

BENITO FIGUEROA, DEFENDANT-PETITIONER, VS. ELIZABETH P. ENAJADA, PLAINTIFF-RESPONDENT.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This petition for review[1] seeks to assail the Decision[2] dated May 31, 2012 of the Regional Trial Court, 7[th] Judicial Region, Branch 12, Cebu City in Case No. CEB-38195 which affirmed the Decision[3] of the Municipal Trial Court in Cities, Talisay City, Cebu for Unlawful Detainer and the Order[4] dated September 30, 2013 of the same RTC which denied the Motion for Reconsideration thereof.

Version of the Petitioner[5]

The facts as succinctly narrated by the herein Petitioners are as follows:

The defendant-petitioner Benito Figueroa averred that the subject matter of this unlawful detainer case, LOT NO. 3834-B-1-J-5 consisting of 1,134 square meters located at San Miguel, Linao Talisay City, was originally owned by Liharey Ouano, as evidenced by TCT No. T-70833.

Defendant-petitioner declares that said Liharey Ouano sold a portion of 200 square meters area of this property to him on February 23, 2003 by virtue of the Conditional Deed of Sale, signed by the owner Liharey Ouano himself and witnessed by her mother Euvel Ouano.

He further claims that subsequently on February 23, 2003 and thereafter, he and his family took dominion and physical possession of the said 200 square meters by introducing thereon a family dwelling.

Moving forward, he stated that on March 8, 2005, said original owner Liharey Ouano applied for the subdivision of the entire lot 3834-B-1-J-5 (consisting of 1,134 square meters) with the consent of defendant-petitioner Benito Figueroa. Consequently, the said property was surveyed and subdivided into lots and formally separated and segregated the 200 square meters bought by the defendant-petitioner.

Then, he stressed that in the survey and subdivision of the entire property, the segregated and separated portion of 200 square meters purchased by him was designated and known as LOT NO. 3834-B-1-J-5-A. After the approval of the survey on March 8, 2005, Ouano turned over to defendant-petitioner the tracing cloth plan of the subdivision so that the same can be properly processed for approval at the Bureau of Lands.

Thereafter, he claims that after the segregation of the 200 square meters, his family then constructed a fence following the metes and bounds of the 200 square meters indicated in the survey and technical description.

He also manifests that on December 28, 2005, he made the final and complete payment of the purchase price. Thereafter, Liharey Ouano executed a Deed of Definite Sale witnessed again by her mother Euvel Ouano of the 200 square meters in his favor, as evidenced by the Deed of Definite Sale.

Moreover, he recalls that in the year 2003 up to 2005, his family had constructed and finished their residential house thereon specifically inside the 200 square meters known as LOT NO. 3834-B-1-J-5-A.

However, he asserts that six (6) years after or in 2009, without his knowledge and information, Liharey Ouano, with evident bad faith and with full knowledge of the previous sale she made to him of the 200 square meters lot known as LOT NO. 3834-B-1-J-5-A, she (Liharey Ouano), allegedly mortgaged to the respondent the ENTIRE PROPERTY (LOT 3834-B-1-J-5) inclusive of the said 200 square meter lot (of petitioner) to secure a loan obligation.

Thus, he narrated that after failure to redeem the ENTIRE LOT, it was foreclosed and consolidated in favor of herein plaintiff-respondent Elizabeth P. Enajada. The latter thereafter caused the transfer in her name of the entire lot including his 200 square meters portion of the lot.

Finally, defendant-petitioner bewails that he was surprised to receive demand letter to vacate from the premises of his own lot. He verified some records and found out that the ENTIRE LOT was extrajudicially foreclosed and consolidated in favor of Elizabeth P. Enajada, where the certificate of title of the ENTIRE LOT of Liharey Ouano was canceled and transferred in the name of respondent.

Version of the Respondent[6]

Plaintiff-respondent Elizabeth P. Enajada maintains that she is the absolute and lawful owner of Lot No. 3834-B-1-J-5 with an area of 1,134 square meters situated in San Miguel, Linao, Talisay City and covered by TCT No. 153402. On the other hand, Defendant-petitioner is one of the occupants of a portion of the said lot whose occupation was allowed by plaintiff-respondent out of her generosity and tolerance.

Then, she claims that when she decided to make use of her property, she sent demand letters to defendant-petitioner and the other occupants of her land for them to vacate the premises. However, she insists that despite her demands, defendant-petitioner and the other occupants continued to unlawfully and unjustifiably withhold possession of the premises and even illegally built structures on the premises.

