

**SPOUSES MAMERTO REFUGIA AND FELIZA PAYAD-REFUGIA,
RODOLFO REFUGIA, AND CANDELARIA REFUGIA, PETITIONERS, VS.
COURT OF APPEALS AND SPOUSES ARTURO REFUGIA AND AURORA
TIMBANG-REFUGI...***G.R. No. 118284. July 05, 1996*

Ponente: REGALADO, J.

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This is an appeal by certiorari from the decision[1] of respondent Court of Appeals in CA-G.R. No. 34647 promulgated on December 9, 1994 which reversed and set aside the judgment[2] dated April 29, 1994 of the Regional Trial Court of Valenzuela, Branch 172, in Civil Case No. 4347-V-94 affirming with some modifications the decision[3] rendered by the Metropolitan Trial Court of Valenzuela, Branch 81, in Civil Case No. 6089 on March 4, 1994.

The records en bloc of the aforesaid cases show that private respondent-spouses Arturo Refugia and Aurora Timbang-Refugia are the registered owners of a parcel of land and a duplex apartment building constructed thereon located at No. 16 Meriales Street, Marulas, Valenzuela, as evidenced by Transfer Certificate of Title No. 218979. Apparently, said title was issued pursuant to a Deed of Absolute Sale executed on September 11, 1975 in favor of respondent Arturo Refugia, but the purchase price of P20,000.00 was reportedly advanced by his father, herein petitioner Mamerto Refugia. Thereafter, respondent Arturo Refugia obtained a housing loan from the Social Security System, using the land as collateral to secure payment thereof. In 1976, after the construction of the duplex apartment building, herein petitioners immediately began to occupy one door while respondents stayed in the other unit.

It appears, however, that things did not turn out well between petitioners and private respondents, especially between petitioner Feliza Refugia and her daughter-in-law, Aurora, such that in February of 1993, petitioners were told by private respondents to vacate the unit that they were occupying because, according to private respondents, the family of one of their children who is married needed a place of their own. Petitioners refused to leave, claiming that they own the unit they are occupying by reason of the fact that it was actually Mamerto Refugia who bought the lot on which the duplex apartment stood. Because of this, the matter was brought before the barangay court of conciliation. No amicable settlement having been reached between the parties, private respondents instituted an action for ejectment on October 20, 1993 in the Metropolitan Trial Court of Valenzuela, Branch 81.

On March 4, 1994, the court a quo rendered judgment dismissing the complaint for ejectment based on its finding that herein petitioners are the lawful occupants of the premises. Thus, it held that:

"Like in any other ejectment suit, the pivotal issue is whether the defendants are unlawfully with(h)olding possession of the premises in question. The question that perturbs the mind of the Court which is not fully explained by plaintiffs is whether the stay of the defendants in the premises was indeed by plaintiffs' tolerance

alone. From the evidence on hand the Court is more disposed to believe the position of the defendants that it was Mamerto who bought the lot where the duplex apartment was constructed by plaintiff Arturo Refugia. As stated earlier, the amount of P20,000.00 was withdrawn on September 11, 1975, the date the Deed of Absolute Sale (Exhibits F and F-1) was executed. The consideration of the sale is for P20,000.00. The fact that a two-door apartment was indeed constructed likewise regenerates the claim of defendants that they shall be co-owners of the lot and shall dwell in one of the doors of said apartment. If the averment of plaintiffs that they exclusively own the property is not to be trusted - what have motivated them to construct a two-door apartment instead of a single and a larger house? These facts are small tributaries that lead us to the bigger lake of truth, that is, the stay of the defendants in the premises is not on the basis of mere tolerance.

"It may also be pointed out that the certification to file action (Exhibit E) issued by the Barangay is for Land Dispute not for ejectment. (*Italics ours*) In the handwritten transcripts of the proceedings in the barangay, it appears that this case is merely an off-shoot of a misunderstanding between plaintiff Aurora Refugia and her in-laws. It was admitted by Aurora that she offered to pay the amount of P20,000.00 but that the defendants refused to accept the same. Then and there plaintiff Aurora said that she would prefer to sell the unit to another and that out of the proceeds of the sale, she will pay the defendants. These circumstances lead the Court to conclude that it is not true that plaintiffs' daughter is in need of the premises."

On appeal, the Regional Trial Court of Valenzuela, Branch 172, in its aforementioned decision, affirmed with modification the judgment of the lower court by declaring herein petitioners and private respondents co-owners of the lot and the two-door apartment. Their motion for reconsideration having been denied, private respondents duly filed a petition for review before respondent Court of Appeals.

