ANACLETO SANTIAGO, PETITIONER, VS. PILAR DEVELOPMENT CORP. AND COURT OF APPEALS, RESPONDENTS.

G.R. NO. 153628. July 20, 2006

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-153628/

PUNO, J.:

This is a petition for certiorari under Rule 45 of the 1997 Rules of Civil Procedure which seeks to reverse the decision of the Fourteenth Division of the Court of Appeals in CA-G.R. SP No. 49649.

First the facts.

On February 29, 1996, petitioner filed a complaint for forcible entry with the Municipal Trial Court of Dasmariñas, Cavite against private respondent.[1] Petitioner alleged that: (1) he had been in prior physical possession of a parcel of land within Dasmariñas, Cavite since 1967, (2) that private respondent unlawfully ejected the petitioner by means of force, intimidation, strategy and stealth around February 1996, (3) he demanded that private respondent vacate the land it unlawfully occupied, but the latter refused to do so and threatened petitioner with physical harm, and (4) private respondent remains in illegal possession of the land and is depriving petitioner of the income of the land in the amount of P100,000.00 monthly.[2]

Besides denying petitioner's allegations, private respondent alleged in its answer that: (1) petitioner has no cause of action, (2) the property subject of this action cannot be identified from the allegations of the complaint, (2) the properties of private respondent were acquired in good faith and for value from the registered owner thereof, (3) it entered possession of the subject property through peaceful and lawful means in the concept of an owner, without the employment of force, intimidation, threat, strategy or stealth against anyone in prior physical possession, (4) petitioner was never in prior physical possession of any of private respondent's properties, and (5) it had been in continuous and uninterrupted physical possession of its properties since their acquisition before February 1996.[3]

On April 28, 1997, the Municipal Trial Court of Dasmariñas, Cavite rendered a decision in favor of petitioner, ordering private respondent: (1) to vacate the property and restore the possession thereof to petitioner, (2) to pay petitioner P100,000.00 monthly from the time of forcible entry to the time possession is restored to him, and (3) to pay petitioner P100,000.00 in attorney's fees as well as the costs of the suit.[4] The Municipal Trial Court ruled that a preponderance of the evidence and applicable law dictated that possession be restored to petitioner as he was unlawfully and forcibly deprived thereof by private respondent in February 1996.[5]

Private respondent appealed the decision to the Regional Trial Court of Imus, Cavite, and the case was raffled to Branch 20 thereof.[6] On March 6, 1998, the Regional Trial Court affirmed the Municipal Trial Court's decision.[7] The Regional Trial Court rejected private respondent's argument that its possession must be reckoned from the date the Transfer Certificate of Title (TCT) was issued in its name on January 31, 1974, or prior to the issuance of petitioner's TCT on October 13, 1993.[8] The court cited jurisprudence stating that the only issue in a forcible entry action is the physical or material possession of the real property, or possession de facto, and that the proper remedy was accion publiciana or accion reivindicatoria.[9]

On April 4, 1998, private respondent filed a Motion for Reconsideration and/or for New Trial, attaching affidavits of new witnesses and documents.[10] On May 8, 1998, the Regional Trial Court granted private respondent's Motion for Reconsideration and dismissed petitioner's complaint.[11] The Regional Trial Court held that: (1) petitioner's possession was based solely on his self-serving statement and those of his caretakers, (2) private respondent's possession of the property must be based on the TCT of its predecessor-in-interest, Antenor S. Virata, which was issued on March 12, 1958, and (3) the documents attached to private respondent's Motion for Reconsideration clearly substantiated its claim of prior possession.[12] Petitioner filed a Motion for Reconsideration, but this was denied by the Regional Trial Court.[13]

Undeterred, petitioner filed a petition for review under Rule 42 of the 1997 Rules of Civil Procedure with the Court of Appeals, assailing the trial court's decision.[14] The petition was raffled to the Fourteenth Division of the Court of Appeals and docketed as CA-G.R. SP No. 49649.[15]

In its decision on February 13, 2002, the Fourteenth Division of the Court of Appeals affirmed the Regional Trial Court's decision but deleted the award of attorney's fees in favor of private respondent.[16] The Court of Appeals cited the joint affidavit of petitioner's witnesses which stated that they "have been Mr. Santiago's caretaker (sic) since November 1993 or after he acquired the same from the former owner. We have, however, been residing in the said land even before Mr. Santiago's acquisition of the same."[17] Based on the foregoing facts, the appellate court held that petitioner failed to prove prior physical possession of the property vis-á-vis private respondent, but that the evidence did not justify a grant of attorney's fees in favor of the latter.[18]

Petitioner filed a Motion for Reconsideration with the Court of Appeals on March 7, 2002,[19] which was denied on May 16, 2002.[20] Hence, the present petition for certiorari.

