GO KE CHONG, JR., PETITIONER, VS. MARIANO M. CHAN, RESPONDENT.

G.R. No. 153791. August 24, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before this Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, questioning the Decision[1] of the Municipal Trial Court in Cities (MTCC), Branch 1, San Fernando, La Union, dated April 1, 2002, which dismissed petitioner's complaint for forcible entry with damages on the ground of lack of jurisdiction, and the Order[2] dated May 22, 2002 denying petitioner's Motion for Reconsideration.

The facts are as follows:

Petitioner Go Ke Chong, Jr. filed a Complaint for Forcible Entry with Damages and Preliminary Mandatory Injunction against respondent Mariano M. Chan on February 20, 2001 before the MTCC of San Fernando, La Union, docketed as Special Civil Case No. 3720, claiming that on March 21 to 22, 2000, respondent's men illegally fenced off Lot No. 553, located along the National Road of Brgy. IV San Fernando City, covering an area of 110 sq m, and demolished the building and improvements constructed by petitioner thereon, depriving him of lawful physical possession thereof.[3] He claims that he is the lawfully declared owner and possessor of Lot No. 553 by virtue of an Affidavit of Ownership/Possession dated January 15, 1998 and an Affidavit of Declaration of Facts dated February 23 1998 which he executed and registered with the Register of Deeds. He also asserts that he has been actually and physically occupying -- in continuous, peaceful, uninterrupted, open and public possession -- Lot No. 553 in the concept of a prescriptive owner, having constructed a building thereon in good faith and with just title, knowing that said land was an idle, abandoned, vacant and undeveloped public land at the time that he entered and started developing the same.[4]

Respondent on the other hand asserts in his Answer that he inherited from his father, Leoncio Chan, the 538-sq m lot, of which the herein disputed property is part;[5] in 1987 he and petitioner entered into a lease contract over the property; and when respondent no longer wanted to renew the lease, petitioner, in a desperate attempt to keep the property, surreptitiously executed an Affidavit of Ownership/Possession claiming ownership over a portion of the leased property;[6] respondent subsequently filed a case for Illegal Detainer against petitioner in March 1998 before the Municipal Trial Court (MTC) Branch 2, docketed as Civil Case No. 6285, and judgment was rendered on September 30, 1998, ordering petitioner to vacate the property and demolish the building therein; the RTC affirmed the said decision and a writ of execution was issued on March 16, 2000.[7] In moving for the dismissal of the complaint, respondent also pointed out that there is another action for quieting of title and cancellation of tax declaration pending between the parties.[8]

The MTCC conducted a hearing on the prayer for writ of preliminary injunction, and on July 16, 2001, granted the same.[9] The MTCC then directed the parties to file their briefs; and later, affidavits of witnesses, documents, exhibits and position papers.[10]

On April 1, 2002, the MTCC rendered the herein assailed decision dismissing petitioner's complaint for lack of jurisdiction, stating thus:

> In the above-entitled case, the issue involved is not merely on question of actual or material possession but also the validity and nullity of the affidavit of ownership and possession of the disputed property. The present case is thus converted from a forcible entry suit to one that is not capable of pecuniary estimation and this only be addressed to the original jurisdiction of the Regional Trial Court [sic]. x x x In fact, defendant Mariano Chan had filed an action against the plaintiff Go Ke Chong, Jr. for Quieting of Title and cancellation of tax declaration pending before the Regional Trial Court of La Union, Branch 29 entitled Mariano Chan vs. Go Ke Chong, Jr. and docketed as Civil Case No. 6453. (citations omitted)
>
> IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered DISMISSING this case for lack of jurisdiction.
>
> No moral or exemplary damages is hereby awarded to both of the parties.
>
> The writ of preliminary mandatory injunction issued in this case is hereby revoked. No costs.
>
> SO ORDERED.[11]

Petitioner's Urgent Ex-parte Motion for Reconsideration was likewise denied by the MTCC on May 22, 2002.[12]

Petitioner now comes before this Court claiming that the assailed Decision and Order of the MTCC "present questions of law and the issue of misapprehension of facts;"[13] thus:

