HEIRS OF ROMAN SORIANO, PETITIONERS, VS. THE HONORABLE COURT OF APPEALS, SPOUSES BRAULIO ABALOS AND AQUILINA ABALOS, RESPONDENTS.

G.R. No. 128177. August 15, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

May a winning party in a land registration case effectively eject the possessor thereof, whose security of tenure rights are still pending determination before the DARAB?

The instant petition for certiorari seeks to set aside the Decision[1] dated September 20, 1996 of the Court of Appeals in CA-G.R. SP No. 34930 as well as its Resolution[2] dated January 15, 1997, denying petitioners' Motion for Reconsideration.

We quote the undisputed facts as narrated by the Court of Appeals, to wit –

> The property subject of this case is a parcel of land containing an area of 24,550 square meters, more or less, located in Lingayen, Pangasinan, and particularly described as follows:
>
> A parcel of land (Nipa with an area of 8,410 square meters; fishpond with an area of 14,000 square meters; and residential land with an area of 1,740 square meters, more or less. Bounded on the N, by river and Filemon Anselmo; on the South by Alejandro Soriano and Filemon Anselmo; and on the West by Fortunata Soriano.

Originally owned by Adriano Soriano until his death in 1947, the above-described property passed on to his heirs who leased the same to spouses David de Vera and Consuelo Villasista for a period of fifteen (15) years beginning July 1, 1967 with Roman Soriano, one of the children of Adriano Soriano, acting as caretaker of the property during the period of the lease. After executing an extra judicial settlement among themselves, the heirs of Adriano Soriano subsequently subdivided the property into two (2) lots, Lot No. 60052 and Lot No. 8459. Lot No. 60052 was assigned to Lourdes, Candido and the heirs of Dionisia while Lot No. 8459 was assigned to Francisca, Librada, Elocadio and Roman. In 1971, Lot No. 60052 was sold by Lourdes, Candido and the heirs of Dionisia to petitioner spouses Braulio and Aquilina Abalos (hereinafter referred to as petitioners), while, Elocadio, Francisca and Librada sold their three-fourths shares in Lot No. 8459 also to petitioners.

On March 14, 1968, the de Vera spouses ousted Roman Soriano as caretaker and appointed Isidro Verzosa and Vidal Verzosa as his substitutes. Thereafter, Roman Soriano filed CAR Case No. 1724-P-68 for reinstatement and reliquidation against the de Vera spouses. The agrarian court authorized the ejectment of Roman Soriano but on appeal, the decision was reversed by the Court of Appeals, which decision became final and executory. However, prior to the execution of the said decision, the parties entered into a post-decisional agreement wherein the de Vera spouses allowed Roman Soriano to sub-lease the property until the termination of the lease in 1982. In an Order dated December 22, 1972, the post-decisional agreement was approved by the agrarian court.

On August 16, 1976, petitioners filed with the Regional Trial Court of Lingayen, Pangasinan, Branch 38, an

application for registration of title over Lot No. 60052 and three-fourths (3/4) pro-indiviso of Lot No. 8459, docketed as LRC Case No. N-3405. Said application for registration was granted by the trial court, acting as a land registration court, per Decision dated June 27, 1983. On appeal, the Court of Appeals affirmed the decision of the land registration court. The petition for review filed with the Supreme Court by Roman Soriano docketed as G.R. 70842, was denied for lack of merit and entry of judgment was entered on December 16, 1985.

Meanwhile, it appears that on July 15, 1983, a day after the promulgation of the land registration court's decision, Roman Soriano, together with Elocadio and Librada Soriano, filed before the Regional Trial Court of Lingayen, Branch 37, and against petitioners, an action for annulment of document and/or redemption, ownership and damages, docketed as Civil Case No. 159568 (sic; should be 15958). Petitioners filed a motion to dismiss on the ground of res judicata, pendency of another action, laches, misjoinder of parties and lack of jurisdiction, which was denied by the trial court.

Thereafter, on August 22, 1984, or eleven (11) years after the approval of the post-decisional agreement between Roman Soriano and the spouses de Vera in CAR Case No. 1724-P-68 for reinstatement and reliquidation, petitioners filed with the agrarian court a motion for execution of said post-decisional agreement which allowed Roman Soriano to sub-lease the property. The motion prayed that petitioners be placed in possession of the subject property, jointly with Roman Soriano, and to levy so much of Roman's property to answer for the use and occupation by Soriano of 6/7 share of the property. On October 25, 1984, Roman Soriano filed a motion to suspend hearing on the rental demanded by petitioners, which, however, was denied by the agrarian court. The agrarian court likewise authorized the substitution of the de Vera spouses by petitioners. Soriano's motion for reconsideration was also denied, prompting Soriano to file a petition for certiorari with the Court of Appeals.

