HEIRS OF ANTONIO TAN & FORTUNATA TAN, PETITIONERS, VS. HEIRS OF BENJAMIN TENEFRANCIA, NAMELY: NORA TENEFRANCIA, JANE UYMATIAO, BENJAMIN TENEFRANCIA, JR., MA. LUISA MARFORI AND M...

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is a Petition for Review[1] under Rule 42 of the Rules of Court assailing the Decision dated November 3, 2010[2] and Order dated October 5, 2012[3] of the Regional Trial Court (RTC), Branch 67, Guimbal, Iloilo in Civil Case No. 374-T. The assailed Decision declared herein respondents as the lawful possessors of Lot No. 5363 covered by Transfer Certificate of Title (TCT) No. T-10879 situated at Tigbauan, Iloilo City and accordingly, ordered the herein petitioners to vacate the said lot and to pay the reasonable amount for the use and occupation of the same premises in the amount of P2,000.00 per month with interest. On the other hand, October 5, 2012 Order denied the herein petitioners' Motion for Reconsideration[4] for lack of merit.

The Antecedents

The instant controversy stemmed from a Complaint for Unlawful Detainer[5] filed by plaintiffs-respondents against defendants-petitioners before the Municipal Circuit Trial Court (MCTC), Guimbal, Iloilo, docketed as Civil Case No. 374-T, alleging among others that plaintiffs-respondents are lawful owners and possessors pro indiviso by succession of a parcel of land (subject property), more particularly described as follows:

> "A parcel of land (Lot 5363, Pcs-49 of the Cadastral Survey of Tigbauan) situated in Bagumbayan, Tigbauan, Iloilo. Bounded on the w., at corner 1 by Lot 5365; on the NW., along line 1-2 by Lot 5364 on the N., along line 2-3 by Lot 5921; on the NE., along lines 3-4-5-6 by Lot 5362; on the SE., along lines 6-7-8 by Lot 1126; and on the SW., along lines 8-9-1 by Lot 1129. All lots above-stated are within Psc-49. X x x . Containing an area of Two Thousand Seven Hundred Sixty-Two (2,762) square meters more or less. X x x ."[6]

That herein plaintiffs-respondents are the lawful heirs of the late Benjamin H. Tenefrancia (Tenefrancia), who died on April 29, 2001.[7] Plaintiff-respondent Nora Espino Tenefrancia is the surviving spouse while the other plaintiffs-respondents are the legitimate children of the late Tenefrancia. That during his lifetime, the late Tenefrancia was the lawful owner of the subject property. By virtue of their succession from the late Tenefrancia, plaintiffs-respondents are now the lawful co-owners of the subject property. Allegedly, during the lifetime of the late Tenefrancia, by his mere tolerance, the latter has allowed the defendants-petitioners Spouses Antonio & Fortunata Tan (Sps. Tan) to temporarily occupy a portion of the subject property which the said spouses have used as their residence. Knowing fully well that the subject property is registered in the name of the late Tenefrancia and Nora Espino and that their possession thereof was by mere tolerance of the former, defendants-petitioners Sps. Tan have caused to be constructed on the subject property a house of strong materials which they had declared for taxation purposes.[8] Defendants-petitioners Sps. Tan did not lease the portion of the property illegally possessed by them nor are they paying rent thereof. Plaintiffs-respondents had seen the need to

fully utilize the subject property for their own use and benefit but the defendants-petitioners Sps. Tan vehemently refused to return possession thereof to the former and even had the temerity to threaten the former to just file a case agianst them in court. A Demand Letter dated November 4, 2004[9] was sent to defendants-petitioners Sps. Tan for them to vacate the subject property and peacefully restore possession thereof to plaintiffs-respondents however defendants-petitioners Sps. Tan refused to heed said demand. Barangay conciliation proceedings was sought by plaintiffs-respondents for the amicable settlement of the instant dispute but to no avail,thus, prompting the Barangay Lupon to issue a Certificate to File Action.[10] Hence, this complaint.[11]

