

CESAR MONTANEZ, PETITIONER, VS. NESTOR MENDOZA, RESPONDENT.

G.R. No. 144116. November 22, 2002

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-144116/>

PANGANIBAN, J.:

In general, a petition for review under Rule 45 refers merely to errors of law allegedly committed by lower courts. However, as an exception, when the assailed decision of the Court of Appeals (CA) reverses factual findings of the regional trial court (RTC) and municipal trial court (MTC), the Supreme Court may pass upon the controverted issues of fact. Indeed, in the present case, the CA erred in reversing the lower courts; thus, it becomes the duty of this Court to correct the error.

Statement of the Case

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the April 17, 2000 Decision[1] and the July 13, 2000 Resolution[2] of the Court of Appeals in CA-GR SP No. 49368. The decretal portion of the Decision reads as follows:

“WHEREFORE, the Petition for Review is GRANTED. [T]he assailed decision of the Municipal Trial Court of San Mateo, Rizal dated August 1, 1996 in Civil Case No. 1163 which was affirmed by the Regional Trial Court of San Mateo, Rizal, Branch 77 in its decision dated September 16, 1998 is hereby REVERSED and accordingly SET ASIDE. Petitioner is furthermore awarded attorney’s fees in the sum of P10,000.00”[3]

The assailed Resolution denied petitioner’s Motion for Reconsideration.

The reversed Decision of the Regional Trial Court of San Mateo, Rizal (Branch 77) disposed as follows:

“WHEREFORE, judgment is hereby rendered DISMISSING the appeal.

“The Decision appealed from is hereby AFFIRMED IN TOTO.”[4]

The Facts

The antecedents of the case are summarized by the Court of Appeals thus:

“Sometime in April 1995, [herein Petitioner] Cesar Montañez filed a complaint for forcible entry with damages against Nestor Mendoza before the Municipal Trial Court of San Mateo, Rizal. The complainant alleged, among other things, that: he has been in possession of a parcel of land situated at Sitio Lumbangan, Barangay Pintong Bukawe (formerly part of Maarat) San Mateo, Rizal consisting of more or less, six (6) hectares bounded on the east by property of Danilo Laceste, on the west by property of Herminia Ramos, on the north by a barangay road and on the south by property of Domingo Montañez; that since 1970, he and his family have lived on the said land cultivated the same by planting crops like ri[c]e, corn, camote, etc.; that the Community Environment and Natural Resources Office (CENRO) has certified that he is the actual occupant and possessor of the land in Sitio Lumbangan, Maarat, San Mateo, Rizal; that sometime in the middle of May 1994, [private respondent] Nestor Mendoza entered the land and dispossessed him and his family by force and

intimidation; that [private respondent] and his goons destroyed standing crops and trees planted by private respondent.

“In his answer, [private respondent] denied the material allegations in the complaint and as affirmative defense, averred that he built his house in the land owned and titled in the name of Ramon Mendoza; that he was expressly authorized by the administrator to construct a house therein as shown by the Authority to Construct Residential House; that any and all plants, crops and other improvements that were then and up to now existing in the aforesaid land also belong to and/or were introduced thereat by the Mendoza family; that he did not employ armed goons as the land on which his house was constructed belonged to Ramon Mendoza and at no time did private respondent occupy said land.

“After the proceedings, the Municipal Trial Court rendered a decision in favor of the [petitioner], the dispositive portion of which reads:

‘WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff Cesar Montañez and against defendant Nestor Mendoza and all other persons claiming rights under him, as follows:

1. To vacate the property subject of this case and surrender possession thereof to plaintiff;
2. To remove the improvements introduced by him on the subject property;
3. To pay the plaintiff the amount of P5,000.00 as and by way of attorney’s fees; and
4. To pay the costs.

Defendant’s counterclaims is hereby ordered DISMISSED.

SO ORDERED.’

“Aggrieved by the decision, [private respondent] appealed the case to the Regional Trial [C]ourt of San Mateo, Rizal, Branch 77. In his appeal, [private respondent] disputed the finding of the Municipal Trial Court that the land where he built his house is the same land that has been in possession of [petitioner]. Unfortunately, the Regional Trial Court upheld the decision of the Municipal Trial Court in favor of [petitioner], hence, this petition.”[5] (Citations omitted)

Ruling of the Court of Appeals

Reversing the RTC and the MTC, the CA ruled that in civil cases, the burden of proof is on plaintiffs who must establish their allegations by a preponderance of evidence.[6] It reasoned that, in the present case, the identity of the land being questioned by petitioner has not been sufficiently proven to be the same one where respondent had constructed a house; hence, the issue of the legality of the former’s possession of that land cannot be the basis for a forcible entry suit.[7] Thus, the present Petition.[8]

Issues

In his Memorandum, petitioner assigns this sole issue for our consideration:

“x x x [W]hether or not the Court of Appeals erred in holding that petitioner has not prove[n] that the property he claims to cultivate is the same property which respondent took possession [of].”[9]

Simply put, the issue for resolution is whether petitioner has sufficiently established his cause of action by a preponderance of evidence.

