

SPS. AMELITO VILLAREAL AND NELMA VILLAREAL AND LALAIN GUANSING, PETITIONERS, VS. SPS. PABLITO T. TALAY AND LALAIN R. TALAY, RESPONDENTS.

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

Before the Court is a petition for review filed under Rule 42, 1997 Rules of Civil Procedure, as amended, assailing the (i) Decision dated September 16, 2013[1] in SCA No. 13-1274 of Branch 97, Regional Trial Court (RTC), Antipolo City (at Taytay Rizal), Fourth Judicial Region which affirmed the Decision dated December 17, 2012 of the Municipal Trial Court (MTC), Cainta, Rizal, ordering petitioners to vacate the subject land and to pay respondents monthly rentals, attorney's fees and cost of suit, and (ii) Order[2] dated February 14, 2014 of the RTC which denied petitioners' motion for reconsideration of the Decision dated September 16, 2013.

THE ANTECEDENTS

The present petition involves a parcel of land located at No. 434 Emma Street, Marick Subdivision, Cainta, Rizal and covered by Transfer Certificate of Title (TCT) No. 068-2011003762[3] issued in the names of respondents spouses Pablito T. Talay and Lalaine R. Talay. Petitioners spouses Amelito Villareal and Nelma Villareal and Lalaine Guansing occupied the land by mere tolerance of respondents. In July 2011, respondents demanded from petitioners to vacate the land, but the latter refused to do so.

On April 26, 2012, respondents filed with the MTC a complaint against petitioners for “Unlawful Detainer With Prayer for the Payment of Damages”[4], alleging that (i) respondents were the registered owners of the land, together with all the improvements constructed thereon, per Transfer Certificate of Title (TCT) No. 068-2011003762 issued on March 24, 2011; (ii) petitioners, who were in actual possession of the land, occupied the same as tenants of the previous owners, the heirs of Anunciacion vda. de Estrellado, from whom respondents bought the land on February 25, 2010; (iii) in July 2011, respondents sent petitioners a letter demanding them to vacate the land, but they refused to do so and claimed ownership of the land; and, (iv) petitioners thereafter introduced improvements on the land. Respondents prayed that petitioners and all persons claiming rights under them be ordered to vacate the land and to pay attorney's fees, litigation expenses and cost of suit.

For their part, petitioners invoked ownership of the land through acquisitive prescription and by virtue of a Deed of Absolute Sale dated August 24, 2011[5] executed in their favor by the alleged real owner, Felsa Enterprises. Petitioners also alleged that they initially occupied the land on the erroneous assumption that respondents were the lawful owners thereof, until the former discovered that Felsa Enterprises was the real owner of the land, as Felsa Enterprises had filed with Branch 98, Regional Trial Court, Antipolo City a complaint against respondents for quieting of title, reconveyance and cancellation of title.[6]

After the parties had filed their respective position papers, the MTC rendered a Decision dated December 17, 2012, holding that respondents had preferential right to the possession of the land since they were holders of a Torrens Title (TCT No. 068-2011003762) which was issued earlier than the Absolute Deed of Sale dated August

24, 2011 upon which petitioners based their claim. Accordingly, petitioners were ordered to vacate the land and to pay respondents monthly rentals of P4,500.00 from August 1, 2001 until the land was fully restored to respondents, attorney's fees of P20,000.00 and cost of suit of P3,424.00. Thus:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the plaintiffs and against the defendants who are ordered to:

- a) VACATE the subject property located at No. 434 Emma St., Marick Subdivision, Cainta Rizal;
- b) PAY the plaintiffs reasonable monthly compensation in the sum on P4,500.00 for the use and occupation of the subject property computed from August 1, 2001 until possession thereof is finally restored to the plaintiffs;
- c) PAY the sum of P20,000.00 as attorney's fees; and
- d) PAY the sum of P3,424.00 as the cost of suit.