In the meantime, Roman Soriano died on December 11, 1985. Thus, the complaint in Civil Case No. 159568 (sic) for annulment of document and/or redemption, ownership and damages, was amended to substitute Soriano's heirs, herein private respondents, as party-plaintiffs. The complaint was again amended to include Juanito Ulanday as party-defendant for having allegedly purchased part of the disputed property from petitioners. On motion of petitioners, the re-amended complaint was dismissed by the trial court on the ground that the re-amended complaint altered the cause of action. Upon reconsideration, the dismissal was set aside and petitioners were ordered to file their Answer, in view of which petitioners filed a petition for certiorari and prohibition with the Court of Appeals, docketed as C.A. GR SP No. 22149.

On April 25, 1990, the Court of Appeals denied the petition filed by Roman Soriano (substituted by private respondents) impugning the denial of their motion to suspend hearing on the rental demanded by petitioners, and authorizing the substitution of the de Vera spouses by petitioners, on the ground that no grave abuse of discretion was committed by the agrarian court. Thus, private respondents filed a petition for review on certiorari with the Supreme Court, docketed as G.R. 93401.

Meanwhile, on December 7, 1990, the Court of Appeals in C.A. GR SP No. 22149, also denied the petition for certiorari and prohibition filed by petitioners, ruling that the land registration court committed no error when it refused to adhere to the rule of res judicata. Petitioners then filed with the Supreme Court a petition for review on certiorari, docketed as G.R. 99843.

On June 26, 1991, the Supreme Court promulgated its decision in G.R. 93401, and granted the petition filed by private respondents. Thus, the decision of the Court of Appeals denying the petition of private respondents was set aside, and the motion for execution filed by petitioners in CAR Case No. 1724-P-48 was denied.

On June 22, 1993, the Supreme Court, in G.R. 99843, reversed and set aside the denial of the Court of Appeals in C.A. GR SP No. 22149, and consequently, Civil Case No. 15958 for annulment of document and/or redemption,

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ownership and damages, was ordered dismissed.

On October 18, 1993, private respondents filed with the Department of Agrarian Adjudication Board (sic), a complaint against petitioners for "Security of Tenure with prayer for Status Quo Order and Preliminary Injunction" docketed as DARAB Case No. 528-P-93.

Meanwhile, it appears that the decision of the land registration court in LRC Case No. N-3405 was partially executed with the creation of a Committee on Partition per Order dated March 25, 1987. On July 27, 1988, the land registration court approved the partition of Lot No. 8459, with Lot No. 8459-A assigned to private respondent, and Lot No. 8459-B assigned to petitioners. For Lot No. 60052, O.C.T. No. 22670 was issued in the name of petitioners; for Lot No. 8459-B, O.C.T. No. 22687 was issued, also in the name of petitioner; and for Lot No. 8459-A, O.C.T. No. 22686 was issued in the name of Roman Soriano. Dissatisfied with said partition, private respondents appealed to the Court of Appeals, docketed as CA G.R. SP No. 119497. The appellate court affirmed the partition but reversed the order of the land registration court directing the issuance of a writ of possession on the ground of pendency of Civil Case No. 15958.

On November 15, 1993, the trial court in compliance with the decision of the Supreme Court in G.R. No. 99843, dismissed Civil Case No. 15958, in view of which, petitioner, on November 25, 1993, in LRC Case No. N-3405, moved for the issuance of an alias writ of execution and/or writ of possession to place them in possession of Lot No. 60052 and Lot No. 8459-B. Per Resolution dated January 21, 1994, said motion was held in abeyance by the land registration court until and after DARAB Case No. 528-P-93 for security of tenure with prayer for status quo, has been resolved.

Their motion for reconsideration having been denied on April 5, 1984, petitioners interposed an appeal to the Supreme Court, docketed as G.R. 115073. In a Resolution dated July 27, 1994 issued by the Supreme Court, petitioners' appeal, which was treated as a petition for certiorari, was referred to this Court [of Appeals] for determination and disposition.[3]

The Court of Appeals annulled and set aside the Resolution of the land registration court and ordered instead the issuance of the corresponding writ of possession in favor of private respondents. With the denial of their Motion for Reconsideration, petitioners are now before us raising the following grounds:

> - THE DECISION AND RESOLUTION OF THE RESPONDENT COURT OF APPEALS ARE CONTRARY TO THE PROVISIONS OF THE AGRARIAN REFORM LAWS AND JURISPRUDENCE ON THE SECURITY OF TENURE OF TENANT-CARETAKER.
>
> - THE DECISION AND RESOLUTION OF THE RESPONDENT COURT OF APPEALS ARE VIOLATIVE OF THE PROVISION ON RIGHT TO DUE PROCESS.
>
> - THE HONORABLE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION IN GIVING DUE COURSE TO THE PETITION CONSIDERING THAT PRIVATE RESPONDENTS HAD EARLIER PERFECTED AN APPEAL OF THE RESOLUTION SUBJECT OF THEIR PETITION.[4]

