

HEIRS OF PEDRO LAURORA AND LEONORA LAURORA, PETITIONERS, VS. STERLING TECHNOPARK III AND S.P. PROPERTIES, INC., RESPONDENTS.

G.R. No. 146815. April 09, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The owners of a property have no authority to use force and violence to eject alleged usurpers who were in prior physical possession of it. They must file the appropriate action in court and should not take the law into their own hands.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, seeking to set aside the June 27, 2000 Decision[2] and the January 22, 2001 Resolution[3] of the Court of Appeals[4] (CA) in CA-GR SP No. 54667. The dispositive part of the Decision reads:

“WHEREFORE, the [P]etition is GRANTED and the RTC [D]ecision dated 06 May 1999 and the RTC [O]rder dated 03 August 1999 are hereby REVERSED and SET ASIDE, and corollarily, the MCTC [D]ecision is AFFIRMED.” [5]

The assailed Resolution denied petitioners’ Motion for Reconsideration.

The Facts

The factual antecedents are summarized by the CA as follows:

“In a [C]omplaint for Forcible Entry with Damages filed on 27 September 1997 before the Fifth Municipal Circuit Trial Court of Carmona and Gen. Mariano Alvarez, plaintiffs therein, x x x Pedro Laurora and Leonora Laurora [herein petitioners] alleged that they [were] the owners of Lot 1315-G, SWD-40763 of the Yaptinchay Estate with an area of 39,771 sq. meters and located in Carmona, Cavite. Pedro Laurora planted trees and has possessed the land up to the present. On 15 September 1997, [respondents] Sterling Technopark III and S.P. Properties, Inc. x x x through their Engr. Bernie Gatchalian bulldozed and uprooted the trees and plants, and with the use of armed men and by means of threats and intimidation, succeeded in forcibly ejecting [petitioners]. As a result of their dispossession, [petitioners] suffered actual damages in the amount of P3,000,000.00 and P10,000.00 as attorney’s fees.

“In their [A]nswer to the [C]omplaint, [respondents] averred that [petitioners were] not the owners of the land because they disposed of it sometime in 1976 as shown by legal documents. On 02 April 1969, the Land Authority issued an order of award in favor of [petitioners], approving the application of Pedro Laurora to buy the subject Lot 1315-G from the government. On 01 March 1974, [petitioners] requested the Department of Agrarian Reform for the transfer of the lot to Juan Manaig. Favorably acted upon, the DAR issued a permit to transfer dated 03 June 1975 through its Regional Director Benjamin R. Estrellado. On 03 July 1975, Juan Manaig, as transferee and buyer, paid the required amount of P10,643.65 under Official Receipt No. 8304707

to the government as full payment for the transfer of said lot to him. On 26 March 1976, the [petitioners] as sellers and witnessed by their sons, Efren Laurora and Dominador Laurora, executed a 'Kasulatan ng Paglilipatan ng Lupa' transferring the land to Juan Manaig as buyer. On 11 June 1976, the [petitioners] again witnessed by their sons, Efren and Dominador, executed a 'Kasulatan ng Bilihang Tuluyan' or Deed of Sale wherein they sold Lot 1315-G including all improvements therein, in favor of Juan Manaig. The Deed of Absolute Sale was approved by the Department of Agrarian Reform on 14 June 1976 in 'DAR Approval of Transfer of Rights' signed by DAR Regional Director, Benjamin R. Estrellado. After the approval of the sale from the [petitioners] to Juan Manaig, the latter paid its real estate taxes. The tax declarations of the land in the name of its previous owners, Yaptinchays, were cancelled and transferred in the name of [petitioner] Pedro Laurora as owner-transferee. Thereupon, the heirs of the late 'JUAN MANAIG' sold the land to Golden Mile Resources Development Corporation which likewise sold it to [respondent] S. P. Properties, Inc.

"After summary proceedings in the MCTC, x x x, a judgment was rendered dismissing the complaint. The case was elevated to the Regional Trial Court. In due course, the said court rendered a decision reversing the MCTC judgment. x x x"[6]

Ruling of the Court of Appeals

The CA reversed the Regional Trial Court (RTC) and reinstated the Order of dismissal issued by the Municipal Circuit Trial Court (MCTC). It held that there was no evidence to support the claim of petitioners to the prior physical possession of the property. The evidence allegedly showed that they had already sold the land with the approval of the Department of Agrarian Reform (DAR). Accordingly, their subsequent entry into and possession of the land constituted plain usurpation, which could not be the source of any right to occupy it. Being planters in bad faith, they had no right to be reimbursed for improvements on the land, in accordance with Article 449 of the New Civil Code.

Hence, this Petition.[7]

The Issue

In their Memorandum,[8] petitioners raise this sole issue for our consideration:

"x x x [W]hether [p]rivate [r]espondent[s] ha[ve] a valid and legal right to forcibly eject petitioners from the premises despite their resistance and objection, through the use of arm[ed] men and by bulldozing, cutting, and destroying trees and plants planted by petitioners, without court order, to the damage and prejudice of the latter."[9]

The Court's Ruling

The Petition is meritorious.

