

REY GEAL, PETITIONER, VS. EMMA GEAL, RESPONDENT.

G.R. NO. 147632. April 29, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

When Maria E. Garingalao died intestate, she left, as part of her estate, a parcel of land with an area of 8,734 square meters identified as Lot No. 94 located at Sitio Sta. Rosa, Barangay Bongol, San Vicente, Guimbal, Iloilo. She was survived by her heirs, Tomas Geal, Sr. and his sister Paz G. Geal. In 1952, Tomas Geal, Sr., his daughter, Emma Geal, and the latter's husband, Gonzalo Ceballos, took possession of the property. Claiming to be the sole owner of the property, Tomas Geal, Sr. sold the property to the spouses Ceballos, who forthwith filed an application for a free patent with the Bureau of Lands. Paz Geal opposed the petition.

In the meantime, Paz Geal filed a complaint against her brother and niece with the Regional Trial Court (RTC) of Iloilo, for recovery of ownership and possession with damages, docketed as Civil Case No. 18096. She died, however, and consequently, the complaint was dismissed.[1]

On February 15, 1989, Tomas Geal, Jr. filed a Complaint[2] for forcible entry with the Municipal Circuit Trial Court (MCTC) of Guimbal-Igbaras-Tigbauan-Tubungan, Iloilo. against his sister and brother-in-law, the spouses Ceballos, and several policemen. He alleged that he was the designated heir of Paz Geal and the owner and actual possessor of subject Lot No. 94, located in Sitio Sta. Rosa, Bongol, San Vicente, Guimbal, Iloilo, with an area of 8,734 square meters. At about 12:00 noon of February 11, 1989, the spouses Ceballos, with the aid of policemen, entered the property without his consent, cut growing trees, and destroyed existing crops valued at more or less P7,000.00, planted on a portion of the property with an area of 1,000 square meters.

Geal, Jr. prayed that, after due proceedings, judgment be rendered in his favor, viz.:

WHEREFORE, it is most respectfully prayed that:

- Upon filing of this complaint, a restraining order be forthwith issued; and after hearing, a writ of preliminary injunction be granted directing the defendants or any of their agents and/or representatives, to desist from entering the premises of the land in question and refrain from doing acts of disposition or disturbance of plaintiff's possession;
- After due trial, making the injunction permanent and perpetual, and further ordering all of the defendants, jointly and severally, to pay plaintiff:
- actual damages of not less than P7,000.00;
- moral damages of not less than P5,000.00;
- attorney's fees of P5,000.00, plus an appearance fee of P300.00 per hearing and litigation expenses of not less than P1,500.00;
- exemplary damages in such amount as this Honorable Court may deem just and equitable.

Other reliefs and remedies suited in the premises are also prayed for.[3]

The case was docketed as Civil Case No. 63. In their answer to the complaint, the spouses Ceballos alleged that they had been in actual possession of the property since 1952, and that it was Geal, Jr. who had unlawfully deprived them of the property subject of the complaint.

On June 28, 1991, the MCTC rendered judgment in favor of the spouses Ceballos, ordering Geal, Jr. to restore possession of the subject lot to them, more specifically the 1,000-square-meter portion thereof. The fallo of the decision reads:

In view whereof, decision is hereby rendered in favor of the defendants, ordering the dismissal of this case for lack of merit. Plaintiff is further ordered:

- 1.) To restore to defendants possession over the property in question and to desist from further intruding thereon;
- 2.) To pay defendants the value of the crops and other produce of the land from the time plaintiff took possession thereof immediately after February 13, 1989 until possession thereof is returned to defendants; and
- 3.) To pay moral damages in the amount of Five Thousand Pesos (P5,000.00), Philippine Currency.

The bond posted by plaintiff to secure payment of all liabilities to defendants is hereby confiscated and held answerable for payment of all the foregoing damages, actual and moral, suffered by defendants.

