

ERNESTO BONIFACIO, PAULINO FLORES, PROCESO PANES, JESUS BALSOMO, LUCENDA MONTEVERDE, ANDREA MAGDAEL, LOPE PENEQUITO, RONILO BONIFACIO, WILFREDO PANES, NORBERTO BONIFACIO, ALEJAN...

Ponente: DIY, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7f024be0ec1f/>

DIY, J.:

Petitioners, by way of the instant petition filed under Rule 42 of the 1997 Rules of Civil Procedure, seek the review of the September 15, 2008 Decision[1] of Branch 40, Regional Trial Court of Silay City, Negros Occidental, affirming in toto the Decision[2] of the Municipal Circuit Trial Court of Silay City, which in turn granted respondent's complaint[3] for forcible entry. Petitioners likewise challenge the court a quo's January 26, 2009 Order[4] denying their motion for reconsideration.

The factual antecedents of the case as culled from the records are as follows:

On May 25, 2005, the Estate of the late Adrian L. Locsin, represented by respondent Mariano Locsin, filed a complaint against herein petitioners for forcible entry before the Municipal Trial Court in Cities of Silay City (hereinafter, MTCC).[5] In the complaint, respondent Estate alleged that it is the registered owner of two (2) parcels of agricultural land situated at Brgy. Bagtic, Silay City, Negros Occidental, respectively comprising of 286,510 and 144,472 square meters. These lots are covered by Transfer Certificates of Title Nos. T-1166 and T-1167.

Herein respondent Locsin (representing therein plaintiffs) alleged that on October 20, 2004 at around 8:00 o'clock in the morning, petitioners armed with bolos and other bladed instruments and employing force, threats and intimidation, entered the above-described lots and took possession of the same. Respondent averred in the complaint that petitioners justified their intrusion into the properties on the fact that they are the CARP beneficiaries of the same and that the land supposedly belongs to them already. Respondent, however, pointed out that at the time of petitioners' entry into the properties, they were not yet in possession of any Certificate of Land Ownership (CLOA, for brevity) and there was neither any installation order from the Department of Agrarian Reform. Respondent also claimed that the incident had been reported to the barangay officials and the police authorities but such recourse proved futile. Respondent thus prayed before the lower court as follows:

WHEREFORE, premises considered, it is most respectfully prayed that:

Upon filing of this case, a TEMPORARY RESTRAINING ORDER be issued ordering the defendants, their agents and assigns or third persons acting and in-behalf [sic] of the defendants to refrain from intruding over [sic] the subject property, thereby maintaining the status quo or the last peaceable situation of the parties prior to October 20, 2004.

After hearing with due notice, an Order be issued GRANTING PLAINTIFF'S PRAYER FOR ISSUANCE OF PRELIMINARY INJUNCTION with the same tenor as the TRO but would last until the instant case is finally decided on the merit.

After hearing on the merit, judgment be rendered in favor of the plaintiff making the INJUNCTION PERMANENT finding the actions of the defendants as violative of the CARP, holding them jointly and severally liable to pay plaintiff the following:

- Injuries/Damages -----Ph 500,000.00
- Attorney's fees ----- 100,000.00
- Appearance fee----- 1,000.00
for every hearing

PLAINTIFF, prays for such other relief, just and equitable in the premises.[6]

In their Answer with Counterclaim,[7] petitioners admitted that they are the farmer-beneficiaries of the disputed lots. They contended that respondent has no cause of action for forcible entry against them considering that the properties are already the acquired assets of the Philippine National Bank (hereinafter, PNB). Petitioners, to bolster their claim over the subject properties, further cited the October 11, 1991 Decision of the Provincial Agrarian Reform Adjudicator (PARAD, for brevity) in Reg. Case No. VI-43-NO-91 entitled "Antonio Brijida v. Adriano Locsin, et al.", where the PARAD decreed:

WHEREFORE, in view of the foregoing consideration, judgment is hereby rendered:

- Declaring null and void the agreement or conventional redemption and plan of payment between defendants dated December 13, 1989 and the Contract of Lease between defendant PNB and the plaintiff September 17, 1988;
- Declaring the property in question to be within the coverage of the CARP and ordering the defendant PNB to transfer the same to DAR;
- Ordering the Municipal Agrarian Reform Officer of Silay City to facilitate the processing of the property under CARP;
- Maintaining plaintiff in the possession of the property in question during the processing thereof under CARP;
- Ordering the defendants not to interfere or prevent the plaintiff in cultivating, gathering, trucking and milling of the sugarcane on the land in question under penalty of contempt.

