

Republic of the Philippines
Fifth Judicial Region
REGIONAL TRIAL COURT
Ligao City, Albay
Branch _____

CARIDAD A. REYES,
Plaintiff,

-versus-

Civil Case No. _____
For *Accion Reivindicatoria*,
Quieting of Title and Damages
With Prayer for Preliminary
Mandatory Injunction

SPOUSES CELESTINO P. PINTOR
AND GUADALUPE S. PINTOR
Defendants,

X-----X

COMPLAINT

PLAINTIFF, through counsel and to this Honorable Court, respectfully avers that:

1. Plaintiff is seventy (70) years old, widow, Filipino, and a resident of No. 3 Augustus Street B.F. Resort Village, Las Piñas City, Metro Manila, where she may be served with notices and other court processes, in addition to or in lieu of her counsel's address;

2. Defendants are both of legal age and residing in Sta. Cruz, Ligao City, Albay, where they may be served with notices and other court processes;

3. Plaintiff is the absolute and registered owner of the vacant 450-square meter lot situated at a residential area in Sta. Cruz, Ligao City in the Province of Albay, now being held by Defendants.

X-----X

3.1 The lot is covered by **Transfer Certificate of Title (TCT) No. T-18910** of the Registry of Deeds for the Province of Albay; certified copy attached herewith and made an integral part hereof as **ANNEX “A”**;

3.2 Said lot was purchased by the Plaintiff from a certain Ramon S. Go on **September 9, 2005**; photocopy of Deed of Absolute Sale attached herewith and made an integral part hereof as **ANNEX “B”**;

3.3 Immediately after acquiring the lot, the Plaintiff had it fenced with barbed wires around its perimeter; pictures attached herewith and made an integral part hereof as **ANNEXES “C” to “C-3”**;

3.4 The lot is covered by **Tax Declaration of Real Property No. 207-02-008-04-064** issued by the Ligao City Assessor’s Office on December 15, 2012, **with an assessed value of Thirty Seven Thousand Five Hundred Pesos (P37,500.00)**; certified true copy attached herewith and made an integral part hereof as **ANNEX “D”**;

4. Before the end of the year 2005, Plaintiff already transferred from her residence in Sta. Cruz, Ligao City to No. 3 Augustus Street, B. F. Resort Village, Las Piñas City;

5. On December 10, 2014, when Plaintiff visited Sta. Cruz, Ligao City, she discovered that the Defendants had not only intruded into her lot but they had constructed a house thereon; pictures are attached herewith and made integral part hereof as **ANNEXES “E” to “E-3”**;

6. The Plaintiff made numerous demands, albeit verbally, for the Defendants to vacate the premises, but to no avail;

7. On February 3, 2015, Plaintiff, through counsel, demanded that the Defendants vacate the former's lot within ten (10) days from notice; photocopy of the letter is attached herewith and made an integral part hereof as ANNEX "F". The Defendants received the letter on February 8, 2015 as evidenced by the Registry Return Receipt; photocopy of which is attached herewith and made an integral part hereof as ANNEX "G";

8. On February 20, 2015, the Plaintiff, through counsel, filed a complaint against the Defendants with the Office of the Barangay Chairman of Sta. Cruz, Ligao City, **despite the rule that such Barangay conciliation proceedings is not a pre-condition in the filing of cases in the Court considering that the Plaintiff and Defendants are neither situated in the same barangay nor they are in adjoining barangays;**¹ photocopy of which is attached herewith and made an integral part hereof as ANNEX "H";

8.1 During the conference before the *Lupon ng Tagapagpayapa*, the Defendants said they would not vacate the lot contending they bought the same for value from a certain Katrina Ante sometime in 2006 before they entered the lot, photocopy of the excerpts from the meeting attached herewith and made an integral part hereof as ANNEX "I";

¹ Administrative Circular No. 14-93, July 15, 1993

- I. All disputes are subject to Barangay conciliation pursuant to the Revised Katarungang Pambarangay Law [formerly P. D. 1508, repealed and now replaced by Secs. 399-422, Chapter VII, Title I, Book III, and Sec. 515, Title I, Book IV, R.A. 7160, otherwise known as the Local Government Code of 1991], and prior recourse thereto is a pre-condition before filing a complaint in court or any government offices, except in the following disputes:

x x x

[5] *Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate Lupon; (emphasis supplied)*

