

ROLANDO T. RABAYA, PETITIONER, VS. SPOUSES JUDITHA R. NACU AND PAUL NACU AND ALL THOSE CLAIMING RIGHTS UNDER THEM, RESPONDENTS.

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

This is a Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure seeking to set aside the Judgment[1] dated December 9, 2010 and the Order[2] dated February 9, 2011 rendered by the Regional Trial Court, Branch 18 of Cebu City in Civil Case No. CEB-36650.

This case stems from a complaint[3] for Unlawful Detainer filed by petitioner Rolando T. Rabaya against respondents spouses Paul and Juditha Nacu on October 12, 2009, docketed as Civil Case No. 1464 in the Municipal Trial Court in Cities (MTCC) in Talisay City, Cebu. The subject matter of this case is a parcel of lot located in Barangay Cansojong, Talisay City, Cebu, denominated as Lot No. 7668 with an area of two hundred ninety-eight (298) square meters, more or less, covered by Transfer Certificate of Title No. 89104 in the name of the Heirs of Eustiquio Rabaya.

Petitioner Rolando T. Rabaya alleged that he is the grandson of Eustiquio Rabaya. Eustiquio was married to Gala Gabuya, with whom he had two children, namely; Virgilio Rabaya and Alfredo Rabaya. Alfredo married Rosita Cañesa[4] and they had five children, namely: petitioner Rolando, Edison, Oscar, Alicia and Consuelo. Alfredo died sometime in 1980. Virgilio died a bachelor on October 4, 1997[5], leaving no compulsory heirs.

Petitioner claimed to have originally possessed the subject lot. However, when respondents, who are also his relatives, asked that they be allowed to enter the subject lot, he allowed respondents to enter and occupy the lot through his tolerance, subject to vacate upon his demand.

Unknown to the petitioner, respondents began claiming ownership of the subject lot. When petitioner asked the respondents to vacate, the latter refused to do so by claiming that the lot was sold to them. Thus, on April 13, 2009, petitioner through his counsel sent a letter⁶ to respondents demanding for the latter to vacate and to turnover the physical possession of the lot to him. But respondents still refused to do so.

Thereafter, petitioner filed a complaint with the barangay but no settlement was reached by the parties.[7] Hence, petitioner filed this instant case in court seeking to recover possession of the subject lot.

On the other hand, respondents claim that petitioner has no cause of action against them. Respondents alleged that they possessed and occupied the subject lots as owners and not through the tolerance of the petitioner. They alleged that spouses Lucio Tabiolo and Dolores Rabaya acquired the subject lot from the heirs of Eustiquio Rabaya, namely: Gala G. Rabaya, Virgilio Rabaya and Alfredo Rabaya, as evidenced by the Extra-judicial Settlement with Sale[8] dated December 24, 1971. In 1985, respondents purchased the subject lot from Lucio Tabiolo and Dolores Rabaya, evidenced by the Affidavit of Confirmation of Sale[9] executed by Dolores Rabaya on April 23, 2009. Since then, respondents have been in continuous possession of the lot.

On March 29, 2010, the Municipal Trial Court in Cities of Talisay City, Cebu rendered a Decision[10] dismissing the case, the dispositive portion of which states:

“WHEREFORE, for failure of the plaintiff to present sufficient evidence that he is in fact an owner of the litigated lot, the above-captioned case is hereby dismissed. The counter-claims are also dismissed for insufficiency of evidence.

No pronouncement as to cost.

SO ORDERED.”

Dissatisfied with the MTCC Decision, petitioners filed an Appeal[11] to the Regional Trial Court (RTC) docketed as Civil Case No. CEB-36650.

On December 9, 2010, the RTC rendered the assailed Decision[12] which affirmed in toto the MTCC Decision, thus:

“WHEREFORE, finding no cogent and compelling reason to disturb the March 29, 2010 Decision of the MTCC of Talisay City, Cebu, judgment is hereby rendered affirming in toto therefore dismissing this appeal.

SO ORDERED.”

Thereafter, petitioner filed a Motion for Reconsideration[13], but this was denied by the court a quo in the Order[14] dated February 9, 2011.

Aggrieved, petitioner filed the instant petition[15] raising the sole assigned error that:

THE LOWER COURT ERRED IN RULING THAT PETITIONER HAS NO SUFFICIENT EVIDENCE TO PROVE THAT HE IS AN OWNER OF THE DISPUTED PROPERTY[16]

The Ruling of the Court

Petitioner insists that he has sufficiently shown by preponderance of evidence that he is a co-owner of the subject lot while respondents claim of ownership has serious flaws. Thus, he is entitled to its material possession.

We do not agree with petitioner.

It must be remembered that this case stems from an Unlawful Detainer case and the sole issue for resolution is physical or material possession of the property involved, independent of any claim of ownership by any of the parties. Where the issue of ownership is raised by any of the parties, the courts may pass upon the same in order to determine who has the right to possess the property. The adjudication is, however, merely provisional and would not bar or prejudice an action between the same parties involving title to the property.[17] Since the issue of ownership was raised in the unlawful detainer case, its resolution boils down to which of the parties' respective evidence deserves more weight.[18]

In this case, the trial court found that petitioner was not able to prove his claim of ownership of the subject property, viz:

“It is well-settled that in actions for unlawful detainer, the only question that would be resolved is the issue on who has a better right to the possession of the property. The use of summary procedure in ejectment cases is intended to provide an expeditious means of protecting actual possession or right to possession of the property. Actual title to the property is never determined. If at all, the inferior courts may rule on the question of ownership raised by the defendant in such suits, only to resolve the issue of possession. Such determination is not however, conclusive.