On December 9, 1994, said respondent court rendered its questioned judgment which reversed and set aside the aforesaid decisions of the Metropolitan Trial Court and the Regional Trial Court, and thereafter ordered petitioners and their privies to vacate the subject premises and to surrender possession thereof to private respondents. In so ruling, respondent court declared that the Regional Trial Court, in the exercise of its appellate jurisdiction over an ejectment case, had no authority to resolve the issue of ownership and to declare herein petitioners as co-owners because its power is limited only to a determination of the issue of possession; that petitioners' bare allegation of ownership cannot prevail over the transfer certificate of title and deed of sale in favor of private respondents; and that petitioners have been occupying the subject premises by mere tolerance.

Hence, this petition wherein petitioners aver that respondent Court of Appeals erred: (a) in giving due course to respondents' appeal despite the fact that it was filed beyond the fifteen (15) day reglementary period to appeal; (b) in disregarding jurisprudence that factual findings of the trial court should not be disturbed on appeal; (c) in holding that petitioners' claim of co-ownership of the subject premises is a mere allegation unsupported by any concrete evidence; (d) in ruling that the issue of ownership, as raised by petitioners, is foreign to the issue of possession in an ejectment case; and (e) in reversing the decisions of both lower courts and ordering petitioners' eviction from the disputed premises.

Anent the first issue, petitioners contend that private respondents received a copy of the decision of the Regional Trial Court on May 4, 1994 and thus they had until May 19, 1994 within which to file a petition for review before the Court of Appeals. However, private respondents filed instead a Motion for Reconsideration which was denied by the Regional Trial Court in its Order dated June 21, 1994. Petitioners argue that since the motion for reconsideration is a prohibited pleading under the Rule on Summary Procedure and that the filing thereof did not interrupt the running of the prescriptive period, the petition for review which was filed by private respondents only on July 21, 1994 was already way beyond the 15-day reglementary period and should not have been given due course by respondent court.

In the case of *Jakihaca vs. Aquino, et al.*,^[4] this Court categorically ruled that:

"The Rule on Summary Procedure applies only in cases filed before the Metropolitan Trial Court and Municipal Trial Courts, pursuant to Section 36 of Batas Pambansa Blg. 129. Summary procedures have no application to cases before the Regional Trial Courts. Hence, when the respondents appealed the decision of the Municipal Trial Court to the Regional Trial Court, the applicable rules are those of the latter court."

It is thus settled that a motion for reconsideration may be filed from a decision of the Regional Trial Court in the exercise of its appellate jurisdiction over decisions of the inferior courts in ejectment cases. Accordingly, this argument of petitioners has to be rejected.

There is nonetheless appreciable merit in their contention that the petition for review was belatedly filed in the Court of Appeals. This is because in case of a judgment or final order of the Regional Trial Court rendered in an appeal from the judgment or final order of an inferior court, the former may be appealed to the Court of Appeals through a petition for review within fifteen days from receipt of said judgment or final order. If a motion for reconsideration is filed, the losing party has only the remaining period within which to file that petition for review. The filing, therefore, of a motion for reconsideration has the effect of only suspending the period to appeal. This rule has been clarified in the case of *Lacsamana, et al. vs. The Honorable Second Special Cases Division of the Intermediate Appellate Court, et al.*,^[5] as follows:

"3) APPEALS BY PETITION FOR REVIEW TO THE COURT OF APPEALS

The final judgment or order of a regional trial court in an appeal from the final judgment or order of a metropolitan trial court, municipal trial court and municipal circuit trial court, may be appealed to the Court of Appeals through a petition for review in accordance with Section 22 of B.P. No. 129 and Section 22(b) of the Interim Rules, or to this Court through a petition for review on certiorari in accordance with Rule 45 of the Rules of Court and Section 25 of the Interim Rules. The reason for extending the period for the filing of a record on appeal is also applicable to the filing of a petition for review with the Court of Appeals. The period for filing a petition for review is fifteen days. If a motion for reconsideration is filed with and denied by a regional trial court, the movant has only the remaining period within which to file a petition for review. Hence, it may be necessary to file a motion with the Court of Appeals for extension of time to file such petition for review." (Italics supplied).

It is not disputed that private respondents received a copy of the decision of the Regional Trial Court of Valenzuela on May 4, 1994, and that their motion for reconsideration was filed with said court only on the fifteenth day of the reglementary period to appeal, that is, May 19, 1994. In such a case, the rule is that the aggrieved party has only one day from receipt of the order denying the motion for reconsideration within which to file a petition for review before the Court of Appeals.^[6] In the case at bar, private respondents received a copy of the order denying their motion for reconsideration on July 6, 1994, and, without moving for extension of time, were able to file their petition for review only on July 21, 1994; hence their appeal was not seasonably perfected. Strictly speaking, therefore, the appeal should not have been given due course, following the pronouncement in the case of *Miranda vs. Guanzon, et al.*^[7] to the effect that the requirement regarding the perfection of an appeal within the reglementary period is not only mandatory but jurisdictional.