Main Issue:

Physical Possession of the Land

The only issue in forcible entry cases is the physical or material possession of real property -- possession de facto, not possession de jure.[10] Only prior physical possession, not title, is the issue.[11] If ownership is raised in the pleadings, the court may pass upon such question, but only to determine the question of possession.[12]

The ownership claim of respondents upon the land is based on the evidence they presented. Their evidence, however, did not squarely address the issue of prior possession. Even if they succeed in proving that they are the owners of the land,[13] the fact remains that they have not alleged or proved that they physically possess it by virtue of such ownership. On the other hand, petitioners' prior possession of the land was not disputed by the CA, which merely described it as usurpation.[14]

We stress that the issue of ownership in ejectment cases is to be resolved only when it is intimately intertwined

with the issue of possession,[15] to such an extent that the question of who had prior possession cannot be determined without ruling on the question of who the owner of the land is.[16] No such intertwining has been shown in the case before us. Since respondents' claim of ownership is not being made in order to prove prior possession, the ejectment court cannot intrude or dwell upon the issue of ownership.[17]

Notwithstanding the actual condition of the title to the property, a person in possession cannot be ejected by force, violence or terror -- not even by the owners.[18] If such illegal manner of ejectment is employed, as it was in the present case, the party who proves prior possession -- in this case, petitioners -- can recover possession even from the owners themselves. [19]

Granting *arguendo* that petitioners illegally entered into and occupied the property in question, respondents had no right to take the law into their own hands and summarily or forcibly eject the occupants therefrom.

Verily, even if petitioners were mere usurpers of the land owned by respondents, still they are entitled to remain on it until they are lawfully ejected therefrom. Under appropriate circumstances, respondents may file, other than an ejectment suit, an *accion publiciana* -- a plenary action intended to recover the better right to possess;[20] or an *accion reivindicatoria* -- an action to recover ownership of real property.[21]

The availment of the aforementioned remedies is the legal alternative to prevent breaches of peace and criminal disorder resulting from the use of force by claimants out to gain possession.[22] The rule of law does not allow the mighty and the privileged to take the law into their own hands to enforce their alleged rights. They should go to court and seek judicial vindication.

WHEREFORE, the Petition is GRANTED and the assailed Decision REVERSED and SET ASIDE. No costs.

SO ORDERED.

Puno (Chairman), Sandoval-Gutierrez, Corona, and Carpio Morales, JJ., concur.

[1] Rollo, pp. 10-22.

[2] *Id.*, pp. 24-29.

[3] Rollo, p. 31.

[4] Special Seventh Division. Written by Justice Buenaventura J. Guerrero (Division chairman), concurred in by Justice Martin S. Villarama Jr. and Justice Mercedes Gozo-Dadole.

[5] Assailed CA Decision, p. 6; rollo, p. 29.

[6] *Id.*, pp. 2-3 & 25-26.

[7] This case was deemed submitted for decision on November 13, 2001, upon the Court's receipt of petitioners' Memorandum signed by Atty. Franco L. Loyola. Respondents' Memorandum, filed on November 12, 2001, was signed by Atty. Benjamin E. Mendoza.

[8] Rollo, pp. 123-142.

[9] Petitioners' Memorandum, p. 5; rollo, p. 127.

[10] *Go Jr. v. Court of Appeals*, 362 SCRA 755, August 14, 2001; *Amagan v. Marayag*, 326 SCRA 581, February 28, 2000; *Diu v. Ibanan*, 322 SCRA 452, January 19, 2000; *Carreon v. Court of Appeals*, 353 Phil. 271, June 22, 1998; *Dizon v. Court of Appeals*, 332 Phil. 429, November 19, 1996; *Hilario v. Court of Appeals*, 329 Phil. 202,

August 7, 1996.

[11] German Management and Services, Inc. v. Court of Appeals, 177 SCRA 495, September 14, 1989; Ganadin v. Ramos, 99 SCRA 613, September 11, 1980; Baptista v. Carillo, 72 SCRA 214, July 30, 1976.

[12] §16 of Rule 70 of the 1997 Rules of Court; Diu v. Ibañan, *supra*; Dizon v. Court of Appeals, *supra*.

[13] In their Memorandum, petitioners claim that the issue of ownership over the property “is still with the DARAB of Cavite.”

[14] Assailed CA Decision, p. 5; rollo, p. 28.

[15] Paz v. Reyes, 327 SCRA 605, March 9, 2000; Vda. de Cruz v. Court of Appeals, 363 Phil. 539, March 4, 1999.

[16] Refugia v. Court of Appeals, 327 Phil. 982, July 5, 1996.

[17] *Id.*, p. 1006.

[18] Muñoz v. Court of Appeals, 214 SCRA 216, September 23, 1992; Joven v. Court of Appeals, 212 SCRA 700, August 20, 1992; German Management and Services, Inc. v. Court of Appeals, *supra*.; Supia and Batioco v. Quintero and Ayala, 59 Phil. 312, December 23, 1933.

[19] Gener v. de Leon, 367 SCRA 631, October 19, 2001; Ceremonia v. Court of Appeals, 314 SCRA 731, September 21, 1999; Gachon v. Devera, 274 SCRA 540, June 20, 1997.

[20] Arcal v. Court of Appeals, 348 Phil. 813, January 26, 1998; Chico v. Court of Appeals, 348 Phil. 37, January 5, 1998; Ybañez v. Intermediate Appellate Court, 194 SCRA 743, March 6, 1991; Concepcion v. Presiding Judge et al., 204 Phil. 564, December 15, 1982.

[21] Evadel Realty and Development Corporation v. Soriano, 357 SCRA 395, April 20, 2001; Vda. de Villanueva v. Court of Appeals, 351 SCRA 12, February 1, 2001; Bishop of Cebu v. Mangaron, 6 Phil. 286, June 1, 1906.

[22] Villaflor v. Reyes, 22 SCRA 392, January 30, 1968; Pitargue v. Sorilla, 92 Phil. 5, September 17, 1952.

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