SO ORDERED.”[7]

Petitioners filed an appeal with the RTC which rendered a Decision dated September 16, 2013[8] affirming in toto the MTC Decision. Petitioners filed a motion for reconsideration, but the RTC denied the same in an Order dated February 14, 2014.[9]

Thus, petitioners filed the present petition which is anchored on the following errors allegedly committed by the RTC:

I

THE TRIAL COURT ERRED IN ORDERING THE PETITIONERS TO VACATE THE PREMISES AND TO SURRENDER THE POSSESSION THEREOF TO THE RESPONDENTS.

II

THE TRIAL COURT ERRED IN ORDERING THE PETITIONERS TO PAY MONTHLY COMPENSATION OF PHP 4,500.00 STARTING AUGUST 1, 2011 UNTIL PETITIONERS VACATED THE PREMISES.

III

THE TRIAL COURT ERRED IN ORDERING THE PETITIONERS TO PAY THE SUM OF PHP 20,000.00 AS ATTORNEY'S FEES AND PHP(SIC) 3,424.00 AS COST OF SUIT.

ISSUE

Whether the RTC erred in affirming the MTC Decision dated December 17, 2012 which granted respondents' complaint for unlawful detainer.

THE COURT'S RULING

In order to resolve the issue of possession, the MTC and RTC passed upon the question of ownership with the express qualification that resolution of the same was only for the purpose of determining the issue of possession. The lower courts found that the claim of ownership by respondents was supported by TCT No. 068-2011003762 and tax declarations issued in respondents' names. On the other hand, petitioners' evidentiary proof, consisting of the Deed of Absolute Sale dated August 24, 2011, was found questionable and also anathema to their claim of ownership by acquisitive prescription. As the MTC pointed out in its Decision dated December 17, 2012:

“Notably, defendants admitted both in their Answer and Position Paper that their occupation in the subject property was based on an erroneous assumption that the plaintiffs were the lawful owners until they discovered that Felsa Enterprises was the true owner thereof. In fine when the Deed of Absolute Sale was executed between Felsa Enterprises and the defendants on August 24, 2011, they recognized the plaintiffs as the owners

thereof. Accordingly, their claim of possession for more than thirty (30) years becomes inconsequential for the nature thereof is not one in the concept of an owner in order for acquisitive prescription to set in. In fact, evidence shows that TCT No. 068-2011003762 was issued on March 24, 2011, several months before the sale from Felsa Enterprises to the defendants on August 11, 2011.

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. . . x x x[D]efendants' documentary exhibits may be given less probative weight in determining possession for lack of explanation and evidentiary support to show how the 382,487,855 sq.m., more or less, covered under G.L.R.O. Record No. 1037, Decree No. 1131, TCT No. 5251 and OCT No. 333, sold by The Nanjo Shoji Kaisho, Ltd. to spouse Manuel and Atillana Sepulveda and then to Felsa Enterprises, was transferred and subdivided into smaller portions at the time of sale to the defendants without the previous titles being cancelled and registered to the owners subsequent to the original. Verily, TCT No. 068-2011003762 not only enjoys priority in time but also shows the plaintiffs as the registered owners thereof. Further, plaintiffs were the ones who paid the realty taxes thereon, as shown by Tax Declaration Nos. 05-0002-07231 to 32, which cancelled Tax Declaration Nos. 05-0002-05501 to 02 in the name of Anunciacion vda. de Estrellado.”[10]

Petitioners, however, asseverate that (i) they cannot be ejected from the land because they are the owners thereof; (ii) respondents' complaint for unlawful detainer should have been suspended pending the final outcome of Civil Case No. 11-9432 for quieting of title, reconveyance and cancellation of title previously filed with Branch 98, Regional Trial Court (RTC), Antipolo City by Felsa Enterprises against respondents; and, (iii) the unlawful detainer case constitutes a collateral attack on petitioners' title and that of their predecessors-in-interest.

The asseverations are unfounded.

It is axiomatic that “in ejectment suits, the only issue for resolution is the physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants. However, the issue of ownership may be provisionally ruled upon for the sole purpose of determining who is entitled to possession de facto.”[11]

Petitioners and respondents both anchored their right to possession of the land on their respective claims of ownership thereof. Respondents' claim of ownership is supported not only by TCT No. 068-2011003762, but also by tax declarations, as mentioned in the MTC Decision dated December 17, 2012. Petitioners, on the other hand, relied heavily on a Deed of Absolute Sale dated August 24, 2011 purportedly executed between them and Felsa Enterprises.

