

**DENNIS L. ESTRADA, PETITIONER, VS. HON. ARMANDO C. VELASCO,
IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT,
BRANCH 263 OF MARIKINA CITY, PUBLIC RESPONDENT.**

Ponente: TIJAM, J.

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TIJAM, J.:

This resolves Petitioner's Petition for Certiorari[1] under Rule 65 of the Rules of Court seeking to annul and set aside the Decision[2] dated March 12, 2013, and the Order[3] dated May 8, 2013 of the Regional Trial Court, Branch 273 of Marikina City, in LRC Case No. 11-1285-MK, which ordered the issuance of a writ of possession in favor of Private Respondent.

The facts of the case as appearing in the records are as follows:

Due to alleged delinquencies in payment of real property tax, the City of Marikina, on November 22, 2007, conducted a public bidding covering a property with TCT No. 62473 ("subject property") owned by Spouses Cirilo and Priscilla Estrada, and occupied by their son, Petitioner Dennis Estrada ("Petitioner"). Private Respondent was the highest bidder. As a result, the local government of Marikina City issued a Certificate of Sale[4] to Private Respondent. Upon the lapse of the redemption period without the Spouses Estrada exercising their right to redeem the property, a Final Deed of Sale[5] was issued to Private Respondent.

On November 10, 2009, Private Respondent filed a Petition for Confirmation of Sale and Consolidation of Ownership[6], docketed as LRC Case No. 09-1128-MK, with the Regional Trial Court, Branch 273 of Marikina City. On February 22, 2010, the trial court rendered a Decision[7] confirming the sale and consolidating Private Respondent's title to the subject property. Said decision became final and executory on April 7, 2010.[8] By virtue of such judgment, Transfer Certificate of Title No. N-62473 under the name of Spouses Cirilo and Priscilla Estrada was cancelled and a new one, Transfer Certificate of Title No. 009-2011002114 was issued to herein Private Respondent on January 9, 2011.

On March 7, 2011, a demand letter to vacate was sent to Spouses Estrada.[9] The latter, however, refused to vacate the premises. This prompted Private Respondent to file an Ex-Parte Petition for the issuance of a Writ of Possession[10] with the Regional Trial Court, Branch 263 of Marikina City, which was docketed as LRC Case No. 11-1285-MK.

Petitioner filed a Motion to Dismiss[11] the ex-parte petition for the issuance of a writ of possession on the ground that the trial court has no jurisdiction to issue the writs of possession in cases of public sale conducted by a local government.

On January 12, 2012, the trial court denied the motion to dismiss.[12] Petitioner filed a Motion for Reconsideration[13] which was also denied[14] by Public Respondent. The trial court therefore deemed the case submitted for decision.

Thereafter, Petitioner filed a Motion for Clarification and Partial Reconsideration[15], which was partially granted

by the Public Respondent by allowing Private Respondent to present evidence to support its claim.

After Private Respondent presented its lone witness and rested its case, the same was submitted for decision.

On March 12, 2013, the Public Respondent rendered the assailed Decision, the dispositive portion of which reads:

“WHEREFORE, above premises considered, the court hereby GRANTS the instant petition.

Let therefore a writ of possession over the property covered by TCT No. 009-2011002114 be issued in favor of Petitioner Inocentes Realty and Sales Corporation.

SO ORDERED.”[16]

On April 5, 2013, Petitioner filed a Motion for Reconsideration.[17] Then on May 8, 2013, the Public respondent denied the same.[18]

Feeling aggrieved, Petitioner filed the instant Petition for Certiorari raising the following assignment of errors:

“I

THE COURT A QUO GRAVELY ERRED WHEN IT ENTERTAINED THE SUBJECT PETITION WHEN THE BODY OF THE PETITION CLEARLY PLEADED AN ACTION FOR UNLAWFUL DETAINER WHICH IS COGNIZABLE BY METROPOLITAN TRIAL COURT.

II

THE COURT A QUO GRAVELY ERRED WHEN IT ENTERTAINED THE SUBJECT PETITION FOR ISSUANCE OF WRIT OF POSSESSION WHEN THERE IS NO LAW CONFERRING THE LOWER COURT JURISDICTION TO ISSUE WRIT OF POSSESSION BY VIRTUE OF A PUBLIC BIDDING UNDER THE LOCAL GOVERNMENT CODE.

