Court's ruling. In distilling the issue as to who has a better right of ownership and possession over the subject lot, it ruled in favor of Caleda. It held that Lot No. 7421 remained unsold until Caleda bought it from Bueno Gallebo's heirs on November 21, 2014.¹⁹ It also held that SFWFS's possession of Lot No. 7421 cannot ripen into ownership as, under the Torrens System, the title of the lot became incontrovertible one year after its registration.²⁰

¹³ *Id.*

¹⁴ *Id.* at 135–142. The January 10, 2020 Decision in Civil Case No. 1007 was penned by Judge Jesusa L. Carag of the Solana-Enrile Municipal Circuit Trial Court, Solana, Cagayan.

¹⁵ *Id.* at 139.

¹⁶ *Id.* at 141.

¹⁷ *Id.* at 142.

¹⁸ *Id.* at 145–147. The November 5, 2021 Decision in Civil Case No. 9035 was penned by Acting Presiding Judge Gemma P. Bucayu-Madrid of Branch 1, Regional Trial Court, Tuguegarao City.

¹⁹ *Id.* at 146.

²⁰ *Id.*

The dispositive portion of the Decision states:

WHEREFORE, finding no cogent reason to set aside the assailed Decision, the appeal is **DENIED**. The Decision rendered by the Court-a-quo on January 10, 2020 is **AFFIRMED** [*i*]n *toto*.

SO DECIDED.²¹

In its September 27, 2023 Decision, the Court of Appeals affirmed the lower courts and held that Caleda had a better right to possess the property as she had clearly established her ownership of it.²²

The Court of Appeals found that the July 7, 1965 Deed of Sale only sold Lot No. 7420 to SFWFS, not the whole area covered by OCT No. P-4975. As the property's owner, Caleda is entitled to all the attributes of ownership, including possession. Further, Caleda's ownership cannot be defeated by the adverse, open, and notorious possession of the property by SFWFS.²³

Lastly, the Court of Appeals held that Caleda and her predecessors-in-interest were not guilty of laches as Caleda immediately sent several demand letters to DepEd after she discovered that Lot No. 7421 was being occupied by SFWFS. It also found that SFWFS acted in bad faith when it occupied Lot No. 7421 even though it knew that only Lot No. 7420 was sold to it.²⁴

The dispositive portion of the Decision provides:

WHEREFORE, the petition is **DENIED**. The assailed Decision is **AFFIRMED** *in toto*.

SO ORDERED.²⁵

In its March 6, 2024 Resolution, the Court of Appeals denied Caleda's Motion for Reconsideration.²⁶ Thus, a Petition for Review was filed.

Through the Office of the Solicitor General, petitioner Department of Education, as represented by Region II OIC-Regional Director Dr. Estela Carino, argues that public policy prohibits the ejectment of the government from a property already devoted to public use. It insists that it may exercise the power of eminent domain to take over the property, and that respondent

²¹ *Id.* at 147.

²² *Id.* at 57.

²³ *Id.* at 58.

²⁴ *Id.* at 60.

²⁵ *Id.* at 62.

²⁶ *Id.* at 63-64.

Princess Joama Marcosa A. Caleda's only recourse is to seek just compensation.²⁷

Petitioner also argues that respondent lost her rights to the property due to laches as her predecessors-in-interest sat idly while SFWFS occupied Lot No. 7421 and built structures on it in the last five decades.²⁸

While respondent does not contest petitioner's power of eminent domain, she argues in her Comment that it runs contrary to her claim of ownership over the subject property since the two views are inconsistent.²⁹ Respondent insists that petitioner violated her constitutional right to due process when it occupied the subject property without instituting an expropriation proceeding.³⁰

Respondent also argues that the jurisprudence cited by petitioner to justify its continued possession over the property devoted to public use is not applicable to the case at bar.³¹ Respondent posits that, as aptly found by the Court of Appeals, she is not guilty of laches and as a registered owner, she has an imprescriptible right to evict respondents from the subject property.³²

The sole issue for this Court's resolution is whether the Court of Appeals erred in affirming the lower courts' ruling ordering petitioner to vacate Lot No. 7421 and to turn over its possession to respondent.