In their Answer,[12] defendants-petitioners Sps. Tan vehemently denied the assertions of the plaintiffs-respondents and averred, by way of special and affirmative defenses, that petitioners-respondents have no cause of action. It is the true and honest belief of defendants-petitioners Sps. Tan that the owner of the subject property was Vicente Tupaz (Tupaz). That in the original records in the Department of Environment and Natural Resources (DENR), the owner/claimant of the subject property was Tupaz. Defendants-petitioners Sps. Tan averred that when they constructed their house in 1963, they asked permission to stay in the premises as long as they want and intended to and they were entrusted with the preservation of the land as well as the coconut trees planted thereon. That everytime defendants-petitioners Sps. Tan harvested the coconuts and converted it to copra, a portion of the proceeds thereof were delivered to Tupaz and later on, to his wife Rosa Tupaz (Rosa) until the year 2002 as the latter's share. That during all those years that they were in possession, they have never known of any person who owned the subject property except Tupaz and his wife Rosa. That in fact, the late Tenefrancia during his lifetime never claimed ownership nor have shown any hint that he was the registered owner of the subject property except recently. Defendants-petitioners Sps. Tan asserted that they are possessors and builders in good faith and that defendant-petitioner Antonio Tan is a registered tenant of the land in question having been duly identified and constituted as such on March 27, 2000 as shown by a machine copy of Registration of Carp Beneficiaries under Republic Act 6657. Such being the case, as this involved tenancy relations, defendants-petitioners Sps. Tan argued that the court had no jurisdiction to try the same.[13]

As counterclaim, defendants-petitioners Sps. Tan claim for reimbursement of whatever they have built or planted on the subject property and likewise claim for payment of litigation expenses.[14]

After the issues were joined, the instant case was set for pre-trial conference. After pre-trial, defendants-petitioners filed a Motion to Dismiss on the ground of lack of jurisdiction over the subject matter premised on the fact that their possession of the subject property was based on agrarian reform rights, hence, jurisdiction should be exercised by the DARAB. After summary hearing on the matter, the MCTC issued an Order dated July 28, 2006 denying the said Motion and found that no tenancy relationships existed between the parties.[15] Thereafter, both parties submitted their position papers and evidence in support of their respective claims.

The Decisions of the MTC and RTC

After due proceedings, the MCTC rendered its Decision[16] on August 29, 2006 ruling in favor of plaintiffs-respondents and ordered defendants-petitioners to vacate the subject properties. The dispositive portion[17] of the Decision reads:

> WHEREFORE, premises considered, Judgment is hereby rendered, as follows:
>
> 1. Ordering the Defendants or anyone acting in their behalves to vacate the lot in litigation and to restore possession thereof to the Plaintiffs;
> 2. Ordering defendants to pay Plaintiffs the sum of P1,000.00 per month as reasonable compensation for the use and occupation of the lot in litigation beginning November 25, 2004, the date the defendants received the

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> demand letter to vacate, until possession is finally restored to the Plaintiffs;
> 3. Ordering the Defendants to pay Plaintiffs attorney's fees in the sum of P20,000.00 and to pay the costs.

Dissatisfied, defendants-petitioners appealed[18] the said Decision to the RTC, Branch 67, Guimbal, Iloilo. On April 2, 2009, the RTC rendered its Decision[19] reversing the decision of the MCTC and dismissed the instant case for lack of jurisdiction. The RTC disposed in this wise:

> WHEREFORE, the Decision of the 15[th] Municipal Circuit Trial Court of Guimbal-Igbaras-Tigbauan-Tubungan dated August 29, 2006 is hereby reversed and the instant case is DISMISSED for lack of jurisdiction without pronouncement as to cost .[20]

