

**CONCEPCION PAPAYA, MARINO PAPA AND RONIE JOSE C. PAPAYA,
PETITIONERS, VS. ROMAN CATHOLIC ARCHBISHOP OF CACERES
REP. BY REV. MSGR. ZOSIMO MA. SANADO, H.P., RESPONDENTS.**

Ponente: REYES, JR., J.C., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5ae99346d77c/>

REYES, JR., J.C., J.:

Before the Court is a Petition for Review seeking the reversal of the Decision dated January 8, 2013 of the Regional Trial Court (RTC), Branch 58 of San Jose, Camarines Sur which affirmed en toto the Decision dated June 7, 2012 of the Municipal Circuit Trial Court (MCTC) of San Jose-Presentacion, Camarines Sur.

The Roman Catholic Archbishop of Caceres, represented by Rev. Msgr. Zosimo Ma. Sanado, H. P., (hereafter “the Archbishop”) filed a complaint for unlawful detainer and damages against Concepcion, Marino, and [***]Ronie Jose, all surnamed Papaya (hereafter the “Papayas”), before the MCTC of San Jose-Presentacion, Camarines Sur. The Archbishop claimed that it has been in open, continuous, exclusive and notorious possession and occupation in the concept of an owner of a parcel of land in Danlog, San Jose, Camarines Sur, measuring 4,120 square meters and identified as Lot 2565 in the San Jose Cadastre approved on June 25, 2002, identified as “cemetery.” A portion thereof measuring 3,519 square meters is already titled in its name under Original Certificate of Title (OCT) No. RO-806(209), item no. 4. The said parcel of land is completely and entirely filled with tombs from front to back and side to side, except for a 189 sq.m. portion occupied by the Papayas and/or their predecessors-in-interests in their capacity as caretakers of the cemetery, at the Archbishop's tolerance and permission. (Rollo, pp. 36-37).

The Archbishop sent a letter, dated April 12, 2011, asking the Papayas to peacefully vacate and surrender the lawful possession of the property they were occupying. The Papayas refused however prompting the Archbishop to go to court. (Rollo, p. 20).

The Archbishop presented before the MCTC an Alienable and Disposable Certification, Goa No. 2012-007 issued by the CENRO, page 113 of the records, stating that the tract of land covered by the survey designated as lot 2565, Cad 470-D, San Jose Cadastre, situated at Brgy. Danlog, San Jose, Camarines Sur, is within an area classified as alienable and disposable under Proj. No. 3, land classification map No. 559 dated August 29, 1925, and the name of the survey claimant thereto at the time of survey and approval thereof is “cemetery” containing an area of 4,120 square meters. (Rollo, pp. 40).

The Papayas meanwhile asserted that the subject residential lot where a school building is constructed was originally owned by Sandalio Papaya which was inherited by his only son Jovito, the husband of Concepcion, and father of Marino and Ronie, herein petitioners. The land has been occupied peacefully, publicly and uninterruptedly in the concept of an owner by Ronie Jose for more than 80 years, tacking the possession of their predecessors-in-interests. The Papayas averred that the property they are claiming is outside and beyond the 3,519 sq.m. lot claimed by the Archbishop. Lot No. 2565, which is the exact location of the property claimed by the Archbishop, has an area of 4,120 sq.m.. The Papayas are claiming the excess of the area of 4,120 sq.m. over the

3,519 sq.m. indicated in the OCT in the name of the Archbishop. (Rollo, p. 38).

In support of their position, the Papayas presented: Tax Declaration No. 97-009-00620 pertaining to the school building they constructed on the lot; the certification issued by Brgy. Captain Prado stating that Lot 2595 with TD No. 97-009-00620 and registered in the name of its owner, Ronnie Jose C. Papaya is free from any adverse claim and conflict, and; the letter of Ronnie Papaya to CENRO Goa following up their application for land title. (Rollo, p. 41).

On June 7, 2012, the MCTC rendered its Decision:

“WHEREFORE, judgment is hereby rendered for the plaintiff Roman Catholic Archbishop of Caceres rep. By Rev. Msgr. Zosimo Ma. Sañado, H.P. And against defendants Ms. Concepcion C. Papaya, Marino C. Papaya, Ronnie Jose C. Papaya and other persons claiming rights under them, and they are hereby ordered as follows:

- a) To vacate and peacefully surrender the subject premises, consisting of 77 sq.meters from the titled and 112 sq. meters from the untitled of (sic) Lot 2595 at Danlog, San Jose, Camarines Sur, to plaintiff;
- b) To pay solidarily the plaintiff compensation in the form of rental for the use of the property in the amount of P1,000.00 – per month from April 2011 and every month thereafter until the property is fully vacated and surrendered to the plaintiff;
- c) To pay solidarily attorney's fee in the amount of P20,000.00; and
- d) To pay the cost of suit.

