

JACINTO V. CO, PETITIONER, VS. RIZAL MILITAR AND LILIA SONES, RESPONDENTS.

G.R. No. 149912. January 29, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

This is a petition for review under Rule 45 of the 1997 Rules of Civil Procedure, assailing the decision dated June 30, 2000[1] of the Court of Appeals which dismissed the petition for review in CA-G.R. SP No. 51344, and its Resolution dated September 10, 2001[2] which denied the motion for reconsideration.

Petitioner Jacinto V. Co claims to be the owner of a parcel of land measuring 396 square meters covered by a Transfer Certificate of Title No. 81792.[3] The land was formerly owned by Rolando Dalida, in whose name it was registered under TCT No. 192224.[4]

Dalida mortgaged[5] the land to petitioner to secure payment of a loan. After Dalida defaulted in the payment of his obligation, petitioner caused the foreclosure of the mortgage. Subsequently, petitioner acquired the land at the foreclosure sale held sometime in 1982.

On June 19, 1997, petitioner filed a complaint for unlawful detainer before the Metropolitan Trial Court of Marikina City, Branch 75, against respondents Rizal Militar and Lilia Sones, who were in possession of the land.

Petitioner alleged that he is the registered owner of the land; that as owner, he declared[6] the same for tax purposes and has been up to date in the payments of real property taxes; and that respondents' occupancy of the property was by his mere tolerance but their continued stay became unlawful after he demanded that they vacate the premises.

In their answer, respondents claimed that they are the owners of 198 square meters each of the disputed land, having bought the same from Burgos L. Pangilinan and Reynaldo Pangilinan who were the owners-developers of a residential subdivision project called "Immaculate Conception Village", and whose ownership was covered by TCT No. 13774.

Respondent Militar further claimed that his occupancy of the property could not be by tolerance of petitioner for the following reasons: one, he constructed his house way back in June 1966, long before petitioner acquired title thereto on October 10, 1983; two, he bought the one-half portion of the property, consisting of 198 square meters, on April 20, 1966 from B.L. Pangilinan & Sons, Inc. and paid for the same in full on October 3, 1973, or 10 years before petitioner claimed ownership of said property.[7] He also assailed the jurisdiction of the Metropolitan Trial Court, claiming that it had no jurisdiction over the case as the proper action should have been an accion reivindicatoria filed before the Regional Trial Court.[8]

Respondent Sones, on the other hand, alleged that she bought the other half of the property from the Spouses Burgos and Juanita Pangilinan on April 6, 1966, and paid for the same in full on October 6, 1973. She also argued that the Metropolitan Trial Court had no jurisdiction over the nature of the action considering that the same is

founded on a property right. She also averred that petitioner registered the subject property in bad faith inasmuch as he knew that she was in actual, peaceful, exclusive, adverse and continuous possession of the same and was exercising dominion and ownership over it when petitioner proceeded with his registration.

After trial, the Metropolitan Trial Court rendered a decision in favor of petitioner, thus:

Wherefore, premises considered, judgment is hereby rendered in favor of plaintiff Jacinto Velasco Co and against defendants, Rizal Militar and Lilia Sones, as follows:

- ordering the defendants and/or all persons claiming rights under them to vacate the subject premises and peacefully surrender possession thereof to plaintiff;
- ordering the defendants to pay plaintiff reasonable compensation for the use of the premises in question in the amount of P500.00 for each defendant per month from June 19, 1997 the date of filing of the complaint until the premises are vacated;
- ordering the defendants to pay plaintiff the sum of P 2,000.00 as and for attorney's fees;
- to pay the costs of this suit.

SO ORDERED.[9]

Respondents appealed the decision to the Regional Trial Court, which reversed and set aside the same.[10] Petitioner filed a petition for review before the Court of Appeals, which denied due course and ordered the dismissal of the petition.

Petitioner filed a Motion for Reconsideration which was denied by the Court of Appeals.[11] Hence, the instant petition raising the following errors:

I.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN CONCURRING WITH THE FINDING OF THE LOWER COURT THAT THE DOCTRINE OF OCCUPANCY BY TOLERANCE, IN AN UNLAWFUL DETAINER CASE, CANNOT BE VALIDLY INVOKED BY PETITIONER WHO HAD NO PRIOR PHYSICAL POSSESSION OF THE PROPERTY AS HE HAD BOUGHT THE PROPERTY ONLY IN 1982 VIS-À-VIS THE RESPONDENTS WHO HAD BEEN IN THE PROPERTY SIXTEEN (16) YEARS EARLIER OR AS EARLY AS 1966.