As between respondents' TCT No. 068-2011003762, which is an incontrovertible proof of ownership, accompanied with tax declarations, and petitioners' Deed of Absolute Sale dated August 24, 2011 executed subsequent to the issuance of said certificate of title, the former must prevail in establishing who has a better right of possession over the land, following the rule that a registered owner of a real property is entitled to its possession. Well-settled is the doctrine that:

“Torrens title is evidence of indefeasible title to property in favor of the person in whose name the title appears. It is conclusive evidence with respect to the ownership of the land described therein. It is also settled that the titleholder is entitled to all the attributes of ownership of the property, including possession. [T]his Court declared that the 'age-old rule is that the person who has a Torrens title over a land is entitled to possession thereof.”[12]

It is worth stressing 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. It does not even matter if the party's title to the property is questionable.”[13] The legal support for this rule is Section 48 of P.D. No. 1529, otherwise known as the Property Registration Decree, which provides:

SEC. 48. Certificate not subject to collateral attack. — A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or canceled except in a direct proceeding in accordance with law.

Petitioners' assertion that they acquired ownership of the land through acquisitive prescription, is diametrically opposed to their claim of ownership thereof by virtue of sale from Felsa Enterprises. Petitioners also failed to prove the successive transfers of ownership of the land from the alleged original owner, The Nanjo Shoji Kaisho, Ltd., to their predecessor-in-interest, Felsa Enterprises. As noted by the RTC:

“[D]efendant-appellants' claim of ownership, which they make as basis for their possession of the disputed property, is nebulous at best. Glaringly, the 'Absolute Deed of Sale of an Unsegregated Portion of Real Property' which defendant-appellants rely on for their title, hence, possession, was supposedly executed by the 'registered owners' of a parcel of land covered by TCT No. 5251, namely, Felix S. Sajot, president of Felsa Enterprises. However, TCT No. 5251 (Exhibit “4”) is in the name of 'The Nanjo Shoji Kaisho'. To trace their entitlement, defendant-appellants invoke a Deed of Absolute Sale (Exhibit “2”) executed in favor of Felsa Enterprises, represented by its president, the same Felix S. Sajot earlier mentioned, purportedly by certain heirs of Spouses Manuel and Atillana Sepulveda, namely Fe S. Gilbuena, Federico I. Sepulveda, and Flora S. Ramos. In turn, defendants-appellants would show ownership by the Spouses Sepulveda of the property covered by TCT No. 5251 through a Deed of Absolute Sale (Exhibit “3”) executed in their favor by the registered owner thereof, said “The Nanjo Shoji Kaisho Ltd.” Notwithstanding, defendant-appellants failed to substantiate the heirship of Fe S. Gilbuena, Federico I. Sepulveda, and Flora S. Ramos, aside from the latter's self-serving description of themselves in the Deed of Absolute Sale (Exhibit “2”) as the heirs of the deceased spouses, Manuel L. Sepulveda and Atillana I. Sepulveda.

Moreover, what was apparently sold to herein defendant-appellants by Felix S. Sajot pursuant to the parties' Absolute Deed of Sale (Exhibit “1”) is “any unregistered portion of Two Hundred Forty Sq. Meters (240 sq.m.), more or less” which, to say the least, is uncertain and indefinite. Not only is defendant-appellants' claim of ownership of the subject property doubtful, but, more significantly, it is unsubstantiated. Hence, ownership not having been established, the concomitant attribute of possession could not be sustained.”

Notably, petitioners assert that they “occupied the subject premises on the erroneous assumption that herein respondents are the lawful owners of the same until the petitioners discovered that FELSA ENTERPRISES was, and in fact, the lawful owner thereof”.[14] This all the more showed that petitioners occupied the land not in the concept of owners thereof, and their occupation was merely tolerated by the owner of the land.

