

ANICIA U. TECSON, CLEMENT MARSIANEL TECSON AND VIRGINIA GRECIL TECSON, PETITIONERS, VS. DANTE GUTIERREZ, RESPONDENT.

G.R. NO. 152978. March 04, 2005

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

The Decision[1] dated January 31, 2002 of the Court of Appeals in CA-G.R. SP No. 60627 set aside that of the Regional Trial Court, Branch 83, Malolos, Bulacan, in Civil Case Nos. 47-M-99 and 48-M-99, and dismissed the complaints in Civil Case Nos. 2287 and 2288 before the Municipal Trial Court of San Miguel, Bulacan.

The factual milieu of the present case is as follows:

On August 21, 1997, petitioners filed a complaint for unlawful detainer against respondent before the Municipal Trial Court (MTC) docketed as Civil Case No. 2287.[2] They alleged that they were the owners of a residential lot covered by Transfer Certificate of Title (TCT) No. T-62466, which they leased to respondent for and in consideration of four cavans of palay yearly under an oral lease agreement. The lot was to be used by the respondent as the site of his dwelling. They declared that starting the year 1995, respondent failed to pay the yearly rental. Thus, they considered the lease terminated and made oral and written demands on him to vacate the property. Respondent, however, stubbornly refused to leave.

On the same day, petitioners also filed a complaint for forcible entry against respondent before the MTC docketed as Civil Case No. 2288.[3] They charged him of occupying, since January 1997, a portion of their residential lot under TCT No. T-62465, without their consent. This lot is adjacent to the subject lot of Civil Case No. 2287.

In his answer, respondent averred that he was a farmer beneficiary of a homelot composed of the subject parcels of land. He alleged that the petitioners unlawfully reclassified the lot from agricultural to residential, subdivided it, and evicted the tenants. Respondent also stated that the same lots were the subject of DARAB Case No. R-03-028101-98.

On August 21, 1998, the MTC decided Civil Case No. 2288 in favor of petitioners. It ruled that respondent cannot claim entitlement to acquire the subject lot as his homelot for the following reasons: (1) respondent was not a tenant-farmer of the petitioners; (2) the land was residential and not agricultural, and the respondent was using it for purposes other than agricultural; (3) the subject lot was far from respondent's farm; and (4) no certification was issued by the Department of Agrarian Reform that the land was respondent's homelot.[4] The MTC ordered respondent to vacate the premises and to pay petitioners a monthly rental of P800 beginning January 1997 until he vacates the premises.[5]

On August 24, 1998, the MTC likewise decided Civil Case No. 2287 in favor of petitioners based on the same reasons. The MTC ordered the respondent to vacate the parcel of land and to pay petitioners four cavans of palay or its equivalent per annum beginning 1995 and every year thereafter until he vacates the subject land.[6]

Respondent appealed the decisions to the Regional Trial Court (RTC). He maintained that it is the Department of Agrarian Reform Adjudication Board (DARAB), not the MTC, which has jurisdiction over the actions. The RTC, however, affirmed in toto the MTC decisions.[7]

Undaunted, respondent elevated the cases to the Court of Appeals in a consolidated petition for review.[8] The latter reversed the rulings of the RTC and dismissed the complaints in Civil Case Nos. 2287 and 2288 for lack of jurisdiction.[9] The Court of Appeals ruled that the case involved agrarian reform matters which should be resolved by the DARAB and not by the MTC. The Court of Appeals also declared that the application of agrarian reform laws does not depend on the existence of a tenancy relationship between the contending parties and that an agrarian reform beneficiary is entitled to a homelot even when the property where the homelot is located belongs to a person other than his landlord.

Petitioners filed a motion for reconsideration of the Court of Appeals' decision, but it was denied.[10] Hence, this appeal by certiorari alleging that the Court of Appeals erred when:

- . . . IT ORDERED THE SETTING ASIDE OF THE DECISIONS OF THE REGIONAL TRIAL COURT, MALOLOS, BULACAN AND THE DISMISSAL OF CIVIL CASE NO. 2287 AND CIVIL CASE NO. 2288 OF THE MUNICIPAL TRIAL COURT, SAN MIGUEL, BULACAN;

- . . . IT RULED THAT IT IS THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD THAT HAS THE JURISDICTION OVER THE CASE.[11]

Simply put, for resolution now are the issues of jurisdiction and of rightful possession. As they are interrelated, we will discuss them together.

Petitioners point out that a homelot is a parcel of agricultural land used by the agrarian reform beneficiary as the site of his permanent dwelling. Since the lots in question were residential, petitioners assert that they could not be the subject of land distribution under CARP, the comprehensive agrarian reform program.

Petitioners aver that respondent was not their tenant but another landowner's, hence they had no tenancy relationship with respondent. They claim that respondent was occupying their land as a mere civil lessee.