This rule, however, has been relaxed in the later case of *Tijam, et al. vs. Sibonghanoy, et al.*^[8] where it was held that a party, after voluntarily submitting a cause, is estopped from attacking the jurisdiction of the court simply because it thereafter obtained an adverse decision on the merits. The Court explained therein that the "party is barred from such conduct not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such a practice cannot be tolerated - obviously for reasons of public policy." It will be noted that the jurisdictional issue involved in the instant case was raised only for the first time in the present petition for review on certiorari. The lack or absence of appellate jurisdiction was never questioned by petitioners either in their Comment^[9] submitted with respondent court or in their Motion to Dismiss Appeal^[10]

which was grounded solely on the fact that the petition for review filed before said court was not verified.

Despite several opportunities to raise the issue of jurisdiction in the Court of Appeals, petitioners did not challenge its appellate jurisdiction and did so only after an adverse decision was rendered against them. To be more precise, they raised the issue of jurisdiction, for the nullification of the decision of the Court of Appeals, when the case was already on appeal before this Court. They are now barred from doing so under the doctrine of estoppel by laches.[11] Additionally, having participated actively in the proceedings before the appellate court, petitioners can no longer question its authority.[12]

The main issue in this case demands the determination of whether the Metropolitan Trial Court, as well as the Regional Trial Court in the exercise of its appellate jurisdiction, have jurisdiction to resolve the issue of ownership in an action for unlawful detainer where the issue of possession cannot be resolved without deciding the question of ownership. In the affirmative, it becomes necessary to delineate the extent and legal effect of such adjudication.

Under Republic Act No. 296, or the Judiciary Act of 1948, as amended, the jurisdiction of the then municipal and city courts over actions for forcible entry and unlawful detainer was defined as follows:

"Sec. 88. Original jurisdiction in civil cases. - x x x In forcible entry and detainer proceedings, the municipal judge or judge of the city court shall have original jurisdiction, but the said municipal judge or city judge may receive evidence upon the question of title therein, whatever may be the value of the property, solely for the purpose of determining the character and extent of possession and damages for detention. In forcible entry proceedings, he may grant preliminary injunctions, in accordance with the provisions of the Rules of Court, to prevent the defendant from committing further acts of dispossession against the plaintiff." (As amended by Republic Acts Nos. 2613 and 3828).

The law was subsequently amended by Republic Act No. 5967[13] which vested in the city courts special jurisdiction to resolve the issue of ownership in conjunction with the issue of possession whenever the question of ownership is brought in issue by the pleadings, thus:

"Sec. 3. Besides the civil cases over which the City Courts have jurisdiction under Section eighty-eight of Republic Act Numbered Two hundred ninety-six, as amended, it shall likewise have concurrent jurisdiction with the Court of First Instance over the following:

xxx xxx xxx

(c) In ejection cases where the question of ownership is brought in issue in the pleadings. The issue of ownership shall therein be resolved in conjunction with the issue of possession."

This special jurisdiction of city courts was differentiated from the power ordinarily accorded the inferior courts to receive evidence of title only for the purpose of determining the character or extent of the possession in dispute. This Court had the occasion to apply and interpret the aforequoted statutory provision in *Pelaez vs. Reyes, et al.*[14] which raised the issue of whether a decision of a city court in an ejectment case involving the question of ownership was appealable to the Regional Trial Court or to the Court of Appeals, in this wise:

"In the light of these provisions, petitioner insists that respondents should have appealed to the Court of First Instance. Specifically, his contention is that the inclusion of the issue of ownership in the pleadings did not change the character of the proceeding as an action of unlawful detainer over which city and municipal courts have original exclusive jurisdiction. He claims that his contention is supported by the very provision of Section 3, just quoted, to the effect that when ownership is brought in issue in the pleadings in an ejection case before the city courts, said courts are to resolve the issue of ownership only 'in conjunction with the issue of possession.' In other words, he posits that since the action is one of unlawful detainer, the main issue to be

settled by the city court remains to be possession, and that to resolve the issue of ownership 'in conjunction with the issue of possession' is not the same as resolving it in a judicial litigation where it is the sole issue.