SO ORDERED.[8]

Petitioners contended that the aforesaid decision was appealed to the Department of Agrarian Reform Adjudication Board (DARAB, for brevity) and that the DARAB affirmed the decision of the PARAD. According to petitioners, this Court, in a decision dated June 20, 2000, further denied due course to the petition for review filed before it and dismissed the same thus, affirming the DARAB decision.[9] Said decision allegedly attained finality and on June 25, 2003, the PARAD issued a writ[10] ordering the execution of its October 11, 1991 decision. Petitioners thus sought the dismissal of the complaint for forcible entry. As counterclaim, petitioners sought the award of moral, exemplary, and nominal damages, attorney's fees, and litigation expenses. Petitioners further prayed for all other reliefs and remedies deemed just and equitable under the circumstances.

On August 19, 2005, the MTCC dismissed the complaint for forcible entry on the ground of lack of jurisdiction.[11] Upon appeal to the Regional Trial Court of Silay City, the MTCC's order of dismissal was reversed on the ground that the MTCC had jurisdiction over the case. The case was consequently ordered remanded to the MTCC for further proceedings.[12] Then plaintiff Estate of the late Adriano Locsin was likewise ordered to be substituted by his heirs namely, Mariano Locsin, Adoracion A. Locsin, Lourdes L. Javellana, and Abraham Locsin.[13] Thereafter, the MTCC rendered a decision on April 11, 2008 favorable to the heirs, viz:

WHEREFORE, viewed on the foregoing, judgment is hereby rendered for the herein plaintiffs. Thus, herein defendants, their agents, assigns, third persons acting for and in their behalf are hereby ordered to permanently refrain, desist from intruding the subject property herein in question of the instant case, removing whatever improvements introduced thereto, if there be any.

To pay solidarily plaintiffs the amount of P30,000.00 for attorney's fee, P1,000.00 for counsel's appearance fee per court session and to pay the cost of the suit.

SO ORDERED.[14]

The MTCC, in ruling for respondent, ratiocinated that the decisive factor in resolving forcible entry cases is: who has the better right of possession. The MTCC ruled in respondent's favor relying on the fact that the disputed properties were registered in the name of respondent's predecessor-in-interest. The MTCC took note of the fact that the properties were purportedly acquired assets of PNB but reasoned nevertheless that the foreclosure of the properties as well as the subsequent consolidation of ownership thereof by the PNB had been revoked on account of the application of the provisions of the Sugar Restitution Law or Republic Act No. 7202 (RA 7202). By virtue of the application of the provisions of RA 7202, respondent was likewise able to partially pay their indebtedness to PNB. The MTCC further rationalized that while the disputed lots have been subjected to CARP coverage and petitioners have been declared CARP beneficiaries, they are not automatically the owners of the properties since there is no automatic transfer of ownership from the landowner to the beneficiaries upon the latter's qualification as such. The MTCC explained that it is only until after the landowner has been duly compensated and the farmer-beneficiaries are installed on the land with CLOAs awarded to them that the beneficiaries may rightfully claim the property as their own. The MTCC then concluded that respondent being the landowner, and ergo, the real party-in-interest, and considering that petitioners entered the property by means of force, intimidation and threats, respondent had a cause of action against petitioners for forcible entry.

Petitioners thereafter elevated the matter before the court a quo. The parties were subsequently directed to file their respective appeal memoranda. It, however, appears from the records that only petitioners filed their memorandum as respondent did not comply with the court a quo's directive.

On September 15, 2008, the court a quo rendered a decision affirming in toto the decision of the MTCC. Petitioners subsequently filed a motion for reconsideration but the same proved unavailing. The court a quo, in its Order dated January 26, 2009, denied the motion. Petitioners are now before Us via the instant petition ascribing the following as --

ASSIGNMENT OF ERRORS

- The Regional Trial Court committed serious and reversible error in rendering a decision which is contrary to the provision of procedural law more particularly Section 7(c) of Rule 40 of the 1997 Rules of Civil Procedure;
- The Regional Trial Court committed serious and reversible error in its findings of facts and law when it affirmed the decision of the court a quo that Mariano Locsin is still a co-owner of Lot No. 639-B and Lot No. 684-A-1-A covered by TCT Nos. T-1166 and T-1167, respectively;
- The Regional Trial Court committed serious and reversible error in finding that the plaintiffs who are the respondents in this case were in actual and physical possession of the property when the defendants who are the petitioners in this case occupied the said property, Lot No. 639-B and Lot No. 684-A-1-A covered by TCT No. T-1166 and TCT No. T-1167.[15]

Petitioners, in essence, challenge the propriety of respondent's continued possession of the subject properties. However, before We delve on the core issue of this case, We first resolve the issue of the purported procedural

error that the court a quo committed in the case at bench.