The Petition lacks merit.

Only questions of law may be raised in a petition for review on *certiorari*.³³ *Pascual v. Burgos*³⁴ instructs:

The Rules of Court require that only questions of law should be raised in petitions filed under Rule 45. This court is not a trier of facts. It will not entertain questions of fact as the factual findings of the appellate courts are final, binding, or conclusive on the parties and upon this court when supported by substantial evidence. Factual findings of the appellate courts will not be reviewed nor disturbed on appeal to this court.³⁵ (Citations omitted)

²⁷ *Id.* at 26–28.

²⁸ *Id.* at 35–39.

²⁹ *Id.* at 199.

³⁰ *Id.* at 199–201.

³¹ *Id.* at 201.

³² *Id.* at 207–208.

³³ RULES OF CIVIL PROCEDURE, Rule 45, sec. 1 provides:

Section 1. Filing of petition with Supreme Court. — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law which must be distinctly set forth.

³⁴ 776 Phil. 167 (2016) [Per J. Leonen, Second Division].

³⁵ *Id.* at 182.

Further, this Court has the prerogative to only rule on matters when “special and important reasons”³⁶ are present, such as when the lower court’s ruling manifestly contravenes laws and established jurisprudence. Absent an obvious deviation from settled doctrines, this Court will stay its hand.³⁷ Here, there is no reason to disturb the unanimous findings of the lower courts.

The Court has identified and distinguished three types of action for recovery of possession of real property:

Accion interdictal comprises two distinct causes of action, namely, forcible entry (*detentacion*) and unlawful detainer (*desahuico*) [sic]. In forcible entry, one is deprived of physical possession of real property by means of force, intimidation, strategy, threats, or stealth whereas in unlawful detainer, one illegally withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. The two are distinguished from each other in that in forcible entry, the possession of the defendant is illegal from the beginning, and that the issue is which party has prior *de facto* possession while in unlawful detainer, possession of the defendant is originally legal but became illegal due to the expiration or termination of the right to possess.

The jurisdiction of these two actions, which are summary in nature, lies in the proper municipal trial court or metropolitan trial court. Both actions must be brought within one year from the date of actual entry on the land, in case of forcible entry, and from the date of last demand, in case of unlawful detainer. The issue in said cases is the right to physical possession.

Accion publiciana is the plenary action to recover the right of possession which should be brought in the proper regional trial court when dispossession has lasted for more than one year. It is an ordinary civil proceeding to determine the better right of possession of realty independently of title. In other words, if at the time of the filing of the complaint more than one year had elapsed since defendant had turned plaintiff out of possession or defendant's possession had become illegal, the action will be, not one of the forcible entry or illegal detainer, but an *accion publiciana*. On the other hand, *accion reivindicatoria* is an action to recover ownership also brought in the proper regional trial court in an ordinary civil proceeding.³⁸

Accion publiciana is a “plenary action for recovery of possession in an ordinary civil proceeding in order to determine the better and legal right to possess, independently of title.”³⁹ While *accion publiciana* is mainly to

³⁶ *People v. Kumar*, 874 Phil. 214 (2020) [Per J. Leonen, Third Division].

³⁷ *Id.*

³⁸ *De Vera v. Manzanero*, 906 Phil. 462, 480–481 (2021) [Per J. J. Lopez, Third Division], citing *Heirs of Yusingco v. Busilak*, 824 Phil. 454, 460–461 (2018) [Per J. Peralta, Second Division]; *Spouses Valdez, Jr. v. Court of Appeals*, 523 Phil. 39, 45–46 (2006) [Per J. Chico-Nazario, First Division]; *Encarnacion v. Amigo*, 533 Phil. 466, 472 (2006) [Per J. Ynares-Santiago, First Division]; *Suarez v. Spouses Emboy, Jr.*, 729 Phil. 315, 329–330 (2014) [Per J. Reyes, First Division].