Aggrieved, plaintiffs-respondents moved for reconsideration[21] citing Rule 40, Section 8 of the Rules of Court. On November 3, 2010, the RTC rendered its assailed Decision[22] vacating its earlier decision and ruling in favor of plaintiffs-respondents. The RTC underscored the fact that MCTC has no jurisdiction over the subject matter but tried this case on the merits. Applying the second paragraph of Section 2, Rule 40 of the said Rules, the RTC took cognizance of this case and decided this case based on evidence on record. The November 3, 2010 Decision disposed[23] as follows:

> WHEREFORE, judgment is hereby issued:
>
> 1. Declaring the herein plaintiffs-appellees as the lawful possessors of Lot No. 5363 covered by TCT No. T-10879, situated at Tigbauan, Iloilo;
> 2. Ordering the defendants-appellants to vacate the abovestated property including all other persons acting in their behalf and to pay the reasonable amount for the use and occupation of the same premises in the amount of Php2,000.00 per month with annual fourteen percent (14%) interest from the date of defendants-appellants receipt of this Decision until the final termination of this case.
>
> The claim for damages by both parties are hereby dismissed.

Undeterred, defendants-petitioners filed the present petition based on this lone assignment of error:

> WITH UTMOST RESPECT, THE HONORABLE RTC OF GUIMBAL GRIEVOUSLY ERRED IN “AUTOMATICALLY” RULING IN FAVOR OF THE RESPONDENTS-APPELLANTS SOLELY ON THE BASIS of THEIR BEING TITLE-HOLDERS REGARDLESS OF THEIR NON-COMPLIANCE WITH NUANCES OF PROCEDURAL AND LEGAL REQUIREMENTS TO BE ENTITLED TO RELEIF (SIC) OF UNLAWFUL DETAINER.[24]

This Court’s Ruling

The petition lacks merit.

At the outset, it should be stressed that We are called to resolve issues which were squarely addressed and extensively threshed out by the court a quo and the MCTC as well.

No Serious Error in the Findings of the Lower Courts

A perusal of the arguments advanced by defendants-petitioners in their Petition shows that they involve an inquiry into the factual matters or relate to the trial courts' appreciation of the evidence presented by the parties.

Time and again, it is a hornbook doctrine that the findings of fact of the trial court are entitled to great weight on appeal and should not be disturbed except for strong and valid reasons,[25] because the trial court is in a better position to examine the real evidence, and observe the demeanor of the witnesses, and can therefore discern if they are telling the truth or not.[26] Stated otherwise, findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can

otherwise affect the results of the case, those findings should not be ignored.[27]

In their pleadings filed before the lower courts, defendants-petitioners have relentlessly imputed errors in the factual findings of the lower courts that possession over the subject property be turned over to plaintiffs-respondents. It is the defendants-petitioners' position that the element of tolerance was not clearly established and cited the case of Ruben Corpuz v. Sps. Agustin,[28] (Corpuz case) as jurisprudence that would find application in this case.

We do not agree.

The ruling of the MCTC in its Decision dated August 29, 2006 resolved the issue of possession in this wise, thus:[29]

> "Anent the issue of possession, it is the position of this Court that the Plaintifffs, and not the Defendants, are entitled to the possession of the subject property.
>
> The lot in litigation is a titled property and one secured under the Torrens System in the name of Plaintiffs' predecessor-in-interest, the late Benjamin Tenefrancia.
>
> Under Presidential Decree 1529, a torrens title is a conclusive evidence of ownership over an estate xxx. It is a privilege to a property in the sense that the person in whose favor the same is awarded has the right to dispose of and/or enjoy the property to his advantage and, if the said property is unlawfully withheld from him, the law extends to him the right to vindicate and/or recover the same. (citation omitted)
>
> As above stressed, Plaintiff is a registered owner of the litigated property. Accordingly, he alone has the right to make use of the said property to his advantage. Conversely, however, he can restrict his use and enjoyment to the said property for a time. Accordingly, when the Plaintiffs allowed herein Defendants to occupy for free a portion of the litigated property, Plaintiffs were simply exercising their dominical rights over the lot in litigation - - an exercise of a right to which Plaintiffs can restrict for a day or, can extend to the Defendants for years without lease rentals. (citation omitted)
>
> In the case at bar, the Defendants were allowed to stay for free over the litigated property. Their possession over the property in question is, therefore, simply upon the tolerance of the Plaintiffs. Accordingly, when the plaintiffs demanded of the Defendants to vacate the premises in question last November 20, 2004, Defendants' continued stay over the premises in litigation after the said demand can now be said to have become unlawful and Plaintiffs have every legal right to demand from the defendants to vacate the premises in litigation. (citation omitted)
>
> The rule is well-settled that 'possession by tolerance is lawful, but this becomes illegal when upon demand to vacate by the owner, the possessor refuses to comply with such demand. A possessor by tolerance is necessarily bound by an implied promise to vacate upon demand, failing which is a summary action for ejectment is the proper remedy against him." (citation omitted)