SO ORDERED.” (Rollo, pp. 44-45)

The MCTC found self-serving the documents presented by the Papayas. The 601 square meter lot they were claiming have tombs in one portion. Marino's letter to the Archbishop dated March 7, 2011, also shows that they and their predecessors-in-interest occupied the subject property only as caretakers of the cemetery. (Rollo, pp. 41-42).

The Papayas appealed the case to the RTC which affirmed en toto the MCTC in its Decision dated January 8, 2013. (Rollo, p. 18).

As held by the RTC, the tax declaration the Papayas presented pertains to the tax declaration of the building they erected on the 601 sq.m. lot, hence, could not be used as proof of ownership of the lot. As to the certification issued by the Brgy. Captain, his office is not a repository of real property records hence, his certification does not carry weight. The letter of Ronnie to CENRO Goa is self-serving and the mere application for titling of a lot does not make an applicant the owner thereof. The RTC further held that the presence of tombs in the larger portion of the 601 square meter untitled lot negates the Papayas' claim of ownership by prescription and lends credence to the Archbishop's claim that the lot is part of the cemetery. OCT No. RO-806-(2009) likewise proved the Archbishop's ownership over the 77 sq.m. portion, while the Alienable and Disposable Certification issued by the DENR, as well as the actual presence of tombs in the area proved the Archbishop's ownership over the remaining untitled lot. (Rollo, pp.15-16).

The RTC also noted that the Papayas admitted that their parents and grandparents were caretakers of the cemetery, thus they cannot validly claim ownership over any portion thereof. Finally, it held that the defendants in an action for ejectment are not limited to persons who are in actual possession of the property, but includes persons claiming under them. Thus, the MCTC correctly ruled that Marino should be held solidarily liable with his co-defendants with respect to the payment of rent and attorney's fees. (Rollo, pp. 16-17).

The Papayas are now before the Court claiming that:

“a) The Municipal Trial Court and the Regional Trial Court erred in not dismissing the complaint as the ground for ejectment is wanting in the complaint and amended complaint; the proper remedy should have been accion publiciana or recovery of possession;

b) The Court a quo erred in not dismissing the case despite the failure of the appellee (NOW RESPONDENT) to prove ownership and possession over the 601 square meters outside its titled property.

c) The Court a quo erred in declaring that defendants' possession is by mere tolerance.

d) The court a quo erred in ordering defendant Marino C. Papaya to pay the amount of rent and attorney's fee despite the fact that he was not in possession of the subject property.” (Rollo, p. 9)

The Papayas posit that since the Archbishop claims that it has been in open, continuous, notorious and exclusive possession of the land in the concept of an owner, it has in effect abandoned its original theory on physical possession and converted its action to one of accion publiciana or reivindicatoria. Since both parties are claiming plenary possession, ejectment where physical possession is the only issue no longer lies as a remedy. (Rollo, p. 9).

The Papayas also assert that Marino is not a resident of the subject property and he merely believed in good faith that his predecessors-in-interest were the owners thereof, thus he should not be made liable to pay rent and attorney's fees. (Rollo, pp. 9-11).

The Archbishop meanwhile avers that the matters raised by the Papayas before this Court are mere reiterations of matters already brought up before the MCTC and the RTC which were already discussed and resolved by the lower courts. (Rollo, pp. 144-145).

The Court finds NO MERIT in the petition.

What determines the nature of an action and the court which has jurisdiction over it are the allegations in the complaint and the character of the relief sought, not the defenses set up in an answer. A complaint is deemed to sufficiently allege a cause of action for unlawful detainer if it recites that: (a) initially, possession of the property by the defendant was by contract with or by tolerance of the plaintiff; (b) eventually such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession; (c) thereafter, defendant remained in possession of the property and deprived plaintiff of the enjoyment thereof; and (d) within one year from the last demand on defendant to vacate the property, plaintiff instituted the complaint for ejectment. (Optimum Development Bank v. Jovellanos, G.R. No. 189145, December 4, 2013).

Unlawful detainer is an action to recover possession of real property from one who illegally withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. The possession of a defendant in unlawful detainer is originally legal but became illegal due to the expiration or termination of the right to possess. The only issue to be resolved in an unlawful detainer case is the physical or material possession of the property involved, independent of any claim of ownership by any of the parties involved. (Meralco v. Heirs of Deloy, G.R. No. 192893, June 5, 2013).

The Papayas argue that since possession of the subject property in this case is alleged to be in the concept of an owner, the lower court should have dismissed the complaint for ejectment, as the case is converted into accion publiciana or reivindicatoria. (Rollo, p. 9).

We disagree.

