

Title: Fe U. Quijano v. Atty. Daryll A. Amante

Facts:

Fe Quijano and her siblings, Eliseo, Jose, and Gloria, inherited a parcel of land from their father, Bibiano Quijano, located in Cebu City and registered under OCT No. 0-188. Before any formal partition, Eliseo sold two portions of his share (totaling 930 square meters) to Atty. Daryll A. Amante in 1990 and 1991. When the heirs executed a deed of extrajudicial partition on September 30, 1992, the portions sold to Amante were [incorrectly] adjudicated to Fe Quijano. She subsequently demanded Amante vacate the property, but he refused, asserting ownership from the earlier sale and questioning the partition.

On February 14, 1995, Fe Quijano filed an ejectment case against Amante at the Municipal Trial Court in Cities of Cebu City (MTCC), claiming that Amante's occupation of the land was initially by mere tolerance and became unlawful upon demands to vacate. Amante claimed rightful possession as a buyer in good faith and questioned the partition.

The MTCC ruled in favor of Fe Quijano, stating Eliseo could only sell his undetermined share in the co-owned property and not a specific portion. However, the RTC reversed the MTCC's decision, finding that the summary proceeding was improper due to the serious question of ownership involved. The RTC suggested an action publiciana or reivindicatoria should be filed instead. Fe Quijano's motion for reconsideration was denied.

The Court of Appeals (CA) affirmed the RTC decision but on different grounds, holding that Amante was either a co-owner or an assignee who had rightful possession and was entitled to participate in the division of the property. This led to Fe Quijano filing an appeal to the Supreme Court.

Issues:

The primary legal issue was whether Fe Quijano, who held a Torrens title to the property following a deed of extrajudicial partition, had a better right to possess the disputed property over Amante, who claimed to have purchased the property from Eliseo before the partition.

Court's Decision:

The Supreme Court dismissed the petition, affirming the CA's decision that Amante had a better right to possess the disputed property. The Court held that Fe Quijano's action for unlawful detainer was improper due to a failure to prove her allegation of tolerance regarding Amante's possession. Moreover, without evidence of forcible entry, the case could

not be considered as one for forcible entry either.

Doctrine:

Ownership in co-ownership setups is pro indiviso, and no co-owner can dispose of any distinct part of the property until partition. A sale by a co-owner transfers only their share and makes the buyer a new co-owner. In ejectment proceedings, ownership may be examined provisionally to determine possession yet cannot conclude the title.

Class Notes:

- Ejectment can be forcible entry or unlawful detainer, but possession must be initially lawful for unlawful detainer.
- Co-ownership means property is held pro indiviso; each co-owner has equal management and enjoyment rights.
- A co-owner can only sell their undivided share.
- A buyer from a co-owner before partition becomes a new co-owner.
- Disputes in ejectment proceedings do not settle ownership conclusively.

Historical Background:

The case marked a common issue in Philippine real property law where the concept of co-ownership and rights of parties before the formal partition of an estate are involved. It reiterated established doctrines on how ownership and possession disputes within the framework of co-ownership and sales of undivided interests are resolved under Philippine civil law. The use and limitation of summary ejectment proceedings in such complex disputes were further clarified.