# AMADOR MALDECIR, PETITIONER, VS. ALEJANDRA SANTOALLA, RESPONDENT.

Ponente: QUIJANO-PADILLA, J.

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**QUIJANO-PADILLA, J.:**

Before Us is a Petition for Review[1] under Rule 42 of the Rules of Court assailing the Decision[2] dated September 30, 2010 of the Regional Trial Court, Sixth (6[th]) Judicial Region, Branch 67, Guimbal, Iloilo, as well as the Resolution[3] dated August 31, 2012 of the same RTC in Civil Case No. 209 for Recovery of Possession, Ownership and Damages.

The Antecedents

At the crux of the present controversy is the 500-square meter property which forms part of the 3.1130 hectares of land covered by Katibayan ng Orihinal na Titulo Blg. F-47095[4] in the name of the respondent Alejandra Santoalla.

Aside from the two (2) parties in this appeal, a certain Peregrina Serguino intervened at the inception stage of this case by filing a Motion for Intervention[5] and an Answer with Counterclaim in Intervention[6] at the MTC. The said intervenor claims to be the rightful owner and possessor of the disputed portion.

Version of the Petitioner

In gist, petitioner Amador Maldecir averred that prior to the present case, respondent has previously initiated an ejectment suit (Civil Case No. 169 for Unlawful Detainer) against him, which was dismissed[7] by the MTC and affirmed[8] with finality[9] by the RTC. In the said ruling, the MTC found the intervenor to be in possession of the disputed portion in the concept of owner. In view of such ruling, the petitioner cannot then be ousted from the property by the respondent, as the latter is not the owner thereof. Moreover, petitioner claimed that his possession of the disputed portion was with the knowledge and consent of the intervenor.

Version of the Respondent

Respondent Alejandra Santoalla argued that she is the lawful and registered owner of the disputed 500-square meter land where the house of the petitioner stands. This is because such portion is part and parcel of Cadastral Lot No. 7920, a property that she owns as evidenced by Tax Declaration No. 0029[10] and the Katibayan ng Orihinal na Titulo Blg. F-47095.[11]

The Ruling of the Municipal Trial Court

In a Decision[12] dated June 14, 2005, the Municipal Trial Court of the Municipality of San Joaquin, Province of Iloilo, dismissed the instant case. The court a quo posited that the intervenor's right of possession had already been settled in the court's earlier decision in Civil Case No. 169. Verily, such ruling has become conclusive and binding between the parties. Thus, res judicata applies.

The decretal portion of the Decision states:

> "WHEREFORE, in view of the foregoing, for failure of the plaintiff to establish by mere preponderance of evidence her possession and ownership over the lot in question consisting an area of 500 square meters judgment is hereby rendered in favor of the defendant and against the plaintiff. Hence, the complaint for recovery of possession, ownership and damages filed by the plaintiff against the defendant is hereby DISMISSED.
>
> Further, plaintiff Alejandra Santoalla is hereby ordered to pay an Attorney's Fees in the sum of Twelve Thousand Pesos (P12,000.00). No award of damages. Plaintiff is likewise ordered to pay the costs of the suit.
>
> SO ORDERED."[13]

The Ruling of the Regional Trial Court

In a Decision[14] dated September 30, 2010, the Regional Trial Court, Sixth (6[th]) Judicial Region, Branch 67, Guimbal, Iloilo reversed the ruling of the Municipal Trial Court. The appellate court postulated that considering the assessed value of Lot No. 7920 is more than P20,000.00, the case should have been filed before the RTC.

Moreover, the RTC elucidated that the decision in the Unlawful Detainer case does not bar the respondent from instituting a separate suit for Recovery of Possession, Ownership and Damages.

The dispositive portion of the assailed decision reads:

> “WHEREFORE, in view of the foregoing considerations judgment is rendered.
>
> Declaring the Decision in Civil Case No. 2009 of the Municipal Trial Court of San Joaquin dated June 14, 2005, NULL AND VOID for lack of jurisdiction.
>
> Declaring the Plaintiff-Appellant Alejandra Santoalla, as lawful possessor and owner of the Five Hundred square meters (500 sq. meters) portion of Lot No. 7920 occupied by the herein Defendant-Appellee Amador Maldicer.
>
> Ordering the Defendant Amador Maldicer to pay for the use and occupation in the amount of One Hundred Pesos (Php 100.00) per month starting January 2001 until he finally vacates the lot in question plus 14 percent interest per annum, and to return the possession of the same lot to the herein Plaintiff.
>
> Defendant-Appellee is likewise Ordered to pay the cost of suit.
>
> SO ORDERED.”[15]

Unsatisfied, petitioner filed a Motion for Reconsideration,[16] which was also denied by the RTC in a Resolution[17] dated August 31, 2012.