X-----X

8.2 On March 5, 2015, for failure of the parties to reach a settlement, the Barangay Chairman issued to the Plaintiff a Certificate to File Action, photocopy of which is attached herewith and made an integral part hereof as ANNEX “J”;

***First Cause of Action:
Accion Reivindicatoria***

9. Plaintiff seeks to recover the subject lot being held by the Defendants under the right of an absolute and registered owner:

9.1 Ordinarily, the Plaintiff’s cause of action falls under *Accion Interdictal* particularly forcible entry. In forcible entry, one is deprived of physical possession of any land or building by means of force, intimidation, threat, strategy, or stealth. Where the Defendant’s possession of the property is illegal *ab initio*, the summary action for forcible entry (*detentacion*) is the remedy to recover possession;²

9.2 However, considering that Defendant’s claim challenges the absolute ownership of the Plaintiff, *Accion Reivindicatoria* would be the proper remedy;

Accion reivindicatoria or *accion de reivindicacion* is thus an action whereby plaintiff alleges ownership over a parcel of land and seeks recovery of its full possession. It is different from *accion interdictal* or *accion publiciana* where plaintiff merely alleges proof of a better right to possess without claim of title.³

9.3 In the instant case, the Plaintiff is clearly asserting to vindicate her exclusive and absolute ownership and not just simply recovery of possession. Thus, even if an action for forcible entry succeeded, it will still not result to a complete relief being sought by the Plaintiff;

² *Spouses Del Rosario v. Gerry Roxas Foundation, Inc.*, G.R. No. 170575, June 8, 2011.

³ *Serdoncillo v. Fidel*, G.R. No. 118328, October 8, 1998.

X-----X

A judgment rendered in a forcible entry case will not bar an action between the same parties respecting title or ownership because between a case for forcible entry and an *accion reivindicatoria*, there is no identity of causes of action. ***Such determination does not bind the title or affect the ownership of the land; neither is it conclusive of the facts therein found in a case between the same parties upon a different cause of action involving possession.***⁴
(emphasis supplied)

Second Cause of Action: Quieting of Title

10. Aside from the action to vindicate ownership and to recover full possession of the subject lot, the Plaintiff also brings the action for quieting of title as provided for in the Civil Code of the Philippines⁵ and the Rules of Court.⁶

10.1 Plaintiff has an indefeasible title⁷ over the lot in question acquired through a valid sale,⁸ acquired prior physical possession therein,⁹ supported by a local tax declaration;¹⁰

10.2 Defendant claims an interest over the same arising from the alleged sale¹¹ asserted during the failed Barangay conciliation proceedings, thereby casting cloud, doubt and prejudice to the Plaintiff's title;

In an action for quieting of title, the complainant is seeking for ***“an adjudication that a claim of title or interest in property adverse to the claimant is invalid, to free him from the danger of hostile claim, and to remove a cloud upon or quiet title to land*** where stale or unenforceable claims or demands exist.”¹² (emphasis supplied)

⁴ *Spouses Ocampo v. Heirs of Dionisio*, G.R. No. 191101, October 1, 2014.

⁵ Article 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title. xxx

⁶ Rule 63, Section 1

⁷ *Supra*, §3.1

⁸ *Supra*, §3.2

⁹ *Supra*, §3.3

¹⁰ *Supra*, §3.4

¹¹ *Supra*, §8.1

¹² *Heirs of Pocdo v. Avila and Chua*, G. R. No. 199146, March 19, 2014.

***Third Cause of Action:
Actual, Moral, and Exemplary
Damages and Attorney's Fees***

11. Plaintiff was deprived of all the beneficial use of the subject lot from the moment the Defendants surreptitiously entered thereto. Defendants' possession and occupation should be charged with reasonable rental fees in the amount of **Five Thousand Pesos (P5,000.00) per month with legal interests**, considering the Plaintiff's age and her absence of any other means to support her day-to-day needs. Otherwise, the Defendants would have unjustly enriched and continuously enrich themselves at the Plaintiff's expense. Following the time-honored principle on human relations:

Every person must, in the exercise of his rights and in the performance of his duties, act with justice, ***give everyone his due***, and observe honesty and good faith.¹³ (*emphasis supplied*)