Thereafter, after efforts to amicably settle the case proved futile, she declares that she filed a case for unlawful detainer against defendant-petitioner and the other occupants before the MTCC of Talisay City.[7]

Ruling of the MTCC

On September 9, 2011, the Municipal Trial Court in Cities, Talisay City, Cebu thru Judge Mario V. Manayon rendered the decision[8] in favor of the plaintiff-respondent, which reads

“WHEREFORE, all relevant facts being considered, this Court hereby renders judgment:

1. Declaring the plaintiff the rightful owner and therefore entitled to the preferential right of possession of the subject property.
2. Declaring defendant Benito Figueroa as possessor and builder in good faith and is entitled to reimbursement of the necessary and useful expense with the right of retention until reimbursement of said expenses in full. The value of his improvements is hereby fixed at Fifteen Thousand Pesos (P15,000.00) Plaintiff may however exercise other options available to him under the law.
3. Ordering defendants Wincesa C. Besson and Ariel Bacalla or any person acting for and in their behalf to immediately vacate the property of the plaintiff and remove therefrom all improvements they have introduced thereon. Said defendants are further ordered to pay the plaintiff reasonable rents at Five Hundred Pesos (P500.00) per month starting July 2010 until they shall have vacated the premises and turned over possession thereof to the plaintiff.

Costs are adjudged against the defendants.[9]

The Honorable Judge of the MTCC ruled that this is a case of double transfer or sale of same real property. Thus,

the applicable provision in this case is Article 1544 of the Civil Code as amended, which provides that if the immovable property have been sold to different vendees, the ownership shall belong to the person acquiring it who in good faith first recorded it in the Registry of Property.[10]

Thus, according to the Court, considering that it was the plaintiff-respondent who in good faith duly recorded the Deed of Mortgage and the subsequent instruments conveying to her the ownership of the subject parcel of land, she has by law rightfully acquired ownership thereof.[11]

Nevertheless, the said Court declared that herein petitioner-defendant Benito Figueroa is a builder in good faith, having built on the land believing himself to be its owner and unaware of any defect in his title.[12] Being so, defendant-petitioner Figueroa is entitled to the rights of a builder in good faith under Article 448 of the Civil Code, which among others, compel the landowner to make a choice between appropriating the building by paying the proper indemnity or obliging the builder to pay the price of the land. The choice however, belongs to the owner of the land.[13] As a result, said defendant-petitioner is entitled to the right of retention. He is not therefore liable to pay rents to the plaintiff-respondent unless and until the latter shall have exercised his option under the law.[14]

The defendant-petitioner, not satisfied with the decision of the MTCC, appealed[15] to the RTC on October 12, 2011.

On May 31, 2012, the RTC affirmed the decision of the MTCC, viz

“IN VIEW WHEREOF, the appeal is DENIED. The assailed Decision dated September 9, 2011 of the Municipal Trial Court in Cities of Talisay City, Cebu, in Civil Case No. 1508 for Unlawful Detainer, is AFFIRMED in toto.

SO ORDERED.”[16]

According to the Regional Trial Court, the defendants failed to show that they were legally entitled to continue occupying the lot in question.[17]

Hence, the said Court finds the MTCC's Decision to be in accord with the law and the facts of the case, thus, the same should be affirmed. Consequently, the defendant-petitioner are ordered to vacate the subject property.[18]

On October 18, 2012, a motion for reconsideration[19] was filed by the petitioner relative to the Decision promulgated by the RTC.

However, on September 30, 2013, the RTC denied the motion as the petitioner's arguments are but a rehash of those presented on appeal. The decretal portion of the decision reads:

Aside from the said issue which was already discussed and passed upon by the court in its Decision dated May 31, 2012, appellant Figueroa raised no other new matters to warrant a reversal or modification of the decision sought to be reconsidered.

WHEREFORE, the Motion for Reconsideration of Defendant-Appellant Benito Figueroa is hereby DENIED.

SO ORDERED.[20]

With the denial of his Motion for Reconsideration, defendant-petitioner sought recourse to this Court via the present Petition for Review, raising the following as grounds:

1. THE MTCC ERRED IN NOT DISMISSING (UNLAWFUL DETAINER CASE) AND RTC IN AFFIRMING THE MTCC DECISION.

2. THE MTCC ERRED IN DECLARING RESPONDENT (PLAINTIFF) AS RIGHTFUL OWNER AND THEREFORE ENTITLED TO PREFERENTIAL RIGHT OF POSSESSION OF THE SUBJECT PROPERTY.[21]

This Court's Ruling

The petition is bereft of merit.

