

Title: Tapuz et al. vs. Hon. Judge Elmo Del Rosario et al.

Facts:

This case revolves around a dispute over ownership and possession of a parcel of land located in Boracay, Aklan, Philippines. The complainants, Daniel Masangkay Tapuz and cohorts (hereinafter “petitioners”), and the defendants, spouses Gregorio Sanson and Ma. Lourdes T. Sanson (hereinafter “private respondents”), both claimed possession of the contested land.

The private respondents filed a complaint for forcible entry and damages with the issuance of a writ of preliminary injunction against the petitioners in the Fifth Municipal Circuit Trial Court of Buruanga-Malay, Aklan (MCTC). They claimed to be prior possessors of the land, which they say the petitioners forcibly entered. The petitioners contested, asserting their prior possession.

The MCTC ruled in favor of the private respondents, recognizing their prior possession. The petitioners then appealed to the Regional Trial Court (RTC) of Kalibo, Aklan, which granted a writ of preliminary mandatory injunction and, upon petitioners’ failure to achieve a reconsideration, issued a demolition order.

A concurrent Petition for Review on the injunction and demolition orders was filed by the petitioners with the Court of Appeals (CA), Cebu City. As these matters were proceeding, the petitioners filed a petition before the Supreme Court seeking certiorari and issuance of writs of amparo and habeas data against multiple respondents including the trial courts involved.

Issues:

1. Whether the petition for certiorari was properly filed within the reglementary period.
2. Whether the MCTC correctly assumed jurisdiction over the private respondents’ complaint for forcible entry.
3. Whether the petitioners were guilty of forum shopping.
4. Whether the petition for the issuance of a writ of amparo is substantively meritorious.
5. Whether the petition for the issuance of a writ of habeas data is substantively meritorious.

Court’s Decision:

1. ****On Certiorari****: The Court found the petition for certiorari to be fatally flawed, both

procedurally and substantively, determining it had been filed out of time. Additionally, discrepancies in the petitioners' representations and the act of filing a similar case with the CA indicated an attempt at forum shopping.

2. **Jurisdiction of MCTC**: The Court upheld the jurisdiction of the MCTC over the forcible entry case, noting that issues of pure physical possession fall within the ambit of the first-level courts, irrespective of the property's assessed value.

3. **Forum Shopping**: The Supreme Court found the petitioners guilty of forum shopping due to their act of seeking the nullification of the same RTC orders before the appellate court and the Supreme Court simultaneously.

4. **Writ of Amparo**: The Court found the issuance of a writ of amparo inappropriate, reasoning that the violent incidents cited by the petitioners were primarily related to the possessory dispute over the land and did not convincingly demonstrate a current and continuing threat to their life, liberty, or security.

5. **Writ of Habeas Data**: The Court likewise deemed the petition for a writ of habeas data without merit, noting a lack of concrete allegations that would justify its issuance, particularly concerning violations of or threats to the right to privacy in connection with the right to life, liberty, or security.

Doctrine:

This resolution articulated that the writ of amparo is not an appropriate remedy for disputes that primarily involve property rights. Moreover, it reiterates the paramount necessity of adhering to the reglementary periods for filing petitions and underscores the prohibition against forum shopping. It also clarifies that the issuance of a writ of habeas data necessitates concrete allegations of unjustified or unlawful violations of the right to privacy connected to the rights to life, liberty, or security.

Class Notes:

- **Forcible Entry**: Concerns pure physical possession, irrespective of the assessed value of the property; jurisdiction lies with the first-level courts (MCTCs, etc.).
- **Certiorari (Rule 65)**: Requires timely filing within the reglementary period; a delay or misrepresentation may be fatal to the petition's merits.

- **Forum Shopping**: Engaging in multiple suits involving the same parties for the same cause of action, aiming for a favorable decision; a ground for summary dismissal.
- **Writ of Amparo**: Intended for violations or threats to life, liberty, or security; not appropriate for property disputes.
- **Writ of Habeas Data**: Requires specific allegations of violations or threats to the right to privacy that impacts life, liberty, or security; mere speculative assertions are insufficient.

Historical Background:

This case emerged amidst evolving jurisprudence on the writs of amparo and habeas data in the Philippines, instruments designed as legal remedies for the protection of constitutional rights against violations or threats. It underscores the Philippine legal system's ongoing efforts to delineate the proper application of these writs, especially in distinguishing between personal security issues and property disputes.