³⁹ *Bejar v. Caluag*, 544 Phil. 774, 779 (2007) [Per J. Sandoval-Gutierrez, First Division].

recover possession, ownership of the property may be provisionally passed upon by the court if it is necessary to resolve the issue of possession.⁴⁰

Respondent alleged that she is the absolute owner of a parcel of rice land designated as Lot No. 7421, registered in the name of the heirs of Bueno Gallebo under OCT No. 4975 and acquired via an Extrajudicial Settlement of Estate with Waiver of Rights and Sale.⁴¹ She claimed that petitioner refused to vacate and surrender possession of the lot despite repeated demands. Thus, she asked that petitioner be ordered to vacate the lot and to deliver possession to her.

Meanwhile, petitioner anchored its claim over Lot No. 7421 on the July 7, 1965 Deed of Sale between Bueno Gallebo and SFWFS. In fact, throughout the proceedings before the trial courts, petitioner insisted on its ownership of the subject lot by virtue of this sale, thereby claiming to be its rightful possessor.

A perusal of the Deed of Sale shows that it was Lot No. 7420 which was sold to SFWFS:

“[T]he parcel of land with improvement thereon, situated in the Barrio Oraga, municipality of Solana, province of Cagayan in the Philippines, more particularly bounded and described as follows; under TD #24553 . . . *It is a piece of cornland with an area of 14,966 square meters[.]*”⁴²
(Emphasis supplied)

OCT No. 4975, registered in the name of the heirs of Bueno Gallebo, covers two adjoining parcels of land: (1) Lot No. 7421 with an area of 10,637 square meters,⁴³ and (2) Lot No. 7420 with an area of 14,966 square meters.⁴⁴ Here, the Deed of Sale clearly describes Lot No. 7420 and *not* Lot No. 7421. Even petitioner’s own witness, SFWFS Principal Alejandro Cuntapay, admitted that SFWFS did not own Lot No. 7421.⁴⁵

Lot No. 7421 remained unsold until respondent bought it from the heirs of Bueno Gallebo on November 21, 2014.⁴⁶ The said sale was even confirmed by the vendor himself, Francisco Gallebo, Jr., the only child of Francisco Gallebo, Sr.⁴⁷ From this ownership stems respondent’s right to possess Lot No. 7421.⁴⁸

⁴⁰ *Eversley Childs Sanitarium v. Spouses Barbarona*, 829 Phil. 111 (2018) [Per J. Leonen, Third Division].

⁴¹ *Rollo*, p. 89.

⁴² *Id.* at 58.

⁴³ *Id.* at 50.

⁴⁴ *Id.* at 138.

⁴⁵ *Id.* at 117.

⁴⁶ *Id.* at 146.

⁴⁷ *Id.* at 139.

⁴⁸ *PLDT v. Citi Appliance*, 864 Phil. 899 (2019) [Per J. Leonen, Third Division].

Thus, the trial courts did not err in ruling that respondent had a better right to possess Lot No. 7421. She was able to prove her ownership of the property through a preponderance of evidence.

In an effort to retain possession of the subject lot, petitioner, for the first time before the Court of Appeals⁴⁹ and now before this Court, argues that it cannot be ejected from the lot because it is already devoted to public use.⁵⁰ To support this, petitioner cites the cases of *National Transmission Corporation v. Bermuda Development Corporation*⁵¹ and *Republic v. Mendoza*.⁵²

A scrutiny of these cases shows that the government may not be ejected only in cases where there is a concomitant neglect on the part of the owner to assert their rights to the property, which is tantamount to an implied acquiescence.

In *National Transmission Corporation*, respondent Bermuda Development Corporation filed a case for unlawful detainer against petitioner National Transmission Corporation, a public service corporation. The Municipal Trial Court ruled in favor of the respondent and ordered petitioner to vacate the lot in dispute. Pending appeal, petitioner filed an expropriation case, deposited the provisional value of the property, and was granted a writ of possession.⁵³ The Court ruled that:

[I]f a landowner, knowing that a railroad company has entered upon [their] land and is engaged in constructing its road without having complied with a statute requiring either payment by agreement or proceedings to condemn, *remains inactive and permits it to go on* and expend large sums in the work, [they are] estopped from maintaining either trespass or ejectment for the entry, and will be regarded as having acquiesced therein, and will be restricted to a suit for damages.⁵⁴ (Emphasis supplied)

Moreover, the categorical ruling in *National Transmission Corporation*—which states that a case for recovery of possession or ejectment will not prosper against the government when it occupies a land without prior acquisition of title—specifically applies to *public utility corporations* vested with the power of eminent domain for reasons of public policy and necessity.

