

DEMETRIA GARCIA, PETITIONER, VS. TEOFILO D. ZOSA, JR., RESPONDENT.

G.R. NO. 138380. September 02, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.

For our resolution is the petition for review on certiorari filed by Demetria Garcia against Teofilo Zosa, Jr. assailing the Decision dated February 24, 1999 and Resolution dated April 22, 1999 rendered by the Court of Appeals in CA-G.R. SP No. 48107.

The facts are:

On July 27, 1995, Teofilo Zosa, Jr., respondent, filed with the Metropolitan Trial (MTC) of Antipolo City a complaint for forcible entry against Demetria Garcia, petitioner.

In his complaint, respondent alleged that on August 21, 1972, he purchased from petitioner Lot. No. 2, Psu-215665 located in Tanag, Antipolo consisting of 3,977 square meters, as shown by a Deed of Sale. Sometime in March 1995, petitioner, by means of force, stealth and strategy, entered the lot and constructed a house thereon, thus depriving him of his right of possession.

In her answer, petitioner specifically denied the allegations in the complaint. She claimed that she is the owner and has been in possession of the lot even before the Second World War. What she actually sold to respondent was Lot No. 2, Psu-185191 where she had her house constructed, not Lot No. 2, Psu-215665. The Deed of Sale relied upon by respondent does not express the true intent of the parties.

After due proceedings, the MTC rendered its Decision, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendant and all persons claiming rights under her ordering the latter the following:

- To vacate the subject property and restore possession thereof to plaintiff;
- To pay plaintiff the monthly rental of Two Thousand Pesos (P2,000.00) as reasonable compensation for the use and occupation of the portion of the subject property from the filing of the complaint until possession is restored to herein plaintiff.
- To pay plaintiff the sum of Ten Thousand Pesos (P10,000.00) for and as attorney's fees.
- To pay plaintiff the costs of suit.

SO ORDERED.[1]

In holding that respondent has proved his cause of action, the MTC found that the lot subject of controversy is the same lot where petitioner constructed her house.

On appeal, the Regional Trial Court (RTC) of Antipolo City rendered its Decision reversing the MTC Judgment and dismissing respondent's complaint for forcible entry. The RTC held that the MTC has no jurisdiction over the case considering that the issue being raised is ownership; and that where the question of possession cannot be settled without first deciding the issue of ownership, a separate action to determine ownership of the property is necessary. Such action is beyond the jurisdiction of the MTC.

Respondent then filed with the Court of Appeals a petition for review maintaining that the MTC has jurisdiction over the forcible entry case "even though the issue of ownership was raised."

On February 24, 1999, the Court of Appeals promulgated the assailed Decision reversing that of the RTC and reinstating the MTC Decision.

Petitioner filed a motion for reconsideration, but it was denied by the Appellate Court in its Resolution dated April 27, 1999.

Hence, the instant petition for review on certiorari.

The fundamental issue is whether the Court of Appeals erred in ruling that the MTC has jurisdiction over the forcible entry case.

Section 33 of B.P. Blg. 129, as amended, provides:

"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:

x x x

(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 question of ownership, the issue of ownership shall be resolved only to determine the issue of possession;"

This provision should be read in light of Section 18, Rule 70 of the 1997 Rules of Civil Procedure, as amended, thus:

"SEC. 18. Judgment conclusive only on possession, not conclusive in actions involving title or ownership. – The judgment rendered in an action for forcible entry or detainer shall be conclusive with respect to the possession only and shall in no wise bind the title or affect the ownership of the land or building. Such judgment shall not bar an action between the same parties respecting title to the land or building.

The judgment or final order shall be appealable to the appropriate Regional Trial Court which shall decide the same on the basis of the entire record of the proceedings had in the court of origin and such memoranda and/or briefs may be submitted by the parties or required by the Regional Trial Court."

We have ruled that all ejectment cases are within the jurisdiction of the courts mentioned in Section 33 (above quoted) of Batas Pambansa Blg. 129, as amended, regardless of whether said cases involve questions of ownership,[2] or even if the issue of possession cannot be determined without resolving the question of ownership.[3] The judgment of the inferior court, however, on the question of ownership is of a provisional nature and shall be for the sole purpose of determining the issue of possession.[4] It shall not bind the title of the realty or affect the ownership thereof nor shall it bar an action between the same parties respecting title to the real property. Verily, we hold that the Court of Appeals did not err in holding that the MTC has jurisdiction to hear and decide Civil Case No. 2728 for forcible entry, notwithstanding the issue of ownership raised by petitioner in

her answer.

Meanwhile, it bears emphasis that as found by the MTC and affirmed by the Court of Appeals, the lot subject of respondent's complaint is the same lot sold to him by petitioner. We find no reason to deviate from this finding.

WHEREFORE, the petition is DENIED. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 48107 are AFFIRMED. Costs against petitioner.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio-Morales, and Garcia, JJ., concur.

[1] Rollo at 58-59.

[2] Tala Realty Services Corp. v. Banco Filipino Savings and Mortgage Bank, 441 Phil. 1, 31 (2002).

[3] Barba v. Court of Appeals, 426 Phil. 598, 609 (2002), citing Wilmon Auto Supply Corp. v. Court of Appeals, 208 SCRA 106 (1992), Hilario v. Court of Appeals, 260 SCRA 420 (1996), Arcal v. Court of Appeals, 285 SCRA 34 (1998), Benavidez v. Court of Appeals, 313 SCRA 714 (1999).

[4] Rural Bank of Sta. Ignacia, Inc. v. Dimatulac, 449 Phil. 800, 810 (2003), citing Cruz v. Court of Appeals, 369 Phil. 161, 304 SCRA 197 (1999).

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