

JAMES ESTRELLER, EDUARDO CULIANAN, GREG CARROS, RAQUEL YEE, JOSELITO PENILLA, LORNA DOTE, CRESENCIANA CLEOPAS, TRINIDAD TEVES, SONIA PENILLA, ANITA GOMINTONG, CHING DIONESIO, MA...

G.R. No. 170264. March 13, 2009

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

In the present petition, the Court finds occasion to reassert the legal precepts that a co-owner may file an action for recovery of possession without the necessity of joining all the other co-owners as co-plaintiffs since the suit is deemed to be instituted for the benefit of all; and that Section 2 of Presidential Decree (P.D.) No. 2016, reinforced by P.D. No. 1517, which prohibits the eviction of qualified tenants/occupants, extends only to landless urban families who are rightful occupants of the land and its structures, and does not include those whose presence on the land is merely tolerated and without the benefit of contract, those who enter the land by force or deceit, or those whose possession is under litigation.

Respondents filed with the Regional Trial Court (RTC), Branch 216, Quezon City, a case for Recovery of Possession against petitioners, claiming ownership of the property subject of dispute located in E. Rodriguez Avenue and La Filonila Streets in Quezon City, by virtue of Transfer Certificate of Title (TCT) No. 41698 issued by the Register of Deeds of Quezon City on June 10, 1958. Respondents alleged that on various dates in 1973, petitioners entered the property through stealth and strategy and had since occupied the same; and despite demands made in March 1993, petitioners refused to vacate the premises, prompting respondents to file the action.[1]

Petitioners denied respondents' allegations. According to them, respondent Luis Miguel Ysmael (Ysmael) had no personality to file the suit since he only owned a small portion of the property, while respondent Cristeta Santos-Alvarez (Alvarez) did not appear to be a registered owner thereof. Petitioners also contended that their occupation of the property was lawful, having leased the same from the Magdalena Estate, and later on from Alvarez. Lastly, petitioners asserted that the property has already been proclaimed by the Quezon City Government as an Area for Priority Development under P. D. Nos. 1517 and 2016, which prohibits the eviction of lawful tenants and demolition of their homes.[2]

After trial, the RTC rendered its Decision dated September 15, 2000 in favor of respondents. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiffs Luis Miguel Ysmael and Cristeta L. Santos-Alvarez and against defendants ordering the latter and all persons claiming rights under them to immediately vacate the subject property and peacefully surrender the same to the plaintiffs.

Defendants are likewise ordered to pay plaintiffs the following:

- The amount of P400.00 each per month from the date of extra-judicial demand until the subject property is surrendered to plaintiffs as reasonable compensation for the use and possession thereof;
- The amount of P20,000.00 by way of exemplary damages;
- The amount of P20,000.00 by way of attorney's fees and litigation expenses;
- Cost of suit.

Corollarily, the counter-claims of defendants are hereby DISMISSED for lack of merit.

SO ORDERED.[3]

Petitioners appealed to the Court of Appeals (CA), which, in a Decision[4] dated March 14, 2005, dismissed their appeal and affirmed in toto the RTC Decision.

Hence, the present petition for review under Rule 45 of the Rules of Court, on the following grounds:

I

THE HONORABLE COURT OF APPEALS ERRED IN CONCLUDING THAT RESPONDENTS YSMAEL AND ALVAREZ ARE BOTH "REAL PARTIES IN INTEREST" WHO WOULD BE BENEFITED OR INJURED BY THE JUDGMENT OR THE PARTY ENTITLED TO THE AVAILS OF THE SUIT.

II

THE HONORABLE COURT OF APPEALS FAILED TO CONSIDER AND DECIDE THE RELEVANT QUESTIONS AND ISSUES PRESENTED BY THE PETITIONERS IN ROMAN NUMERALS II, III AND IV OF THEIR DISCUSSIONS AND ARGUMENTS IN THE APPELLANTS BRIEF WHICH ARE HEREUNTO COPIED OR REPRODUCED.[5]

The present petition merely reiterates the issues raised and settled by the RTC and the CA. On this score, it is well to emphasize the rule that the Court's role in a petition under Rule 45 is limited to reviewing or reversing errors of law allegedly committed by the appellate court. Factual findings of the trial court, especially when affirmed by the CA, are conclusive on the parties. Since such findings are generally not reviewable, this Court is not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below, unless the factual findings complained of are devoid of support from the evidence on record or the assailed judgment is based on a misapprehension of facts.[6]

The Court then finds that the petition is without merit.