This factual finding as to who is entitled to possession of the subject property was affirmed, and appropriately so, by the RTC. A pertinent portion of the RTC Decision dated November 3, 2010 is quoted hereunder:[30]

> "From the evidence on record, this Court have established that plaintiffs are the lawful heirs of the late Benjamin Tenefrancia who died on April 29, 2001 in their capacities as the decedents wife and legitimate children respectively. Such fact is admitted by the defendants in par. (3) of their Amended Answer. Pursuant to Sec. 26, Rule 30 of the Rules of Court such declaration of the defendant may be given in evidence against him. By operation of law, plaintiffs have succeeded the estate of Benjamin Tenefrancia pursuant to Article 777 of the Civil Code, hence, now co-owners of the property in question more particularly a parcel of land known as Lot No. 5363 situated at Tigbauan, Iloilo, more particularly covered by Transfer Certificate of Title No.

> T-10,879, which was originally registered under Original Certificate of Title No. F-35860 in the name of Eulalia T. Fontanilla. Being owners they have the right to enjoy and dispose of a thing and has a right of action against the holder and possessor of a thing in order to recover it pursuant to Art. 428 of the Civil Code.
>
> Defendants on the other hand have not shown any legal basis of their claim and continued possession over the subject property, except for the fact that they claim that they are tenants of Vicente Tupaz who claim (sic) as owner of the lot in question based in the original records of the Department of Environment and Natural Resources (DENR), and were entrusted by said claimant as overseers of coconut trees and that everytime they harvested their coconuts and converted into copra, the proceeds were delivered to Vicente Tupaz and later to his wife Rosa Tupaz.
>
> xxx.
>
> In the case on appeal, herein defendants appellants were installed by Vicente Tupaz who was not the title holder of the lot in question but merely claimed ownership before the DENR. On the other hand, the true owner is the herein plaintiffs in their capacity as legal heirs of the late Benjamin Tenefrancia, the registered owner of the lot in issue being the holder of a Torrens Tile (sic), thus in the case of Baloloy et al, vs. Alfredo Hular, the Supreme Court said: 'A Torrens Certificate is evidence of an indefeasible title to property in favor of the person in whose name appears therein. Such holder is entitled to the possession of the property until his title is nullified.' In this case respondent failed to adduce evidence sufficient to destroy the presumption of conclusiveness of plaintiffs-appellees' title."

We adhere to the above-stated findings of the lower courts.

In this case, the lower courts consistently found that possession of the subject property should belong to plaintiffs-respondents and that defendants-petitioners' possession thereof is by mere tolerance of plaintiffs-respondents and their predecessors-in-interest. In fact, defendants-petitioners consistently claimed that they were allowed to cultivate the subject property by one who was the previous owner of the subject property before it was registered in the name of Eulalia Fontanilla and later conveyed to the late Tenefrancia. By their very own admission, defendants-petitioners have shown that their possession over the subject property was indeed by mere tolerance which is now tacked to the present owners.

