

Title: Perlita Mabalo vs. Heirs of Roman Babuyo

Facts:

The case centers around a parcel of land, originally owned by Roman Babuyo, comprising 5,599 square meters in Misamis Oriental. Roman's legitimate children, the respondents, occupied the land upon his death and made improvements to it. They later discovered another heir of Roman named Rufino, whose daughter, Segundina, claimed a portion of the property. Segundina sold 364 square meters of this land to Perlita Mabalo, the petitioner, without dividing the land among co-owners.

On June 3, 2014, some of the respondents' workers were trimming trees on the property when Mabalo interrupted them and constructed a fence, claiming ownership. Mabalo also demolished two houses and tampered with existing plants. The respondents demanded Mabalo to vacate the premises, and upon her refusal, filed a forcible entry complaint on July 10, 2014.

The MCTC ruled in favor of the respondents, holding Mabalo guilty of forcibly entering and taking possession using force and intimidation. This decision was affirmed by the RTC, concluding Mabalo had no prior physical possession before buying the land. The CA further upheld the findings that the parties were co-owners and Mabalo could only assert rights as far as Segundina's share permitted.

Mabalo brought the case to the Supreme Court arguing that her acts were within her rights as a co-owner and did not involve force or intimidation.

Issues:

1. Can a co-owner evict another co-owner from commonly held property through an action for ejectment?
2. Did Mabalo's actions constitute forcible entry against the rightful prior possessors, the heirs of Roman Babuyo?
3. Was the award of rents and attorney's fees to the respondents appropriate?

Court's Decision:

1. Co-owner eviction: The Court ruled that co-owners can initiate ejectment suits against each other to recognize co-ownership but cannot exclude a co-owner unless there has been a forceful and wrongful denial of possession. Mabalo's actions claiming exclusive possession and demolishing structures warranted the remedy sought by respondents, enforcing co-ownership.

2. Forcible entry: Mabalo's decision to occupy a specific section and remove existing structures equated to employing force, justifying the finding of forcible entry by the lower courts. Her approach violated the expectation that each co-owner respect the other, prompting the Court to direct her eviction from that specific portion.

3. Rents and attorney fees: The Supreme Court deleted the award of rents due to a lack of evidentiary basis and because Mabalo, as a co-owner, had rights to the property. Likewise, attorney fees were disallowed due to insufficient grounds stated in the courts' decisions.

#### Doctrine:

1. Co-ownership Principle: Under Article 487 of the Civil Code, co-owners have rights to file ejectment for maintaining or recognizing co-ownership. Indeed, no co-owner can assert exclusive possession over a definitive part of a commonly owned property without consent or legal partition.

2. Forcible Entry Remedy: This ruling reiterated that even co-owners must respect one another's possession, with forceful denial requiring redress through legal mechanisms without resorting to self-help measures.

#### Class Notes:

- Co-ownership entails that any owner can use and manage common property as long as it respects others' equal rights.
- The sale of an undivided share grants rights as a co-owner, but not to any specific part of the land until partitioned.
- Forcible entry involves taking possession through force, whether by acts of aggression or exclusion of other claims.

#### Historical Background:

In the Philippines, land disputes often arise within co-ownership contexts due to traditional inheritance practices and strong familial ties. The rights of co-owners and the rules of succession become critical in maintaining land security and social harmony. The case emphasizes restraint in resolving disputes legally rather than through self-help to prevent disorder and ensure due process.