Undeterred and aggrieved, petitioner come before Us raising the following issues:

> 1. Whether or not the decision of the Municipal Trial Court of San Joaquin, Iloilo is null and void on the ground of lack of jurisdiction applying the provisions of RA 7691.
>
> 2. Whether or not the principle of res judicata or doctrine of conclusiveness of judgment are applicable under the circumstances of the present case.

The Ruling of this Court

The petition is not meritorious.

To address the first issue raised, which is lack of jurisdiction of the MTC, We deem it imperative to revisit the pertinent provisions of R.A 7691 (An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal


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Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as the "Judiciary Reorganization Act of 1980), viz:

> Section 1. Section 19 of Batas Pambansa Blg. 129, otherwise known as the "Judiciary Reorganization Act of 1980", is hereby amended to read as follows:
>
> "Sec. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction.
>
> "(1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;
>
> "(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000,00) or, for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;
>
> x x x
>
> Section 3. Section 33 of the same law is hereby amended to read as follows:
>
> "Sec. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases. – Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise: x x x
>
> "(3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs: Provided, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots."

In the case at bench, considering that Lot 7920 is located outside Metro Manila and its assessed value[18] is more than P20,000.00, it is evident then that the MTC did not acquire jurisdiction over the case.

In an attempt to save his cause, petitioner argues that since he is only occupying a portion of Lot 7920, the determination as to which court has jurisdiction over the case should not be based upon the assessed value of the whole property, but only as to the disputed portion. In short, petitioner contends that only the assessed value of the 500-square meter portion should be considered.

We are not persuaded.

Indeed, We agree with the ratiocination of the RTC that for purposes of acquiring jurisdiction, the assessed value of the entire property should be used as basis thereof, despite the fact that only a portion of the property is being contested by the parties. This is because various jurisprudence on this matter did not make any qualification or distinction as to whether the controversy involves only a portion of the property or the entirety of it. Therefore, as correctly held by the RTC, unless jurisprudence on this matter is settled, the court's inclination is to base the assessed value on the entire area of the property and not just on the disputed portion, for purposes of determining jurisdiction.

Anent thereto, (a)ssessed value is understood to be the worth or value of property established by taxing authorities on the basis of which the tax rate is applied.[19] In the present case, the disputed property forms part of Lot No. 7920 which has an assessed value of P21,820.00 per Tax Declaration No. 0029.[20] Hence, jurisdiction properly lies upon the RTC.

Now, as to the second issue pertaining to res judicata or conclusiveness of judgment, We again subscribe to the findings of the RTC. Certainly, the decision in the unlawful detainer suit does not bind or prejudice the present case, which clearly involves the recovery of possession of a parcel of land as an incident of ownership.

Jurisprudence[21] dictates that the ruling on ownership in an ejectment suit is only provisional in nature and does not bar subsequent action involving title to the same property.

Moreover, by analogy, We apply the principle laid down in Custodio v. Corrado,[22] where it has been held that an action for ejectment will not preclude an action involving ownership, such as a reivindicatory suit. Pertinent portions of the ruling germane to the present case are as follows:

> The distinction between a summary action of ejectment and a plenary action for recovery of possession and/or ownership of the land is well-settled in our jurisprudence. What really distinguishes an action for unlawful detainer from a possessory action (accion publiciana) and from a reinvindicatory action (accion reinvindicatoria) is that the first is limited to the question of possession de facto. An unlawful detainer suit (accion interdictal) together with forcible entry are the two forms of an ejectment suit that may be filed to recover possession of real property. Aside from the summary action of ejectment, accion publiciana or the plenary action to recover the right of possession and accion reinvindicatoria or the action to recover ownership which includes recovery of possession, make up the three kinds of actions to judicially recover possession.[23]
>
> Further, it bears stressing that the issue on the applicability of res judicata to the circumstance obtaining in this case is far from novel and not without precedence. In Vda. de Villanueva v. Court of Appeals,[24] we held that a judgment in a case for forcible entry which involved only the issue of physical possession (possession de facto) and not ownership will not bar an action between the same parties respecting title or ownership, such as an accion reinvindicatoria or a suit to recover possession of a parcel of land as an element of ownership, because there is no identity of causes of action between the two.