> I
> IN THE APPEALED DECISION DATED APRIL 1, 2002, THE COURT A QUO GRAVELY ERRED IN SIMPLY ADOPTING THE BASELESS AND MISLEADING ALLEGATION OF RESPONDENT THAT PETITIONER'S AFFIDAVIT OF OWNERSHIP/POSSESSIONSHIP [sic] DATED JANUARY 15, 1998 OVER LOT 553 IS DEFECTIVE IN FORM AND SUBSTANCE, AND UPON WHICH BASIS THE COURT A QUO CONVERTED THE INSTANT FORCIBLE ENTRY CASE TO ONE THAT IS NOT CAPABLE OF PECUNIARY ESTIMATION AND, THUS, DISMISSED THE SAID CASE FOR "LACK OF JURISDICTION". RESPONDENT'S SAID ALLEGATION IS UNPROVEN AND UNSUPPORTED BY EVIDENCE.
>
> II.
> IN THE APPEALED DECISION DATED APRIL 1, 2002, THE COURT A QUO GRAVELY ERRED IN NOT RESOLVING THE RELEVANT AND SUBSTANTIAL ISSUES PRESENTED IN PETITIONER'S POSITION PAPER WHICH, WHEN CAREFULLY CONSIDERED, WOULD HAVE UNEQUIVOCABLY CONVINCED THE COURT A QUO TO RENDER JUDGMENT IN FAVOR OF PETITIONER.
>
> III.
> IN THE APPEALED ORDER DATED MAY 22, 2002, THE COURT A QUO GRAVELY ERRED IN CONCLUDING THAT "PLAINTIFF (PETITIONER) WAS NOT ABLE TO PROVE PRIOR POSSESSION DE FACTO" OF LOT 553 IN ITS DENIAL OF PETITIONER'S URGENT EX-PARTE MOTION FOR RECONSIDERATION (OF THE DECISION DATED APRIL 1, 2002) AND PETITIONER'S REPLY (TO DEFENDANT'S COMMENT DATED MAY 10, 2002) FOR "LACK OF MERIT."
>
> IV.
> IN THE APPEALED DECISION DATED APRIL 1, 2002 AND ORDER DATED MAY 22, 2002, THE COURT A QUO GRAVELY ERRED IN DELVING INTO ISSUES OF RESPONDENT'S OWNERSHIP OVER HIS INHERITED PROPERTY (LOT 555-A) WHICH ARE LEFT TO BE BETTER APPRECIATED AND CONSIDERED BY THE PROPER COURT HAVING JURISDICTION OVER IT, PARTICULARLY REGIONAL TRIAL COURT BRANCH 29 OF THE FIRST JUDICIAL REGION UNDER CIVIL CASE NO.

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> 6453 ENTITLED "MARIANO CHAN VS. GO KE CHONG, JR. ET AL." FOR QUIETING OF TITLE, ANNULMENT/CANCELLATION OF TAX DECLARATION, DAMAGES."
>
> V.
> IN THE APPEALED DECISION DATED APRIL 1, 2002 AND ORDER DATED MAY 22, 2002, THE COURT A QUO COMMITTED SERIOUS MISAPPREHENSION OF FACTS IN:
> A) JUDICIALLY DECLARING THAT "THE OWNERSHIP AND POSSESSIONSHIP [sic] OF PETITIONER OVER LOT 553 STARTED ONLY ON JANUARY 15, 1998 WHILE RESPONDENT AND HIS FAMILY WAS ALREADY THE OWNER AND POSSESSOR OF BOTH LOT 555-A AND LOT 553 SINCE 1947."
>
> B) JUDICIALLY DECLARING THAT LOT 553 IS NOT OF UNKNOWN OWNERSHIP AND THAT PETITIONER HAS MISREPRESENTED SUCH FACT IN HIS AFFIDAVIT OF OWNERSHIP AND POSSESSIONSHIP DATED JANUARY 15, 1998.
>
> C) FAILING TO APPRECIATE AND CONSIDER THE SIGNIFICANT AND IRREFUTABLE FACT THAT PETITIONER'S PROPERTY (LOT 553) IS DISTINCT AND SEPARATED [sic] FROM RESPONDENT'S LOT (LOT 555-A).[14]

Essentially, petitioner claims that his complaint before the MTCC only concerns Lot No. 553 and does not involve Lot No. 555-A owned by respondent located at the north portion thereof; that on March 21 to 22, 2000, respondent in bad faith extended the fencing of Lot No. 555-A beyond its southern boundary and by force, intimidation, threat, strategy and stealth unlawfully entered Lot No. 553 and demolished petitioner's building thereon.[15] He also avers that the MTCC erred in dismissing his complaint for forcible entry for "lack of jurisdiction" based on respondent's unsubstantiated and unproven claim of ownership over Lot No. 553.[16] He then prays that the Decision dated April 1, 2002 and Order dated May 22, 2002 of the MTCC be reversed and set aside; that a decision be rendered upholding his prior possession de facto over Lot No. 553 and declaring the same to be distinct and separate from respondent's property, Lot No. 555-A; and that the instant case be remanded to the MTCC for a proper trial and hearing on the merits.[17]

