

BIENVENIDO BARRIENTOS, PETITIONER, VS. MARIO RAPAL, RESPONDENT.

G.R. No. 169594. July 20, 2011

Ponente: PERALTA, J.

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PERALTA, J.:

This is a petition for review on certiorari seeking to reverse and set aside the Decision [1] dated April 29, 2005 of the Court of Appeals (CA) in CA-G.R. SP No. 68482, and the Resolution [2] dated September 1, 2005 denying petitioner's motion for reconsideration.

The procedural and factual antecedents are as follows:

On April 15, 1988, respondent Mario Rapal acquired a 235 square meter parcel of land located at No. 2 Misamis St., Luzviminda Village, Barangay Batasan Hills, Quezon City, from one Antonio Natavio via a notarized Deed of Transfer of Possessory Right. The said parcel of land was said to be a portion of the estate of the late Don Mariano San Pedro y Esteban covered by Original Certificate of Title (OCT) No. 4136. Thereafter, respondent constructed a semi-concrete house on the lot and took actual possession of the property by himself and through his caretaker, Benjamin Tamayo.

Sometime in 1993, respondent allowed petitioner Bienvenido Barrientos and his family to stay on the subject property as caretakers on the condition that petitioner shall vacate the premises when respondent would need the property. However, when respondent demanded petitioner to vacate the subject property, the last of which was made on July 14, 1997, petitioner refused to leave the lot. The parties later underwent barangay conciliations, but to no avail.

Thus, on April 13, 1998, respondent filed a case for Unlawful Detainer against the petitioner before the Metropolitan Trial Court (MeTC) of Quezon City. The case was docketed as Civil Case No. 19889.

On February 21, 2000, after submission of the parties' respective position papers, the trial court rendered a Decision [3] in favor of the respondent, the decretal portion of which reads:

WHEREFORE, in view of the foregoing considerations, this Court finds in favor of the plaintiff entitled to the prayer sought and hereby orders defendant to:

- vacate and all persons claiming under him that house structure located at No. 2 Misamis Street, Luzviminda Village, Barangay Batasan Hills, Quezon City;
- pay plaintiff the sum of P3,000.00 per month, as compensation for the use of said house structure beginning July 14, 1997 until he vacated the place; and
- pay plaintiff the sum of P10,000.00 as attorney's fee plus cost of suit.

SO ORDERED. [4]

On appeal, the Regional Trial Court (RTC) reversed the Decision of the MeTC and resolved in favor of petitioner, reasoning that respondent has not shown any prior lawful possession of the property in question. [5] The dispositive portion of which reads:

WHEREFORE, the foregoing premises considered, the decision of the lower court is reversed and set aside. The court finds no basis to award any counterclaim. [6]

Aggrieved, respondent sought recourse before the CA assigning the following errors committed by the RTC, to wit:

1. That the Lower Court has grievously erred in concluding that the petitioner has not shown any prior lawful possession of the property in question.
2. That the Lower Court has grievously erred in concluding that the respondent and his family who were merely invited to live in the house out of Christian charity and human compassion, has possessory rights over the same lot and house.
3. That the Lower Court has grievously erred in injecting the issue of ownership over the lot.
4. That the Lower Court has grievously erred in concluding that the petitioner has propositioned himself as an awardee-grantee of the property in question. [7]

On April 29, 2005, the CA rendered the assailed Decision [8] reversing the decision of the RTC and reinstating the decision of the MeTC, the decretal portion of which reads:

WHEREFORE, in view of the foregoing, the extant Petition is hereby GIVEN DUE COURSE. The assailed Decision of the Regional Trial Court, Branch 92-Quezon City is REVERSED and SET ASIDE and a new one entered REINSTATING the Decision of the Metropolitan Trial Court of Metro Manila, Branch 39-Quezon City.

SO ORDERED. [9]

In ruling in favor of the respondent, the CA touched upon the issue of ownership since both claimed ownership over the disputed property. The CA found that both parties presented weak evidence of ownership. Hence, the CA determined who between the parties was first in possession and concluded that respondent was, indeed, first in possession of the lot.

Petitioner then filed a motion for reconsideration, [10] but it was denied in the Resolution [11] dated September 1, 2005.