Petitioners contend that the court a quo committed serious and reversible error in rendering a decision which is contrary to the requirements of Section 7(c), Rule 40 of the 1997 Rules of Civil Procedure. They point out that respondents did not even file their own memorandum thus, the court a quo could not have decided the case on the basis of the entire records.

The cited provision reads:

SEC. 7. Procedure in the Regional Trial Court. –

Xxx xxx xxx.

(c) Upon the filing of the memorandum of the appellant or the expiration of the period to do so, the case shall be considered submitted for decision. The Regional Trial Court shall decide the case on the basis of the entire record of the proceedings had in the court of origin and such memoranda as are filed.

As can be gleaned from the above-quoted provision, an appellee's failure to file his memorandum is not a fatal omission as would affect the validity of the decision. The Rules provide that in the event that an appellee fails to file his memorandum, the case may be deemed submitted for decision upon the lapse of the period given to file said memorandum. We thus cannot see petitioners' cause for concern. What is required of the reviewing court is to decide the case on the basis of the subsisting records of the proceedings which may include the memoranda that the parties may file pursuant to a directive of the appellate court. We further emphasize that what is constitutionally required of decisions is that these must expressly and clearly set forth the facts and law upon which the same is based.[16]

It, however, appears that petitioners do not merely challenge the sufficiency of the decision of the court a quo on the ground that it was not based on the entire records of the case. They likewise attack the propriety of said decision since it purportedly failed to discuss the errors assigned in its appeal before the court a quo. Petitioners importune that the court a quo merely relied upon the findings of facts of the MTCC and fully adopted said findings in toto.

As already adverted to, the Constitution requires that decisions of the courts must be written and must clearly and distinctly set forth the facts and law upon which it is based.[17] This is because due process demands that the parties to the litigation must be informed of how it was decided with an explanation of the factual and legal issues that led to the conclusions of the court. The losing party is entitled to know why he lost, so that he may appeal to a higher court, if permitted, should he believe that a reversal or a modification of the decision is in order. It is further not required that a decision be a complete recital of the evidence presented. So long as the factual and legal basis are clearly and distinctly set forth supporting the conclusions drawn therefrom, the decision arrived at is valid.[18] In *Velarde v. Social Justice Society*, [19] the Supreme Court also stressed:

This Court had instructed magistrates to exert effort to ensure that their decisions would present a comprehensive analysis or account of the factual and legal findings that would substantially address the issues raised by the parties.

Judges are additionally enjoined to heed the demand of Section 14, Article VIII of the Constitution as decisions or orders issued in careless disregard of the constitutional mandate are a patent nullity and must be struck down as void.[20]

In the case at bench, petitioners claim that the court a quo failed to discuss the assigned errors and merely gave credence to the findings of the MTCC.

A scrutiny of the decision of the court a quo reveals that indeed the court a quo did not go into an in seriatim discussion of the assigned errors. We, however, point out that in petitioners' appeal memorandum, the assigned errors were enumerated as follows:

ASSIGNMENT OF ERRORS

- The court a quo committed grave and serious errors in its findings of facts that PNB revoked its foreclosure and allowed plaintiffs to redeem their property through Agreement of Conventional Redemption and Plan of Payment but without mentioning that the said Agreement of Conventional Redemption and Plan of payment were declared null and void by the Court of Appeals in its decision dated June 20, 2000 which became final and executory on February 9, 2001;
- The court a quo also committed grave and serious error in finding that Mariano Locsin is the proper party who can file a case for Forcible Entry despite the fact that he was not actual possessor of the property when defendants-appellants allegedly entered and occupied portions of this property;
- The court a quo also committed grave abuse and serious error in finding that plaintiff-appellee Mariano A. Locsin is still a co-owner of the property in question.[21]

A careful review of the MTCC decision shows that the second and third assigned errors have been exhaustively discussed therein. In *Velarde v. Social Justice Society*,[22] the Supreme Court ratiocinated:

On appeal, the fact that the assailed decision of the lower court fully, intelligently and correctly resolved all factual and legal issues involved may partly explain why the reviewing court finds no reason to reverse the findings and conclusions of the former.