III

THE COURT A QUO GRAVELY ERRED WHEN IT GRANTED THE EX-PARTE PETITION FOR ISSUANCE OF WRIT OF POSSESSION WITHOUT FACTUAL AND LEGAL BASIS AS REQUIRED BY SECTION 1 RULE 36 OF THE REVISED RULES OF COURT AND SECTION 14 ARTICLE VIII OF THE 1987 CONSTITUTION.

IV

THE COURT A QUO GRAVELY ERRED WHEN IT GRANTED THE SUBJECT PETITION FOR ISSUANCE OF WRIT OF POSSESSION BASED ON ACT 3135 AS AMENDED WHEN THE PRIVATE RESPONDENT MISERABLY FAILED TO ESTABLISH ANY RIGHT UNDER THE SAID LAW.”

Petitioner contends that Public Respondent has no jurisdiction to issue the writ of possession with respect to a land acquired through public sale conducted by the local government of Marikina. He further questions the propriety of the issuance of a writ of possession considering that the allegations in the petition filed before the trial court would reveal that it is actually an unlawful detainer case. He also claims that Private Respondent failed to establish, by evidence, his right to the issuance of a writ of possession. Finally, Petitioner claims that the assailed Decision failed to cite its factual and legal basis in violation of Sec. 1 Rule 36 of the Rules of Court and Sec. 14 of Art. VIII of the 1987 Philippine Constitution.

Meanwhile, Private Respondent contends that although not granted under the Local Government Code (LGC), the remedy of a petition for the issuance of a writ of possession is available in every case in favor of a property owner who possesses title thereto, as against an occupant in the said property.

The petition lacks merit.

As to the statutory basis of RTC's jurisdiction to issue the instant writ of possession, P.D. 1529 (Property

Registration Decree) and the case of *Sps. Cloma v. Court of Appeals*[19] are categorical on the matter. The RTC has jurisdiction to issue writs of possession as a result of a tax sale.

Sec. 2 of P. D. 1529 provides:

“Section 2. Nature of registration proceedings; jurisdiction of courts. Judicial proceedings for the registration of lands throughout the Philippines shall be in rem and shall be based on the generally accepted principles underlying the Torrens system.

Courts of First Instance shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions. The court through its clerk of court shall furnish the Land Registration Commission with two certified copies of all pleadings, exhibits, orders, and decisions filed or issued in applications or petitions for land registration, with the exception of stenographic notes, within five days from the filing or issuance thereof.” (Emphasis supplied)

In *Sps. Cloma v. Court of Appeals*[20], the High Court explained:

“Section 2 of PD 1529 also clearly rejects the thesis of petitioners that the trial court cannot issue a writ of possession to effectuate the result of a tax sale, thus:

'SECTION 2. Nature of registration proceedings; jurisdiction of courts. — . . .'

xxx

Obviously, petitioners failed to consider that PD 1529 has long abolished the difference between the general jurisdiction of a regular court and the limited jurisdiction of a registration court.” (Emphasis supplied)

It appearing that this ruling has not been overturned by the Supreme Court in recent cases, We find the same applicable in the case at bar. We therefore hold that the Public Respondent has jurisdiction to issue the writ of possession in favor of Private Respondent.

This general jurisdiction of the RTC to rule on all petitions after the original registration of title has likewise been reiterated by the Supreme Court in *Concepcion and Fil-Estate Management, Inc. v. Trono*.[21]

We likewise find without merit Petitioner's claim that the petition for writ of possession is actually an unlawful detainer case, cognizable by the MTC.

At the outset it bears to point out that the nature of an action, as well as which court or body has jurisdiction over it, is determined based on the allegations contained in the complaint of the plaintiff, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.[22] In this case, allegations in the petition filed before the trial court clearly convey an application for a writ of possession and not an unlawful detainer case.