Possession and ownership are distinct legal concepts. There is ownership when a thing pertaining to one person is completely subjected to his will in a manner not prohibited by law and consistent with the rights of others. Ownership confers certain rights to the owner, among which are the right to enjoy the thing owned and the right to exclude other persons from possession thereof. On the other hand, possession is defined as the holding of a thing or the enjoyment of a right. Literally, to possess means to actually and physically occupy a thing with or without right. Possession may be had in one of two ways: possession in the concept of an owner and possession of a holder.[5] A person may be declared owner but he may not be entitled to possession. The possession may be in

the hands of another either as a lessee or a tenant. A person may have improvements thereon of which he may not be deprived without due hearing. He may have other valid defenses to resist surrender of possession. A judgment for ownership, therefore, does not necessarily include possession as a necessary incident.[6]

There is no dispute that private respondents' (petitioners below) title over the land under litigation has been confirmed with finality. As explained above, however, such declaration pertains only to ownership and does not automatically include possession, especially so in the instant case where there is a third party occupying the said parcel of land, allegedly in the concept of an agricultural tenant.

While the issue of ownership of the subject land has been laid to rest in the final judgment of the land registration court, the right of possession thereof is, as yet, controverted. This is precisely what is put in issue in the security of tenure case filed by petitioners (private respondents below) before the DARAB.

It is important to note that although private respondents have been declared titled owners of the subject land, the exercise of their rights of ownership are subject to limitations that may be imposed by law.[7] The Tenancy Act provides one such limitation. Agricultural lessees are entitled to security of tenure and they have the right to work on their respective landholdings once the leasehold relationship is established. Security of tenure is a legal concession to agricultural lessees which they value as life itself and deprivation of their landholdings is tantamount to deprivation of their only means of livelihood.[8] The exercise of the right of ownership, then, yields to the exercise of the rights of an agricultural tenant.

However, petitioners' status as tenant has not yet been declared by the DARAB. In keeping with judicial order, we refrain from ruling on whether petitioners may be dispossessed of the subject property. As ratiocinated in Nona v. Plan[9] –

> It is to the credit of respondent Judge that he has shown awareness of the recent Presidential Decrees which are impressed with an even more solicitous concern for the rights of the tenants. If, therefore, as he pointed out in his order granting the writ of possession, there is a pending case between the parties before the Court of Agrarian Relations, ordinary prudence, let alone the letter of the law, ought to have cautioned him against granting the plea of private respondents that they be placed in possession of the land in controversy. x x x. At the time the challenged orders were issued, without any showing of how the tenancy controversy in the Court of Agrarian Relations was disposed of, respondent Judge could not by himself and with due observance of the restraints that cabin and confine his jurisdiction pass upon the question of tenancy. (Emphasis ours)

In its challenged Decision, the Court of Appeals relied heavily on the principle of finality of judgments. It applied the legal doctrine that once a judgment has become final, the issuance of a writ of execution becomes ministerial. The appellate court held that petitioner's situation does not fall under any of the exceptions to this rule since his occupation of the subject land did not transpire after the land registration court's adjudication became final.

In so ruling, however, the Court of Appeals loses sight of the fact that petitioner's claim of possession as a tenant of the litigated property, if proven, entitles him to protection against dispossession.

Private respondents argue that petitioners' tenancy claim is barred by res judicata, having been ruled upon in G.R. Nos. 99843 and 93401. However, not being an issue in the case before us, this question should properly be resolved in DARAB Case No. 528-P-93. To restate, the only issue before us is whether or not a winning party in a land registration case can effectively eject the possessor thereof, whose security of tenure rights are still pending determination before the DARAB.

A judgment in a land registration case cannot be effectively used to oust the possessor of the land, whose security of tenure rights are still pending determination before the DARAB. Stated differently, the prevailing party in a land registration case cannot be placed in possession of the area while it is being occupied by one claiming to be

an agricultural tenant, pending a declaration that the latter's occupancy was unlawful.

WHEREFORE, the instant petition for certiorari is hereby GRANTED. The Decision of respondent Court of Appeals in CA-G.R. SP No. 34930 dated September 20, 1996, as well as its Resolution dated January 15, 1997 are SET ASIDE. The Resolution of the Regional Trial Court of Lingayen, Pangasinan in LRC Case No. N-3405 dated January 21, 1994 is ordered REINSTATED.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

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[1] Penned by Associate Justice Ramon A. Barcelona and concurred in by Justices Artemon D. Luna and Salvador J. Valdez, Jr.; Petition, Annex "G", Rollo, pp. 164-174.

[2] Petition, Annex "I", Rollo, p. 178.

[3] See Note 1, at pp. 1-5; Rollo, pp. 164-168.

[4] Petition for Certiorari, pp. 9-10; Rollo, pp. 17-18.

[5] Garcia v. Court of Appeals, G.R. No. 133140, 312 SCRA 180 [1999], citing II Tolentino, Commentaries and Jurisprudence on the Civil Code of the Philippines, p. 45 [1992].

[6] Perater v. Rosete, G.R. No. 54553, 129 SCRA 528 [1984], citing Jabon v. Alo, 91 Phil. 750.

[7] Philippine National Bank v. Court of Appeals, G.R. No. 105760, 275 SCRA 70 [1997].

[8] Ibid.

[9] G.R. No. L-38206, 63 Phil. 261.

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