Respondent for his part avers that: the issues raised by petitioner do not involve questions of law which are proper for appeal under Rule 45 of the Rules of Court;[18] the lot being claimed by petitioner is actually located within the property owned by respondent;[19] respondent previously filed an action for quieting of title and cancellation of tax declaration involving Lot No. 553 against petitioner, and considering that the issue of ownership of the property is already subject of the case before the Regional Trial Court (RTC), the MTCC divested itself of jurisdiction to resolve the same;[20] petitioner's claim of just title started only in 1998 and his possession over the subject property has from the outset been in the concept of lessee and thereafter been contested judicially.[21]

Petitioner filed a Reply.[22] Thereafter, both parties filed their respective memoranda reiterating their claims.[23]

Herein petition should have been outrightly dismissed.

As the present petition delves not only into the correctness of MTCC's dismissal of petitioner's forcible entry case on the ground of lack of jurisdiction, but also into the veracity of the respective factual claims of both parties, the same clearly does not present pure questions of law that may be directly appealed to this Court. This Court may only take cognizance of appeals from decisions, final orders or resolutions of trial courts which involve pure questions of law.

Under Sec. 5 of Article VIII of the Constitution, the Court has the power to:

> (2) Review, revise, reverse, modify, or affirm on appeal or certiorari as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

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> x x x x
>
> (e) All cases in which only an error or question of law is involved. (Emphasis supplied)

Section 1, Rule 45 of the Rules of Court also provides that:

> SECTION 1. Filing of petition with Supreme Court. --- A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth. (Emphasis supplied)

Thus, judgments, final orders, or resolutions of the Court of Appeals (CA), the Sandiganbayan, the RTC or similar courts, may be appealed to this Court, which appeal must involve only questions of law and not of fact.[24]

Under the Rules of Court, final orders or resolutions of an MTC should be appealed to the RTC exercising territorial jurisdiction over the former.[25] RTC judgments, final orders or resolutions meanwhile are appealable to the CA either through an ordinary appeal, if the case was originally decided by the RTC,[26] or a petition for review under Rule 42 if the case was decided under the RTC's appellate jurisdiction.[27]

In view however of the lapse of time since the case was instituted and considering that orderly administration of justice demands that the Court settle whatever legal error was committed below, the Court shall settle the legal issue raised in the present case, petitioner's procedural faux pas notwithstanding.

Petitioner is correct in claiming that the MTCC erred in dismissing his complaint for forcible entry on the ground of lack of jurisdiction.

The Court has already settled that even when the issues of ownership and possession de facto are intricately interwoven, such fact will not cause the dismissal of the case for forcible entry and unlawful detainer based on jurisdictional grounds.[28]

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.[29]

As the Court explained in Refugia v. Court of Appeals,[30]

> [P]rior to the effectivity of Batas Pambansa Blg. 129, the jurisdiction of inferior courts was confined to receiving evidence of ownership in order to determine only the nature and extent of possession, by reason of which such jurisdiction was lost the moment it became apparent that the issue of possession was intricately interwoven with that of ownership. The law, as revised, now provides instead that when the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession. On its face, the new Rule on Summary Procedure was extended to include within the jurisdiction of the inferior courts ejectment cases which likewise involve the issue of ownership. x x x.[31] (Emphasis supplied)

In the present case, the MTCC held in its April 1, 2002 Decision that since "the question of possession cannot be resolved without passing upon the issue of ownership, because the latter is inseparably linked with the former, (then) the case should be dismissed, for the inferior court loses jurisdiction over the same."[32]

In support thereof, it cited several decisions to wit: Dela Cruz v. Court of Appeals,[33] Consignado v. Court of Appeals,[34] and Santiago v. Cloribel.[35] Indeed, these cases support the above-mentioned pronouncement. However, at the time that herein assailed MTCC Decision and Order were issued, said decisions had been

abandoned by more recent decisions.