Hence, the petition assigning the following errors:

I

WHETHER THE ISSUE OF OWNERSHIP CAN BE INITIALLY RESOLVED FOR THE PURPOSE OF DETERMINING THE ISSUE OF POSSESSION.

II

WHETHER THE RESPONDENT'S DOCUMENT PURPORTING TO BE A TRANSFER OF POSSESSORY RIGHT CAN PREVAIL OVER THE PETITIONER'S CLAIM OF OWNERSHIP AND THE LATTER'S ACTUAL POSSESSORY RIGHT OVER THE PROPERTY. [12]

Petitioner maintains that he has a better right over the subject property as against the respondent. Petitioner insists that even assuming *arguendo* that the subject property was registered in the name of the Rapal family and

occupied by him as caretaker, this only bolsters his claim that he has been in actual occupation of the property. Moreover, petitioner contends that since respondent's claim of ownership was derived from a void title, he did not have a better right to possess the property as opposed to by the petitioner who actually occupied the same.

Petitioner points out that he was even awarded a Certificate of Project Qualification by the Office of the President through the Housing and Urban Development Coordinating Council. Petitioner argues that since the property in controversy is a government property, it is the government through the National Government Center (NGC) that can award the same to qualified beneficiaries pursuant to Republic Act No. 9207, or the National Government Center Housing and Land Utilization Act of 2003, which it in fact did when he was given a Certificate of Project Qualification.

On his part, respondent argues that the CA did not commit any reversible error by ruling in his favor, considering that the CA initially looked into the issue of ownership only for the purpose of determining who between the parties has a better right to possess the subject property. In addition, petitioner failed to substantiate that he has a better right to possess the subject property.

The petition is without merit.

Ejectment cases - forcible entry and unlawful detainer - are summary proceedings designed to provide expeditious means to protect actual possession or the right to possession of the property involved. The only question that the courts resolve in ejectment proceedings is: who is entitled to the physical possession of the premises, that is, to the possession de facto and not to the possession de jure. It does not even matter if a party's title to the property is questionable. [13] In an unlawful detainer case, the sole issue for resolution is physical or material possession of the property involved, independent of any claim of ownership by any of the parties. Where the issue of ownership is raised by any of the parties, the courts may pass upon the same in order to determine who has the right to possess the property. The adjudication is, however, merely provisional and would not bar or prejudice an action between the same parties involving title to the property. [14]

In the case at bar, both petitioner and respondent were claiming ownership over the subject property. Hence, the CA correctly touched upon the issue of ownership only to determine who between the parties has the right to possess the subject property.

True, as found by the CA, both petitioner and respondent presented weak evidence of ownership. Respondent on his part based his claim of ownership over the subject property on the strength of a notarized Deed of Transfer of Possessory Right from a certain Antonio Natavio. The subject land, however, was said to be a portion of the estate of the late Don Mariano San Pedro y Esteban covered by Titulo de Propriedad No. 4136, which this Court has declared null and void in the case of Intestate Estate of the Late Don Mariano San Pedro y Esteban v. Court of Appeals [15] as such, respondent could not derive any right therefrom.

Petitioner, on the other hand, anchored his contention that he has a better right to possess the property on the fact that he is in actual possession of the property and that he was awarded a Certificate of Project Qualification by the Office of the President through the Housing and Urban Development Coordinating Council. However, although petitioner claimed ownership over the subject lot, he failed to adduce sufficient evidence therefor, or even sufficient reason on the manner by which he acquired ownership.

Having settled the issue of ownership, it was but just and proper for the CA to have reminded the courts a quo to have settled the case by restricting their resolution to the basic issue of possession.

From the various evidence submitted by the respondent, it can be clearly inferred that respondent is entitled to the possession of the subject lot. As aptly found by the CA:

To recall, in its (sic) Answer, respondent (defendant herein) alleged:

4. That defendant also DENIES the allegations in paragraphs 6 and 7 of complaint, the truth of the matter being that defendant is the exclusive occupant of said lot since 1989 and that he built thereon a residential house from his own resources as a consequence of which he has been registered as the qualified beneficiary of the property as is (sic) indicated in the Beneficiary Evaluation and Qualification Form issued by the National Government Center - Housing Project on August 18, 1997, copy attached as ANNEX "C" hereof. (Answer, p. 2; Records, p. 167) (Emphasis supplied)

Going over Annex "C" (records, p. 24) or the Beneficiary Evaluation and Qualification Form which bears TAG NO. 94-02-01787-1, Our attention was caught by the words "CARETAKER" written on the top of the entry BIENVENIDO/GLORIA BARRIENTOS.

