DOLORES GAYOSO, DANNY GAYOSO, ELIZABETH G. DONDRIANO, VICTORIANO GAYOSO, CHRISTOPHER GAYOSO, REMEDIOS GAYOSO AND THE HEIRS OF VICTORIANO GAYOSO, PETITIONERS, VS. TWENTY-TWO REAL...

G.R. NO. 147874. July 17, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari assailing the Decision[1] of the Court of Appeals dated April 20, 2001 in CA-G.R. SP No. 48001.

This case stemmed from a Complaint for Ejectment filed by Twenty-Two Realty Development Corporation (TTRDC), respondent, on December 12, 1996 with the Metropolitan Trial Court (MeTC), Branch 60, Mandaluyong City against the above-named petitioners. The complaint, docketed as Civil Case No. 15340, alleges that on October 11, 1954, Victoriano Gayoso (now deceased) sold to Prospero Almeda a lot located on Mariveles corner Calbayog Streets, Mandaluyong City. After the sale, Almeda allowed Gayoso and his children, herein petitioners, to stay on the property as lessees, paying P20.00 a month. Later, Almeda's heirs sold the lot to respondent TTRDC. Thus, on February 19, 1996, the title to the property was transferred in the name of respondent corporation.

However, petitioners have stopped paying rentals. Respondent then sent letters dated September 12 and October 17, 1996 to petitioners demanding that they vacate the premises, but they refused to do so. This prompted respondent to file with the MeTC a complaint for illegal detainer against them.

In their answer, petitioners denied specifically TTRDC's allegations in its complaint. They claimed that the MeTC has no jurisdiction over the case since in their answer they are raising an issue of ownership. They alleged that their father, the late Victoriano Gayoso, sold the lot (a conjugal property) to Almeda without the consent of their mother. The sale, being void, Almeda could not have transferred ownership of the lot to respondent corporation.

On July 21, 1997, the MeTC rendered its Decision, the dispositive portion of which reads:

> WHEREFORE, the Court renders judgment:
>
> A. Ordering the defendants
>
> - and all other persons claiming rights under them to vacate the premises located at Mariveles corner Calbayog Streets, Mandaluyong City, and to surrender the possession of the same to the plaintiff;
>
> - to pay the plaintiff the amount of P4,000.00 representing their unpaid rentals beginning February 1981 to December 1996 and the amount of P20.00 per month every month thereafter until the premises shall have been vacated;
>
> - to pay the plaintiff the amount of P10,000.00 as and by way of attorney's fees; and

- to pay the costs of suit.

B. dismissing the counterclaim.

SO ORDERED.

The MeTC ruled that since petitioners failed to pay rentals for more than three months, then respondent has the right to evict them from the premises.

On appeal, the Regional Trial Court (RTC), Branch 213, Mandaluyong City, affirmed the MeTC Decision, holding that the refusal of petitioners to vacate the property and pay the rents make out a clear case of unlawful detainer over which the MeTC has jurisdiction.

Petitioners then filed with the Court of Appeals a Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure, as amended.

In its Decision dated April 20, 2001, the Court of Appeals affirmed in toto the RTC Decision, thus:

> WHEREFORE, the petition is hereby DISMISSED. The decision of the Regional Trial Court affirming the decision of the Metropolitan Trial Court, National Capital Judicial Region, Mandaluyong City, Branch 60, is hereby AFFIRMED IN TOTO.
>
> SO ORDERED.

Hence, the instant petition.

Petitioners contend that since the issue of ownership of the property in dispute is inextricably linked with the issue of possession, the MeTC has no jurisdiction over Civil Case No. 15340.

For its part, respondent maintains that the real issue is who between the parties is entitled to possession. Hence, the MeTC has jurisdiction to hear and decide the case.

We find for the respondent.

It is basic that a court's jurisdiction is provided by law. Section 33 of Batas Pambansa Blg. 129, as amended, provides in part:

> 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; (Emphasis supplied)

Moreover, Section 18, Rule 70 of the 1997 Rules of Civil Procedure, as amended, states that:

> 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

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> same on the basis of the entire record of the proceedings had in the court of origin and such memoranda and/or briefs as may be submitted by the parties or required by the Regional Trial Court.

In Barba vs. Court of Appeals,[2] this Court held:

> The Court has repeatedly emphasized that municipal trial courts, metropolitan trial courts, and municipal circuit trial courts now retain jurisdiction over ejectment cases if the question of possession cannot be resolved without passing upon the issue of ownership. In forcible entry and unlawful detainer cases, even if the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, inferior courts, nonetheless, have the undoubted competence to provisionally resolve the issue of ownership for the sole purpose of determining the issue of possession. Such decision, however, does not bind the title or affect the ownership of the land or building, neither shall it bar an action between the same parties respecting title to the land or building nor be held conclusive of the facts therein found in a case between the same parties upon a different cause of action involving possession.

Likewise, in Tala Realty Services Corporation vs. Banco Filipino Savings and Mortgage Bank,[3] this Court ruled:

> All ejectment cases are covered by the Rule on Summary Procedure and are within the jurisdiction of the inferior courts regardless of whether they involve questions of ownership. The courts in ejectment cases may determine questions of ownership whenever necessary to decide the question of possession.

Verily, we hold that the Court of Appeals did not err in holding that the MeTC of Mandaluyong City has jurisdiction to hear and decide Civil Case No. 15340, notwithstanding the issue of ownership raised by petitioners in their answer.

WHEREFORE, we DENY the petition. The Decision of the Court of Appeals dated April 20, 2001 in CA-G.R. SP No. 48001 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Puno, (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

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[1] Rollo, pp. 31-40. Per Associate Justice Alicia L. Santos (retired) and concurred in by Associate Justice Ramon A. Barcelona (retired) and Associate Justice Rodrigo V. Cosico.

[2] G.R. No. 126638, February 6, 2002, 376 SCRA 210, citing Del Rosario vs. Court of Appeals, 241 SCRA 519 (1995).

[3] G.R. No. 137533, November 22, 2002, 392 SCRA 506.

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