"We are not impressed. Regardless of the juridical value of the significance petitioner is trying to thus draw from the rather peculiar language of the statute, We are of the considered opinion that the evident import of Section 3 above is to precisely grant to the city courts concurrent original jurisdiction with the courts of first instance over the cases enumerated therein, which include 'ejection cases where the question of ownership is brought in issue in the pleadings.' To sustain petitioner's contention about the meaning of the last phrase of paragraph (c) of said section regarding the resolution of the issue of ownership 'in conjunction with the issue of possession' is to disregard the very language of the main part of the section which denotes unmistakably a conferment upon the city courts of concurrent jurisdiction with the courts of first instance over ejection cases in which ownership is brought in issue in the pleadings. It is to Us quite clear that the fact that the issue of ownership is to be resolved 'in conjunction with the issue of possession' simply means that both the issues of possession and ownership are to be resolved by the city courts. And the jurisdiction is concurrent with the Courts of First Instance precisely because usually questions of title are supposed to be resolved by superior courts. In other words, this grant of special jurisdiction to city courts is to be distinguished from the power ordinarily accorded to municipal courts to receive evidence of title only for the purpose of determining the extent of the possession in dispute.

"It being clear, therefore, that in the main ejection case, x x x, the issue of ownership is involved as shown by the pleadings therein filed by the parties, and that under Section 3 of Republic Act 5967, said city court exercised original jurisdiction over the same concurrently with the Court of First Instance of Misamis Oriental, the appeal of respondents was rightly made by them to the Court of Appeals" (Italics ours).

However, on August 14, 1981, Batas Pambansa Blg. 129, or the Judiciary Reorganization Act of 1980, was approved and it redefined the jurisdiction of the Court of Appeals, the Regional Trial Courts and the inferior courts. Specifically, the new law modified the power of inferior courts to resolve the issue of ownership in forcible entry and unlawful detainer cases, subject, however, to the qualification that a resolution thereof shall only be for the purpose of determining the issue of possession, to wit:

"Sec. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases.- Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

xxx xxx xxx

(2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession."

Subsequently, this Court promulgated its Interim Rules and Guidelines in the implementation of Batas Pambansa Blg. 129, Section 10 of which provides:

"10. Jurisdiction in ejectment cases.- Metropolitan trial courts, municipal trial courts, and municipal circuit trial courts, without distinction, may try cases of forcible entry and detainer even if the question of ownership is raised in the pleadings and the question of possession could not be resolved without deciding the issue of ownership, but the question of ownership shall be resolved only to determine the issue of possession."

These issuances changed the former rule under Republic Act No. 296 which merely allowed inferior courts to receive evidence upon the question of title solely for the purpose of determining the extent and character of possession and damages for detention, which thereby resulted in previous rulings of this Court to the effect that if

it appears during the trial that the principal issue relates to the ownership of the property in dispute and any question of possession which may be involved necessarily depends upon the result of the inquiry into the title, then the jurisdiction of the municipal or city courts is lost and the action should be dismissed. With the enactment of Batas Pambansa Blg. 129, the inferior courts now retain jurisdiction over an ejectment case even if the question of possession cannot be resolved without passing upon the issue of ownership, with the express qualification that such issue of ownership shall be resolved only for the purpose of determining the issue of possession. In other words, the fact that the issues of ownership and possession de facto are intricately interwoven will not cause the dismissal of the case for forcible entry and unlawful detainer on jurisdictional grounds.

The intendment of the law was reinforced by the revision of the former Rule on Summary Procedure involving special cases before the inferior courts, which was promulgated pursuant to Section 36 of Batas Pambansa Blg. 129. The old Rule, which took effect on August 1, 1983, stated that:

"Section 1. Scope.- This Rule shall govern the procedure in the Metropolitan Trial Courts, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases:

A. Civil Cases

(1) Cases of forcible entry and unlawful detainer, except where the question of ownership is involved, or where the damages or unpaid rentals sought to be recovered by the plaintiff exceed twenty thousand pesos (P20,000.00) at the time of the filing of the complaint."

This Rule was revised pursuant to a resolution of the Court En Banc which took effect on November 15, 1991, and the aforequoted provision now reads as follows:

"Section 1. Scope.- This rule shall govern the summary procedure in the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases falling within their jurisdiction:

A. Civil Cases

(1) All cases of forcible entry and unlawful detainer, irrespective of the amount of damages or unpaid rentals sought to be recovered. Where attorney's fees are awarded, the same shall not exceed twenty thousand pesos (P20,000.00)."

Under the original Rule, ejectment cases were covered by the summary rules only where the unpaid rentals do not exceed P20,000.00 and no question of ownership is involved. As presently formulated, however, all ejectment cases are now unqualifiedly covered by the summary procedure, which necessarily implies that even if there is a need to resolve the issue of ownership, such fact will not deprive the inferior courts of jurisdiction over these cases.