Here, not only did petitioner fail to institute proper expropriation proceedings, it is also *not* a public utility corporation. Thus, the ruling in *National Transmission Corporation* is inapplicable.

⁴⁹ *Rollo*, p. 55.

⁵⁰ *Id.* at 22.

⁵¹ 851 Phil. 38 (2019) [Per J. Caguioa, Second Division].

⁵² 641 Phil. 562 (2010) [Per J. Abad, Second Division].

⁵³ *Id.* at 41–42.

⁵⁴ *Id.* at 46.

In *Mendoza*, respondents Primo and Maria Mendoza filed an ejectment suit against petitioner over a property it has used to operate a public school. However, the evidence on record revealed that the respondents intended to cede the property to the local government unit permanently because: (1) they allowed the city to declare it for taxation purposes; and (2) they earmarked a specific lot for the city when they subdivided the mother title.⁵⁵ Thus:

The Court holds that, where the owner *agrees voluntarily to the taking of his property* by the government for public use, he thereby waives his right to the institution of a formal expropriation proceeding covering such property. Further, as the Court also held in *Eusebio v. Luis*, the failure for a long time of the owner to question the lack of expropriation proceedings covering a property that the government had taken constitutes a waiver of his right to gain back possession. The Mendozas' remedy is an action for the payment of just compensation, not ejectment.⁵⁶ (Emphasis supplied)

In *Manila Railroad Company v. Paredes*,⁵⁷ this Court held that there must be a concurrence of two conditions before a public institution, endowed with the power of eminent domain, may retain possession of a private property which it occupied without a title:

The cases are practically unanimous in principle, and turn upon the point *whether the railroad company has the capacity to acquire the land in dispute by virtue of its delegated power of eminent domain, and, if so, whether the company occupied the land with the express or implied consent or acquiescence of the owner.* If these questions of fact be decided in the affirmative, it is uniformly held that an action of ejectment or trespass or injunction will not lie against the railroad company, but only an action for damages, that is, recovery of the value of the land taken, and the consequential damages, if any. . . . Under these circumstances, public policy, if not public necessity, demands that the owner of the land be denied the ordinarily remedies of ejectment and injunction. The fact that the railroad company has the capacity to eventually acquire the land by expropriation proceedings undoubtedly assists in coming to the conclusion that the property owner has no right to the remedies of ejectment or injunction. *There is also something akin to equitable estoppel in the conduct of one who stands idly by and watches the construction of the railroad without protest.*⁵⁸ (Emphasis supplied)

In this case, there is no showing of any evidence that respondent or her predecessors-in-interest ceded the subject property in favor of petitioner. In fact, the petitioner's own evidence would reveal that it only bought Lot No.

⁵⁵ *Id.* at 568.

⁵⁶ *Id.*

⁵⁷ 32 Phil. 534, 537 (1915) [Per J. Trent, *En Banc*].

⁵⁸ *Id.* at 537-538.

7420 from petitioner's predecessors-in-interest. The subject lot was *not* included in the Deed of Sale.⁵⁹

Too, respondent's actions after learning about SFWFS's occupation of Lot No. 7421 cannot be considered express or implied acquiescence to the occupation which estops her from questioning it.

