

**SPOUSES ISMAEL DISQUITADO AND VILMA DISQUITADO,
PETITIONERS, VS. JESUS CORNELIA, RESPONDENT.***G.R. No. 170853. October 19, 2007*

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-170853/>**CARPIO MORALES, J.:**

In a decision dated August 12, 1994 in Civil Case No. 9852,[1] “Alba Bonillla et al. v. Rito Cornelia, Rufina Cornelia, Candida Cornelia et al.,” for Reconveyance, Nullification of Documents, Cancellation of Certificates of Titles and Damages, Branch 39 of the Regional Trial Court (RTC), Dumaguete City dismissed the complaint against the therein defendants Rito Cornelia et al. which questioned their acquisition of portions of Lot Nos. 2626 and 2628 located at Boloc-Boloc, Sibulan, Negros Oriental. In dismissing the complaint, the trial court held, inter alia, that the acquisition in 1939 by Rito Cornelia’s father Andres Cornelia, who died on February 20, 1940,[2] of portions of the two lots “remains valid and legal even as to the latter’s heirs.”[3] The decision became final and executory after the Court of Appeals affirmed[4] it by Decision of August 12, 1994.

In October 2003, Rito Cornelia and some of his co-defendants in Civil Case No. 9852 filed before the trial court a Motion for Approval of Project of Partition wherein Andres Cornelia, father of Rito Cornelia who in turn was the father of herein respondent Jesus Cornelia, was apportioned 24/180 shares or 1,774 square meters (sq. ms.) of Lot No. 2626, and 24/60 or 672 sq. ms. of Lot No. 2628. The trial court, by Order of February 11, 2002, approved the Project of Partition to which was attached a Sketch Plan indicating the location of the portions of the two lots adjudicated to Andres Cornelia.

In March 2003, respondent, with the approval of his siblings, fenced the 1,774 sq. ms. of Lot No. 2626 and 672 sq. ms. of Lot No. 2628 adjudicated to his grandfather Andres Cornelia, drawing petitioner spouses Ismael and Vilma Disquitado to file on August 14, 2003 a complaint for forcible entry and damages against respondent before the Municipal Trial Court (MTC) of Sibulan, Negros Oriental.[5] The case was docketed as Civil Case No. 482. In their Complaint, petitioners claimed that they had since 1989 been in possession of the two lots as tenants of all the co-owners thereof until the forcible entry by respondent.

Respondent countered that he, together with his siblings, had the right to fence the questioned areas, the same having been adjudicated to their grandfather Andres Cornelia from whom they derived ownership thereof.

To the Position Paper which they submitted before the MTC[6] in support of their complaint for forcible entry against respondent, petitioners attached an October 11, 2003 Affidavit of Magdalena Aranas-Decano (Magdalena)[7] reading:

x x x x

- That I am one of the legitimate surviving heirs of the late Alberto Aranas, a registered co-owner of Lot Nos. 2626 and 2628, located at Boloc-boloc, Sibulan, Negros Oriental, under Original Certificate of Title No. 15698;

- That sometime in 1989, all the heirs of all the original registered owners of both lots agreed with spouses Vilma and Ismael Disquitado that the latter shall work on our co-owned lots aforesaid as tenants thereof;
- That since 1989 up to the present, the subject lots have been tilled and tenanted by spouses Vilma and Ismael Disquitado and by virtue of which the latter have introduced various agricultural improvements thereon;
- That the tenancy rights of spouses Vilma and Ismael Disquitado are still subsisting up to the present;
- That sometime in March, 2003 we were informed by spouses Vilma and Ismael Disquitado that separate portions of Lot 2626 and Lot 2628, both of Sibulan, Negros Oriental were forcefully entered into by Mr. Jesus Cornelia;
- That for almost fifteen years, the tenancy rights of spouses Vilma and Ismael Disquitado have never been questioned or terminated by any of the co-owners of the aforesaid lots;

x x x x[8] (Emphasis and underscoring supplied)

The affiant is the same Magdalena who was one of the plaintiffs in the above-mentioned Civil Case No. 9852 for reconveyance . . . against the therein defendant-co-owners of the two lots including Rito Cornelia-father of respondent, which case was dismissed by the RTC.

By Decision of October 17, 2003, the MTC decided the forcible entry case in favor of the plaintiffs-herein petitioners and against the defendant-herein respondent, disposing as follows:

WHEREFORE, in the light of the foregoing, the Court finds preponderance of evidence for the [plaintiff-]Spouses Wilma R. Disquitado and Ismael Disquitado and judgment is hereby rendered as follows:

- Ordering defendant Jesus Cornelia and/or any person or persons acting in his behalf to vacate and demolish the fence, which he has constructed [on] the lots [sic] in question;
- Ordering defendant Jesus Cornelia to pay the sum of P10,000.00 as attorney's fees; and
- Ordering defendant Jesus Cornelia to pay the costs of the suit.

