

TERESITA VILLALUZ, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND MARTIN SANCIEGO, JR., RESPONDENTS.

G.R. No. 100571. June 26, 1992

Ponente: PARAS, J.

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PARAS, J.:

Petition for review of the decision* of the Court of Appeals which affirmed the decision of the RTC of Trece Martires City ordering the petitioner to vacate the premises and to pay attorney's fees.

The facts of the case are briefly as follows:

On October 6, 1986, the petitioner Teresita Villaluz filed a forcible entry case (Civil Case No. 295) against private respondent Martin Sanciego, Jr., the owner of Rio Azul Beach Resort, alleging that a resurvey of her adjacent property showed that 3,320 square meters thereof on the northwestern portion was occupied by the Rio Azul Beach Resort. After trial, the MTC decided the case in petitioner's favor. A writ of execution was issued pending appeal and Deputy Sheriff Joaquin Espeneli delivered the physical possession of the contested area to the petitioner.

Sometime in March, 1989, however, by means of force, intimidation, strategy and stealth, the petitioner took possession of another 161,791 square meter area of the Rio Azul Beach Resort, together with 287 shades, 2 units of comfort rooms, a 5,000 gallon water tank, 256 coconut trees and 68 talisay trees planted by the private respondent. Thus, private respondent also filed a forcible entry case against the petitioner (Civil Case No. 310). The MTC dismissed said complaint. On appeal, however, the RTC rendered a decision ejecting the petitioner from the premises. The dispositive portion of the decision reads, thus:

"PREMISES CONSIDERED, (1) the decision of the Municipal Trial Court appealed from is REVERSED and SET ASIDE; (2) the defendant is ordered: (a) to vacate the premises of the remaining uncontested area of 16,791 square meters more or less of Phase I of Rio Azul Beach Resort situated at Sitio Postema, Barangay Sahud-Ulan, Municipality of Tanza, province of Cavite together with any and all persons claiming any right under her; (b) to pay the plaintiff the sum of P4,000,000.00 by way of reimbursement for the improvements of the plaintiff, destroyed by the defendant in the process of forcible entry; (c) to pay the plaintiff the amount of TWO THOUSAND PESOS (P2,000.00), a day from March 1989 until defendant vacates the premises and the possession thereof is fully restored to the plaintiff; (d) to pay the sum of P3,000.00 for attorney's fees; and (e) to pay the costs.

SO ORDERED." (p. 8, Rollo)

The petitioner appealed to the Court of Appeals which affirmed the decision of the RTC but deleted the damages awarded in the amounts of P4,000,000.00 and P2,000.00 a day from March, 1989, finding no basis therefor.

In this petition, the petitioner seeks the reversal of that portion of the decision of the Court of Appeals ordering her to vacate the premises and to pay attorney's fees, alleging that the same is not supported by substantial evidence and is contrary to law and applicable jurisprudence.

In a previous case decided by the Court of Appeals (Francisca Trias, et al., vs. Martin Sanciego, et al., CA-G.R. CV No. 13801), said Court ruled that other areas of the Rio Azul Beach Resort encroached on titled properties of the Triases. On that basis, the petitioner contends that private respondent has no right to operate the beach resort on the 16,791 square meter - area subject of the case below as the same is not foreshore land (as claimed by private respondent) but private land of the Triases.

We find no merit in the petition.

Whether or not private respondent has the right to operate a beach resort is not a relevant issue in the instant case for the purpose of an action of forcible entry and detainer is that regardless of the actual condition of the title of the property, the party in peaceable quiet possession shall not be turned out by strong hand, violence or terror. In affording this remedy of restitution, the object of the statutes is to prevent breaches of the peace and criminal disorder which would ensue from the withdrawal of the remedy x x x Thus, persons believing themselves entitled to the possession of the property should not take the law into their own hands to gain possession, rather should seek from the proper authorities, legal remedies established therefor. (Drilon vs. Gaurana, et al., 149 SCRA 342, Batioco vs. Quintero, et al., 59 Phil. 312; Pitargue vs. Sorilla, 92 Phil. 5).

Records disclosed that the property subject of the case below is foreshore land, hence part of the public domain. The Court of Appeals, in its decision dated January 30, 1991, stated thus:

"It is not disputed that the property in litigation is a foreshore beachland and part of the Manila Bay and hence classified as public land. The said property was duly investigated by the District Land Officer, Jose C. Apostol, who issued the following certification:

'That there has been no incursion into nor encroachment upon the alleged private property of the deceased Fabian Jamias, herein petitioner's predecessor-in-interest (Lot No. 1 532, S.C. Malabon Estate) that could be directed against applicant Sanciego for what is actually bulldozed and proposed to be developed into a beach resort is not the said property of Jamias but its adjacent foreshore?beachland.'" x x x (p. 42, Rollo)

Preponderance of evidence also showed that private respondent has been in open, continuous, peaceful, exclusive and adverse possession of the subject land since 1980; that he has introduced improvements therein; that he applied for a permit to occupy subject property (believed to be foreshore land) to operate the same as a beach resort; and that he is a bona fide holder of Revocable Permit Application No. (IV-2)74 issued by the Bureau of Lands. (Decision, p. 7)

The petitioner, on the other hand, does not appear to have any interest on the subject property, having been awarded the physical possession of the 3,320 square meter area of that portion of the Rio Azul Beach Resort claimed by her as her own in another forcible entry case. Moreover, in her partial motion for reconsideration of the assailed decision of the Court of Appeals (p. 54, Rollo) and in her petition for review of the same before this Court, (p. 14, Rollo), the petitioner asserted that said 16,791 square meter area of the Rio Azul Beach Resort belongs to the Triases.

In view of the foregoing, private respondent, who is in actual occupation and peaceful possession of said property subject of the case below, including the improvements thereon, has a better and superior right to the possession thereof and is entitled to protection under the law. As held by the Supreme Court in Pitargue vs. Soulla, supra:

"A bona fide applicant of public land, who is in occupation and in peaceful possession thereof and who has introduced improvements can file an action for forcible entry against one who deprives him of the possession thereof, though plaintiff's application is still under investigation and has not yet been granted." (p. 43, Rollo)

Finally, it is a cardinal rule that save for certain exceptions, findings of facts of the appellate tribunal are binding

on Us. Not one of said exceptions can apply to this case. (Cathay Insurance Co. vs. CA, 151 SCRA 711)

WHEREFORE, the petition is hereby DENIED and the assailed decision of the Court of Appeals is hereby AFFIRMED.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, and Regalado, JJ., concur.

Nocon, J., on leave.

* Penned by Associate Justice Nicolas P. Lapena, Jr. and concurred in by Associate Justices Consuelo Y. Santiago and Cancio C. Garcia.

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