II.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT THE DISPUTE OVER POSSESSION OF THE PROPERTY BY THE PETITIONER AND RESPONDENTS BECOMES AN ISSUE AS TO WHO HAS THE BETTER RIGHT OF OWNERSHIP, THE RESPONDENTS WHO HAD DEEDS OF SALE AND IN POSSESSION OF THE PREMISES OR THE PETITIONER WHO ACQUIRED TITLE TO THE PROPERTY IN A FORECLOSURE SALE.

The principal issue to be resolved in the instant petition is: Who between petitioner and respondents has a better right to possess the subject property?

We have, time and again, held that the only issue for resolution in an unlawful detainer case is physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants. Moreover, an ejectment suit is summary in nature and is not susceptible to circumvention by the simple expedient of asserting ownership over the property.[12]

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, the lower courts and the Court of Appeals, nonetheless, have the undoubted competence to provisionally resolve the issue of ownership for the sole purpose of determining the issue of possession.[13]

Such decision, however, does not bind the title or affect the ownership of the land nor is conclusive of the facts therein found in a case between the same parties upon a different cause of action involving possession.

In the instant case, the evidence showed that as between the parties, it is the petitioner who has a Torrens Title to the property. Respondents merely showed their unregistered deeds of sale in support of their claims. The Metropolitan Trial Court correctly relied on the transfer certificate of title in the name of petitioner.

In *Tenio-Obsequio v. Court of Appeals*,[14] it was held that the Torrens System was adopted in this country because it was believed to be the most effective measure to guarantee the integrity of land titles and to protect their indefeasibility once the claim of ownership is established and recognized.

It is settled that a Torrens Certificate of title is indefeasible and binding upon the whole world unless and until it has been nullified by a court of competent jurisdiction. Under existing statutory and decisional law, the power to pass upon the validity of such certificate of title at the first instance properly belongs to the Regional Trial Courts in a direct proceeding for cancellation of title.[15]

As the registered owner, petitioner had a right to the possession of the property, which is one of the attributes of his ownership. Respondents' argument that petitioner is not an innocent purchaser for value and was guilty of bad faith in having the subject land registered in his name is a collateral attack on the title of petitioner, which is not allowed. A certificate of title cannot be subject to a collateral attack and can be altered, modified or cancelled only in a direct proceeding in accordance with law.[16]

WHEREFORE, in view of the foregoing, the instant petition is GRANTED. The June 30, 2000 decision of the Court of Appeals in CA-G.R. No. 51344 which sustained the October 30, 1998 decision of the Regional Trial Court of Marikina, Branch 273, in SCA Case No. 98-200-MK is REVERSED and SET ASIDE. The May 26, 1998 decision of the Metropolitan Trial Court of Marikina, Branch 75, in Civil Case No. 97-6521 declaring petitioner Jacinto V. Co as having a better right of possession over the subject parcel of land as against respondents Rizal Militar and Lilia Sones is REINSTATED.

Accordingly, respondents are ordered to vacate the subject premises and peacefully surrender possession thereof to petitioner. Further, respondents are ordered to pay petitioner reasonable compensation for the use of the premises in the amount of P500.00 per month from June 15, 1997 until the premises are vacated; P2,000.00 as attorney's fees; and costs of the suit.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Panganiban, and Carpio, JJ., concur.
Azcuna, J., on official leave.

[1] Penned by Associate Justice Mariano M. Umali and concurred in by Associate Justices Conrado M. Vasquez and Eriberto V. Rosario, Jr.

[2] Penned by Associate Justice Conrado M. Vasquez and concurred in by Associate Justices Eriberto V. Rosario, Jr. and Eloy R. Bello, Jr.

[3] RTC Records, p. 441.

[4] Id., p. 443.

[5] Id., pp. 445-447.

[6] Id., pp. 286-287.

[7] Record, p. 52.

[8] Id., p. 53.

[9] Id., p. 73.

[10] Id., p. 92.

[11] Id., pp. 59-60.

[12] Spouses Antonio and Genoveva Balanon-Anicete and Spouses Andres and Filomena Balanon-Mananquil v. Pedro Balanon, G.R. Nos. 150820-21, 30 April 2003; citing Embrado v. Court of Appeals, G.R. No. 51457, 27 June 1994, 233 SCRA 335, see also Republic v. Court of Appeals, G.R. No. 108998, 24 August 1994, 235 SCRA 567.

[13] Id.

[14] G.R. No. 107967, 1 March 1994, 230 SCRA 550.

[15] Estrellita S.J. Vda. De Villanueva, et al. v. Court of Appeals and Lina F. Vda. de Santiago, et al., G.R. No. 117971, 1 February 2001, 351 SCRA 12; citing Land Titles and Deeds, Noblejas and Noblejas, 1992 ed., p. 210; citing Ching v. Court of Appeals, G.R. Nos. 59568-76, 11 January 1990.

[16] Supra, citing Tan v. Philippine Banking Corp., G.R. No. 137739, 26 March 2001, 355 SCRA 292.

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