SPOUSES ERNESTO AND JESUSA PENGSON, PETITIONERS, VS. MIGUEL OCAMPO, JR., FOR HIMSELF AND AS ATTORNEY-IN-FACT OF MELCHOR G. OCAMPO, FERNANDO G. OCAMPO AND ROBLEDO G. OCAMPO, RESP...

G.R. No. 131968. June 29, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is a petition to review on certiorari the judgment dated December 18, 1997 of the Court of Appeals in CA-G.R. SP No. 44147 annulling the decisions of the Regional Trial Court (RTC), Branch 15 in Malolos, Bulacan and the Municipal Trial Court (MTC) of San Miguel, Bulacan dated November 15, 1996 and January 16, 1996, respectively.

The factual antecedents of this case are as follows:

On October 20, 1995, respondents filed an ejectment case against petitioners before the MTC of San Miguel, Bulacan. In their complaint, respondents alleged: that they are the registered owners of a parcel of land situated in San Jose, San Miguel, Bulacan, and covered by TCT No. 275405 (RT-40973); that on a 60 to 80 square meter portion of said lot, they permitted petitioners to reside without rent; that since they already needed the same portion, they demanded that petitioners vacate the lot, but the latter refused; that the refusal prompted them to bring a complaint before the barangay authorities but no settlement was reached, hence a certification to file action was issued; that respondents again demanded from the petitioners to vacate the land but petitioners still ignored said demand; that respondents were therefore constrained to lodge an ejectment case before the MTC for which they sought damages in the form of rentals and attorney's fees.

Petitioners denied that their stay on the property was by mere tolerance. They averred that petitioner Jesusa Pengson is a co-owner of the land in question, being a compulsory heir of spouses Fabian Santos and Consorcia Ocampo, who died without issue;[1] that Consorcia Ocampo is the sister of Miguel Ocampo Sr., the father of private respondents; that Miguel Ocampo Sr. and Consorcia Ocampo's parents (Clemente Ocampo and Remedios Maniquiz) died intestate, leaving behind several pieces of properties including the subject property; that when petitioners were married, they were persuaded by Consorcia Ocampo to remain in their residence as she is a co-owner of the lot where their house stands as evidenced by TCT No. 275408; that when TCT No. 275403 was reconstituted, the name of Consorcia Ocampo was fraudulently deleted, thus depriving Jesusa Pengson of her right as compulsory heir of Consorcia Ocampo who should participate in the settlement of the estate of Clemente and Remedios Ocampo by right of representation.

In their reply, respondents denied their relationship to petitioner Jesusa Pengson. They pointed out that Consorcia Ocampo and Fabian Santos died without any issue, as admitted by petitioners, and that Jesusa Pengson was just raised by them in their household without the benefit of a legal adoption.

On January 16, 1996, the MTC rendered judgment in favor of petitioners. It held that petitioner Jesusa Pengson is a legitimate daughter of Fabian Santos and Consorcia Ocampo who is a co-owner of the property in question. It ruled that by virtue of the right of ownership of Consorcia Ocampo, petitioner Jesusa Pengson should be considered co-owner of the subject property, hence, respondents have no cause of action against petitioners.

On appeal, the RTC affirmed MTC's judgment. A motion for reconsideration filed by respondents was denied.

On review, the Court of Appeals nullified the judgments of both MTC and RTC. In lieu thereof, a new one was entered directing petitioners to vacate the property in question and deliver the possession thereof to respondents. It held that MTC's judgment was void for having been rendered without jurisdiction when it declared that Jesusa Pengson is a legitimate child of Consorcia Ocampo and a co-owner of the property in question.