As explained by the Court in Refugia v. Court of Appeals,[36] the passage of Batas Pambansa Blg. 129 has spawned seemingly conflicting jurisprudence on the proper interpretation and application thereof; i.e., there were several cases which held that the jurisdiction of the inferior court is lost and the ejectment case should be dismissed where the issue of possession cannot be resolved without determining the issue of ownership, while there were also cases in which the Court upheld the jurisdiction of the inferior courts to resolve the issue of ownership pursuant to determining the issue of possession.[37]

To settle the matter, the Court then expressly ruled that:

> [B]y virtue of the express mandate set forth in Section 33(2) of Batas Pambansa Blg. 129, inferior courts have jurisdiction to resolve the question of ownership raised as an incident in an ejectment case where a determination thereof is necessary for a proper and complete adjudication of the issue of possession.[38]

As it now stands, therefore, the MTC has jurisdiction to hear and decide cases on forcible entry and unlawful detainer regardless of whether said cases involve questions of ownership or even if the issue of possession cannot be determined without resolving the question of ownership.[39]

This ruling however is subject to the condition that the lower court's adjudication of ownership in the forcible entry or unlawful detainer case is merely provisional and the Court's affirmance of the lower court's decision would not bar or prejudice an action between the same parties involving title to the property.[40]

Finding that the MTCC erred in dismissing petitioner's complaint on the ground of lack of jurisdiction, the Court deems it proper to remand the case to the MTCC for it to rule on the merits of the complaint for forcible entry.

WHEREFORE, the petition is GRANTED. The Decision dated April 1, 2002 and the Order dated May 22, 2002 of the Municipal Trial Court in Cities, Branch 1, San Fernando, La Union are REVERSED and SET ASIDE. Let the records of the case be remanded to said court for proper resolution of Civil Case No. 3720 on the merits.

SO ORDERED.

Ynares-Santiago, Chico-Nazario, Nachura, and Reyes, JJ., concur.

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[1]Penned by Judge Eugenio A. Dacumos; rollo, pp. 48-70.

[2] Id. at 113-116.

[3] Records, pp. 1, 3-7.

[4] Id. at 2-4.

[5] Id. at 49, 52, 71.

[6]Id. at 52, 58-60.

[7] Id. at 60-70.

[8] Id. at 75; "Mariano M. Chan v. Go Ke Chong, Jr." docketed as Civil Case No. 6453 before the Regional Trial Court; rollo, p. 144.

[9] Records, pp. 41, 123-124.

[10] Id. at 279, 385, 428-443, 505-524.

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[11]Rollo, pp. 69-70.

[12] Id. at 116.

[13]Id. at 22.

[14] Id. at 20-22.

[15] Id. at 17-18, 24-25.

[16] Id. at 24.

[17] Id. at 34.

[18] Id. at 143, 146, 149.

[19] Id. at 143-144.

[20] Id. at 150, 190.

[21]Id. at 146-147.

[22] Id. at 154-157.

[23] Id. at 174-192, 194-228.

[24]Barcenas v. Tomas, G.R. No. 150321, March 31, 2005, 454 SCRA 593, 606.

[25]RULES OF COURT, Rule 40, Section 1.

[26]Supra note 24, at 606-607.

[27]RULES OF COURT, Rule 41, Sec. 2(a).

[28] Id. at Sec. 2(b).

[29]Tecson v. Gutierrez, G.R. No. 152978, March 4, 2005, 452 SCRA 781, 787; Refugia v. Court of Appeals, 327 Phil. 982, 1001-1002 (1996).

[30] Id.

[31]Id. at 1002.

[32] Rollo, p. 69.

[33]218 Phil. 492 (1984).

[34] G.R. No. 87148, March 18, 1992, 207 SCRA 297.

[35]G.R. No. L-19598, August 14, 1965, 14 SCRA 907.

[36] Supra note 29.

[37] Id. at 1003-1004.

[38]Id. at 1004.

[39] Heirs of Basilisa Hernandez v. Vergara, Jr., G.R. No. 166975, September 15, 2006, 502 SCRA 163, 169, citing Garcia v. Zosa, Jr., G.R. No. 138380, September 2, 2005, 469 SCRA 334, 336-337.

[40] See Tecson v. Gutierrez, supra note 29, at 788; Refugia v. Court of Appeals, supra note 29, at 365; Garcia v. Zosa, Jr., supra note 39, at 337-338; Roman Catholic Archbishop of Caceres v. Heirs of Manuel Abella, G.R. No. 143510, November 23, 2005, 476 SCRA 1, 9; see also Sec. 18, Rule 70 of the 1997 Rules of Civil Procedure.

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