To recall, respondent bought Lot No. 7421 from the heirs of Bueno Gallebo on November 21, 2014.⁶⁰ Thereafter, respondent visited Lot No. 7421 for a relocation survey.⁶¹ It was only then that she and her predecessors-in-interest found that it was being occupied by SFWFS.⁶² Respondent then sent several demand letters to petitioner, first on January 14, 2015 and the last one on January 20, 2016, for SFWFS to vacate the lot.⁶³ When petitioner did not heed her request, she caused the annotation of her adverse claim on the title of the lot.⁶⁴ Finally, on March 11, 2016, barely two years after the sale, respondent filed her Complaint.⁶⁵

Meanwhile, in *Secretary of the Department of Public Works and Highways v. Spouses Tecson*,⁶⁶ this Court laid down the remedies for an aggrieved private party when the government appropriates property for public use:

When a property is taken by the government for public use, jurisprudence clearly provides for the remedies available to a landowner. The owner may recover his property if its return is feasible or, if it is not, the aggrieved owner may demand payment of just compensation for the land taken. For failure of respondents to question the lack of expropriation proceedings for a long period of time, they are deemed to have waived and are estopped from assailing the power of the government to expropriate or the public use for which the power was exercised. What is left to respondents is the right of compensation. The trial and appellate courts found that respondents are entitled to compensation. The only issue left for determination is the propriety of the amount awarded to respondents.⁶⁷ (Emphasis supplied, citations omitted)

In relying on the case of *Secretary of the Department of Public Works and Highways*, petitioner claims that the physical return of the property on which SFWFS stands is no longer feasible.⁶⁸ According to petitioner, it is entitled to possession pending respondent's formal transfer of ownership to it upon the payment of just compensation computed in accordance with the

⁵⁹ *Rollo*, p. 58.

⁶⁰ *Id.* at 174.

⁶¹ *Id.* at 122, 170.

⁶² *Id.* at 58–59.

⁶³ *Id.* at 90.

⁶⁴ *Id.* at 176.

⁶⁵ *Id.* at 89–91.

⁶⁶ 713 Phil. 55 (2013) [Per J. Peralta, Third Division].

⁶⁷ *Id.* at 70.

⁶⁸ *Rollo*, p. 29.

formula laid down in *Republic v. Spouses Nocom*.⁶⁹ Thus, it prayed that the case be remanded to the trial court for the determination of just compensation from the time of petitioner's taking of the property.⁷⁰

This cannot be done. *Heirs of Mariano v. City of Naga*⁷¹ clarified that an aggrieved party cannot simply demand just compensation in lieu of recovering possession in the absence of an expropriation case:

Invoking the case of *Alfonso v. Pasay City*, as cited in *Republic v. Court of Appeals*, the City argued that recovering possession of the subject property is no longer feasible because it is now occupied and used by the City Hall and other government offices, so that petitioners' remedy is merely to demand payment of just compensation.

The Court's exact pronouncement in *Alfonso* states:

As registered owner, (Alfonso) *could bring an action to recover possession at any time because possession is one of the attributes of ownership of land*. However, said restoration of possession by the City of Pasay is neither convenient nor feasible because it is now and has been used for road purposes. So, the only relief available is for the City of Pasay to make due compensation, which it could and should have done years ago since 1925.

It will be noted, however, that in the cases thus invoked, and in other cases where the Court made a similar ruling, *the government took the property in the exercise of its power of eminent domain*. This case clearly involves a different factual milieu as the *subject property was not expropriated by the government*. It had been offered by its owners-developers, under certain terms, for donation to the City as the City Hall and market sites within the subdivision, which offer the City clearly had the option to refuse. In fact, the Subdivision's General Manager, Lopez Jr., appeared to have written to Macario essentially asking him to defer the donation because while the Municipal Board accepted their offer, they had considered "other and better alternative sites near the National Highway."

The "power of eminent domain" has been defined thus:

The right of eminent domain is "the ultimate right of the sovereign power to appropriate, not only the public but the private property of all citizens within the territorial sovereignty, to public purpose."

[E]minent domain, also often referred to as expropriation and, with less frequency, as condemnation, is, like police power and taxation, an inherent power of sovereignty. It need not be clothed with any constitutional gear to exist; instead, provisions in our Constitution on the subject are meant more to regulate, rather than to grant, the exercise of the power. Eminent domain is generally so

⁶⁹ *Id.* at 30–31.

⁷⁰ *Id.* at 41.

⁷¹ 827 Phil. 531 (2018) [Per J. Tijam, First Division].

described as “the highest and most exact idea of property remaining in the government” that may be acquired for some public purpose through a method in the nature of a forced purchase by the State.