Subsequently, Republic Act No. 7691, entitled "An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, otherwise known as the 'Judiciary Reorganization Act of 1980,'" was passed and took effect on April 15, 1994.[15] The jurisdiction of the inferior courts over forcible entry and unlawful detainer cases as defined under Batas Pambansa Blg. 129 was retained. In addition, they now exercise limited original jurisdiction over civil actions involving title to, or possession of, real property or any interest therein depending on the assessed value and location of the property.

Parenthetically, it might be argued that since inferior courts are anyway vested with jurisdiction over real actions, then it can very well resolve the issue of ownership raised in the ejectment case, under the conditions stated in Section 32(3) of Batas Pambansa Blg. 129, as amended by Republic Act No. 7691. It must not be overlooked,

however, that proceedings in ejectment cases are summary in nature, whereas actions for recovery of ownership require a full-blown trial on the merits. The difference in the procedure in special civil actions, like ejectment, and in ordinary civil actions, such as accion reivindicatoria, inveigh against the consolidation of said cases or the joinder of the different causes of action involved. It could also be violative under certain circumstances of the rule on permissive joinder of causes of action since Section 6 of Rule 2 requires inter alia due observance of the rules on jurisdiction and joinder of parties, and that said causes of action arise out of the same contract, transaction or relation between the parties.

As the law on forcible entry and unlawful detainer cases now stands, even where the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts nevertheless have the undoubted competence to resolve the issue of ownership albeit only to determine the issue of possession.[16]

On the bases of the foregoing disquisitions, it is clear that prior to the effectivity of Batas Pambansa Blg. 129, the jurisdiction of inferior courts was confined to receiving evidence of ownership in order to determine only the nature and extent of possession, by reason of which such jurisdiction was lost the moment it became apparent that the issue of possession was intricately interwoven with that of ownership. The law, as revised, now provides instead that when the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession. On its face, the new Rule on Summary Procedure was extended to include within the jurisdiction of the inferior courts ejectment cases which likewise involve the issue of ownership. This does not mean, however, that blanket authority to adjudicate the issue of ownership in ejectment suits has been thus conferred on the inferior courts.

At the outset, it must here be stressed that the resolution of this particular issue concerns and applies only to forcible entry and unlawful detainer cases where the issue of possession is intimately intertwined with the issue of ownership. It finds no proper application where it is otherwise, that is, where ownership is not in issue, or where the principal and main issue raised in the allegations of the complaint as well as the relief prayed for make out not a case for ejectment but one for recovery of ownership.

In the case of *De la Santa vs. Court of Appeals, et al.*,[17] this Court, in making a distinction between the reception of evidence and the resolution of the issue of ownership, held that the inferior court may look into the evidence of title or ownership and possession de jure insofar as said evidence would indicate or determine the nature of possession. It cannot, however, resolve the issue of ownership, that is, by declaring who among the parties is the true and lawful owner of the subject property, because the resolution of said issue would effect an adjudication on ownership which is not sanctioned in the summary action for unlawful detainer. With this as a premise and taking into consideration the amendment introduced by Batas Pambansa Blg. 129, it may be suggested that inferior courts are now conditionally vested with adjudicatory power over the issue of title or ownership raised by the parties in an ejectment suit.

Withal, it will be observed, that the passage of Batas Pambansa Blg. 129 has spawned seemingly conflicting jurisprudence on the proper interpretation and application thereof. Thus, in several cases decided by the Court after the effectivity of this law, regardless of whether the complaint for ejectment was filed with the inferior court prior thereto or otherwise, it was held that the jurisdiction of the inferior court is lost and the ejectment case should be dismissed where the issue of possession cannot be resolved without determining the issue of ownership.[18] In all of these cases, the Court declared that inferior courts may only admit evidence and proof of ownership but they cannot adjudicate on the question of ownership. Conversely, in also not a few instances, the jurisdiction of the inferior courts to resolve the issue of ownership in order to determine the issue of possession

was upheld by this Court.[19] Apparently, it could have been some imprecision in language or a misperception of the statutory text which generated the ostensible doctrinal variance.