After a careful perusal of the records, We found no substantial basis to reach to a conclusion that the Regional Trial Court and Municipal Trial Court in Cities erred in not dismissing the unlawful detainer case. On the contrary, We have assessed that the decision of the said Lower Courts, particularly the Municipal Trial Court in Cities thoroughly discussed the facts and the corresponding law applicable to the case at bench.

Even if the Court were to reevaluate the evidence presented, the petition would still fail.

This petition involves an action for unlawful detainer, which is an action to recover possession of real property from one who unlawfully withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied.[22] The possession of the defendant in an unlawful detainer case is originally legal but becomes illegal due to the expiration or termination of the right to possess.[23] The sole issue for resolution in an unlawful detainer case is physical or material possession of the property involved, independent of any claim of ownership by any of the parties.[24] When the defendant, however, raises the defense of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.[25]

Defendant-petitioner Figueroa is mistaken in his argument when he stressed in the preliminary[26] of his petition that the herein case should be originally filed in the Regional Trial Court because the issues of this case extend beyond those commonly involved in unlawful detainer suits.

Jurisprudence ordains that where the parties to an ejectment case raise the issue of ownership, the courts may pass upon that issue to determine who between the parties has the better right to possess the property. However, where the issue of ownership is inseparably linked to that of possession, adjudication of the ownership issue is not final and binding, but only for the purpose of resolving the issue of possession. The adjudication of the issue of ownership is only provisional, and not a bar to an action between the same parties involving title to the property.[27]

Thus, the Court agrees with the defendant-petitioner that the issue of ownership should be ruled upon considering that such has been raised and it appears that it is inextricably linked to the question of possession. Its resolution will then boil down to which of the parties' respective evidence deserves more weight.[28] Even granting, however, that all the pieces of documentary evidence presented by Figueroa are valid, they will fail to bolster his case.

There is no bearing in the defendant-petitioner's argument that the plaintiff-respondent should have filed the appropriate cause of action of either Quieting of Title, Accion Publiciana or Accion Reivindicatoria because of the conflicting claims of ownership between her and that of defendant-petitioner who had anchored his ownership and possession pursuant to a valid sale of the subject 200 square meter lot.[29]

Firm is the rule that as long as the allegations in the Complaint demonstrate a cause of action for unlawful detainer, the Municipal Trial Court acquires jurisdiction over the subject matter.[30]

We have, time and again, held that the only issue for resolution in an unlawful detainer case is physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants.

Moreover, an ejectment suit is summary in nature and is not susceptible to circumvention by the simple expedient of asserting ownership over the property.[31]

In forcible entry and unlawful detainer cases, even if the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the lower courts nonetheless, have the undoubted competence to provisionally resolve the issue of ownership for the sole purpose of determining the issue of possession.[32]

Such decision, however, does not bind the title or affect the ownership of the land nor is conclusive of the facts therein found in a case between the same parties upon a different cause of action involving possession.[33]

In the instant case, the evidence showed that as between the parties, it is the plaintiff-respondent who has a Torrens Title to the property. Defendant-petitioner merely showed his unregistered deed of sale in support of his claim. The Municipal Trial Court in Cities correctly relied on the transfer certificate of title in the name of plaintiff-respondent.[34]

The Court has consistently upheld the registered owners' superior right to possess the property in unlawful detainer cases.[35] As a registered owner, plaintiff-respondent has a right to the possession of the property, which is one of the attributes of his ownership. It is an age-old rule that the person who has a Torrens Title over a land is entitled to its possession.[36] It has repeatedly been emphasized that when the property is registered under the Torrens system, the registered owner's title to the property is presumed legal and cannot be collaterally attacked, especially in a mere action for unlawful detainer.[37] It has even been held that it does not even matter if the party's title to the property is questionable.[38]

The Transfer Certificate of Title of plaintiff-respondent Elizabeth P. Enajada is, therefore, evidence of indefeasible title over the property and, as its holder, she is entitled to its possession as a matter of right. Thus, the documentary evidence presented by defendant-petitioner Benito Figueroa is not, by itself, enough to offset Enajada's right as a registered owner.

The right of the herein plaintiff-respondent to sue for unlawful detainer is expressly provided and recognized under Section 1, Rule 70 of the 1997 Rules of Civil Procedure which reads:

Sec. 1. Who may institute proceedings, and when. – Subject to the provision of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.

The action of the plaintiff-respondent is that of a vendor from whom possession of the parcel of land which she had lawfully acquired by purchase was unlawfully withheld by the defendant-petitioner. On the other hand, the defendant-petitioner's possession of the subject land was by virtue of the unregistered sale contracts that were executed by the former owner Liharey Ouano.