Here, the evidence showed that as between the parties, it is the plaintiffs-respondents who have a Torrens Title to the subject property being successors-in-interest of the late Tenefrancia. As successors-in-interest of a registered owner, plaintiffs-respondents have a right to the possession of the property, which is one of the attributes of their ownership. As an age-old rule, the person who has a Torrens Title over a land is entitled to possession thereof.[31]

Contrary to defendants-petitioners' claim, there is nothing in the records that would indicate that they had legitimate basis in retaining possession of the subject property. Otherwise stated, the records is bereft of any evidence that would prove the fact that plaintiffs-respondents are not entitled to possession of the subject property. Defendants-petitioners' claim of tenancy relationship was struck down by the lower court at first instance when it was raised as an affirmative defense. As such, defendants-petitioners can only posit the argument that it was their belief that the subject property was owned by one Vicente Tupaz who instituted them as overseers. But this argument alone, bereft of any sufficient substantiation, failed to save them.

Further, defendants-petitioners' reliance on the pronouncements in Corpus case, wherein the Supreme Court refused to automatically rule in favor of a Torrens' title holder the possession of the property, is clearly misplaced. A close reading of this cited case reveals that the facts and circumstances attendant therein are wholly remote from the facts and circumstances obtaining herein. In the Corpus case, the Supreme Court dismissed the unlawful detainer case mainly because defendants were able to establish by preponderance of evidence that they are in continuous possession of the subject property in the concept of ownership and not by mere tolerance of the

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plaintiff. Such is not the case here.

In this case, plaintiffs-respondents have proven that defendants-petitioners' continued possession of the subject property was by mere tolerance and the defendants-petitioners in this case do not dispute the ownership of plaintiffs-respondents' of the subject property as evidenced by a Torrens' title which is indefeasible and binding upon the whole world unless and until it has been nullified by a court of competent jurisdiction.

Even assuming arguendo that the RTC did not adjudge the MCTC as having no jurisdiction, it is Our view that plaintiffs-respondents have complied with the requisites for a valid cause of action in an unlawful detainer case.

A careful review of the Complaint readily reveals that the plaintiffs-respondents are the lawful owners pro indiviso of the subject property by virtue of their succession from the late Tenefrancia, who is the registered owner of the subject property. That by mere tolerance of plaintiffs-respondents and their predecessors-in-interest, defendants-petitioners occupied the subject property. That despite receipt of demand/notice to vacate, defendants-petitioners refused to vacate and surrender the possession of the subject premises to the plaintiffs-respondents. Hence, the matter was referred by the latter to the Lupon Tagapamayapa for the required barangay conciliation proceedings but no amicable settlement was reached thereat, thus, a certificate to file action was issued. Indeed, plaintiffs-respondents' allegations in the complaint clearly make a case for unlawful detainer.

The case of Ross Rica Sales Center, Inc. and Juanito King and Sons, Inc. v. Spouses Ong[32] is instructive on this matter wherein the Supreme Court ruled that a simple allegation that defendant unlawfully withholds the possession from the plaintiff is sufficient to constitute a valid cause of action in an unlawful detainer case, thus:

> “In Javelosa v. Court of the Appeals, it was held that the allegation in the complaint that there was unlawful withholding of possession is sufficient to make out a case for unlawful detainer. It is equally settled that in an action for unlawful detainer, an allegation that the defendant is unlawfully withholding possession from the plaintiff is deemed sufficient, without necessarily employing the terminology of the law.
>
> Hence, the phrase "unlawful withholding" has been held to imply possession on the part of defendant, which was legal in the beginning, having no other source than a contract, express or implied, and which later expired as a right and is being withheld by defendant. In Rosanna B. Barba v. Court of Appeals, we held that a simple allegation that the defendant is unlawfully withholding possession from plaintiff is sufficient.
>
> Based on this premise, the allegation in the Complaint that:
>
> . . . . despite demand to vacate, the defendants have refused and still refuse to vacate said lots, thus, unlawfully withholding possession of said lots from plaintiffs and depriving plaintiffs of the use of their lots; is already sufficient to constitute an unlawful detainer case.
>
> In the subject complaint, petitioners alleged that they are the registered owners of the lots covered by TCT Nos. 36466, 36467 and 36468. By their implied tolerance, they have allowed respondents, the former owners of the properties, to remain therein. Nonetheless, they eventually sent a letter to respondents asking that the latter vacate the said lots. Respondents refused, thereby depriving petitioners of possession of the lots. Clearly, the complaint establishes the basic elements of an unlawful detainer case, certainly sufficient for the purpose of vesting jurisdiction over it in the MTC.
>
> Respondents would like to capitalize on the requisites as cited in the case of Raymundo dela Paz v. Panis. But the citation is a mere reiteration of Sec. 1, Rule 70 of the Rules of Court. The case doesid (sic) not provide for rigid standards in the drafting of the ejectment complaint. The case of Co Tiamco v. Diaz justifies a more liberal approach, thus:
>
> . . . The principle underlying the brevity and simplicity of pleadings in forcible entry and unlawful detainer cases rests upon considerations of public policy. Cases of forcible entry and detainer are summary in nature,