After due deliberation, we find and so hold that by virtue of the express mandate set forth in Section 33(2) of Batas Pambansa Blg. 129, inferior courts have jurisdiction to resolve the question of ownership raised as an incident in an ejectment case where a determination thereof is necessary for a proper and complete adjudication of the issue of possession. Certain guidelines, however, must be observed in the implementation of this legislative prescription, viz.:

1. The primal rule is that the principal issue must be that of possession, and that ownership is merely ancillary thereto, in which case the issue of ownership may be resolved but only for the purpose of determining the issue of possession. Thus, as earlier stated, the legal provision under consideration applies only where the inferior court believes and the preponderance of evidence shows that a resolution of the issue of possession is dependent upon the resolution of the question of ownership.
2. It must sufficiently appear from the allegations in the complaint that what the plaintiff really and primarily seeks is the restoration of possession.[20] Consequently, where the allegations of the complaint as well as the reliefs prayed for clearly establish a case for the recovery of ownership, and not merely one for the recovery of possession de facto, or where the averments plead the claim of material possession as a mere elemental attribute of such claim for ownership,[21] or where the issue of ownership is the principal question to be resolved,[22] the action is not one for forcible entry but one for title to real property.
3. The inferior court cannot adjudicate on the nature of ownership where the relationship of lessor and lessee has been sufficiently established in the ejectment case,[23] unless it is sufficiently established that there has been a subsequent change in or termination of that relationship between the parties. This is because under Section 2(b), Rule 131 of the Rules of Court, the tenant is not permitted to deny the title of his landlord at the time of the commencement of the relation of landlord and tenant between them.
4. The rule in forcible entry cases, but not in those for unlawful detainer, is that a party who can prove prior possession can recover such possession even against the owner himself. Regardless of the actual condition of the title to the property and whatever may be the character of his prior possession, if he has in his favor priority in time, he has the security that entitles him to remain on the property until he is lawfully ejected by a person having a better right through an accion publiciana or accion reivindicatoria.[24] Corollarily, if prior possession may be ascertained in some other way, then the inferior court cannot dwell upon or intrude into the issue of ownership.
5. Where the question of who has prior possession hinges on the question of who the real owner of the disputed portion is, the inferior court may resolve the issue of ownership and make a declaration as to who among the contending parties is the real owner.[25] In the same vein, where the resolution of the issue of possession hinges on a determination of the validity and interpretation of the document of title or any other contract on which the claim of possession is premised, the inferior court may likewise pass upon these issues. This is because, and it must be so understood, that any such pronouncement made affecting ownership of the disputed portion is to be regarded merely as provisional, hence, does not bar nor prejudice an action between the same parties involving title to the land.[26] Moreover, Section 7, Rule 70 of the Rules of Court expressly provides that the judgment rendered in an action for forcible entry or unlawful detainer shall be effective with respect to the possession only and in no wise bind the title or affect the ownership of the land or building.

The interpretative rules we have herein adopted are not without justification. It is our considered opinion that they are more in keeping with the avowed objective of actions for forcible entry and unlawful detainer which have purposely been made summary in nature so that there may be a peaceful, speedy and expeditious means of

preventing an alleged illegal possessor of property from unjustly continuing his possession for a long time, thereby insuring the maintenance of peace and order in the community, as, otherwise, the party illegally deprived of possession might feel the despair of long waiting and decide, as a measure of self-protection, to take the law into his hands and seize the same by force and violence.[27] And since the law discourages continued wrangling over possession of property for they involve perturbation of social disorder which must be restored as promptly as possible, technicalities or details of procedure which may cause unnecessary delays should accordingly and carefully be avoided.[28]

As a matter of judicial experience, there have been cases where persons who have failed to adduce any legal ground for their continued stay on property belonging to another have nonetheless managed to stave off eviction for several years through the improper use of procedural technicalities.[29] Conformably, if we were to allow the dismissal of an ejectment case for the reason that the question of ownership is incidentally involved in determining the question of possession, we are in effect providing the defendants in ejectment cases with the opportunity to prolong their occupancy of premises, over which they have ceased to have any valid possessory right, during the time that an action for recovery of ownership, which involves a more tedious and lengthy court proceeding, is actually pending in court.

It is indeed ironic that a forcible entry or unlawful detainer case which is intended to be disposed of in summary fashion has oftentimes proved to be the most cumbersome and difficult to decide. It is thus about time that this situation be remedied if only to contribute to the solution of the worsening problem of court congestion, by refusing to edify these cases by giving them a full-blown treatment in all the courts in the judicial structure, and thereby save the courts the expenditure of precious time and energy which could otherwise be devoted to more significant and vital litigations.[30]

With these considerations in mind, we now proceed to the merits of the present case. Petitioners claim to be co-owners of the subject premises on the basis of an alleged verbal agreement between the parties to subdivide the property, as well as the payment made by petitioner Mamerto Refugia for the purchase of the lot in the amount of P20,000.00. On the other hand, private respondents' property rights are supported by sufficient documents and muniments of ownership, namely, the deed of absolute sale, transfer certificate of title, and building permit in their names, the regularity in the issuance of which was never controverted nor put in issue by petitioners.