Unlawful detainer is a summary action for the recovery of possession of real property. This action may be filed by a lessor, vendor, or 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 a contract, express or implied.[23]

There is no contract, express or implied present in the instant case. Hence, this case does not involve a case of unlawful detainer since the necessary element of expiration or termination of the right to possess by virtue of a contract is absent.

On the contrary, it clearly appears that the petition was filed as an offshoot of the judgment of Branch 273 of RTC

Marikina City confirming the tax sale conducted by the City Government of Marikina, as well as Private Respondent's ownership of the subject property by virtue of such sale. In the ex-parte petition it was alleged that:

“EX-PARTE PETITION FOR ISSUANCE OF WRIT OF POSSESSION

xxx

3. That on November 22, 2007, the subject property was acquired by herein Petitioner from a public bidding conducted by the City of Marikina, Treasurer's Office. Being the highest bidder and for failure of the previous owner to redeemed (sic) the same within the period required by law to exercise the right of redemption, Final Bill of Sale was then issued to INOCENTES REALTY AND SALES CORPORATION.

4. Consequently, on November 10, 2009 a Petition for Confirmation of Final Deed of Sale and Consolidation of Ownership was filed by herein petitioner INOCENTES REALTY AND SALES CORPORATION and judgment was rendered in its favor in a decision dated February 22, 2010 by the Regional Trial Court Branch 273 of Marikina City. The penultimate (sic) paragraph of the said decision states that, to quote:

xxx

5. By virtue thereof, a new title was issued to INOCENTES REALTY & CORPORATION (sic) under Transfer Certificate of Title No. 009-2011002114, on January 19, 2011 at Marikina City, canceling the previous Transfer Certificate of Title No. N-62473 in the name of Cirilo A. Estrada. xxx”[24]

Contrary to Petitioner's contention, Private Respondent was able to establish the allegations in its petition. We note that Private Respondent attached in its Petition the February 22, 2010 Decision of Branch 273 of RTC-Marikina City, a copy of the Entry of Final Judgment of the said Decision, a copy of the Tax Declaration of the subject property and the demand letter it furnished to Petitioner.[25] The allegation and proof that a demand letter to vacate was sent to Petitioner did not detract from the fundamental nature of Private Respondent's cause, which is to enforce the tax sale of the subject properties to it. Indeed, Private Respondent right to possession over the subject property is clear as it is based on its right of ownership as the buyer of the subject property in the public sale conducted by the City of Marikina.

It bears to emphasize that a writ of possession is a mere incident in the transfer of title.[26] In this case, Private respondent's ownership and its title to the property, as We have discussed above, has already been established and confirmed by the trial court.

That the trial court properly issued the writ of possession is reinforced by the fact that it was a product of a valid tax sale. In the recent case of *Republic v. City of Mandaluyong*,[27] the High Court found the issuance of writ of possession in favor of the City of Mandaluyong premature pending determination of the validity of the tax delinquency sale. The Court opined that:

“A writ of possession is a mere incident in the transfer of title. In the instant case, it stemmed from the exercise of alleged ownership by respondent over EDSA MRT III properties by virtue of a tax delinquency sale. The issue of whether the auction sale should be enjoined is still pending before the Court of Appeals. Pending determination, it is premature for respondent to have conducted the auction sale and caused the transfer of title over the real properties to its name. The denial by the RTC to issue an injunction or TRO does not automatically give respondent the liberty to proceed with the actions sought to be enjoined, especially so in this case where a certiorari petition assailing the denial is still being deliberated in the Court of Appeals. All the more it is premature for the RTC to issue a writ of possession where the ownership of the subject properties is derived from an auction sale, the validity of which is still being threshed out in the Court of Appeals. The RTC should have held in abeyance the issuance of a writ of possession. At this juncture, the writ issued is premature and has no force and effect.” (Emphasis supplied)

Indeed, jurisprudence teaches Us that the issuance of a writ of possession is a ministerial duty on the part of the trial court once proof of title has been established. After the consolidation of title in the buyer's name for failure of the mortgagor to redeem the property, entitlement to the writ of possession becomes a matter of right. This is true whether such title is derived from an execution sale[28] or a foreclosure sale[29]. We see no reason why such settled principle should not apply in this case just because the title to the subject property was acquired from a tax delinquency sale. Neither has Petitioner offered a basis for a different treatment to tax sales.