Petitioner contends that the Court of Appeals erred when: (1) it resolved the issue of prior possession by comparing the dates of the titles for the opposing parties, (2) it ruled for private respondent despite the testimony of his witnesses to the effect that he occupied the land personally and through his predecessor since 1967, and (3) it considered affidavits from private respondent which were presented only on appeal to the Regional Trial Court instead of the Municipal Trial Court.[21]

In response, private respondent argued that: (1) petitioner's allegations were only supported by his self-serving statements and those of his caretaker, (2) no documentary evidence of petitioner's possession was adduced (e.g., tax declarations and accounting records of business conducted on the land), (3) the Court of Appeals correctly ruled that petitioner failed to establish any connection between private respondent and the alleged intruders, (4) petitioner cannot change the legal basis for his possession from a TCT issued in his name, to his alleged prior possession of the land, and (5) the documentary evidence that it allegedly submitted belatedly on appeal to the Regional Trial Court was actually attached to the position paper it submitted to the Municipal Trial Court.[22]

We rule for private respondent.

It is true that what is determinative in actions for forcible entry is the issue of prior possession.[23] However, where the question of prior possession materially hinges on who the real owner of the disputed portion is, the trial court may resolve the issue of ownership and make a declaration as to who among the contending parties is the real owner. Nonetheless, any pronouncement affecting ownership of the disputed portion is merely provisional, and does not bar nor prejudice an action between the same parties involving title to the land.[24] Section 7, Rule 70 of the Rules of Court expressly provides that the judgment rendered in an action for forcible entry or unlawful detainer shall be effective with respect to possession only and is not conclusive as regards the issue of ownership.

In the present case, the Court of Appeals relied on evidence of title to determine which party had prior possession

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

for it found petitioner's testimonial evidence riddled with inconsistencies and lacked probative value. The appellate court found that petitioner's and private respondent's TCTs covered the same property, but private respondent's TCT antedated that of petitioner by almost 20 years.[25] After weighing all the evidence, the appellate court concluded that petitioner failed to prove prior possession and affirmed the decision of the Regional Trial Court but deleted the award of attorney's fees.[26] We find that the appellate court did not commit reversible error under the circumstances.

IN VIEW WHEREOF, the petition is DENIED. The decision dated February 13, 2002 and resolution dated May 16, 2002 of the Fourteenth Division of the Court of Appeals in CA-G.R. SP No. 49649 are AFFIRMED. No costs.

SO ORDERED.

Sandoval-Gutierrez, Corona, Azcuna, and Garcia, JJ., concur.

---

[1] Rollo, pp. 32, 56-58.

[2] Ibid.

[3] Rollo, pp. 33-34, 59-63.

[4]Rollo, pp. 34-35, 64-67.

[5] Rollo, pp. 36, 64-67.

[6] Rollo, p. 37.

[7] Rollo, pp. 37-39, 68-71.

[8] Rollo, p. 37.

[9]Rollo, pp. 37-39.

[10] Rollo, p. 39.

[11] Rollo, pp. 39-41, 72-74.

[12] Ibid.

[13] Rollo, p. 42.

[14] Rollo, p. 31.

[15] Rollo, p. 31.

[16] Rollo, pp. 31-53.

[17] Rollo, p. 48.

[18] Rollo, pp. 51-52.

[19] Rollo, p. 55.

[20] Ibid.

[21] Rollo, pp. 14-19.

[22] Rollo, pp. 84-90.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[23] Refugia v. Court of Appeals, G.R. No. 118284, July 5, 1996, 258 SCRA 347; Cañiza v. Court of Appeals, G.R. No. 110427, February 24, 1997, 268 SCRA 640.

[24]1997 Rules of Civil Procedure, Rule 70, Section 7; Batas Pambansa Blg. 129, Section 33(2) (1980).

[25] Rollo, p. 37.

[26] Rollo, pp. 47-53.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.