The Metropolitan Trial Court and the Regional Trial Court are not in accord on whether to treat the P20,000.00 as a loan or as payment for petitioners' share in the subject premises, while respondent Court of Appeals believes that the same is actually a loan. It bears significant notice that petitioners never refuted nor denied, in any of their pleadings filed in this case from the court of origin and all the way up to this Court, the allegation that private respondents gave P5,000.00 as partial payment for the loan. No countervailing explanation was advanced by petitioners why such payment was made to and accepted by them as such.

Furthermore, the allegation of petitioners that there was a verbal agreement to subdivide the property between them and private respondents is self-serving and evidentially baseless at this stage. In addition, their theory of an "implied trust" was not raised in issue in the trial court and cannot therefore be raised for the first time in the present petition.[31] At most, it was merely alluded to in petitioners' Rejoinder filed with the Court of Appeals, but petitioners never bothered to expound on or substantiate the same. Consequently, it cannot now be raised as an assignment of error in the present petition.

In sum, and as held by respondent court, the Regional Trial Court "overstepped its bounds" in ruling that petitioners and private respondents are co-owners of the property, which issue should be finally determined in the separate action for specific performance reportedly pending between the parties. At this juncture, however, the

evidence conduces to a finding that private respondents are in possession of the premises in the concept of and consequent to their being owners thereof. Even on such prima facie showing, therefore, private respondents can maintain the ejectment case involved.

While it may be argued that petitioners were able to prove prior possession, such, however, is not the issue involved in this action for unlawful detainer. An action for unlawful detainer is different from a forcible entry case in that the former involves an act of unlawfully withholding the possession of the land or building against or from a landlord, vendor or vendee or other person after the expiration or termination of the detainer's right to hold possession by virtue of a contract, express or implied,[32] and neither is prior physical possession of the property by the plaintiff necessary;[33] whereas in the latter, the main issue is one of priority of possession.[34]

In the case at bar, petitioners failed to show that they were legally entitled to continue occupying the unit in question. On the considerations hereinbefore detailed, we agree with the position of respondent Court of Appeals that petitioners would in effect be occupying the premises by mere tolerance. A person who occupies the land of another at the latter's tolerance or permission, without any contract between them, is necessarily bound by an implied promise that he will vacate the same upon demand, failing which a summary action for ejectment is the proper remedy against him.[35] The status of petitioners is analogous to that of a lessee or tenant whose term of lease has expired but whose occupancy continued by tolerance of the owner.[36]

It has further been held that such tolerance must be present right from the start of possession sought to be recovered, to categorize a cause of action as one of unlawful detainer.[37] Here, it cannot be gainsaid that petitioners' possession was by mere tolerance of private respondents from the very beginning. At any rate, it has likewise not been denied by herein petitioners that one of their sons also owns a residential house where they can live.

Notwithstanding the jurisdiction of the Regional Trial Court, and the Metropolitan Trial Court for that matter, to qualifiedly resolve the issue of ownership raised in the present ejectment suit, but their findings thereon being devoid of basis in fact and in law, respondent Court of Appeals was fully justified in decreeing a reversal of their judgments.

WHEREFORE, the judgment appealed from is hereby AFFIRMED in toto.

SO ORDERED.

Romero, Puno, Mendoza, and Torres, Jr., JJ., concur.

[1] Associate Justice Consuelo Ynares-Santiago, ponente, with Associate Justices Emeterio C. Cui and Conchita Carpio Morales, concurring; Annex A, Petition; Rollo, 25.

[2] Annex C, id.; ibid., 38.

[3] Annex B, id.; ibid., 30.

[4] G.R. No. 83982, January 12, 1990, 181 SCRA 67.

[5] G.R. Nos. 73146-53, August 26, 1986, 143 SCRA 643.

[6] Lloren, etc. vs. De Veyra, etc., et al., L-13929, March 28, 1962, 4 SCRA 637.

[7] 92 Phil. 168 (1952).

[8] L-21450, April 15, 1968, 23 SCRA 29.

[9] Rollo, CA-G.R. No. SP 34647, 80.

[10] *Ibid.*, *id.*, 71.

[11] See *Rodriguez vs. Court of Appeals, et al.*, L-29264, August 29, 1969, 29 SCRA 419.

[12] *Navoa, et al. vs. Court of Appeals, et al.*, G.R. No. 59255, December 29, 1995.

[13] Enacted on June 21, 1969.

[14] L-48168, August 31, 1978, 85 SCRA 233.

[15] Per Administrative Circular No. 09-94, dated June 14, 1994.