SO ORDERED.[4]

On appeal, the RTC rendered judgment affirming with modification the decision of the MCTC. The fallo of the decision reads:

WHEREFORE, premises considered, there being a strong preponderance of evidence in favor of the defendants, the Decision of the Municipal Circuit Trial Court of Guimbal, Igaras, Tigbauan, Tubungan, that is being appealed to this Court, is hereby affirmed and the plaintiff-appellant is ordered as follows: 1) To immediately vacate Lot No. 94 and restore the actual possession, use and enjoyment to the defendants Emma Geal and Gonzalo Ceballos or their heirs;

2) To pay the defendants the reasonable compensation for the use and occupation of Lot No. 94 from February 13, 1989 until possession thereof is returned to them;

3) To pay defendants moral damages in the amount of P5,000.00 and another P5,000.00 as exemplary damages; and

4) To confiscate and turn over to the defendants the amount or value of the bond posted by the plaintiff for the payment of the foregoing damages, and to pay the costs.

SO ORDERED.[5]

On October 5, 1993, two deputy sheriffs delivered possession of Lot No. 94 to the spouses Ceballos.[6]

Geal, Jr. filed a petition for review of the said decision with the Court of Appeals (CA). The case was docketed as CA-G.R. SP No. 32086. The CA rendered judgment on April 28, 1994 affirming the appealed decision with modification, ordering Geal, Jr. to vacate the 1,000-square-meter portion of the property subject of the complaint. The fallo of the decision reads:

WHEREFORE, the decision appealed from is MODIFIED, by (1) ORDERING petitioner to vacate the 1,000 square meters of Lot No. 94 subject of this case and (2) DELETING the award of moral and exemplary

damages. In all other respects, the decision is AFFIRMED.

SO ORDERED.[7]

On July 26, 1994 the MCTC issued an Order granting the motion for a writ of execution filed by Geal, Jr., as follows:

WHEREFORE premises considered, and pursuant to Memorandum Circular No. 24-94 of the Supreme Court, let a Writ of Execution be issued observing the final and modified decision of the Honorable Court of Appeals dated April 28, 1994 to wit:

- Ordering plaintiff Tomas Geal, Jr. to immediately vacate the 1,000 square meters of Lot No. 94 subject of this case and restore the actual possession, use and enjoyment to the defendants Emma Geal and Gonzalo Ceballos or their heirs;
- Ordering plaintiff to pay the defendants the reasonable compensation for the use and occupation of the 1,000 square meters of Lot No. 94 from February 13, 1989 until possession thereof is returned to them; and
- To confiscate and turn over to the defendants the amount or value of the bond posted by the plaintiff for the payment of the foregoing damages, and to pay the cost.

SO ORDERED.[8]

Geal, Jr. assailed the order before the RTC of Iloilo City. The case was docketed as Civil Case No. 19932. The RTC decided the appeal as a petition for certiorari and on August 7, 1995, issued an Order dismissing the same. It likewise directed the sheriff to deliver to the spouses Ceballos that portion of the property occupied by Geal, Jr. with an area of 1,000 square meters:

WHEREFORE, this Court holds that the subject of the execution shall only be the delivery by the Sheriff to the defendants of the portion of Lot 94 with an area of 1,000 square meters.

The bond posted by plaintiff is cancelled and/or released.

Consequently, let the record of this case be remanded to the Lower Court for execution to put an end to the confusion and delay created by the parties in visualizing the differences of nothing, like a tweedledum and tweedledee in the decisions of the lower court which were vacated.

No costs.

SO ORDERED.[9]

The spouses Ceballos appealed the Order as to the cancellation of the bond filed by Geal, Jr. The RTC issued an Order[10] denying due course to the appeal on October 11, 1995. The spouses Ceballos then sought relief from the CA, docketed as CA-G.R. SP No. 38943. On January 30, 1996, the appellate court rendered judgment denying due course to the petition and directed the MCTC of Guimbal-Igbaras-Tigbauan-Tubungan, Iloilo, to proceed with the execution of the CA Decision in CA-G.R. SP No. 32086 dated April 28, 1994 with utmost dispatch.[11]