It was for this reason that the court a quo, being a reviewing court, merely adopted the findings of the MTCC. It found that the MTCC fully, intelligently and correctly resolved the factual and legal issues presented in the case.

Anent the first assigned error, the court a quo addressed the same in the appealed Order denying petitioners' motion for reconsideration. While this was contained in the order resolving petitioners' motion for reconsideration, this, to Our mind, do not amount to any procedural aberration. It must be emphasized that the purpose of a motion for reconsideration is to grant an opportunity for the court a quo to correct any error imputed to it by a re-examination of the legal and factual circumstances of the case.[23] As the court a quo most likely found that it had glossed over the issue, it remedied its oversight in said Order. Considering the foregoing, We find that the court a quo had adequately addressed the assigned errors raised by petitioners in their appeal memorandum and its decision has met the constitutional requirements set forth in Section 14, Article VIII.

As likewise previously mentioned, petitioners question respondent's locus standi to file the complaint for forcible entry. They contend that the court a quo erred in finding that respondent was still a co-owner of the property. They maintain that the properties were already acquired by PNB. Petitioners further repeatedly harp on the October 11, 1991 Decision of the PARAD which this Court has ultimately affirmed. Said decision in essence declared the properties to be under CARP coverage and ordered the facilitation of the transfer of the property to the jurisdiction of the Department of Agrarian Reform. Said decision purportedly also nullified whatever contracts respondent and PNB had entered into over the property.

Petitioners moreover assail the court a quo's verdict that respondent was a real party-in-interest. They point out that respondent was not the actual and physical occupant of the properties at the time they entered the property.

One of the three kinds of action for the recovery of possession of real property is accion interdical, or an ejectment proceeding. Such may either be for forcible entry (detentacion) or unlawful detainer (desahucio). An

ejectment proceeding is a summary action for the recovery of physical possession where the dispossession has not lasted for more than one year, and should be brought in the proper inferior court.[24] The case from which this appeal emanated was one for forcible entry.

In *Corpuz v. Spouses Agustin*,[25] the Supreme Court explained that the core issue in an ejectment proceeding is who is entitled to possession de facto of the property. The court does not delve into matters touching on who exercises possession de jure.[26]

In *Villondo v. Quijano, et al.*,[27] it was further elucidated:

For a court to restore possession, two things must be proven in a forcible entry case: prior physical possession of the property and deprivation of the property by means of force, intimidation, threat, strategy, or stealth. Possession de facto, [i.e., the physical possession of a property,] and not possession de jure is the only issue in a forcible entry case. This rule holds true regardless of the character of a party's possession, provided that he has in his favor priority in time. . . . As used in forcible entry and unlawful detainer cases, 'possession' refers to "physical possession, not legal possession in the sense contemplated in civil law.

Jurisprudence, however, supplements the foregoing rule, viz:

Even if the pleadings raise the issue of ownership, the court may pass on such issue to determine only the question of possession, especially if the ownership is inseparably linked with the possession. The adjudication on the issue of ownership is only provisional and will not bar an action between the same parties involving title to the land. This doctrine is a necessary consequence of the nature of the two summary actions of ejectment, forcible entry and unlawful detainer, where the only issue for adjudication is the physical or material possession over the real property.

We have carefully examined the records of the case under consideration and find that respondent has clearly established his prior possession over the property. The records show that the properties were registered in the name of his predecessor-in-interest and they had the properties mortgaged to PNB. Respondent likewise has a subsisting contract of lease with a certain Deogracias De la Paz. These acts show possession, if not dominion, over the property.

It further clearly appears in the records that at the time of their forceful intrusion into the properties, petitioners merely relied on the fact that they were CARP beneficiaries of the land without any CLOA to support their claim. We point out that it is the CLOA issued to the beneficiary and registered in his name that serves as evidence of title to the land. The CLOA entitles the beneficiary to occupy the land, cultivate it, and maintain possession of the same.[28] Absent such proof of their claim, unfortunately, petitioners can only be labelled as intruders on the property.