Furthermore, the court notes that petitioner never asserted ownership over the disputed property and in fact, claimed to have derived his right from the tolerance of the intervenor, who interestingly did not join the instant appeal. Verily, it cannot be denied that the petitioner's alleged right over the disputed portion has no more leg to stand on. Thus, at this juncture, the empty claims of the petitioner pales in comparison with the claim of title and ownership of the respondent as buttressed by the Katibayan ng Orihinal na Titulo Blg. F-47095[25] under her name. Indubitably, preponderance of evidence clearly tilts in favor of the respondent.

All told, We find the ruling of the RTC in accordance with the law and jurisprudence. However, We do not agree with its award of interest at the rate of fourteen percent (14%) per annum. In line with current jurisprudence[26] and in relation to the Bangko Sentral ng Pilipinas (BSP) Circular No. 799, Series of 2013, which took effect on July 1, 2013, interest rate should be 6% per annum from January 2001 until the finality of this Decision and 6% interest rate per annum commencing from the finality of this Decision until fully paid.

WHEREFORE, in view of the foregoing, the Petition is DENIED. The Decision dated September 30, 2010 of the Regional Trial Court, Sixth (6th) Judicial Region, Branch 67 of Guimbal, Iloilo in Civil Case No. 209 for Recovery of Possession, Ownership and Damages is AFFIRMED with MODIFICATION that the interest rate be lowered from fourteen percent (14%) to six percent (6%) per annum from January 2001 until the finality of this Decision and 6% interest rate per annum from the finality of this Decision until full payment is made.

**SO ORDERED.**

Hernando, Chairperson and Azcarraga-Jacob, JJ., concur.

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[1] See Petition, rollo, pp. 10-120.

[2] Rollo, pp. 106-112.

[3] Rollo, p. 120.

[4] Rollo, p. 40.

[5] Rollo, pp. 59-60.

[6] Rollo, pp. 61-63.

[7] See Decision of the MTC in Civil Case No. 169, rollo, pp. 50-55.

[8] See Decision of the RTC in Civil Case No. 169, rollo, pp. 56-58.

[9] See Certificate of Finality, rollo, p. 86.

[10] Rollo, p. 41.

[11] Rollo, p. 40.

[12] Rollo, pp. 87-98.

[13] Rollo, pp. 97-98.

[14] Rollo, pp. 106-112.

[15] Rollo, p. 112.

[16] Rollo, pp. 113-119.

[17] Rollo, p. 120.

[18] See Tax Declaration No. 0029, rollo, p. 41.

[19] Barrera v. Heirs of Vicente Legaspi, GR. No. 174346, September 12, 2008, citing Black’s Law Dictionary, 5th Ed., p. 106. (Quotation marks omitted.)

[20] Rollo, p. 41.

[21] See Silverio, Sr. v. Marcelo, G.R. No. 184079, April 17, 2013, citing Barrientos v. Rapal, G.R. No. 169594, July 20, 2011, 654 SCRA 165, 171.

[22] G.R. No. 146082, July 30, 2004.

[23] Custodio v. Corrado, G.R. No. 146082, July 30, 2004, citing A. Francisco Realty and Development Corp. v. CA, G.R. No. 125055, 30 October 1998, 358 Phil. 833, 841-842.

[24] G.R. No. 117971, February 1, 2001, 351 SCRA 12, 19.

[25] Rollo, p. 40.

[26] See Nacar v. Gallery Frames, G.R. No. 189871, August 13, 2013; Gatchalian Realty, Inc. v. Angeles, G.R. No. 202358, November 27, 2013; Fil-Estate Properties, Inc. v. Spouses Ronquillo, G.R. No. 185798, January 13, 2014; Planters Development Bank v. Spouses Lopez, G.R. No. 186332, October 23, 2013, Spouses Booc v. Five Star Marketing Co., Inc., G.R. No. 157806, November 22, 2007.


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