It is settled that when the issue of ownership is raised in an ejectment case, the first level courts are not ipso facto divested of jurisdiction. Section 33(2) of Batas Pambansa (B.P.) Blg. 129, as amended by Republic Act (R.A.) No. 7691 clearly states:

“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:

xxx xxx xxx

(2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases, 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 issue of ownership shall be resolved only to determine the issue of possession...”

Section 16, Rule 70 of the Rules of Court also allows the first level courts, in ejectment cases to provisionally determine the issue of ownership for the sole purpose of resolving the issue of physical possession.

“Sec. 16. Resolving defense of ownership. — When the defendant 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.”

There is no question therefore that first level courts are clothed with the power to preliminarily resolve questions on the ownership of real property, if necessary, to arrive at the proper and complete determination of the question on physical possession or possession de facto. (*Meralco v. Heirs of Deloy*, G.R. No. 192893, June 5, 2013).

Where the issue of ownership is raised in unlawful detainer cases, courts may pass upon said issue in order to determine who has the right to possess the property. Such adjudication however is only an initial determination of ownership for the purpose of settling the issue of possession, the issue of ownership being inseparably linked thereto. (*Mirallosa v. Carmel Development, Inc.*, G.R. No. 194538, November 27, 2013).

The Papayas next argue that the lower courts erred in not dismissing the Archbishop's complaint, despite its failure to prove prior possession and ownership of the disputed property.

As noted by both the MCTC and the RTC, the Papayas themselves recognized the Archbishop's ownership over the contested lot as they admitted that their and their predecessors-in-interest's occupancy thereof were merely as caretakers. Marino wrote the Archbishop a letter dated March 7, 2011, stating:

“My grandfather, my father as well as my mother have served as caretaker[s] of this cemetery for a period of 45 years; 40 years; and 8 years to date respectively under the management of the Roman Catholic Church of Caceres ... My grandfather and my father have served in the cemetery until their deaths while my mother is still in the service with the RCC...” (See Rollo, pp. 16-17; 41-42)

Under Section 26, Rule 130 of the Rules of Evidence, “the act, declaration or omission of a party as to a relevant fact may be given in evidence against him.” Being an admission against interest, such document is the best evidence which affords the greatest certainty of the facts in dispute. The rationale for this is based on the presumption that no man would declare anything against himself unless such declaration was true. (*Meralco v. Heirs of Deloy*, G.R. No. 192893, June 5, 2013).

Both the MCTC and the RTC also found the evidence presented by the Archbishop to be of more weight and value while those presented by the Papayas were self-serving or of no probative weight.

As held by the RTC:

“...The tax declaration they [the Papayas] presented was found by the court a quo to be the tax declaration of the building they erected on the 601 sq.m. lot, hence, it could not be used as proof of their ownership of the lot. As to the certification issued by the Brgy. Captain, this court agrees with the court a quo that his office is not

the repository of real property records hence, the said certification does not deserve much credence. The letter of Ronnie Papaya to CENRO Goa is, at best self-serving and deserves no credit at all. Mere application for titling of a lot does not make an applicant the owner thereof. In fact, the court a quo found out that they were merely applying for the 296 sq. meters portion of the 601 sq.m lot.

“ ...

The party who alleges a fact has the burden of proving it...Appellants allege that they are owners of the 601 sq.m. lot, yet they failed to prove the same. On the other hand, the appellee was able to prove ownership of the 77 sq.m. portion through Original Certificate of Title No. RO-806-(2009). Appellee likewise proved ownership of the remaining untitled lot through the Alienable and Disposable Certification issued by the Department of Environment and Natural Resources in Catagbacan, Goa, Camarines Sur as well as the actual presence of tombs in the property.” (Rollo, pp. 15-16). (Citations omitted)

Finally, the Court finds no reason to reverse the MCTC and RTC's decision to hold Marino solidarily liable with his co-defendants for the payment of rent, attorney's fees and cost of suit.

Under Section 1 of Rule 70 of the Revised Rules of Civil Procedure, the person deprived of possession may bring the action against the person or persons unlawfully withholding or depriving possession, or any person or persons claiming under them. Since Marino is one of the heirs of Jovito, and he claims that Jovito is the actual owner of the subject 601 square meter lot, and therefore he has the right of possession over it, the trial court did not err in holding him solidarily liable with his co-defendants with respect to the payment of rent, attorney's fees and cost of suit.

WHEREFORE, the petition is DENIED for lack of merit. The Decision dated January 8, 2013 of the Regional Trial Court, Branch 58 of San Jose, Camarines Sur in Civil Case No. T-1183 is hereby AFFIRMED.

SO ORDERED.

Lopez, and Cruz,[**] JJ., concur.

[*] Spelled as “Sañado” in other parts of the records.

[**] Acting Junior Member vice J. S. B. Inting per Office Order No. 348-14-RSF dated August 4, 2014.

[***] Spelled as “Ronnie” in other parts of the records.

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.