This Court’s Ruling

The Petition is meritorious.

Main Issue:

Sufficiency of Evidence

Petitioner argues that he is entitled to possession of the parcel of land that is the subject of the forcible entry case, because its area is not part of that which is covered by OCT No. P-658 in the name of Ramon Mendoza.[10]

On the other hand, respondent claims that he possesses an authority to construct a residential house on the latter parcel of land. He adds that it was incumbent upon petitioner to adduce substantial evidence to prove that the land from which he was ousted illegally was the same one from which he had lawfully built the house in question.[11]

We agree with petitioner.

An action for forcible entry is a quieting process that is summary in nature. It is designed to recover physical possession through speedy proceedings that are restrictive in nature, scope and time limits.[12] In forcible entry, the plaintiff is deprived of physical possession by means of force, intimidation, threat, strategy or stealth.[13] The presence of any of these elements in the present case implies that the possession of the disputed land by the defendant has been unlawful from the beginning; that is, he acquired possession by illegal means.[14]

Further, it is a basic rule in civil cases that “the party having the burden of proof must establish his case by a preponderance of evidence.”[15] Preponderance of evidence simply means “evidence which is of greater weight, or more convincing than that which is offered in opposition to it.”[16] Hence, parties who have the burden of proof must produce such quantum of evidence, with plaintiffs having to rely on the strength of their own evidence, not on the weakness of the defendant’s.[17]

In the present ejectment case, petitioner (as plaintiff) has the burden of proving that he was illegally deprived of possession of the parcel of land, which is the subject of the forcible entry case.[18] To obtain a judgment in his favor, he must therefore establish a preponderance of evidence for this essential fact.[19]

Obviously, the issue in this case is shrouded by a conflict in factual perception, a conflict that is ordinarily not subject to a petition for review under Rule 45 of the Rules of Court.[20] But the Court is constrained to resolve it, because the factual findings of the Court of Appeals are contrary to those of the trial court.[21] Thus, we will rule on such factual issues as an exception to the general rule.[22]

In this light, we have meticulously scoured the records of this case and found that the appellate court had erred in appreciating the evidence presented.[23] Respondent failed to provide a reason, let alone an adequate one, to justify the reversal of the lower courts’ Decisions.[24] Indeed, the findings of the MTC, which were adopted by the RTC, had adequately supported the allegations in the Complaint.[25]

First, petitioner alleged and proved that he had been in prior physical possession of the property in litigation until respondent deprived him of it.[26] In ejectment cases, the plaintiff merely needs to prove prior de facto possession and undue deprivation thereof.[27] The sole question for resolution is the physical or material possession (possession de facto) of the subject property. Neither a claim of juridical possession (possession de jure) nor an averment of ownership[28] by the defendant can outrightly prevent the court from taking due cognizance of the case.[29]

Petitioner’s actual physical possession has been sufficiently proven by the Certification[30] dated April 10, 1992, issued by Land Management Officer Maximo M. Pentiño of the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR). This document lists petitioner as one of the actual occupants of a parcel of land situated in Sitio Lumbangan, Maarat, San Mateo, Rizal – the same land that is the subject of the forcible entry case. Not having been successfully overturned, the

validity of the Certification, as well as the presumption of regularity in the performance of official function stands.[31] Similarly, if respondent alleges any irregularity in the issuance of the Certification, he should come forward with clear and convincing proof.[32]

Petitioner's prior possession was further corroborated by the Sworn Statements of Carlito Solano,[33] Claudio Laceste Sr.,[34] Agripino Madrona,[35] Efren Montanez,[36] Danilo and George Laceste,[37] and Alfredo Blanco.[38] These affidavits should be given evidentiary value. The Rule on Summary Procedure precisely provides for the submission by the parties of affidavits and position papers and enjoins courts to hold hearings only when it is necessary to do so to clarify factual matters.[39] This procedure is in keeping with the objective of the Rule: to promote the expeditious and inexpensive determination of cases.[40]

Second, not only has petitioner proven his possession of the parcel of land he had cultivated since 1970, but has also satisfactorily proven the identity of the property.[41] There are marked differences between the land that is the subject of the forcible entry case and that which is covered by OCT No. P-658 in the name of Ramon Mendoza.