12. Plaintiff likewise claims for any and all expenses in her repeated visits to Ligao City from Las Piñas City and vice versa after the discovery of the deforciant, including her participation to Barangay conciliation proceedings referred to *Lupong Tagapamayapa*, and other costs related to this action, amounting to **Fifty Thousand Pesos (P50,000.00)**, evidenced by receipts, photocopies of which are attached herewith and made integral part hereof as **ANNEXES "K" to "K-12"**;

13. Plaintiff also suffered sleepless nights, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings,

¹³ *Id.*, Article 19

X-----X

moral shock and social humiliation¹⁴ from the said dispossession, aggravated by the fact that she is already in her advanced age. It was an unfortunate experience for which no elderly is supposed to bear. For such prolonged depression, Defendants should be made to pay the Plaintiff the sum of **Fifty Thousand Pesos (P50,000.00)** by way of moral damages;

14. By way of example or correction for the public good, the Defendant should likewise be made to pay the amount of **Twenty Thousand Pesos (P20,000.00)** as exemplary damages,¹⁵ to serve as deterrent to those who might undermine and abuse the elderly;

15. In view of the forgoing, the Plaintiff was constrained to retain the services of counsel thereby incurring expenses in the amount of **Fifty Thousand Pesos (P50,000.00)** as acceptance fee, and in addition thereto, a fee of **Three Thousand Pesos (P3,000.00)** per court appearance, which amount should be charged against the Defendants and be made payable to the Plaintiff as attorney's fees, including the costs of litigation;

***Allegations in Support of the
Prayer for the Issuance of a
Writ of Preliminary Mandatory
Injunction***

16. Plaintiff repleads by reference all of the foregoing allegations as may be material and relevant under this heading;

17. Defendant's continued illegal occupation of the said parcel of land and refusal to vacate the same and to peacefully

¹⁴ *Id.*, Article 2217

¹⁵ *Id.*, Article 2229

X-----X

surrender possession thereof to herein Plaintiff is working grave injustice and causing damage to the latter, even aggravated by the latter's advanced age;

18. Plaintiff is entitled to the reliefs demanded, and the whole or part of such relief consists in the immediate delivery and surrender by the defendants of possession of the land to the Plaintiff;

19. In the event that a writ of preliminary mandatory injunction is granted to Plaintiff, she is ready, willing and able to post a bond to answer for all damages Defendant may sustain by reason of said injunction if the court should finally decide that Plaintiff is not entitled thereto;

P R A Y E R

WHEREFORE, it is most respectfully prayed that, after due hearing, judgment be rendered in favor of the Plaintiff:

- a) Ordering the Defendants, their family, successors, assignees, heirs and all persons claiming rights under them to vacate the lot covered by **TCT No. T-18910** of the Registry of Deeds for the Province of Albay, and to peacefully turn over the possession thereof to the Plaintiff;
- b) Declaring the Plaintiff as the exclusive and absolute owner of the subject lot, thereby **quieting the title and removing any cloud thereon**, and ordering the cancellation of any title the Defendants may have corresponding to the same lot;
- c) Ordering the Defendants to pay the Plaintiff a monthly rental fee at the rate of **Five Thousand Pesos (P5,000.00) per month, with legal interests**, from date the former took the property as determined by the Court until possession is

X-----X

returned to the latter together with the sum of **Fifty Thousand Pesos (P50,000.00)**, as actual or compensatory damages;

- d) Ordering the Defendants to pay the Plaintiff the amount of **Fifty Thousand Pesos (P50,000.00)** as moral damages;
- e) Ordering the Defendant to pay **Twenty Thousand Pesos (P20,000.00)** as exemplary damages;
- f) Ordering the Defendant to pay the Plaintiff attorney's fees in the amount of **P50,000.00** and **P3,000.00** per court hearing; and,
- g) Ordering the Defendants to pay the **costs of suit**;
- h) That pending the outcome of the instant case, a **writ of preliminary mandatory injunction** be immediately issued ordering the Defendant, his family, successors, assigns heirs and all persons claiming rights under them, to immediately vacate the said lot and return possession of the same to the Plaintiff.

Other reliefs just and equitable under the premises are likewise prayed for.

Bacoor City, Cavite, March 15, 2015.