Undaunted, petitioners filed this petition for review on certiorari under Rule 45 of the Rules of Court, raising the following issues for resolution:

> [I]
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> DID THE COURT A QUO ACT IN EXCESS OF ITS JURISDICTION AND/OR COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT REVERSED THE DECISION OF THE MUNICIPAL TRIAL COURT THAT THE LATTER CAN PASS UPON THE ISSUE OF OWNERSHIP IN ORDER TO DETERMINE THE RIGHT OF POSSESSION ONLY IF THE HEREIN PETITIONERS INVOKED THE DEFENSE OF OWNERSHIP IN THEIR ANSWER TO THE COMPLAINT?
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> [II]
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> DID THE COURT A QUO ACT IN EXCESS OF ITS JURISDICTION AND/OR COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT DECLARED NULL AND VOID THE DECISION OF THE MUNICIPAL TRIAL COURT ADMITTING THE BIRTH CERTIFICATE OF PETITIONER JESUSA PENGSON AS PROOF OF HER FILIATION?
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> [III]
>
> IS THE CONDITIONAL PRESENTATION OF A XEROX COPY OF TRANSFER CERTIFICATE OF TITLE, RT-40973 WITHOUT HAVING PRODUCED THE ORIGINAL THEREOF AS ORDERED BY THE MUNICIPAL TRIAL COURT ADMISSIBLE IN EVIDENCE TO PROVE OWNERSHIP OF THE LOT IN QUESTION BY THE RESPONDENTS?
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> [IV]
>
> CAN A CO-HEIR (PETITIONER JESUSA PENGSON) OF PARCEL OF LAND BE LEGALLY EXCLUDED BY SOME OF THE CO-HEIRS (RESPONDENTS) FROM THE EXTRA-JUDICIAL SETTLEMENT AND HAVE THE PARCEL OF LAND TITLED AMONG THEMSELVES WITHOUT THE KNOWLEDGE, CONSENT AND PARTICIPATION OF THE OTHER CO-HEIR?[2]

In this recourse, petitioners impute grave abuse of discretion on the part of the Court of Appeals in rendering the assailed decision. They raise jurisdictional questions which are proper in a special civil action for certiorari under Rule 65 of the Rules of Court. Moreover, they raise factual issues which have not yet been resolved in the proper court. They urge this Court to re-evaluate the Court of Appeals' appreciation of evidence which cannot be done by certiorari.

It must be stressed that the jurisdiction of Supreme Court in cases brought before it from the Court of Appeals via Rule 45, as in this case, is limited to reviewing errors or questions of law.[3] It is the burden of the party seeking

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review of a decision of the Court of Appeals or other lower tribunals to distinctly set forth in his petition for review, not only the existence of questions of law fairly and logically arising therefrom, but also questions substantial enough to merit consideration, or show that there are special and important reasons warranting the review that he seeks. If these are not shown prima facie in his petition, this Court will be justified in summarily spurning the petition as lacking in merit.[4]

In our view, the fundamental question for resolution here is whether or not the Court of Appeals erred in reversing the judgment of the RTC which affirmed the ruling of the MTC. The pertinent point of inquiry is whether or not private respondents have valid ground to evict petitioners from the subject property.

It is settled that a person who occupies a 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 upon demand, failing which, a summary action for ejectment is proper remedy against him.[5] In ejectment cases, the sole question for resolution is the physical or material possession (possession de facto) of the property in question and neither a claim of juridical possession (possession de jure) nor an averment of ownership by the defendant can outrightly deprive the court from taking due cognizance of the case. So that, even if the question of ownership is raised in the pleadings, as in this case, the court may pass upon such issue but only to determine the question of possession especially if the former is inseparably linked with the latter. Thus, all that the trial court may do is to make an initial determination of who is the owner of the property so that it can resolve who is entitled to its possession absent other evidence to resolve the latter. But such determination of ownership is not clothed with finality. Neither will it affect ownership of the property nor constitute a binding and conclusive adjudication on the merits with respect to the issue of ownership. Such judgment shall not bar an action between the same parties respecting title to the land or building, nor shall it be held conclusive of the facts therein found in the case between the same parties upon a different cause of action not involving possession.[6]