On March 7, 1996, the sheriff delivered possession of the 1,000-square-meter portion of Lot No. 94 to the spouses Ceballos and delivered the remaining 7,734-square-meter portion to Geal, Jr. The spouses Ceballos refused to receive from the sheriff the actual possession of only 1,000 square meters of Lot No. 94, and insisted that the 7,734 square meters delivered to Geal, Jr. should, likewise, be delivered to them.[12]

On June 21, 1996, the spouses Ceballos filed a Complaint for forcible entry with the MCTC against Tomas Geal, Jr. and his wife, and six of their relatives, docketed as Civil Case No. 179. They alleged that on June 1, 1996, the defendants therein, by means of force, strategy and stealth, illegally and unlawfully entered Lot No. 94, the

possession of which had been adjudged in their favor by the CA. They prayed that judgment be rendered in their favor, thus:

WHEREFORE, after due hearing, plaintiffs pray that judgment be rendered in favor of herein plaintiffs and against the defendants in the following tenor:

- Upon the filing of the complaint, the same be set for hearing on the issuance of a temporary restraining order pursuant to SC Adm. Cir. 20-95 and thereafter, a writ of preliminary prohibitory and mandatory injunction be issued directing, enjoining and commanding all the defendants, their agents, workers, factors, representatives and all those acting in their behalves (sic) from further entering Lot 94;
- Ordering the defendants and all those acting in their behalves (sic) to vacate the premises immediately and surrender the possession thereof unto plaintiffs. Additionally, the writ of preliminary mandatory injunction be made permanent;
- Condemning all the defendants, jointly and severally, to pay plaintiffs the sum of P1,000 per month as reasonable rental for the occupation of the premises;
- Directing all the defendants, jointly and severally, to pay plaintiffs the sum of P20,000 as and in concept of attorney's fees and the additional sum of P1,500 as appearance fee every time the cause (sic) is calendared of (sic) hearing; and
- To pay treble costs.

Plaintiffs finally pray for other reliefs as may be just and meet (sic) under the premises.[13]

In their answer to the complaint, the defendants therein alleged inter alia, that they possessed the property by virtue of the writ of execution placing the spouses Ceballos in possession of the 1,000-square-meter portion of Lot No. 94, and where the remaining portion of the said lot was returned to them. They likewise alleged that in the afternoon of March 7, 1996, the spouses Ceballos cut the cyclone and hog wire used as a fence to separate the 1,000-square-meter portion from the remaining 7,734 square meters of Lot No. 94.[14]

On May 16, 1997, the MCTC rendered judgment in favor of the spouses Ceballos:

- Declaring the plaintiffs lawful possessors of Lot 94, situated in Brgy. Sta. Rosa-Laguna, Guimbal, Iloilo;
- Ordering the defendants and those acting in their behalves (sic) to vacate the premises of Lot 94 immediately and surrender the possession thereof unto plaintiffs;
- Making and declaring the injunction permanent, restraining the defendants and their agents from re-entering the premises and desist from committing further acts of dispossession; and
- Ordering the defendants to pay, jointly and severally, the plaintiffs the sum of P1,000.00 per month from June 21, 1996, until the premises [are] actually delivered to the plaintiffs and the sum of P20,000.00 and P1,500.00 per appearance as attorney's fees and to pay the costs.

SO ORDERED.[15]

The ruling was further elevated to the RTC of Iloilo, docketed as Civil Case No. 17(97), and on October 20, 1998, the said court rendered judgment affirming the decision of the MCTC, thus:

WHEREFORE, PREMISES CONSIDERED, the decision appealed from is hereby AFFIRMED, in favor of plaintiffs-appellees spouses Emma and Gonzalo Ceballos:

- Declaring herein Emma and Gonzalo Ceballos as lawful possessors of Lot No. 94, situated in Brgy. Sta. Rosa-Laguna, Guimbal, Iloilo;