However, under the circumstances, herein defendant-petitioner cannot validly claim ownership of the portion of the subject lot that they are presently occupying because the right of their transferor is subject to the right of the mortgagee. It is a time honored doctrine that no one can acquire a right greater than what the transferor himself has. As the saying goes, the spring cannot rise higher than its source.[39]

In fine, this Court finds no cogent reason to reverse and set aside the findings and conclusions of the Municipal Trial Court in Cities and the Regional Trial Court.

From the facts, what the defendant-petitioner relied on is the Deed of Absolute Sale which do not explicitly chronicle the transfer of said lots to them as he has not registered the said sale. On the other hand, herein plaintiff-respondent, who claimed to be the owner of the land in controversy, presented a Transfer Certificate of Title No. 153402.

The Municipal Trial Court in Cities covered all the facts necessary to be resolved in as much as it applied the law applicable to the case.

Thus, We are hard pressed to find cause to disturb the findings of the lower courts which are supported by substantial evidence and the applicable law.

WHEREFORE, premises considered, the Decision dated May 31, 2012 of the Regional Trial Court, 7[th] Judicial Region, Branch 12, Cebu City in Case No. CEB-38195 which affirmed the Decision of the Municipal Trial Court in Cities, Talisay City, Cebu for Unlawful Detainer and its Order dated September 30, 2013 are hereby AFFIRMED in toto.

SO ORDERED.

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

[1] See Petition for Review, rollo, pp. 3-19.

[2] Rollo, pp. 70-73, penned by Presiding Judge Estela Alma A. Singco.

[3] Rollo, pp. 49-60, penned by Judge Mario V. Manayon.

[4] Rollo, pp. 74-75, penned by Presiding Judge Estela Alma A. Singco.

[5] See Statement of Facts in the Petition for Review of the Petitioners, rollo, pp. 8-9.

[6] See Counter-statement of Facts and of the Case in the Comment of the respondents, rollo, pp. 78-79.

[7] Id.

[8] See MTCC Decision pp. 49-60.

[9] Rollo, p. 98.

[10] Rollo, p..54.

[11] Id.

[12] Id., p. 56.

[13] Id., p. 57.

[14] Id., p. 59.

[15] See Notice of Appeal, rollo, pp. 61-62. Petitioner's Memorandum of Appeal, rollo, pp. 99-108.

[16] See RTC Decision, rollo, p. 73.

[17] Id., p. 72.

[18] Id.

[19] See Motion for reconsideration, rollo, pp. 62-69.

[20] See Order of the Motion for Reconsideration, rollo pp. 74-75.

[21] Rollo, p. 10.

[22] William T. Go v. Alberto T. Looyuko, substituted by his legal heirs Teresita C. Looyuko, Alberto Looyuko, Jr., Abrahan Looyuko and Stephani Looyuko (Minors, represented by their mother Teresita Looyuko), Alvin, Amos, Aaron, David, Solomon and Noah, all surnamed Padecio, G.R. No. 196529, July 1, 2013.

[23] Union Bank v. Maunlad Homes, Inc., G.R. No. 190071, August 15, 2012, 678 SCRA 539.

[24] Sps. Esmaguel v. Coprada, G.R. No. 152423, December 15, 2010, 638 SCRA 428.

[25] Section 16, Rule 70, RULES OF COURT.

[26] Rollo, p. 5.

[27] Rivera v. Rivera, 453 Phil. 404, 412 (2003) as cited in Urieta vda. de Aguilar v. Alfaro, G.R. No. 164402, 05 July 2010, 623 SCRA 130.

[28] Sps. Esmaguel v. Coprada, G.R. No. 152423, December 15, 2010, 638 SCRA 428.

[29] Rollo, p. 14.

[30] Delos Reyes vs. Spouses Odone, G.R. No. 178096, March 23, 2011.

[31] G.R. No. 183822, January 18, 2012 RUBEN C. CORPUZ, represented by Attorney-in-Fact Wenifreda C. Agullana, vs. Sps. HILARION AGUSTIN and JUSTA AGUSTIN.

[32] Id.

[33] Id.

[34] Id.

[35] Sps. Pascual v. Sps. Coronel, 554 Phil. 351 (2007).

[36] Corpuz v. Sps. Agustin, G.R. No. 183822, January 18, 2012, 663 SCRA 350.

[37] Salandanan v. Sps. Mendez, G.R. No. 160280, March 13, 2009, 581 SCRA 182.

[38] Id.

[39] Sanchez vs. Quinio, 502 Phil 40, 49 (2005)

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