

CHRISTIAN KANONGKONG AND JOSEPH SAPKI, PETITIONERS, VS. EPISCOPAL DIOCESE OF NORTHERN PHILIPPINES, REPRESENTED BY VICTOR D. ANANAYO, CONVENTION SECRETARY, RESPONDENT.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/007f37445aa2/>

MACALINO, J:

This is a petition for review[1] under Rule 42 of the Rules of Court, seeking to reverse and set aside the August 28, 2012 Decision[2] of the Regional Trial Court of Bontoc, Mountain Province, Branch 36 (“RTC”) in Civil Case No. 2012-2-24-6, which affirmed the February 8, 2012 Decision[3] of the Municipal Trial Court of Bontoc, Mountain Province (“MTC”) in Civil Case No. 509. The dispositive portion of the MTC decision reads:

“WHEREFORE, the Court renders judgment to wit:

- Declaring the plaintiff the lawful prior possessor of the disputed portion consisting of 3,598 square meters which is a part of their titled land covered by Certificate of Title No. 7;
- Ordering the defendants Christian Kanongkong and Joseph Sapki to vacate the disputed portion and remove their banana plants and shanty and other improvements if there is any;
- In the event the defendants refuse to remove their improvements, such improvements are forfeited in favor of the plaintiff and the latter can remove them;
- Ordering the defendants to pay the plaintiff a reasonable compensation for the use of the property in the amount of P1,000.00 a month starting August 2011 until the disputed property is vacated; and
- The counterclaim of defendants is DENIED for lack of merit.

IT IS SO ORDERED.”[4]

Records show that in 2011, respondent Episcopal Diocese of Northern Philippines filed a complaint[5] for forcible entry against petitioners Christian Kanongkong and Joseph Sapki. Respondent alleged in its complaint that it is the owner and possessor of a parcel of land located in Bontoc, Mountain Province, covered by Certificate of Title No. 7 and declared for realty tax purposes under Tax Declaration No. 21627. Said parcel of land is referred to as the “All Saints Mission Compound” where various structures can be found. On several occasions during the same year, petitioners were seen clearing and planting in the eastern portion of the compound near the septic tank. Thus, respondent requested petitioners to stop their activities within the compound but the latter insisted that the portion with an area of 3,598 square meters that they were clearing belongs to them.

In their Answer,[6] petitioners argued that the complaint failed to comply with the requirements of certification against forum shopping because it lacked supporting documents showing that respondent's Convention Secretary was duly authorized to file the complaint on its behalf. Petitioners asserted their ownership and possession of the disputed portion of the subject property stating that their ancestors have occupied and cultivated the same since time immemorial.

The MTC resolved the case in the respondent's favor and on appeal, the RTC agreed with the MTC's ruling. Hence, the instant petition assigning the following alleged errors committed by the trial court:

“THE HONORABLE COURT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT ASSUMED THAT THE DISPUTED LOT CONTAINING AN AREA OF 3,598 SQUARE METERS IS WITHIN THE TITLED PROPERTY OF THE RESPONDENT WITHOUT EVIDENCE TO THE CONTRARY?

THE HONORABLE COURT COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT RESOLVED THAT THE RESPONDENT IS ENTITLED TO THE PHYSICAL AND MATERIAL POSSESSION OF THE DISPUTED PROPERTY DESPITE CLEAR LACK OF EVIDENCE AND WITHOUT ANY LEGAL BASIS?

THE RESPONDENT COURT COMMITTED SERIOUS ERROR WHEN IT AFFIRMED THE DECISION OF THE LOWER COURT DESPITE LACK OF [COMPLIANCE] WITH THE REQUIREMENTS OF CERTIFICATION AGAINST FORUM SHOPPING AS PROVIDED IN SECTION 5, RULE 7 OF THE 1997 REVISED RULES OF COURT OF THE PHILIPPINES?”[7]

Petitioners contend that respondent was not able to prove its ownership and the identity of the subject property. They underscore that there is a difference in the area of the property claimed by the respondent as stated in its certificate of title and tax declaration. The certificate of title appears to cover a property with an area of 12,102 square meters while the tax declaration covers a property with an area of 12,940 square meters. Petitioners also insist that respondent failed to allege its prior possession and the facts constitutive of forcible entry such as how entry was effected or how and when dispossession started. They assert that their predecessors-in-interest were already in prior physical possession of the 3,598 square meter property, which is not covered by respondent's certificate of title.

The petition has no merit.

In a forcible entry case, two things must be proven: prior physical possession of the property and deprivation of the property by means of force, intimidation, threat, strategy, or stealth. The only issue in a forcible entry case is the physical possession of a property. This rule holds true regardless of the character of a party's possession, provided that he has in his favor priority in time.