[16] *Wilmon Auto Supply Corp., et al. vs. Court of Appeals, et al.*, G.R. No. 97637, April 10, 1992, 208 SCRA 108.

[17] L-30560, November 18, 1985, 140 SCRA 44.

[18] The following cases involved actions for ejectment filed after the promulgation of B.P. Blg. 129: *Munar, et al. vs. Court of Appeals, et al.*, G.R. No. 100740, November 25, 1994, 238 SCRA 372; *Somodion vs. Court of Appeals, et al.*, G.R. No. 82680, August 15, 1994, 235 SCRA 307; *Heirs of Jacobo Bolus, et al. vs. Court of Appeals, et al.*, G.R. No. 107036, February 9, 1993, 218 SCRA 798; *Joven vs. Court of Appeals, et al.*, G.R. No. 80739, August 20, 1992, 212 SCRA 700; *Consignado, et al. vs. Court of Appeals, et al.*, G.R. No. 87148, March 18, 1992, 207 SCRA 297; and *Presco, et al. vs. Court of Appeals, et al.*, G.R. No. 82215, December 10, 1990, 192 SCRA 232.

The following involved ejectment cases filed prior to the effectivity of B.P. Blg. 129: *Ching, et al. vs. Malaya, et al.*, G.R. No. 56449, August 31, 1987, 153 SCRA 412; *De la Santa vs. Court of Appeals, et al.*, *supra*; *De la Cruz, et al. vs. Court of Appeals, et al.*, G.R. No. 57454, November 29, 1984, 133 SCRA 520; and *Alvir vs. Vera, etc., et al.*, L-39338, July 16, 1984, 130 SCRA 357.

[19] *De Leon vs. Court of Appeals, et al.*, G.R. No. 96107, June 19, 1995, 245 SCRA 166; *Semira vs. Court of Appeals, et al.*, G.R. No. 76031, March 2, 1994, 230 SCRA 577; *Buazon, et al. vs. Court of Appeals, et al.*, G.R. No. 97749, March 19, 1993, 220 SCRA 182; *Wilmon Auto Supply Corp., et al. vs. Court of Appeals, et al.*, *supra*, fn. 16; *Sy vs. Court of Appeals, et al.*, G.R. No. 95818, August 2, 1991, 200 SCRA 117.

[20] *Mediran vs. Villanueva, et al.*, 37 Phil. 752 (1918).

[21] *Bautista vs. Fernandez*, L-24062, April 30, 1971, 38 SCRA 548.

[22] *Santiago, et al. vs. Cloribel, etc., et al.*, L-19598, August 14, 1965, 14 SCRA 907.

[23] *Manuel vs. Court of Appeals, et al.*, G.R. No. 95469, July 25, 1991, 199 SCRA 603.

[24] *German Management & Services, Inc. vs. Court of Appeals, et al.*, G.R. No. 76216, September 14, 1989, 177 SCRA 495.

[25] *Semira vs. Court of Appeals, et al.*, *supra*, fn. 19; *Buazon, et al. vs. Court of Appeals, et al.*, *supra*, fn. 19.

[26] *Semira vs. Court of Appeals, et al.*, *supra*.

[27] *Vda. de Palanca, et al. vs. Chua Keng Kian, et al.*, L-26430, March 11, 1969, 27 SCRA 356.

[28] *Salvador vs. Salamanca, etc.*, A.M. No. R-177-MTJ, September 24, 1986, 144 SCRA 276.

- [29] Dakudao, et al. vs. Consolacion, et al., G.R. No. 54753, June 24, 1983, 122 SCRA 877.
- [30] Mabalot, et al. vs. Madela, Jr., etc., et al., G.R. No. 56700, March 28, 1983, 121 SCRA 347.
- [31] Manila Bay Club Corp. vs. Court of Appeals, et al., G.R. No. 110015, July 11, 1995, 245 SCRA 715.
- [32] Pharma Industries, Inc. vs. Pajarillaga, etc., et al., G.R. No. 53788, October 17, 1980, 100 SCRA 339.
- [33] Pangilinan, et al. vs. Aguilar, etc., et al., L-29275, January 31, 1972, 43 SCRA 136.
- [34] Torralba, et al. vs. Rosales, et al., L-21072, April 29, 1966, 16 SCRA 674.
- [35] Banco de Oro Savings & Mortgage Bank vs. Court of Appeals, et al., G.R. No. 85448, February 21, 1990, 182 SCRA 464.
- [36] Calubayan, et al. vs. Pascual, L-22645, September 18, 1967, 21 SCRA 146.
- [37] Monteblanco vs. Hinigaran Sugar Plantation, Inc., et al., 63 Phil. 797 (1936).

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