> for they involve perturbation of social order which must be restored as promptly as possible and, accordingly, technicalities or details of procedure should be carefully avoided."(citation omitted)

Firm is the rule that as long as these allegations demonstrate a cause of action for unlawful detainer, the court acquires jurisdiction over the subject matter.[33]

Considering all the foregoing disquisition, We have no other recourse but to affirm the RTC's decision in this case.

WHEREFORE, the instant Petition is hereby DISMISSED for lack of merit. The Decision of the RTC, Branch 67, Guimbal, Iloilo, in Civil Case No. 374-T dated November 3, 2010 and its Order dated October 5, 2012 are hereby AFFIRMED IN TOTO.

SO ORDERED.

Hernando, J., Chairperson and Azcarraga-JacoB, JJ., concur.

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[1] Rollo, pages 4-21.

[2] Penned by Judge Domingo D. Diamante, rollo, pages 144-149.

[3] Penned by Judge Domingo D. Diamante, rollo, page 168.

[4] Rollo, pages 150-155.

[5] Rollo, pages 23-29.

[6] See TCT No. T-10879, rollo, page 31.

[7] See Death Certificate, rollo, page 30.

[8] See Tax Declaration No. 0209, rollo, page 32.

[9] Rollo, page 33.

[10] Rollo, page 34.

[11] See Complaint, supra, at note 5.

[12] Rollo, pages 37-41.

[13] See Answer, supra, at note 12.

[14] See Answer, supra, at note 12.

[15] See pages 5-6 of MCTC Decision, rollo, pages 46-47.

[16] Penned by Judge Susan Medina-Alcantara, rollo, pages 42-54.

[17] See pages 12-13 of MCTC Decision, rollo, pages 53-54.

[18] See Memorandum (For Defendants-Appellants), rollo, pages 56-71; Memorandum on Appeal (For Plaintiffs-appellees),rollo, pages 72-80.

[19] Penned by Judge Domingo D. Diamante, rollo, pages 81-84.

[20] Page 4 of RTC Decision, rollo, page 84.

[21] Supra, at note 4.

[22] Supra, at note 2.

[23] See page 6 of RTC Decision, rollo, page 149.

[24] Page 5 of Petition, rollo, page 9.

[25] Tayco v. Tayco-Flores, G.R. No. 168692, December 13, 2010.

[26] People v. Cabalhin, 231 SCRA 486, 496 (March 28, 1994).

[27] Navallo v. Sandiganbayan, 234 SCRA 175, 185-186 (July 18, 1994).

[28] G.R. No. 183822, January 18, 2012.

[29] Pages 9-10 of MCTC Decision, rollo, pages 50-51.

[30] Pages 3-4 of RTC Decision, rollo, pages 146-147.

[31] Spouses Barias v. Heirs of Bartolome Boneo, et al., G.R. No. 166941, 14 December 2009.

[32] G.R. No. 132197, August 16, 2005.

[33] Delos Reyes v. Spouses Odones, G.R. No. 178096, March 23, 2011.

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