In the present case, respondent was able to convincingly show that it was in prior physical possession of the land and was unlawfully deprived of such possession. While petitioners allege that their predecessors-in-interest were in possession of the subject lot, evidence on record supports respondent's claim that it not only possessed and occupied the lot but also had a title over the disputed property. The MTC aptly declared in its decision:

“Based on our ocular inspection of the subject property, it is our considered view that the [respondent] is the one in prior possessor (sic) of their titled land that includes the disputed portion of about 3,598 square meters. [Respondent] is the prior possessor because of their vast improvements such as the cathedral church, school building and other buildings which are in existence for many years. The whole property is fenced with concrete wall, stone wall and wires. A portion is occupied by the GL Lizardo buses as lessee of the [respondent] since 2008. The [respondent] as prior possessor is entitled to the physical or material possession (possession de facto) of the disputed portion being a part of their titled property consisting of 12,102 square meters covered by

original certificate of title no. 7. This torrens title has been issued on January 9, 1914 in the name of Protestant Episcopal of Christ. The [respondent] acquired the property from the Protestant Episcopal of Christ.”[8]

Petitioners on the other hand, failed to present evidence that they and their predecessors-in-interest were in actual physical possession of the portion of the compound that they claim. Petitioners cannot even successfully invoke the principle of tacking of possession because tacking in this regard is made for the purpose of completing the time required for acquiring or losing ownership through prescription and it pertains to possession de jure. Possession in forcible entry suits refers to nothing more than physical possession, not legal possession.[9]

The factual findings and legal conclusions of the MTC in favor of the respondent were affirmed by the RTC. Their findings were substantiated by the records and the evidence, and their legal conclusions were supported with the pertinent laws and jurisprudence. Absent the showing of a fact or circumstance of weight and influence that was overlooked and if considered, could affect the outcome of the case, the factual findings and assessment on the credibility of evidence made by the trial court remain binding on the appellate tribunal. The findings of facts of the trial court, its assessment of the probative weight of evidence presented, as well as its conclusions based on its findings, are accorded high respect, if not conclusive effect.[10]

Further, a reading of the complaint reveals that the allegations therein clearly constitute a case of forcible entry:

“xxx

5] Plaintiff is the owner and possessor of a parcel of land, located in Bontoc, Mountain Province, covered by Certificate of Title No. 7 and declared for realty tax purposes under Tax Declaration No. 21627 of the Provincial Assessor of Mountain Province; xxx;

6] The subject parcel of land is referred to as the “ALL SAINTS MISSION COMPOUND”, which is presently the site of the Cathedral of All Saints, All Saint’s Mission School, All Saints Girls Dormitory, Timothy Chaokas Student Center, Sibley-Shaw Memorial Hall, Hilary Pittapit Clapp Gymnasium, several residential buildings, GL Trans parking area, athletic grounds, gardens and other spaces for various purposes; this “Mission Compound” is actually fenced off and is accessible only through several gates located around the property;

7] On 1[st] August 2011, on or about 5:45 p.m., a watchman on duty under the employ of the Cathedral of All Saints saw defendant Joseph Sapki planting corn and camote at the portion of the “Mission Compound” just below the Timothy Chaokas Student Center where the Center’s septic tank is located adjacent to the Chico River; the said watchman reported the matter to the Cathedral Chapter members who were holding a meeting and they advised him to instruct said defendant to stop his planting activities;

8] On 17[th] September 2011, on or about 10:00 a.m., another watchman on duty saw defendants Sapki and Kanongkong clearing the same portion around the septic tank of the Timothy Chaokas Student Center; he immediately directed them to stop their activities but they replied “kua mi na”;

9] Both defendants came back on 24[th] September 2011 and continued clearing and planting activities in the same area, despite demands from the watchman on duty for them to stop the same;

xxx

12] On 15[th] October 2011 at about 1:00 p.m., both defendants prevented a dump truck of Fine W Enterprises from unloading sand and hollow blocks at the premises for the extension of plaintiff’s septic tank below the Timothy Chaokas Student Center; this prompted the Cathedral Dean, the Rev. Amos Kollin, to report the matter to the police; xxx;

13] On 16[th] October 2011 at about 9:00 a.m., while the Sunday Mass was being celebrated at the Cathedral,

both defendants and some men entered the “Mission Compound” and started constructing and putting up a structure in the middle of the GL Trans parking area; the watchman on duty and, later on, the Cathedral Clergy, took turns talking to said defendant and his men to stop their activity to no avail; xxx;”[11]

The respondent in this case is a corporation sole, which consists of one person only, who exercises the powers and authority of the corporation sole, and who can also authorize a person to act on its behalf. Thus, the RTC did not err when it upheld the authority of respondent's designated representative to file this suit and to sign the certification against forum shopping.

WHEREFORE, premises considered, the petition is DENIED. The August 28, 2012 Decision of the Regional Trial Court of Bontoc, Mountain Province, Branch 36 in Civil Case No. 2012-2-24-6 is AFFIRMED.

SO ORDERED.

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusion in the above decision was reached in consultation before the case was assigned to the writer of the opinion of the Court.

Villon, S.E., Chairperson and [*]Inting, S.B., JJ., concur.

[*] Acting Junior Member per Office Order No. 161-14-AGT dated April 24, 2014.

[1] Rollo, pp. 9-31.

[2] Rollo, pp. 32-38.

[3] Rollo, pp. 39-46.

[4] Rollo, p. 46.

[5] Rollo, pp. 47-57.

[6] Rollo, pp. 58-68.

[7] Rollo, p. 15.

[8] Rollo, p. 42.

[9] Nenita Quality Foods Corporation v. Galabo, et al., G.R. No. 174191, January 30, 2013.

[10] Spouses Dadizon v. Court of Appeals, et al., G.R. No. 159116, September 30, 2009.

[11] Rollo, pp. 48-50.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.