1. The technical description[42] prepared by Geodetic Engineer Eleuterio M. de las Alas for the parcel of land being cultivated by petitioner states that it consists of six hundred fifty-one thousand nine hundred eighty-one square meters (651,981 sq m) or 6.5 hectares, more or less. On the other hand, the parcel of land covered by OCT No. P-658,[43] Free Patent No. 045811-91-925, consists of forty-three thousand and fifty-nine square meters (43,059 sq m) or 4.3 hectares. For our purposes, a certificate of title is conclusive evidence not only of ownership of the land referred to, but of other matters as well such as its technical description and location.[44]

2. The parcel of land being cultivated by petitioner, as alleged in the Complaint,[45] is timberland and thus part of the public domain, while that covered by OCT No. P-658 is private property.

Third, it was categorically stated by Geodetic Engineer Priscillano S. Aguinaldo in his Affidavit[46] dated October 6, 1995, that the area covered by OCT No. P-658 was not the same as the subject matter of the forcible entry case. The pertinent portions are quoted hereunder:

“That, after my d[i]ligent examinations and researches of the technical descriptions appearing on the above-mentioned Original Certificate of Title N. P-658; compared to my actual verifications on the ground I have found out that the area covered by the Original Certificate of Title No. 658 is not the same area which is the subject matter of the Case filed by MR. CESAR MONTANEZ vs. NESTOR MENDOZA for ‘FORCIBLE ENTRY’ with the Municipal Trial Court of San Mateo, Rizal.” (Emphasis in the original)

Fourth, while respondent insists that he constructed a house on a parcel of land that is covered by OCT No. P-658 and is in the name of Ramon Mendoza, the records of this case are bereft of evidence to support such allegation.[47] Doubts on the very existence of that parcel of land actually persist, as shown by the following.[48]

1. The Registry of Deeds of Marikina issued a Certification[49] that “the original copy of Original/Transfer Certificate of Title No. P-658/T-409-1093 registered in the name of Ramon F. Mendoza cannot be located, as of this date [September 28, 1995], in the general file of this Registry despite diligent efforts exerted to locate the same.”

2. A Memorandum[50] dated November 14, 2000, prepared by Rizal Provincial Environment and Natural Resources Officer Maximo F. Soriano Jr., included OCT No. P-658 in the name of Ramon Mendoza in the list of questionable titles that had been denounced as patently defective.

3. Respondent failed to substantiate his assertion that the house he had allegedly built was within the perimeter of the aforementioned parcel of land.[51] It is a basic rule on evidence, as clearly stated in Section 1, Rule 131 of the

Rules of Court,[52] that affirmative allegations of each party must be proven.[53]

Verily, petitioner has sufficiently established by a preponderance of evidence that the subject of the ejectment proceedings is not the parcel of land covered by OCT No. P-658 in the name of Ramon Mendoza, but the property alleged in the former's Complaint.[54] Since petitioner was able to prove his prior possession of the property he claims and to fix its identity, his action for possession cannot fail.[55] Thus, as correctly observed by the MTC, he is entitled to be restored to his possession thereof, pursuant to Article 539[56] of the Civil Code.[57]

WHEREFORE, the Petition is GRANTED and the assailed Decision ANNULLED and SET ASIDE. The Decision of the MTC of San Mateo, Rizal dated August 1, 1996, as affirmed by the RTC, is REINSTATED. No costs.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.
Corona, J., on official leave.

[1] Rollo, pp. 28-33. Penned by Justice Eugenio S. Labitoria (Division chairman) and concurred in by Justices Bernardo P. Abesamis and Elvi John S. Asuncion (members).

[2] Id., p. 35.

[3] CA Decision, p. 6; rollo, p. 33.

[4] RTC Decision, p. 5; rollo, p. 26; penned by Judge Francisco C. Rodriguez Jr.

[5] CA Decision, pp. 1-3; rollo, pp. 28-30.

[6] Id., pp. 4 & 31.

[7] Id., pp. 5 & 32.

[8] The case was deemed submitted for decision on April 2, 2001, upon the Court's receipt of petitioner's Memorandum, signed by Atty. Cristobal P. Fernandez. Respondent's Memorandum, filed on March 15, 2001, was signed by Atty. Felix B. Lerio.

[9] Petitioner's Memorandum, p. 5; rollo, p. 102.

[10] Petitioner's Memorandum, pp. 6 & 103.

[11] Respondent's Memorandum, p. 18; rollo, p. 89.

[12] Bongato v. Malvar, GR No. 141614, August 14, 2002.

[13] Benitez v. Court of Appeals, 266 SCRA 242, January 16, 1997.