SO ORDERED.[9] (Underscoring supplied)

On appeal, Branch 40 of the RTC of Negros Oriental, by Decision dated June 18, 2004,[10] reversed the MTC decision on the ground that the case involves a tenancy dispute which falls within the original jurisdiction of the Department of Agrarian Reform (DAR).[11] It accordingly dismissed petitioners' complaint. The Court of Appeals, by Decision[12] dated November 30, 2005, affirmed the RTC decision.

Petitioners thus filed the present Petition[13] before this Court, faulting the Court of Appeals for "commit[ing] apparent error in the appreciation, interpretation, and application of the laws on jurisdiction, forcible entry, and agrarian disputes."

By petitioners' claim, they had since 1989 been tenants of all the co-owners of the two lots, in support of which they, as earlier stated, submitted the Affidavit of Magdalena. Magdalena, however, was, it bears repeating, one of the plaintiffs in Civil Case No. 9852 who assailed the acquisition of portions of the lots by the therein defendants Rito Cornelia et al., which case was, as stated early on, dismissed by Branch 39 of the Dumaguete RTC. Thus, in so far as the portions of the lots acquired in 1939 by and adjudicated to Andres Cornelia-grandfather of respondent, Magdalena and her co-heirs did not have the authority to institute in 1989 petitioners as tenants thereon. Parenthetically, the conclusion of Branch 40 of the RTC of Dumaguete City that herein petitioners "are tenants of Andres Cornelia" and that upon his death the leasehold relationship binds his heirs is unfounded, Andres Cornelia having died in 1940. Petitioners admittedly never shared with respondent and his siblings the

farm products gathered from the questioned portions of the lots.[14]

Upon the other hand, in his Position Paper and Offer of Documentary Evidence filed before the MTC,[15] respondent manifested that upon motion filed in Civil Case No. 9852, Branch 39 of the Dumaguete RTC, by Order of May 8, 2001, directed the issuance of a Writ of Execution and/or Possession over the questioned portions of the lots in favor of the therein defendant-co-owners Rito Cornelia et al. and “simultaneously command[ed] the [therein] plaintiffs-appellants [including Magdalena], members of their family relatives, trespassers, squatters, agents and other privies of the plaintiffs-appellants to vacate immediately . . . the . . . premises”; and that the Project of Partition, to which was attached a Sketch Plan indicating the location of the portions of the two lots adjudicated to Andres Cornelia, was prepared by Geodetic Engineer Jorge S. Suasin Sr. (Engr. Suasin) and was approved by the RTC by Order of February 11, 2002.

And respondent submitted the September 23, 2003 Affidavit of Engr. Suasin[16] declaring that, inter alia, he conducted an actual survey of the questioned portions of the lots in March 2003 after informing all co-owners and occupants of the lots including herein petitioner Ismael “Nonoy” Disquitado; and that he pointed to the heirs of Andres Cornelia the location and monuments of the areas of the lots adjudicated to him (Lots 2626-C and 2628-A), which areas respondent later caused to be fenced.

Petitioners’ claim then that they were instituted in 1989 as tenants of and by all the owners of the lots including the questioned portions thereof is bereft of merit. There is thus no tenancy relationship to speak of over which the DAR has original jurisdiction.

As petitioners’ occupation of the questioned portions of the lots did not bear the imprimatur of respondent and his siblings-co-owners thereof, it may be deemed to have been merely by tolerance, to say the least. Petitioners must then be among those referred to by Branch 39 of the RTC in Civil Case No. 9852 as trespassers, squatters, agents, or privies of Magdalena et al. who were ordered to vacate the premises. Engr. Suasin’s statement in his Affidavit that he advised petitioner Ismael Disquitado of the circumstances which culminated in the fencing of the questioned portions of the lots has not even been impugned.

In fine, petitioners’ complaint for forcible entry against respondent does not lie.

WHEREFORE, in light of the foregoing disquisition, the assailed decision of the Court of Appeals is SET ASIDE and another is rendered DISMISSING Civil Case No. 482 of the Municipal Trial Court of Sibulan, Negros Oriental.

Costs against petitioners.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga, and Velasco, Jr., JJ., concur.

[1] Records, pp. 15-29.

[2] Id. at p. 18.

[3] Id. at p. 28.

[4] Id. at 39.

[5] Id. at 1-6 exclusive of annexes.

[6] Id. at 61-70.

[7] Id. at 71.

[8] Ibid.

[9] Id. at 78.

[10] Id. at 133-139.

[11] Id. at 137-139.

[12] Penned by Court of Appeals then-Executive Justice Mercedes Gozo-Dadole, with the concurrences of Associate Justices Pampio A. Abarintos and Enrico A. Lanzanas. CA rollo, pp. 110-118.

[13] Rollo, pp. 9-27.

[14] MTC Order of September 26, 2003, records, p. 48.

[15] Id. at 49-55.

[16] Id. at 59.

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.