As there was no tenurial relationship between them and that the land involved was residential, petitioners contend that the case does not involve an agrarian dispute and that jurisdiction was properly with the MTC. Moreover, petitioners maintain that jurisdiction is determined by the allegations in the complaint and not by the defense raised in respondent's answer.

For his part, respondent maintains that only the DARAB has jurisdiction to determine whether he is entitled to the homelot or not.

At the outset, we must point out that this appeal stemmed from ejectment suits wherein the jurisdiction of the court is determined by the allegations in the complaint[12] and the character of the relief sought.[13] In their complaint for unlawful detainer, petitioners alleged that the respondent unlawfully withheld possession of the land despite several demands on him to vacate the premises, and that these demands were made after the latter failed to pay the rent. Likewise, in their complaint for forcible entry, petitioners averred that respondent deprived them of physical possession of the land by means of stealth and strategy. Based on the averments in the complaint, the Municipal Trial Court indeed properly acquired jurisdiction over the cases below between herein petitioners and the respondent.

Although respondent impugned the validity of petitioners' title over the property and claimed it to be his homelot, this assertion could not divest the MTC of jurisdiction over the ejectment cases.[14] The court could not be

divested of jurisdiction over the ejectment cases on the mere allegation that the defendant asserts ownership over the litigated property.[15] Moreover, a pending action involving ownership of the same property does not bar the filing or consideration of an ejectment suit, nor suspend the proceedings.[16] The ejectment cases can proceed independently of the DARAB case. The underlying reason for this rule is to prevent the defendant from trifling with the summary nature of an ejectment suit by the simple expedient of asserting ownership over the disputed property.[17]

It is settled that the only issue for resolution in ejectment suits is the physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants.[18] 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 MTC, nonetheless, has the undoubted competence to provisionally resolve the issue of ownership for the sole purpose of determining the issue of possession.[19]

Going to the issue of rightful possession now, in our view, petitioners are entitled to possess the parcels of land. For respondent failed to show that the land had been awarded to him by the Department of Agrarian Reform as his homelot. There is, instead, preponderance of evidence shown before the trial court in favor of petitioners' claim. They were able to show Transfer Certificate of Titles in their names, whereas the respondent had none but bare assertions.

We must stress, however, that before us is only the initial determination of ownership over the lot in dispute, for the purpose of settling the issue of possession, although the issue of ownership is inseparably linked thereto.[20] As such, the lower court's adjudication of ownership in the ejectment case is merely provisional, and our affirmance of the trial courts' decisions as well, would not bar or prejudice an action between the same parties involving title to the property,[21] if and when such action is brought seasonably before the proper forum.

WHEREFORE, the petition is hereby GRANTED. The Decision dated January 31, 2002 and the Resolution dated April 16, 2002 of the Court of Appeals in CA-G.R. SP NO. 60627 are REVERSED and SET ASIDE. The decisions of the Municipal Trial Court which have been sustained by the Decisions dated January 31, 2000 of the Regional Trial Court, Branch 83, Malolos, Bulacan in Civil Case Nos. 47-M-99 and 48-M-99 are REINSTATED and AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 157-166. Penned by Associate Justice Cancio C. Garcia (now a member of this Court), with Associate Justices Alicia L. Santos, and Eliezer R. De Los Santos concurring.

[2] Id. at 29-31.

[3] Id. at 35-37.

[4] Id. at 56-57.

[5] Id. at 58.

[6] Id. at 48.

[7] Id. at 114, 118.

[8] Id. at 119-139.

[9] Id. at 165.

[10] Id. at 176.

[11] Id. at 14.

[12] Heirs of Demetrio Melchor v. Melchor, G.R. No. 150633, 12 November 2003, 415 SCRA 726, 732.

[13] R & M General Merchandise, Inc. v. Court of Appeals, G.R. No. 144189, 5 October 2001, 366 SCRA 679, 691.

[14] See Rivera v. Rivera, G.R. No. 154203, 8 July 2003, 405 SCRA 466, 470-471.

[15] Heirs of Juan and Natividad Germinanda v. Salvanera, A.M. No. MTJ-00-1246, 28 January 2000, 323 SCRA 561, 565; Diu v. Ibanan, G.R. No. 132657, 19 January 2000, 322 SCRA 452, 459.

[16] Amagan v. Marayag, G.R. No. 138377, 28 February 2000, 326 SCRA 581, 589.

[17] Supra, note 14.

[18] Balanon-Anicete v. Balanon, G.R. Nos. 150820-21, 30 April 2003, 402 SCRA 514, 518.

[19] Co v. Militar, G.R. No. 149912, 29 January 2004, 421 SCRA 455, 459.

[20] Supra, note 18.

[21] Supra, note 19.

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