Petitioners likewise cannot repeatedly harp on the purported defects in respondent's ownership over the disputed properties. At the risk of being redundant, We emphasize that in resolving the instant petition, We do not delve into issues of possession de jure or ownership over the property. Title is not involved.[29] If We delve into such matters at all, the findings thereon are merely provisional and will not bar an action between the same parties involving title to the land. We further do not look into the character of a party's possession. It does not matter if a party's title to the property is questionable.[30] What is required is that said party is able to show in its favor priority in time.

We likewise cannot submit to petitioners' argument that respondent is not the proper party to institute the case for forcible entry not being the actual and physical occupant of the property. Such postulation amounts to confining the term, "possession" to a literal straightjacket.

In *Remington Industrial Sales Corp. v. Chinese Young Men's Christian Association of the Philippine Island*,^[31] the Supreme Court explained:

Under the law, possession is acquired by the material occupation of a thing or the exercise of a right, or by the fact that it is subject to the action of our will, or by the proper acts and legal formalities established for acquiring such right. In short, possession can be either actual or merely constructive.

Actual possession consists in the manifestation of acts of dominion over property of such a nature as a party would naturally exercise over his own — as when respondent himself is physically in occupation of the property, or even when another person who recognizes the former's rights as owner is in occupancy. Constructive possession on the other hand, may be had through succession, donation, execution of public instruments, or the possession by a sheriff by virtue of a court order.

(Emphasis supplied)

Jurisprudence further holds that one need not have actual or physical occupation of every square inch of the property at all times to be considered in possession.^[32]

Considering the foregoing disquisition and the unrefuted fact that petitioners entered the property employing force, intimidation and threats, We hold that a case for forcible entry against petitioners is tenable. Hence, We affirm the challenged decision and order.

WHEREFORE, premises foregoing, the petition is hereby DENIED. The September 15, 2008 Decision of Branch 40, Regional Trial Court of Silay City, Negros Occidental and its January 26, 2009 Order are AFFIRMED.

SO ORDERED.

Delos Santos, E.L., (Chairperson) and Maxino, P.A.A. JJ., concur.

[1] Rollo, pp. 31-33.

[2] *Ibid.*, pp. 107-113.

[3] *Ibid.*, pp. 35-41.

[4] *Ibid.*, p. 34.

[5] *Supra.*, Note #3.

[6] Rollo., pp. 39-40.

[7] *Ibid.*, pp. 49-56.

[8] *Ibid.*, pp. 15-16.

[9] *Ibid.*, p. 16.

[10] *Ibid.*, pp. 81-82.

[11] *Ibid.*, pp. 61-65.

[12] *Ibid.*, p. 11.

[13] *Ibid.*, p. 11. While there was substitution before the lower court, respondent is still referred to in the singular form in the entirety of this decision considering that only Mariano Locsin was impleaded as respondent in the instant petition.

- [14] Rollo, p. 113.
- [15] Ibid., p. 20.
- [16] Section 14, Article VIII of the Constitution.
- [17] Ong Chiu Kwan v. Court of Appeals, et al., G.R. No. 113006, November 23, 2000.
- [18] Chan v. Court of Appeals, et al., G.R. No. 159922, April 28, 2005.
- [19] G.R. No. 159357, April 28, 2004, citing Madrid v. Court of Appeals, G.R. No. 130683. May 31, 2000.
- [20] Velarde v. Social Justice Society, G.R. No. 159357, April 28, 2004.
- [21] Rollo, p. 119.
- [22] Supra., Note #19.
- [23] HPS Software and Communication Corp., et al. v. PLDT, et al., G.R. No. 170217 & 170694, December 10, 2012.
- [24] Encarnacion v. Amigo, G.R. No. 169793, September 15, 2006.
- [25] G.R. No. 183122, January 18, 2012.
- [26] Ibid.
- [27] G.R. No. 173606, December 3, 2012.
- [28] Agrarian Law and Jurisprudence issued by the Department of Agrarian Reform and the United Nations Development Programme [2000 ed.], p. 134.
- [29] Dy v. Mandy Commodities Co., Inc., G.R. No. 171842, July 22, 2009.
- [30] Barrientos v. Rapal, G.R. No. 169594, July 20, 2011.
- [31] G.R. No. 171858, January 22, 2007.
- [32] Nuñez v. SLTEAS Phoenix Solutions, Inc., G.R. No. 180542, April 12, 2010.

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.