

ALCO BUSINESS CORPORATION, PETITIONER, VS. ELSA ABELLA, ROGELIO ABELLA, CESAR ALIBANGBANG, LOLITO ALINAS, MYRNA ALINAS, EDITHA ANDRES, PASCUALA ATON, DIOSCORO AYAAY, EVELYN AYAA...

G.R. No. 148373. February 05, 2007

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is a petition for review on certiorari of the Decision of the Court of Appeals in CA-G.R. SP No. 56647 denying for lack of merit the petition for review filed by petitioner Alco Business Corporation.

This originated as a case of forcible entry[1] filed by petitioner before the Metropolitan Trial Court (MeTC) of Quezon City, Branch 31. The MeTC ruled in favor of petitioner. On appeal, the Regional Trial Court (RTC) of Quezon City, Branch 103 reversed the decision of the MeTC. The Court of Appeals sustained the decision of the RTC.

The facts are:

Petitioner Alco Business Corporation claims to be the registered owner of two parcels of land located at Agno Extension, Barangay Tatalon, Quezon City covered by Transfer Certificate of Title (TCT) Nos. 57466[2] and 253304 of the Register of Deeds of Quezon City. Petitioner contends that respondents illegally occupied the land by building their shanties thereon by strategies, force and stealth without its knowledge and consent. Petitioner repeatedly demanded that respondents vacate the premises, but respondents refused. On June 20, 1991, petitioner made a formal demand to vacate upon respondents, but this was ignored. Hence, petitioner filed the action for forcible entry[3] against respondents with the MeTC of Quezon City, Branch 31.

Respondents, on the other hand, aver that petitioner's title over the subject properties is fictitious. They contend that the real owners of the properties are the late spouses Blas Fajardo and Pantaleona Santiago. Upon recommendation of the Department of Justice, the heirs of the deceased spouses filed a petition for reconstitution of the lost Original Certificate of Title No. 56 under Land Registration No. Q-4897 (91) before the RTC of Quezon City, Branch 78. The land occupied by respondents are part of the land which is the subject matter of that case. Respondents have the express consent of the spouses and their heirs to occupy the land. Moreover, in preparation for the sale of the occupied lots to respondents, the National Housing Authority issued house tags to them since the lots are part of the "Tatalon Estate."

On November 7, 1995, the MeTC rendered a decision, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against defendants:

- Ordering the defendants and all persons claiming rights under them to vacate the premises identified as Lots 8 and 10 covered by TCT No. 5835 (247313) and 253304 of the Register of Deeds of Quezon City, located at Agno Ext., Bgy. Tatalon, Quezon City, and restore possession thereof to the plaintiff;

- Ordering the defendants to pay plaintiff-corporation, Alco Business Corporation, the amount of P200.00 each per month, from June 1991, and every month thereafter as reasonable compensation for the use and occupancy of the premises until they shall vacate the subject parcels of land, and possession thereof is restored to the plaintiff-corporation;
- Ordering the defendants to pay jointly and severally, the amount of P20,000.00 as attorney's fees, plus the additional sum of P1,000.00 per Court appearance;
- Ordering the defendants to pay the costs of suit.

SO ORDERED.[4]

On appeal, the RTC reversed the decision of the MeTC and dismissed the petitioner's complaint for forcible entry after finding that the certificates of title of petitioner are spurious. The dispositive portion of the decision reads:

ACCORDINGLY, the decision dated November 7, 1995 in Civil Case No. 31-5461 rendered by the court a quo, Branch 31, M[e]TC, Q.C. and herein appealed from is hereby REVERSED and the Plaintiff-Appellee's Complaint for Forcible Entry at bench against the Defendants-Appellants is hereby DISMISSED.

The Order dated October 11, 1999 issued by this court, insofar as it directs the issuance of an Alias Writ of Execution Pending Appeal in this case, is hereby set aside.

No costs.

SO ORDERED.[5]

Petitioner filed a motion for reconsideration, which motion was denied by the RTC.

Thereafter, petitioner filed a petition for review with the Court of Appeals (CA). It contended that the RTC of Quezon City, Branch 103 erred in declaring that its certificates of title were spurious.

In a Decision[6] promulgated on May 31, 2001, the CA denied the petition for lack of merit. It sustained the finding of the RTC that petitioner's titles over the property are spurious or at the least the boundaries thereof are dubious.

The CA clarified that contrary to what petitioner wanted it to believe, the decision of the RTC did not rely on respondents' memorandum before the trial court but based its ruling on the documents presented before the trial court. Among these were TCT Nos. 5835 (247313)[7] in the name of Teresita P. Visconde, respondents' predecessor-in-interest; TCT No. 253304[8] in petitioner's name; and the Resolution[9] of the Department of Justice dated July 9, 1990 in I.S. No. 89-00010.