It is worthy to note that Petitioner never questioned the validity of the public sale conducted by the local government of Marikina City. Neither did Petitioner question the validity of Private Respondent's ownership over the subject property, nor the issuance of a new transfer certificate of title in the name of the latter. Considering that both the validity of the tax sale conducted on the subject property and Private Respondent's acquisition of title thereto remains undisputed, it was, therefore, a purely ministerial duty for the trial court to issue a writ of possession in favor of Private Respondent.

As it now stands, Private Respondent is the absolute owner of the property covered by Transfer Certificate of Title No. 009-2011002114. Hence, the contention of Petitioner that the writ of possession was wrongly issued because neither Act No. 3135 nor Rule 39 of the Rules of Court are applicable in the case, is inconsequential, in view of Private Respondent's absolute ownership over the property. Private Respondent's right to possess the subject property flows from its ownership of the property.

On the question of whether the Public Respondent's Decision violated Section 14 Article VIII of the 1987 Constitution stating that every decision must state distinctly and clearly the factual and legal basis, We hold that the Assailed Decision clearly and distinctly presented the factual antecedents and the law on which it was based.

Public Respondent clearly enumerated the facts of the case and that based on all testimonial and documentary evidence presented before it, it found Private respondent's claim meritorious.

It bears stressing that the courts and judges should be allowed to synthesize and simplify their pronouncements due to heavy court dockets and time constraints.[30] So long as the decision clearly and distinctly stated the facts and law on which they are based and the parties are not left in doubt as to the court's pronouncements, Section 14, Article VIII of the 1987 Constitution is not violated.

In view of the above, since no right of Petitioner is injured or is threatened to be injured, the issuance of a Temporary Restraining Order and Preliminary Injunction has no basis.

WHEREFORE, Petitioner's Petition for Certiorari is hereby DENIED. The Public Respondent's Decision dated March 12, 2013 and Order dated May 8, 2013 are hereby AFFIRMED and SUSTAINED.

The prayer for the issuance of a Temporary Restraining Order and Preliminary Injunction is also DENIED.

SO ORDERED.

Lopez, M. V., and Garcia-Fernandez, M.V., JJ., concur.

[1] Rollo, pp. 3-16.

[2] Rollo, pp. 19-21.

[3] Rollo, pp. 22-23.

[4] Rollo, p. 135.

- [5] Rollo, pp. 136-137.
- [6] Rollo, pp. 117-121.
- [7] Rollo, pp. 141-144.
- [8] Rollo, p. 145.
- [9] Rollo, p. 39.
- [10] Rollo, pp. 24-26.
- [11] Rollo, pp. 40-42.
- [12] Rollo, pp. 47-49.
- [13] Rollo, pp. 50-57.
- [14] Rollo, p. 58.
- [15] Rollo, pp. 59-62.
- [16] Supra, note 2.
- [17] Rollo, pp. 75-81.
- [18] Supra, note 3.
- [19] G.R. No. 100153, August 2, 1994.
- [20] Ibid.
- [21] G.R. No. 147928, January 11, 2005 and Fil-Estate Management Inc. v. Trono, G.R. No. 130871, February 17, 2006.
- [22] Dimo Realty & Development, Inc. v. Dimaculangan, G.R. No. 130991, March 11, 2004.
- [23] Fiorello R. Jose vs. Roberto Alfuerio, et al., G.R. No. 169380, November 26, 2012.
- [24] Rollo, pp. 24-27.
- [25] Rollo, pp. 29-49.
- [26] Bon-Mar Realty and Sport Corp v. Sps. De Guzman, G.R. Nos. 182136-37, August 29, 2008.
- [27] G.R. No. 184879, February 23, 2011.
- [28] Spouses Ching v. Family Savings Bank, G.R. No. 167835, November 15, 2010.
- [29] BPI Family Savings Bank, Inc. v. Golden Power Diesel Sales Center, Inc., G.R. No. 176019. January 12, 2011.
- [30] Chung Jr. v. Mondragon, A.C. No. 8383, December 11, 2012.

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