- Ordering defendants-appellants Tomas Geal, Jr., Annabelle Geal Davo, Bonifacio Geal, Rey Geal, Edgar Geal, Ronron Geal, Bonbon Geal and Conrada Geal, and those acting in their behalves (sic) to vacate the premises of Lot 94, and immediately surrender the possession thereof to plaintiffs-appellees;
- Making and declaring the injunction permanent, restraining defendants and their agents from entering the premises of Lot 94 and desist from committing further acts of dispossession; and
- Ordering the defendants-appellants to pay, jointly and severally, the plaintiffs the sum of [P]1,000 per month from June 21, 1996, until the premises [are] actually delivered to the plaintiffs and the sum of P20,000.00 and P1,500.00 per appearance as [attorney's] fees and to pay the costs.

SO ORDERED.[16]

On January 18, 1999, the RTC issued an Order granting the motion of the spouses Ceballos for execution pending appeal upon their posting of a P20,000.00 supersedeas bond. The writ of execution[17] was later issued by the court.

Geal, Jr. filed a petition for review of the decision with the CA, docketed as CA-G.R. SP No. 52020. He alleged in the main that the action of the spouses Ceballos for forcible entry was barred by the decisions of the CA in CA-G.R. SP No. 32086 and CA-G.R. SP No. 38943, which decreed that he was entitled to the possession of a portion of Lot No. 94 with an area of 7,734 square meters; hence, he could not be dispossessed of the said portion of the property.

On September 22, 2000, the CA rendered judgment[18] dismissing the petition and affirming the decision appealed from. It ruled that the complaint of the spouses Ceballos for forcible entry was not barred by its decisions in CA-G.R. SP No. 32086 and CA-G.R. SP No. 38943.

Geal, Jr. filed a motion for a reconsideration of the decision, which the CA denied in a Resolution[19] dated February 8, 2001.

In the meantime, Tomas Geal, Jr. died on April 10, 2001 and was survived by his son and herein petitioner, Rey Geal. Gonzalo Ceballos also died intestate and was survived by his wife, Emma, herein respondent.

Rey Geal filed the instant petition for review on certiorari, contending that:

- The CA decision ignored the fact that there was a prior decision and execution pending appeal made by the RTC by which the entire Lot 94 was delivered from petitioner to respondent, which RTC decision was later on modified by the Court of Appeals itself in CA-G.R. SP No. 32086 by reducing to only 1,000 square meters the portion to which the respondent is entitled – which means that the balance or remaining area of 7,734 square meters of Lot 94 should have been restored to the petitioner and his co-heirs;
- That the delivery by Sheriff Manolito Ferrer of this 7,734-square-meter portion of Lot 94 back to the petitioner and his co-parties simply restored to petitioner and said co-parties what they were illegally deprived of during the aforementioned execution pending appeal, a delivery which was pursuant to and in accordance with the said decision of the Hon. Court of Appeals in the earlier mentioned CA-G.R. SP No. 32086; hence, was lawful and proper, and cannot be the subject of forcible entry that respondent later on filed against the petitioner, among others; and
- In view of this decision of the Hon. Court of Appeals in CA-G.R. SP No. 32086 that the respondent is entitled to ONLY 1,000 square meters of Lot No. 94 which was the land in question, there is no legal or factual basis for the same court, in its decision in question (Annex “B” hereof), to award the possession of this remaining 7,734-square-meter portion of Lot No. 94, the land in question, to the respondent; ...[20]

The petition has no merit.

The petitioner avers that pursuant to the decisions of the CA in CA-G.R SP No. 32086 and CA-G.R. SP No. 38943, the portion of Lot No. 94 with an area of 7,734 square meters was awarded to him; hence, he could not be evicted from the said property by the CA in CA-G.R. SP No. 52020. He further alleges that the ruling of the CA in CA-G.R. SP No. 52020 was barred by the decision of the said court in CA-G.R. SP No. 32086 and CA-G.R. SP No. 38943, and as such, he could not be restrained from entering the said portion of the property. As the appellate court ruled in the said cases, the petitioner had to vacate the entirety of Lot No. 94, and restore to the possession of the respondent only the 1,000-square-meter portion thereof.