JESSIE A. SALVADOR

Counsel for Plaintiff

24-A Gen. Evangelista St. Mabolo I

Bacoor City, Cavite 4102

PTR No. 7151978/01-05-15/Bacoor City, Cavite

Roll of Attorneys No. 86281

IBP No. 315537/8-30-14/Cavite

MCLE Compliance No. IV-00000830/07-15-14

Email: engrjhez@gmail.com / Cell. No. (0906) 377-8888

VERIFICATION AND CERTIFICATION
OF NON-FORUM SHOPPING

I, **CARIDAD A. REYES**, seventy (70) years of age, Filipino and a resident of No. 3 Augustus Street B.F. Resort Village, Las Piñas City, Metro Manila, avers under oath that I am the Plaintiff that caused the preparation of the foregoing Complaint; I certify that the same are true and correct to the best of my personal knowledge and based on authentic records.

I have not commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of my knowledge, no such other action or claim is pending therein; and should I thereafter learn that the same or similar action or claim has been filed or is pending before any court, tribunal or quasi-judicial agency, I undertake to report said fact within five (5) days from such knowledge to this Honorable Court.

IN TRUTH WHEREOF, I have hereunto affixed my signature below this 15th day of March 2015, at Bacoor City, Cavite.

CARIDAD A. REYES
Affiant

SUBSCRIBED AND SWORN to before me this 15th day of March 2015, affiant exhibiting to me her OSCA ID No.12345678 issued on August 30, 2004, in Las Piñas City, M.M.

JESSIE A. SALVADOR
Notary Public

Commission Expires December 31, 2015
Roll of Attorneys No. 86281 / IBP No. 315537/8-30-14/Cavite
MCLE Compliance No. IV-00000830/07-15-14
PTR No. 7151978/01-05-15/Bacoor City, Cavite
Email: engrjhez@gmail.com/Cell No. (0906) 377-8888

Doc. No. 439
Page No. 88
Book No. 2
Series of 2015

AFFIDAVIT OF MERIT

I, **CARIDAD A. REYES**, seventy (70) years of age, Filipino and a resident of No. 3 Augustus Street B.F. Resort Village, Las Piñas City, Metro Manila, Philippines, after being sworn to in accordance with law, depose and state that:

- I am the Plaintiff in the above-captioned case filed against spouses Celestino P. Pintor and Guadalupe S. Pintor, as Defendants, before the Regional Trial Court of Ligao City, Albay, Philippines;
- I am the absolute and registered owner of a certain parcel of land situated in Sta. Cruz, Ligao City, identified and covered by Transfer Certificate of Title No. T-18910 of the Registry of Deeds for the Province of Albay;
- Since around year 2006, Defendants and their family began to be in possession and occupation of the said property without my express consent and under my continuous objection;
- On February 3, 2015, I, through counsel, demanded from the Defendants that they and their family vacate and return the possession of the said property to me, but despite demands for them to vacate, the Defendants remained in possession of the said land and, up to the present, still retain such possession;
- The reasonable rental value/fee for the said lot is **Five Thousand Pesos (P5,000.00) per month**;
- Defendants' continued possession and occupation of the property and refusal to vacate the same and to peacefully surrender possession thereof is working grave injustice and causing damage to the undersigned;

- I am entitled to the reliefs demanded in my Complaint, and the whole or part of such relief consists in the immediate delivery and surrender by the Defendants of possession of the land to me;
- In the event that I am granted a writ of preliminary mandatory injunction, I am ready, willing and able to post a bond to answer for all damages that the Defendants may sustain by reason of said injunction if the Court should finally decide that I am not entitled thereto.

IN TRUTH WHEREOF, I have hereunto affixed my signature below this 15th day of March 2015, at Bacoor City, Cavite.

CARIDAD A. REYES
Affiant

SUBSCRIBED AND SWORN to before me this 15th day of March 2015, affiant exhibiting to me her OSCA ID No.12345678 issued on August 30, 2004 in Las Piñas City, M.M.

JESSIE A. SALVADOR
Notary Public
Commission Expires December 31, 2015
Roll of Attorneys No. 86281
IBP No. 315537/8-30-14/Cavite
MCLE Compliance No. IV-00000830/07-15-14
PTR No. 7151978/01-05-15/Bacoor City, Cavite
Email: engrjhez@gmail.com/Cell No. (0906) 377-8888

Doc. No. 440
Page No. 88
Book No. 2
Series of 2015