Verily, petitioners' failure to present title or prove legal right to the possession of the land bolsters respondents' claim that the former's occupation thereof is by mere tolerance of the latter. It is thus understood that petitioners' tolerated possession may be terminated any time. When respondents demanded from petitioners to vacate the land and the latter refused to do so, petitioners' possession became unlawful. Anyone unlawfully withholding possession of a real property maybe evicted therefrom through the summary action of ejectment.

Anent petitioners' claim that respondents' complaint for unlawful detainer should be suspended pending resolution of Civil Case No. 11-9432 for quieting of title, reconveyance and cancellation of title filed with the RTC of Antipolo City, it suffices to state that the two actions are based on different causes of action and involve different reliefs, hence, the pendency of one is not a bar to the other. As held in *Barba vs. Court of Appeals*:

“In an unlawful detainer case, the only issue for resolution is physical or material possession of the property involved, independent of any claim of ownership by any of the party-litigants. Consequently, the filing of an action for reconveyance of title over the same property or for the annulment of the deed of sale over the land does not divest the municipal trial court of its jurisdiction to try the forcible entry or unlawful detainer case before it and the same may not be successfully pleaded in abatement of an action for unlawful detainer or forcible entry. This is because an ejectment suit is summary in nature and the same cannot be circumvented by

the simple expedient of asserting ownership over the property. The fact, therefore, that an action for annulment of deeds and reconveyance was pending before another branch of the regional trial court cannot be pleaded by herein private respondents in abatement of the ejectment case before the municipal circuit trial court.”[15]

There may be instances wherein suspension of ejectment suit during pendency of a civil action, involving ownership of a real property, was allowed on considerations of equity, such as when the demolition of a house would result from the enforcement of judgment[16]. Said exception, however, finds no application in the present case. The MTC Decision, as affirmed by the RTC, did not order the demolition of any structure built or constructed by petitioners on the land.

The awards of monthly rentals, attorney's fees and judicial costs in favor of respondents are also justified under Section 17, Rule 70, 1997 Rules of Civil Procedure which provides:

Sec. 17. Judgment. — If after trial the court finds that the allegations of the complaint are true, it shall render judgment in favor of the plaintiff for the restitution of the premises, the sum justly due as arrears of rent or as reasonable compensation for the use and occupation of the premises, attorney's fees and costs. If it finds that said allegations are not true, it shall render judgment for the defendant to recover his costs. If a counterclaim is established, the court shall render judgment for the sum found in arrears from either party and award costs as justice requires.

Then again, it is a settled doctrine that factual findings of the trial courts are considered final and conclusive if supported by clear and convincing evidence on record.[17] The Court finds no compelling reason to deviate from this rule.

WHEREFORE, the present petition is denied and the appealed Decision dated September 16, 2013 and Order dated February 14, 2014 of the Regional Trial Court are affirmed.

SO ORDERED.

Cruz, S. C., and Hernando, R. P. L., J.J., concur.

[1] pp. 17-22, Rollo.

[2] pp. 23-27, Id.

[3] Copy of TCT No. 068-2011003762 is not attached to the petition.

[4] pp. 28-31, Rollo.

[5] Copy of Deed of Absolute Sale dated August 24, 2011 is not attached to the petition.

[6] pp. 32-35, Id.

[7] p. 56, Id.

[8] pp. 17-22, Id.

[9] pp. 23-27, Id.

[10] p. 54, Id.

[11] Midway Maritime and Technological Foundation vs. Castro, G.R. No. 189061, August 6, 2014.

[12] Gabriel, Jr. vs. Crisologo, G.R. No. 204626, June 9, 2014.

[13] Dela Cruz vs. Capco, G.R. No. 176055, March 17, 2014.

[14] p. 6, Rollo.

[15] G.R. No. 126638, 376 SCRA 211, February 6, 2002.

[16] Tabibo vs. Tabino, G.R. No. 196219, July 30, 2014.

[17] Vibram Manufacturing Corp. vs. MERALCO, G.R. No. 149052, 466 SCRA 178-184, August 9, 2005.

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