In the instant case, *there was no such appropriation or condemnation or forced purchase to speak of*. The City was not propelled by an imperative need to take the subject property for a public purpose. The City, in taking possession of the subject property, was not exercising a sovereign function as expropriator. In this light, the Alfonso ruling cannot be applied to petitioners.⁷² (Emphasis supplied, citations omitted)

Here, it is undisputed that petitioner failed to file an expropriation case to acquire the subject lot. In fact, petitioner abandoned its initial defense in the lower courts, which claimed ownership of Lot No. 7421 based on a Deed of Sale, and only raised the argument of eminent domain for the first time before this Court. However, petitioner cannot transform its appeal into an expropriation proceeding.

For one, this Court is not a trier of facts. “An expropriation proceeding of private lands has two stages: first, the determination of plaintiff’s authority to exercise the power of eminent domain in the context of the facts of the case and, second, if there be such authority, the determination of just compensation.”⁷³ These are factual questions beyond the ambit of a Rule 45 petition.

Second, even if we were to review the evidence on record, the Court cannot determine whether the return of Lot No. 7421 is feasible. Petitioner claims that the school itself stands on the subject lot.⁷⁴ However, its own witness – Alejandro Cuntapay, the school principal of SFWFS – testified that there are no permanent structures on the subject lot:

Q: But you stated Mr. Witness that it has been exclusively used for agricultural purposes?

A: Yes ma’am.

Q: What are these acts when you say agricultural purposes Mr. Witness?

A: The improvement is that the school was able to convert it into rice fields, farm lands, where in [sic] students maximize the utilization of this improvements in agriculture and fishery ma’am. In fact the [number] of hectares I think is more or less 7 hectares in rice field then fish pond is less than 2 hectares.

Q: Yes Mr. Witness, but you stated a while back that the lot in suit is already been occupied by permanent structures, is that correct?

A: I am referring to the entire school site ma’am.

⁷² *Id.* at 562–564.

⁷³ *City of Manila v. Alegar Corporation*, 689 Phil. 31, 38 (2012) [Per J. Abad, Third Division].

⁷⁴ *Rollo*, p. 29.

- Q: No that's why I am asking[—]
A: No, I am specifically answering that question ma'am, that Lot 7420 and 7421 was being developed into laboratory for agriculture and laboratory for fishery.
- Q: *So which is which Mr. Witness, the lot in suit is not being occupied by permanent structures, is that what you are saying?*
A: *Yes ma'am, if you consider the perimeter fence as permanent structure, that is one improvement that the school introduce regarding the perimeter fence.*
- Q: So to clarify Mr. Witness, what is being introduced with permanent structures is the entire school site?
A: Yes ma'am.⁷⁵ (Emphasis supplied)

Thus, the cases cited by petitioner to support the argument that it cannot be ejected from property devoted to public use do not apply in this case.

Respondent's actions also militate against petitioner's claim that she is barred by laches from asserting her rights over the property. It has long been settled that:

Laches is the failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting the presumption that the party entitled to assert it either has abandoned or declined to assert it. There is no absolute rule as to what constitutes laches or staleness of demand; each case is to be determined according to its particular circumstances, with the question of laches addressed to the sound discretion of the court. Because laches is an equitable doctrine, its application is controlled by equitable considerations and should not be used to defeat justice or to perpetuate fraud or injustice.⁷⁶ (Citations omitted)

Here, respondent acted as soon as she learned of SFWFS's occupation of Lot No. 7421 by sending demand letters, having dialogues with petitioner,⁷⁷ annotating her adverse claim, and then filing a Complaint when everything else failed. These actions were all done by respondent in a span of less than two years. Given these circumstances, the Court is not disposed to conclude that there was an unreasonable or unexplained delay on respondent's part constituting laches.

Moreover, the doctrine of laches is not applicable to registered lands covered by the Torrens System:

⁷⁵ *Id.* at 127.

⁷⁶ *Spouses Esmaguel v. Coprada*, 653 Phil. 96, 107 (2010) [Per J. Peralta, Second Division].

