

SPOUSES VICENTE AND MA. ROSALIA MANINANG, SPOUSES CECILIO AND MA. SOCORRO RUBIO, MA. THELMA P. MALLARI, ORLANDO F. PANDAY, JR., MA. VIVIAN P. GINGA, AND H.J. RAMON F. PANDAY, PE...

G.R. No. 121719. September 16, 1999

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us is an appeal from the decision of the Court of Appeals[1] in C.A. G.R. SP No. 36948, which affirmed the decision of the Regional Trial Court[2] upholding the ruling of the Municipal Trial Court[3] declaring private respondent Oscar J. Monton, Sr. as the lawful possessor of the land covered by TCT No. 17957 and situated at Bgy. Bagong Bayan Grande, Naga City.

The facts of the case are as follows:

Private respondent Oscar J. Monton, Sr. filed a complaint for unlawful detainer against petitioners on August 31, 1992.[4] He alleged that he is the absolute and registered owner of a parcel of land situated at Bgy. Bagong Bayan Grande, Naga City and covered by TCT No. 17957. He claimed to have bought the land from Rosario Felipe Panday, mother of petitioners Rosalia, Socorro, Ma. Thelma, Orlando, Ma. Vivian, and Ramon.

According to private respondent, he went to the disputed property sometime in August 1992 to construct a perimeter fence around it. However, he was prevented from doing so by petitioners. Private respondent demanded that petitioners vacate the property, to no avail. Hence, his complaint for unlawful detainer before the Municipal Trial Court.

In their answer, petitioners assailed the validity of the deed of sale executed by Rosario in favor of private respondent, alleging that at the time of the sale, Rosario was suffering from schizophrenia and was incapacitated to enter into a contract. They claimed ownership of the property through succession.

Petitioners, moreover, questioned the jurisdiction of the MTC over the case, since another case,[5] for annulment of sale with damages involving the same parties, was filed by petitioners before the Regional Trial Court.

The MTC ruled in favor of private respondent, declaring him to be the lawful possessor of the disputed lands and ordering petitioners to vacate the premises and to pay back rentals.

The dispositive portion of the MTC decision read:

“WHEREFORE, by preponderance of evidence, plaintiff OSCAR J. MONTON, SR. is hereby declared the lawful possessor of the premises in question and defendants are hereby ordered to vacate the same immediately and to deliver possession thereof to the plaintiff, to pay the reasonable rental thereof in the amount of P350.00 per month from August 13, 1992 until the premises are fully vacated and to pay the costs. The compulsory counterclaim not having been substantiated by evidence, the same is dismissed.”[6]

Petitioners appealed to the RTC, which, however, affirmed in toto the decision of the MTC. On appeal to the

Court of Appeals, the latter court likewise affirmed the decision of the RTC and the MTC.

Hence, the instant petition for review on certiorari.

Petitioners raise the following issues for our consideration:

“I

MAY THERE BE UNLAWFUL DETAINER WHEN RESPONDENT HAS NEVER BEEN IN POSSESSION OF THE LAND IN QUESTION AND RESPONDENT HAS NEVER BEEN RECOGNIZED BY PETITIONERS AS TRUE AND LAWFUL OWNER OF THE LAND.

II

MAY THE CITY COURT TAKE JURISDICTION OVER AN UNLAWFUL DETAINER CASE AND RENDER JUDGMENT THEREON WHEN THE OWNERSHIP ISSUE AND THE RIGHT OF POSSESSION OVER THE LAND SUBJECT OF THE DETAINER IS BEING LITIGATED IN A CASE EARLIER FILED BEFORE THE REGIONAL TRIAL COURT.”[7]

Anent the first issue, the following rule which lays down the requirements for filing a complaint for unlawful detainer is pertinent:

“SECTION 1. Who may institute proceedings, and when. --- Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.[8]

As correctly pointed out by respondent Court of Appeals, nowhere does it appear in the abovesited rule that, in an action for unlawful detainer, the person filing the complaint -- in this case, private respondent as vendee --be in prior physical possession of the property.

As we held in one case:

“Prior physical possession in the plaintiff is not an indispensable requirement in an unlawful detainer case brought by a vendee or other person against whom the possession of any land is unlawfully withheld after the expiration or termination of a right to hold possession xxx.” [9]

Neither is it required that he be first recognized as the true and lawful owner of the property by the person against whom he asserts his right to possession. An action for unlawful detainer may be filed by one who is not an owner of the property in dispute.

Petitioners assert that Rule 70, Section 1, of the Rules of Court is not applicable since it refers only “to a sale where the right of the vendor is not questioned.” We fail to see that portion of the rule where this distinction may be gleaned.

As regards the second issue, we have repeatedly held that the only issue for resolution in an action for unlawful detainer is possession of the disputed property.[10] Thus, contrary to petitioners’ belief, it was but proper for the courts below not to put into consideration the validity of private respondent’s title. It simply is not an issue in this case.

The question of ownership is immaterial in an action for unlawful detainer. It is, thus, of no moment if, at the

same time that an action for unlawful detainer is being litigated, there is another action respecting the same property and the same parties involving the issue of ownership. The rights asserted and the reliefs prayed for are different in the two cases.

An action for annulment of sale like the one filed by petitioners against private respondent is not prejudicial to an action for unlawful detainer.[11]

“The question is, may the pendency of such an action for consignment or specific performance, or annulment of a sale, as in this case, be successfully pleaded in abatement of an action for unlawful detainer? This Court has invariably given a negative answer.”[12]

ACCORDINGLY, the instant petition is DISMISSED and the decision of the Court of Appeals in C.A. G.R. SP No. 36948 is hereby AFFIRMED.

Costs against petitioners.

SO ORDERED.

Bellosillo, (Chairman), and Mendoza, JJ., concur. Buena, J., no part.

[1] Per Justice Eugenio S. Labitoria, with Justice Arturo B. Buena and Justice Cancio C. Garcia concurring.

[2] Branch 19, Naga City, in Civil Case No. RTC 94-3181.

[3] Branch 3, Naga City, in Civil Case No. 9277-1069.

[4] The complaint was filed originally against spouses Maninang and spouses Rubio only. The rest of the petitioners were later on impleaded in an amended complaint.

[5] Docketed as Civil Case No. 92-2655 and pending with the RTC, Branch 20, Naga City; Rollo, p. 13.

[6] Rollo, p. 126.

[7] Id., p. 14.

[8] REVISED RULES OF COURT, Rule 70, Section 1.

[9] Pangilinan v. Aguilar, 43 SCRA 136, 144 (1972), reiterated in Sumulong v. Court of Appeals, 232 SCRA 372, 383 (1994).

[10] Arcal v. Court of Appeals, 285 SCRA 34 (1998); University Physicians Services, Inc. v. Court of Appeals, 233 SCRA 86 (1994); Dante v. Sison, 174 SCRA 517 (1989); Dela Cruz v. Court of Appeals, 133 SCRA 520 (1984); Ganadin v. Ramos, 99 SCRA 613 (1980); Reyes v. Sta. Maria, 91 SCRA 164 (1979); Laurel v. Abalos, 30 SCRA 281 (1969).

[11] Arcal v. Court of Appeals, supra at note 10; see also Wilmon Auto Supply Corp. v. Court of Appeals, 208 SCRA 108 (1992).

[12] Demamay v. Court of Appeals, 186 SCRA 608, at 612-613 (1990).

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