Prescinding from the foregoing precept therefore, the court finds lack of merit in [petitioner]'s exhortation that the court a quo erred in affirming the validity of the extrajudicial settlement with sale and affidavit of confirmation of sale. [Respondents] were able to firmly establish that they are in possession of the aforementioned property, are living thereat and in fact built a residential house thereon. They are occupying the lot in the concept of owner, and not upon the mere tolerance of [petitioner]. Their occupation of the lot was by virtue of a sale evidenced by an Affidavit of Confirmation of Sale dated as far back as April 23, 2009 which was in turn supported by an Extrajudicial Settlement with Sale dated on December 24, 1971.

[Petitioner] for his part failed to prove that he has a better right to possess the property than the [respondents]. His sweeping claim that he is one of the heirs of Eustiquio and Gala Rabaya is unsupported by any document and therefore remains to be a barren claim. It seems peculiar that although he mentioned the other several heirs, it was only he who instituted the present case to the exclusion of his supposed to be other co-heirs. Although he tried to repudiate the validity and due execution of the Confirmation of Sale and tried to question the non existence of a Deed of Absolute Sale to prove that [respondents] has legal title to the lot in question, the court a quo was right in appreciating the evidentiary value of the Extra Judicial Settlement with Sale transferring ownership of the lot covered by Transfer Certificate of Title No. 8910 to the spouses Lucio Tabiolo and Dolores Rabaya. Verily, [petitioner]'s claim could best be threshed out in a case seeking for the declaration of nullity of the Extra Judicial Settlement with Sale.”

We find no reason to disturb the above findings of the court a quo. Petitioner hinges his claim of ownership over the lot solely on TCT No. 8910 which was registered under the name of the “Heirs of Eustiquio Rabaya, represented by Gala de Rabaya”. However, the TCT refers to the original heirs of Eustiquio Rabaya – Gala Rabaya, Alfredo Rabaya and Vicente Rabaya. Petitioner only became an heir, together with his siblings, because the original heirs were already deceased. Hence, his argument that TCT No. 8910 clearly shows his ownership over the subject lot is untenable.

On the other hand, respondents were able to show through the Extra-judicial Settlement with Sale that the Heirs of Eustiquio Rabaya had already ceded and transferred their rights over the parcel of land to the spouses Tabiolo's. Dolores Rabaya Tabiolo also executed an Affidavit confirming the sale of the subject lot to the respondents. Hence, respondents' possession and occupation of the subject lots, together with the documents submitted, is valid and proper and they cannot be summarily ejected from the subject lot.

Petitioner continues to question the validity of the Extrajudicial Settlement with Sale. As already pointed out by the court a quo, petitioner's contention is better threshed out in a case seeking for the declaration of nullity of the Extra-judicial Settlement with Sale. It is not a proper subject for a summary procedure like in this case for ejectment. It must be fully ventilated in court. It bears stressing that the court's adjudication of ownership in an ejectment case is merely provisional, and affirmance of the RTC's decision would not bar or prejudice an action between the same parties, involving title to the property, if and when such action is brought seasonably before the proper forum.[19]

We reiterate that the above findings of fact of the court a quo must be accorded respect. 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, because the trial court is in a better position to examine the evidence presented before it. It is not a function of this Court to analyze and weigh evidence by the parties all over again.[20] The circumstances prevailing in the instant case do not justify a deviation from the aforestated doctrine.

WHEREFORE, premises considered, the instant Petition for Review is DISMISSED. The Judgment dated December 9, 2010 and the Order dated February 9, 2011 of the Regional Trial Court STAND.

SO ORDERED.

Delos Santos, J, Chairperson and, Lopez, JJ., concur.

[1] Rollo, pp. 21-24 (penned by Judge Gilbert P. Moises).

[2] Rollo, p. 25.

[3] Rollo, pp. 106-109.

[4] Rollo, p. 49.

[5] Rollo, p. 44.

[6] Rollo, p. 52.

[7] Rollo, p. 53.

[8] Rollo, pp. 68-69.

[9] Rollo, p. 70.

[10] Rollo, pp. 85-99 (penned by Judge Mario V. Manayon).

[11] Rollo, pp. 127-139.

[12] Rollo, pp. 21-24.

[13] Rollo, pp. 122-126.

[14] Rollo, p. 25.

[15] Rollo, pp. 3-20.

[16] Rollo, p. 6.

[17] Barias v. Heirs of Bartolome Boneo, G.R. No. 166941, December 14, 2009.

[18] Esmaquel vs. Coprada, G.R. no. 152423, December 15, 2010.

[19] Soriente v. Estate of the Late Arsenio E. Concepcion, G.R. No. 160239, November 25, 2009.

[20] Tayco v. Heirs of Tayco-Flores, et. al., G.R. No. 168692, December 13, 2010; Arangote v. Maglunob, G.R. No. 178906, February 18, 2009, 579 SCRA 620, 632.

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