Respondents are real parties-in-interest in the suit below and may, therefore, commence the complaint for accion publiciana. On the part of Ysmael, he is a named co-owner of the subject property under TCT No. 41698, together with Julian Felipe Ysmael, Teresa Ysmael, and Ramon Ysmael.[7] For her part, Alvarez was a buyer of a portion of the property, as confirmed in several documents, namely: (1) Decision dated August 30, 1974 rendered by the Regional Trial Court of Quezon City, Branch 9 (IX), in Civil Case No. Q-8426, which was based on a Compromise Agreement between Alvarez and the Magdalena Estate;[8] (2) an unnotarized Deed of Absolute Sale dated May 1985 executed between the Ysmael Heirs and Alvarez;[9] and (3) a notarized Memorandum of Agreement between the Ysmael Heirs and Alvarez executed on May 2, 1991.[10]

Recently, in *Wee v. De Castro*,[11] the Court, citing Article 487 of the Civil Code, reasserted the rule that any one of the co-owners may bring any kind of action for the recovery of co-owned properties since the suit is presumed to have been filed for the benefit of all co-owners. The Court also stressed that Article 487 covers all kinds of action for the recovery of possession, i.e., forcible entry and unlawful detainer (accion interdictal), recovery of

possession (accion publiciana), and recovery of ownership (accion de reivindicacion), thus:

In the more recent case of *Carandang v. Heirs of De Guzman*, this Court declared that a co-owner is not even a necessary party to an action for ejectment, for complete relief can be afforded even in his absence, thus:

In sum, in suits to recover properties, all co-owners are real parties in interest. However, pursuant to Article 487 of the Civil Code and the relevant jurisprudence, any one of them may bring an action, any kind of action for the recovery of co-owned properties. Therefore, only one of the co-owners, namely the co-owner who filed the suit for the recovery of the co-owned property, is an indispensable party thereto. The other co-owners are not indispensable parties. They are not even necessary parties, for a complete relief can be afforded in the suit even without their participation, since the suit is presumed to have been filed for the benefit of all co-owners. (Emphasis supplied)

Petitioners persistently question the validity of the transfer of ownership to Alvarez. They insist that Alvarez failed to establish any right over the property since the Deed of Absolute Sale was not inscribed on TCT No. 41698. Interestingly, petitioners debunked their own argument when they themselves claimed in their Answer with Counter-claim that they derived their right to occupy the property from a lease agreement with, first, the Magdalena Estate, and thereafter, Alvarez herself.[12] More importantly, the fact that the sale was not annotated or inscribed on TCT No. 41698 does not make it any less valid. A contract of sale has the force of law between the contracting parties and they are expected to abide, in good faith, by their respective contractual commitments. Article 1358 of the Civil Code which requires the embodiment of certain contracts in a public instrument, is only for convenience; and registration of the instrument only adversely affects third parties, and non-compliance therewith does not adversely affect the validity of the contract or the contractual rights and obligations of the parties thereunder.[13]

Petitioners further contend that the property subject of the Deed of Absolute Sale - Lot 6, Block 4 of Subd. Plan Psd No. 33309 - is different from that being claimed in this case, which are Lots 2 and 3. They claim that there exists another title covering the subject property, i.e., TCT No. 41698 in the names of Victoria M. Panganiban and Teodoro M. Panganiban.

Notably, TCT No. 41698 in the name of the Ysmael Heirs covers several parcels of land under Subd. Plan Psd No. 33309. These include: Lot 2, Block 4; Lot 3, Block 4; and Lot 6, Block 4, each of which contains 1,000 square meters. In the Decision dated August 30, 1974 rendered by the RTC of Quezon City, Branch 9, in Civil Case No. Q-8426, the ownership of 200 square meters of Lot 2, Block 4; 250 square meters of Lot 3, Block 4; and the full 1,000 square meters of Lot 6, Block 4, was conferred on Alvarez. A Deed of Absolute Sale dated May 1985 was later executed by the Ysmael Heirs in favor of Alvarez, but it covered only Lot 6, Block 4. Nevertheless, a Memorandum of Agreement dated May 2, 1991 was subsequently entered into by the Ysmael Heirs and Alvarez, whereby all three apportioned parcels of land allocated to Alvarez under the RTC Decision dated August 30, 1974, were finally sold, transferred and conveyed to her. Evidently, while the title was yet to be registered in the name of Alvarez, for all intents and purposes, however, the subject property was already owned by her. The Ysmael Heirs are merely naked owners of the property, while Alvarez is already the beneficial or equitable owner thereof; and the right to the gains, rewards and advantages generated by the property pertains to her.

The existence of a title in the same TCT No. 41698, this time in the names of Victoria M. Panganiban and Teodoro M. Panganiban, was adequately explained by the Certification of the Register of Deeds dated March 1, 1994, and which reads:

At the instance of RUY ALBERTO S. RONDAIN, I, SAMUEL C. CLEOFE, Register of Deeds of Quezon City, do hereby certify that TCT No. 41698, covering Lot 19, Blk. 8 of the cons.-subd. plan Pos-817, with an

area of Three Hundred Seventy Five (375) Square Meters, registered in the name of VICTORIA M. PANGANIBAN; and TEODORO M. PANGANIBAN, married to Elizabeth G. Panganiban, issued on February 8, 1991, is existing and on file in this Registry.