⁷⁷ *Rollo*, p. 60.



The Court has consistently held that laches cannot apply to registered land covered by a Torrens Title 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.

In Casibang, the Court ruled in favor of a registered owner and upheld the indefeasibility and incontrovertibility of a registered title as against the school's possession by mere tolerance. In said case, the registered owner therein allowed the construction and operation of a school on a portion of his property because he had no use of it at the time. However, when his successors-in-interest sought to recover possession of the lot, the DepEd refused alleging that its possession was in the concept of an owner because it had purchased it from the original registered owner. The Court ruled against the DepEd because it failed to produce any competent proof of transfer of ownership. Hence, their possession of the subject property was only by mere tolerance and not in the concept of an owner.⁷⁸ (Citations omitted)

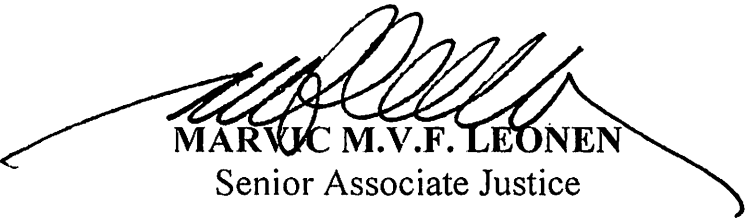
Similarly, petitioner failed to present any competent evidence of ownership over Lot No. 7421, in contrast to respondent, whose predecessors-in-interest were the registered owners of the property. As such, the respondent has the right to recover possession of the lot.

All told, the Court of Appeals did not err in affirming the lower courts' decision ordering petitioner to vacate Lot No. 7421 and turn over its possession to respondent for having proven her better right to possession.

Significantly, these findings are provisional and solely pertain to the resolution of the present action for recovery of possession. They do not, in any way, preclude the State from initiating an expropriation case in a separate proceeding.

ACCORDINGLY, the Petition for Review is **DENIED** for lack of merit. The September 27, 2023 Decision and March 6, 2024 Resolution of the Court of Appeals in CA-G.R. SP No. 172008 are **AFFIRMED**. Petitioner Department of Education, as represented by Region II OIC-Regional Director Dr. Estela Carino, is ordered to **VACATE** Lot No. 7421 described under Original Certificate of Title No. P-4975 and to turn over its possession to respondent Princess Joama Marcosa A. Caleda.

SO ORDERED.

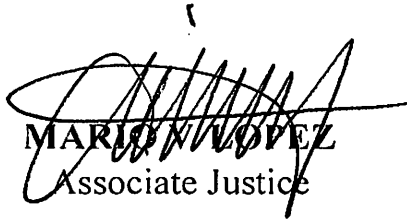


MARVIC M.V.F. LEONEN
Senior Associate Justice

⁷⁸ *Department of Education, Culture, and Sports v. Heirs of Banguilan*, 833 Phil. 943, 955–956 (2018) [Per J. Reyes, Jr., Second Division].

WE CONCUR:


AMY C. LAZARO-JAVIER
Associate Justice

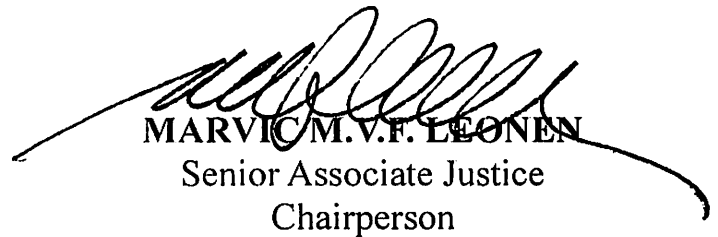

MARIO N. LOPEZ
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

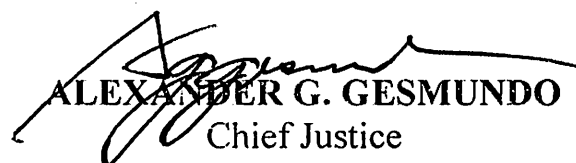
ATTESTATION

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.


MARVIC M. V. F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 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