On the other hand, the CA ratiocinated, thus:

For the principle of res judicata to apply, the following must be present: (a) the former judgment must be final; (b) the court which rendered it had jurisdiction over the subject matter and the parties; (c) it must be a judgment on the merits; and (d) there must be, between the first and second actions, identity of parties, subject matter and causes of action. (*Mangoma v. Court of Appeals*, 241 SCRA 21 [1995]). Verily, since the previous decisions of this court delved only on the 1,000-square-meter portion of Lot 94, and not on the 7,734 square meters remaining portion of Lot 94 subject of this petition, petitioners' reliance on the principle of res judicata must fail. The requisite identity of subject matter is wanting between the previous decision of this court and the instant petition.

Anent the claim of petitioners that they cannot be held liable for forcible entry because they entered into the 7,734-square-meter portion of Lot 94 by virtue of a writ of execution issued by the regional trial court, we find the same untenable.

The execution done by Sheriff Manolito Ferrer placing petitioners in possession of the 7,734-square-meter portion of Lot 94 was improper since it went beyond the scope of our judgment. The previous decisions of this court enunciated nothing about the award of 7,734-square-meter portion of Lot 94 in favor of petitioners. ...[21]

We agree with the CA and the respondent. Indubitably, the respondent, her deceased husband Gonzalo Ceballos, and Tomas Geal, Jr. were in actual physical possession of the entirety of Lot No. 94 when the complaint for forcible entry (Civil Case No. 63) was filed by the latter with the MCTC covering the 1,000-square-meter portion of the property. Tomas Geal, Jr., as plaintiff, claimed that the respondent and her husband, as defendants, had deprived him of possession of the said 1,000-square-meter-portion of the property. The MCTC thus ordered Tomas Geal, Jr. to vacate the said portion of the property. The decision was affirmed by the RTC in Civil Case No. 19932. However, the RTC inadvertently ordered that Lot No. 94 be vacated without specifically declaring that the 1,000-square-meter portion of the property was involved and should be vacated, only because the respondent and her husband were still in actual possession of the remaining 7,734 square meters. The matter was clarified by the CA in CA-G.R. SP No. 32086, where it ordered Tomas Geal, Jr. "to vacate the 1,000 square meters of Lot No. 94." [22] Unfortunately, the sheriff misconstrued the decision of the CA as entitling the respondent to only a 1,000-square-meter portion of the subject property, while the petitioner, the remaining 7,734 square meters thereof; as such, the sheriff delivered the 7,734-square-meter portion of the lot to the petitioner herein, which prompted the respondent to file a complaint for forcible entry against him before the MCTC.

In fact, the matter of entitlement to the possession of the 7,734- square-meter portion of Lot No. 94 was not even an issue in Civil Case No. 63 in the MCTC, nor in Civil Case No. 19932 in the RTC, and in CA-G.R. SP No. 32086 and CA-G.R. SP No. 38943 in the CA. The petitioner gained possession of the said portion of the subject lot only due to the improvidence of the implementing sheriff.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED for lack of merit. Costs against the petitioner.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] CA Rollo, p. 35.

[2] Id. at 23-27.

[3] Id. at 26.

[4] Id. at 36.

[5] Id. at 38-39.

[6] Id. at 45.

[7] Id. at 52.

[8] Id. at 55-56.

[9] Id. at 60.

[10] Id. at 61-62.

[11] Id. at 72.

[12] Rollo, pp. 51-52.

[13] CA Rollo, pp. 78-79.

[14] Id. at 82-83.

[15] Id. at 109-110.

[16] Id. at 121-122.

[17] Id. at 125-127.

[18] Penned by Associate Justice Oswaldo B. Agcaoili, with Associate Justices Wenceslao I. Agnir, Jr. and Elvi John S. Asuncion, concurring.

[19] Rollo, p. 63.

[20] Id. at 19-20.

[21] Rollo, pp. 57-58.

[22] CA Rollo, p. 52.

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