The CA stated that the claim of ownership of petitioner is founded on TCT Nos. 57466 (formerly TCT No. 5835 [247313]) and 253304 of the Registry of Deeds of Quezon City. TCT No. 57466 describes the land as:

A parcel of land (Lot No. 8, Block No. 243, of the cons. and subd. plan, Pcs-3824, being a portion of the consolidation of Block Nos. 235 to 241, Street Lot Nos. 4 to 9 and 11 of plan Psd-36950 and Lot 4-B-3-C-2-B-2 of plan Psd-18526, LRC (GLRO) Rec. No. 7681), situated in the Quezon City. Bounded on the NE., by Lot No. 7, Block No. 243 of the cons. and subd. plan; on the NE., by Lot No. 10, Block No. 243 of the cons. and subd. plan; on the SE., by Street Lot No. 6, Block No. 243 of the cons. and subd. plan. Beginning at a point marked "1" on plan, being S.86 deg. 15'E., 2274.26 m. from City Boundary Monument No. 37, Manila Cad. thence N. 43 deg. 03'W., 49.71 m. to pt. 2; thence N. 46 deg. 57'E., 22.00 m. to pt. 3; thence S. 43 deg. 03'E., 49.99 m. to pt. 4; thence S. 47 deg. 40'W., 22.00 m. to the point of beginning; containing an area of ONE THOUSAND NINETY SIX SQUARE METERS AND SEVENTY SQUARE DECIMETERS (1,096.7) more or less. All points referred to are indicated on the plan and on the ground are marked by P.L.S. cylindrical

concrete monuments 15x60 cm., bearings true; declination 0 deg. 55'E., date of the original survey, December, 1910 to June, 1911; and that of the cons. and sub. survey, April 5 to June 19, 1954.[10]

TCT No. 253304 describes the land as:

A parcel of land (Lot No. 10, Block No. 243 of the consolidation and subdivision plan Pcs-3824, being a portion of the consolidation of Block Nos. 235 to 241, Street Lots Nos. 4 to 9 and 11 of plan Psd-36950 and Lot 4-B-3-C-2-B-2 of plan Psd-18526, LRC (GLRO) Rec. No. 7681) situated in the Quezon City. Bounded on the NW. by Lot No. 9; Block No. 243 of the consolidation and subdivision plan; on the NE., by Lot No. 12, Block No. 243 of the consolidation and subdivision plan; on the SE., by Street Lot No. 13 of the consolidation and subdivision plan and on the SW. by Lot No. 6, Block No. 243 of the consolidation and subdivision plan. Beginning at a point marked "1" on plan, being S. 87 deg. (02'E., 2305.00 m. from City Boundary Monument No. 37, Manila Cad; thence S. 47 deg. 40'W., 22.00 m. to point 2; thence N. 43 deg. 03'W., 49.99 m. to point 3; thence N. 46 deg. 57'E., 22.00 m. to point 4, thence S. 43 deg. 03'E; 50.27 m. to point of beginning; containing an area of ONE THOUSAND ONE HUNDRED TWO SQUARE METERS AND NINETY SQUARE DECIMETERS (1,102.9) more or less. All points referred to are indicated on the plan and on the ground by P.S. Cyl. Conc. mons. 15x60 cm., bearings true; decl. 0 deg. 45'E., date of original survey, Dec. 1910 to June 1911 and that of the consolidation and subdivision survey, April 5 to June 19, 1954.[11]

The CA observed that both TCT No. 57466 covering Lot No. 8, Block No. 243 of the subdivision plan Pcs-3824 and TCT No. 253304 covering Lot No. 10, Block No. 243 of the consolidation and subdivision plan Pcs-3824 declare that Lots Nos. 8 and 10 are portions of the consolidation of Block Nos. 235 to 241. However, the described location of the land is Block No. 243. As pointed out by the RTC, Branch 103 of Quezon City, "how can a certificate be issued as covering Block [No.] 243 when the very same title states that the lands therein covered are those of Block Nos. 235 to 241 only?"

Moreover, the CA pointed out that the land described in TCT No. 57466 only has two sides: northeast and southeast. How could the Bureau of Lands have approved a plan with such a description?

The CA stated that the above manifestations indicate that TCT Nos. 57466 and 253304, from which petitioner bases its claim, are untrustworthy or at the least the boundaries thereof are dubious. Hence, the certificates of title cannot be viewed as solid evidence which would entitle petitioner to possession over the disputed property. Consequently, petitioner has no right to eject respondents from the disputed property. It has no cause of action against respondents.