In this case, respondents' cause of action for ejectment is grounded on their alleged ownership of land covered by TCT No. 275405. They insist that they merely tolerated petitioners' stay. Respondents assert that petitioners were unlawfully holding the subject property after such possession had become illegal in view of their demands to vacate and petitioners' refusal to do so. However, petitioners counter that they are co-owners of said property, thus, they have also the right to possess said property. Petitioners stress that their possession of the subject property is just a continuation of the possession of Consorcia Ocampo as co-owner. Now, since the issue of ownership was raised, it was necessary for the MTC to address such issue in the resolution of the question of possession. Therefore, the MTC correctly received evidence of ownership as the question of possession is intertwined with the question of ownership.

However, a close scrutiny of the evidence reveals grounds for finding fairly that the MTC and RTC had erred in concluding that Jesusa Pengson co-owns the property which is the subject matter of the ejectment case. As the Court of Appeals observed, the ejectment complaint involved the lot covered by TCT No. 275405 which was subsequently reconstituted and became TCT No. RT-40973. The said lot is described in the complaint as Lot No. 587-C of the subdivision plan LRC Psd-308144 containing an area of 149 square meters. On the other hand, petitioners claim that Jesusa Pengson's mother was a co-owner of the property covered by TCT No. 275408 which was allegedly reconstituted into TCT No. RT-40973. To support their claim, petitioners presented a photocopy of TCT No. 275408. We note though that what is referred in petitioners' title (TCT No. 275408) is Lot No. 587-F which contains an area of 229 square meters. Obviously, this is a different lot from that claimed by respondents as the particulars between the two lots are at substantial variance from each other, to wit:

TCT-275405

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TCT-275408

Lot

587-C

587-F

Area

149 sq. m.

229 sq. m.

Bounded by

NE

Lot 587-D

Lot 588

SE

Lot 587-E

Progreso Road

SW

Lot 587-B

Lot 586

NW

Lot 623

Lot 587-B

In the case at bar, the MTC declared Jesusa Pengson as co-owner of the subject property covered by TCT-275405 despite its obvious disparities from the lot described in TCT-275408 purportedly owned by petitioners. This declaration of co-ownership now appears to us precipitate and devoid of factual and legal basis. Except for her claim of being a co-owner of the subject property, Jesusa Pengson presented no other justification for her continued stay thereat. Consequently, it cannot be persuasively contended that petitioners have valid grounds to remain in the subject property. Accordingly, we are constrained to hold that the Court of Appeals did not err in declaring as null and void the judgments of the MTC dated January 16, 1996 and RTC dated November 15, 1996, and in ordering petitioners to vacate the subject property.

Needless to stress, this ruling merely settles the issue of physical possession and not the question of ownership over the disputed property which may be ruled upon by the proper court at the proper time in a case where such

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issue of dominion is squarely raised. It could be in that forum where petitioners' allegation of fraud in the settlement of the estate and forgery of the reconstituted title RT-40973 could be validly ventilated.[7] Similarly, the issue of Jesusa Pengson's filiation could only be resolved in an action specifically brought for that purpose before a proper tribunal. Those substantive issues could hardly be made fit for settlement in an ejectment suit, without straining the fragile fabric of judicial competence below.

WHEREFORE, the instant petition is DENIED for lack of merit. The assailed decision of the Court of Appeals is AFFIRMED. Costs against petitioners.

SO ORDERED.

Bellosillo (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

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[1] CA Rollo, p. 43.

[2] Rollo, pp. 53-54.

[3] Siguan vs. Lim, 318 SCRA 725, 734 (1999).

[4] Chua Giok Ong vs. Court of Appeals, 149 SCRA 115, 121 (1987).

[5] Lagrosa vs. CA, 312 SCRA 298, 312 (1999).

[6] Diu vs. Ibajan, 322 SCRA 452, 459-460 (2000).

[7] Rollo, p. 14.

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