This is to certify further that TCT No. 41698 presented by Ruy Alberto S. Rondain covering Lot 3, Blk. 2 of the subd. Plan PSD-3309, with an area of Nine Hundred Ninety Six (996) Square Meters, issued on June 10, 1958 and registered in the name of JUAN FELIPE YSMAEL, TERESA YSMAEL, RAMON YSMAEL, LUIS MIGUEL YSMAEL, which is also an existing title is different and distinct from each other inasmuch as they cover different Lots and Plans.

That it is further certified that the similarity in the title numbers is due to the fact that after the fire of June 11, 1988, the Quezon City Registry issued new title numbers beginning with TCT No. 1.[14] (Emphasis supplied)

Finally, petitioners' claim that they are entitled to the protection against eviction and demolition afforded by P.D. Nos. 2016,[15] 1517,[16] and Republic Act (R.A.) No. 7279,[17] is not plausible.

Section 6 of P.D. No. 1517 grants preferential rights to landless tenants/occupants to acquire land within urban land reform areas, while Section 2 of P.D. No. 2016 prohibits the eviction of qualified tenants/ occupants.

In *Dimaculangan v. Casalla*,[18] the Court was emphatic in ruling that the protective mantle of P.D. No. 1517 and P.D. No. 2016 extends only to landless urban families who meet these qualifications: a) they are tenants as defined under Section 3(f) of P.D. No. 1517; b) they built a home on the land they are leasing or occupying; c) the land they are leasing or occupying is within an Area for Priority Development and Urban Land Reform Zone; and d) they have resided on the land continuously for the last 10 years or more.

Section 3(f) of P.D. No. 1517 defines the term "tenant" covered by the said decree as the "rightful occupant of land and its structures, but does not include those whose presence on the land is merely tolerated and without the benefit of contract, those who enter the land by force or deceit, or those whose possession is under litigation." It has already been ruled that occupants of the land whose presence therein is devoid of any legal authority, or those whose contracts of lease were already terminated or had already expired, or whose possession is under litigation, are not considered "tenants" under the Section 3(f).[19]

Petitioners claim that they are lawful lessees of the property. However, they failed to prove any lease relationship or, at the very least, show with whom they entered the lease contract. Respondents, on the other hand, were able to prove their right to enjoy possession of the property. Thus, petitioners, whose occupation of the subject property by mere tolerance has been terminated by respondents, clearly do not qualify as "tenants" covered by these social legislations.

Finally, petitioners failed to demonstrate that they qualify for coverage under R. A. No. 7279 or the Urban Development and Housing Act of 1992.

R. A. No. 7279 provides for the procedure to be undertaken by the concerned local governments in the urban land development process, to wit: conduct an inventory of all lands and improvements within their respective localities, and in coordination with the National Housing Authority, the Housing and Land Use Regulatory Board, the National Mapping Resource Information Authority, and the Land Management Bureau; identify lands for socialized housing and resettlement areas for the immediate and future needs of the underprivileged and homeless in the urban areas; acquire the lands; and dispose of said lands to the beneficiaries of the program.[20] While there is a Certification that the area bounded by E. Rodriguez, Victoria Avenue, San Juan River and 10th Street of Barangay. Damayang Lagi, Quezon City is included in the list of Areas for Priority Development under Presidential Proclamation No. 1967,[21] there is no showing that the property has already been acquired by the local government for this purpose; or that petitioners have duly qualified as beneficiaries.

All told, the Court finds no reason to grant the present petition.

WHEREFORE, the petition is DENIED for lack of merit. The Decision dated March 14, 2005 of the Court of Appeals is AFFIRMED.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Peralta, JJ., concur.

* The Court of Appeals is deleted from the title pursuant to Section 4, Rule 45 of the Rules of Court.

[1] Records, pp. 6-7.

[2] Id. at 40-45.

[3] Records, pp. 409-410.

[4] CA rollo, pp. 88-93.

[5] Rollo, pp. 21 and 23.

[6] Quimpo v. Abad, G.R. No. 160956, February 13, 2008, 545 SCRA 178.

[7] Records, p. 153.

[8] Id. at 170-174.

[9] Id. at 167-169.

[10] Id. at 91-96.

[11] G.R. No. 176405, August 20, 2008.

[12] Records, p. 43.

[13] Agasen v. Court of Appeals, G.R. No. 115508, February 15, 2000, 325 SCRA 504.

[14] Exhibit "G," records, p. 196.

[15] Entitled, "Prohibiting the Eviction of Occupant from Land Identified and Proclaimed as Areas for Priority Development (APD) or as Urban Land Reform Zones and Exempting such Land from Payment of Real Property (Taxes)."

[16] The Urban Land Reform Law.

[17] The Urban Development and Housing Act of 1992.

[18] G.R. No. 156689, June 8, 2007, 524 SCRA 181.

[19] Carreon v. Court of Appeals, G.R. No. 112041, June 22, 1998, 291 SCRA 78; See also Delos Santos v. Court of Appeals, G.R. No. 127465. October 25, 2001, 368 SCRA 226.

[20] City of Mandaluyong v. Aguilar, G.R. No. 137152, January 29, 2001, 350 SCRA 487.

[21] Records, p. 50.

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