The CA also found, thus:

Notably, the heirs of spouses Blas Fajardo and Pantaleona Santiago (predecessors-in-interest of respondents) anchor their claim of ownership on OCT No. 56 and Decree No. 1275. In his resolution dated 09 July 1990, after examining all the evidence presented, State Prosecutor Hernani T. Barrios of the Department of Justice held that the claim of the heirs of spouses Blas Fajardo and Pantaleona Santiago is valid vis-à-vis other claimants. Thus, he recommended that -

"WHEREFORE, it is respectfully recommended that the heirs of spouses Blas Fajardo and Pantaleona Santiago may now petition the proper courts for: (1) The reconstitution of OCT 56 and Decree No. 1275; (2) Recovery of ownership of all lands embraced in said OCT 56 covered by Decree No. 1275 based on ownership and at the same time to seek for a declaration of nullity/annulment of title of OCT 735 and Decree No. 17431 particularly as it refers to Parcel 1, and; (3) Other remedies they may deem just and equitable under the circumstances.[12]

The Court of Appeals declared that the correctness of the above quoted finding was not successfully refuted. Thus, it upheld the validity of the claim of the heirs of spouses Blas Fajardo and Pantaleona Santiago over the litigated land.

On July 19, 2001, petitioner filed this petition seeking to raise these issues:

- Whether or not the CA may sustain the RTC in reversing the Decision of the MeTC [based] on evidence not formally introduced as evidence in the trial court.
- Whether or not the CA may sustain the RTC in holding in an ejectment case that the titles of petitioner are void and spurious.[13]

Petitioner argues that the instant forcible entry case is covered by the Rule on Summary Procedure. Section 9 of the Rule provides that "[w]ithin 10 days from receipt of the order x x x, the parties shall submit the affidavits of witnesses and other evidences on the factual issues defined therein, together with a brief statement of their position setting forth the law and the facts relied upon." The trial court may only consider as evidence the affidavits of witnesses and the documents identified by a witness. Respondents failed to submit affidavits of witnesses in support of their defense, and they also failed to identify the attachments in their Answer. Hence, the CA erred (a) in sustaining the RTC's reversal of the decision of the MeTC based on documents and other attachments to pleadings which were not submitted in evidence; and (b) in considering the documents or attachments in respondents' position papers, memorandum and pleadings not offered in evidence.

The argument is without merit.

The RTC and the CA mainly relied on the transfer certificate of titles submitted by petitioner before the trial court, namely, TCT No. RT-5835 (247313)[14] in the name of Teresita P. Visconde, petitioner's predecessor-in-interest; TCT No. RT-3453 (253304)[15] in the name of petitioner; and the Resolution[16] of the Department of Justice dated July 9, 1990 in I.S. No. 89-00010, which is a public document annexed to respondents' Answer. Hence, there was nothing irregular in the assessment of evidence by the appellate courts.

Petitioner also contends that the CA erred in finding its certificates of title as spurious. The titles were issued by the proper government agency and there is a presumption of regularity in their issuance by the public official concerned. The inconsistency in TCT Nos. 57466 and 253304 covering Lots Nos. 8 and 10, respectively, declaring that the lots are portions of the consolidation of Block Nos. 235-241, while the described location of the land is that of Block No. 243, could have been a simple typographical or clerical error, which could have been questioned in an appropriate proceeding. Moreover, the validity of petitioner's titles cannot be attacked collaterally, but only in proceedings before the proper court solely for the purpose of annulling the title through an action filed by the real party in interest. Declaring the petitioner's titles spurious in the instant ejectment suit is a denial of petitioner's right to due process.

The Court is not persuaded.

In forcible entry and unlawful detainer cases, 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, the inferior courts and the Court of Appeals have the undoubted competence provisionally to resolve the issue of ownership for the sole purpose of determining the issue of possession.[17]

In this case, petitioner's cause of action for forcible entry was grounded on its alleged ownership of the subject properties, which was disputed by respondents. Petitioner failed to discharge its burden as plaintiff to show that it has a right of possession of the subject properties since it sought to base its alleged right on the transfer certificates of title which on their very face are not reliable due to discrepancies in their technical descriptions. Consequently, the action for forcible entry cannot prosper.

WHEREFORE, the petition is DENIED for lack of merit. No costs.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

[1] With prayer for preliminary mandatory injunction.

[2] Formerly TCT No. RT-5835 (247313).

[3] Docketed as Civil Case No. 31-5461.

[4] Rollo, p. 70.

[5] Id. at 86-87.

[6] Id. at 30.

[7] Records, p. 12.

[8] Id. at 18.

[9] Id. at 187, 287.

[10] Rollo, pp. 43-44.

[11] Id. at 45-46.

[12] Id. at 36.

[13] Id. at 16.

[14] Records, p. 12.

[15] Id. at 18.

[16] Id. at 187, 287.

[17] *Boy v. Court of Appeals*, G.R. No. 125088, April 14, 2004, 427 SCRA 196, 204.

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