[14] Gener v. De Leon, GR No. 130730, October 19, 2001.

[15] §1, Rule 133, Rules of Court.

[16] New Testament Church of God v. Court of Appeals, 246 SCRA 266, July 14, 1995, per Quiason, J. citing Republic v. Court of Appeals, 204 SCRA 160, November 21, 1991.

[17] Jison v. Court of Appeals, 286 SCRA 495, February 24, 1998.

[18] Rivera v. Court of Appeals, 284 SCRA 673, January 23, 1998.

[19] Ibid.

[20] Manzano v. Perez, GR No. 112485, August 9, 2001.

[21] Manila Electric Co v. Court of Appeals, GR Nos. 108301 & 132539, July 11, 2001; Litonjua v. Court of Appeals, 286 SCRA 136, February 10, 1998; Gaw v. Intermediate Appellate Court, 220 SCRA 405, March 24, 1993.

[22] Rosario v. Court of Appeals, 310 SCRA 464, July 19, 1999; Quebral v. Court of Appeals, 252 SCRA 353, January 25, 1996; Somodio v. Court of Appeals, 235 SCRA 307, August 15, 1994; Cayabyab v. Intermediate Appellate Court, 232 SCRA 1, April 28, 1994.

[23] First Nationwide Assurance Corporation v. Court of Appeals, 318 SCRA 589, November 19, 1999.

[24] Carvajal v. Court of Appeals, 280 SCRA 351, October 9, 1997.

[25] Remman Enterprises, Inc. v. Court of Appeals, 268 SCRA 688, February 26, 1997.

[26] Ong v. Parel, 355 SCRA 691, March 28, 2001.

[27] Gachon v. Devera Jr., 274 SCRA 540, June 20, 1997.

[28] Cagayan de Oro City Landless Residents Association, Inc. v. Court of Appeals, 254 SCRA 220, March 4, 1996.

[29] Diu v. Ibanan, 322 SCRA 452, January 19, 2000.

[30] Exhibit "C"; records, p. 9.

[31] Ramos v. Heirs of Honorio Ramos Sr., GR No. 140848, April 25, 2002.

[32] Batong Buhay Gold Mines, Inc. v. Dela Serna, 312 SCRA 22, August 6, 1999.

[33] Exhibit "F"; records, p. 96.

[34] Exhibit "G"; id., p. 97.

[35] Exhibit "H"; id., p. 98.

[36] Exhibit "I"; id., p. 99.

[37] Exhibit "J"; id., pp. 100-101.

[38] Exhibit "K"; id., p. 102.

[39] §9 of the 1991 Revised Rule on Summary Procedure provides:

"SEC. 9. Submission of affidavits and position papers. – Within ten (10) days from receipt of the order mentioned in the next preceding section, the parties shall submit the affidavits of their witnesses and other evidence on the factual issues defined in the order, together with their position papers setting forth the law and the facts relied upon by them."

[40] Odsigue v. Court of Appeals, 233 SCRA 626, July 4, 1994.

[41] Javier v. Court of Appeals, 231 SCRA 498, March 28, 1994 citing Sese v. Intermediate Appellate Court, 152 SCRA 585, July 31, 1987.

[42] Rollo, p. 56.

[43] Records, p. 52.

[44] See Cuaño v. Court of Appeals, 237 SCRA 122, September 26, 1994; Vda. de Lapore v. Pascual, 107 Phil. 695, April 27, 1960; Dizon v. Banues, 104 Phil. 407, August 29, 1958.

[45] Records, pp. 1-6.

[46] Id., p. 209.

[47] Victorias Milling Co., Inc. v. Court of Appeals, 333 SCRA 663, June 19, 2000.

[48] Tiongco v. Deguma, 317 SCRA 527, October 26, 1999.

[49] Records, p. 208.

[50] Rollo, p. 109.

[51] RTC Decision, p. 5; rollo, p. 26.

[52] This section provides:

“SECTION 1. Burden of proof. – Burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law.”

[53] Villaflor v. Court of Appeals, 280 SCRA 297, October 9, 1997.

[54] Odsigue v. Court of Appeals, *supra*.

[55] Javier v. Court of Appeals, *supra*.

[56] This article provides:

“ART. 539. Every possessor has a right to be respected in his possession; and should he be disturbed therein he shall be protected in or restored to said possession by the means established by the laws and the Rules of Court.

“A possessor deprived of his possession through forcible entry may within ten days from the filing of the complaint present a motion to secure from the competent court, in the action for forcible entry, a writ of preliminary mandatory injunction to restore him in his possession. The court shall decide the motion within thirty (30) days from filing thereof.”

[57] MTC Decision, p. 6; rollo, p. 19.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.