We also find, appended to petitioner's Reply to Answer with Special Defense and Counterclaim (records p. 50), a Census Survey Certificate that bears TAG NO. 94-02-01787-1 with a notation "Registered to Rapal family."

x x x x

But considering Our preceeding (sic) findings and the fact that the Beneficiary Evaluation and Qualification Form submitted by the respondent himself bears no indication that it was tampered, We are inclined to believe the version maintained by the petitioner. The mark "CARETAKER" purports what it explicitly states; that is, Bienvenido C. Barrientos was only a caretaker of the subject lot.

Consequently, and taking into consideration the great number of affidavits and evidence in favor of the petitioner, We find that the petitioner was, indeed, first in possession of the lot. [16]

Thus, based on the evidence presented by the respondent, it can be deduced that petitioner's occupation of the subject lot was by mere tolerance only. Petitioner was initially permitted by respondent to occupy the lot as a caretaker. Petitioner even admitted this fact in his Beneficiary Evaluation and Qualification Form. Moreover, all other supporting evidence, such as the Census Survey Certificate [17] and construction material receipts, [18] bolster the fact that respondent was in prior possession of the property before petitioner entered the same by mere tolerance of the respondent.

Perusing respondent's complaint, respondent clearly makes out a case for unlawful detainer, since petitioner's occupation of the subject property was by mere tolerance. A person who occupies the land of another at the latter's tolerance or permission, without any contract between them, is necessarily bound by an implied promise that he will vacate the same upon demand, failing which a summary action for ejectment is the proper remedy against them. [19]

It should be stressed that unlawful detainer and forcible entry suits, under Rule 70 of the Rules of Court, are designed to summarily restore physical possession of a piece of land or building to one who has been illegally or forcibly deprived thereof, without prejudice to the settlement of the parties' opposing claims of juridical possession in appropriate proceedings. These actions are intended to avoid disruption of public order by those who would take the law in their hands purportedly to enforce their claimed right of possession. In these cases, the issue is pure physical or de facto possession, and pronouncements made on questions of ownership are provisional in nature. The provisional determination of ownership in the ejectment case cannot be clothed with finality. [20]

WHEREFORE, premises considered, the petition is DENIED. The Decision of the Court of Appeals, dated April 29, 2005 and the Resolution dated September 1, 2005, in CA-G.R. SP No. 68482, are AFFIRMED.

SO ORDERED.

Carpio,[*] Velasco, Jr., (Chairperson), Abad, and Mendoza, JJ., concur.

[*] Designated additional member per Special Order No. 1042 dated July 6, 2011.

[1] Penned by Associate Justice Jose L. Sabio, Jr., with Associate Justices Noel G. Tijam and Mariflor P. Punzalan Castillo, concurring; rollo, pp. 42-51.

[2] Id. at 58-59.

[3] Rollo, pp. 24-26.

[4] Id. at 25-26.

[5] Decision dated July 10, 2001; id. at 27-28.

[6] Id. at 28.

[7] CA rollo, p. 4.

[8] Rollo, pp. 42-51.

[9] Id. at 50.

[10] Id. at 52-56.

[11] Id. at 58-59.

[12] Id. at 116.

[13] Carbonilla v. Abiera, G.R. No. 177637, July 26, 2010, 625 SCRA 461, 469.

[14] Spouses Marcos R. Esmaguél and Victoria Sordevilla v. Coprada, G.R. No. 152423, December 15, 2010.

[15] 333 Phil. 597 (1996).

[16] Id. at 48-49.

[17] Records, p. 69.

[18] Id. at 74-75.

[19] Beltran v. Nieves, G.R. No. 175561, October 20, 2010, 634 SCRA 242, 249.

[20] Samonte v. Century Savings Bank, G.R. No. 176413, November 25, 2009, 605 SCRA 478, 486.

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