

SPOUSES IDA AKA “MILAGROS” NIEVES BELTRAN AND JOSE BELTRAN, PETITIONERS, VS. ANITA R. NIEVES, REPRESENTED BY NELIA G. MORAN, RESPONDENT.

G.R. No. 175561. October 20, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

G.R. No. 175561 is a petition for review[1] assailing the Decision[2] promulgated on 17 July 2006 by the Court of Appeals (CA) in CA-G.R. SP No. 92258. The appellate court granted the petition filed by Anita R. Nieves (Nieves) and ordered spouses Milagros Nieves Beltran and Jose Beltran (spouses Beltran) to surrender and vacate the subject premises in favor of Nieves. The appellate court reversed and set aside the Decision[3] of the Regional Trial Court, Branch 5 of Legazpi City (RTC) in Civil Case No. 10466 dated 9 August 2005, as well as its Order[4] dated 22 September 2005. The RTC's decision affirmed the Decision[5] dated 20 April 2005 of the Municipal Circuit Trial Court (MCTC) of Camalig-Jovellar, Albay in Civil Case No. C-698 for Ejectment with Damages.

The Facts

Respondent Nieves is the registered owner of the subject parcel of land as well as the house thereon. Milagros Beltran is Nieves' niece, being the daughter of Gaston, Nieves' brother. In asserting their ownership and rightful occupation against Nieves, petitioners spouses Beltran claim that Nieves sold the land and house to Gaston. The deed of sale, which Nieves disclaims having signed, remains unregistered. The appellate court narrated the facts as follows:

The instant petition stemmed from a complaint filed by Anita R. Nieves (herein petitioner) against Spouses Milagros (hereinafter Milagros) and Jose Beltran (herein respondents) which seeks to eject the latter from a 474 square meter parcel of land covered by Transfer Certificate of Title (TCT) No. T-10963 and the house erected thereon covered by Tax Declaration No. 004-00079 located at Brgy. 4, Camalig, Albay, both registered in the name of petitioner, docketed as Civil Case No. C-698. In support thereof, petitioner claimed that for a long period of time, she tolerated the occupation of the subject property by her sister Julieta (Tita) Nieves and her brother Gaston Nieves and the latter's children, respondent Milagros and Talin, among others. However, despite repeated demands, respondent Milagros and her husband refused to vacate the subject premises and surrender its possession to petitioner.

In their Answer, respondents countered that their possession of the subject property was "not out of Plaintiff's compassion and benevolence" but in the concept of owners as intestate heirs of their father, Gaston R. Nieves, who supposedly informed them during his lifetime of the sale of the subject property in his favor. That after their father's death on May 17, 1991, respondents continued with the occupation of the subject lot.[6]

Nieves filed her complaint for ejectment with damages[7] on 24 November 2004. Jose Beltran refused to receive summons because his wife's legal name is not "Milagros." Nieves accordingly amended the complaint to refer to "Milagros" as "Ida Nieves Beltran." The spouses Beltran then filed their answer with compulsory counterclaim on 11 January 2005.

The Municipal Circuit Trial Court's Ruling

On 20 April 2005, the MCTC promulgated its Decision in favor of the spouses Beltran and dismissed Nieves' complaint. The MCTC also dismissed all claims for damages by the parties.[8]

The MCTC found that Nieves exerted utmost efforts to settle the case amicably before she resorted to court processes. However, Nieves' presentation of a photocopy of the owner's duplicate certificate merely proved that the document consisting of entries in public records are prima facie evidence of the facts stated. The deed of sale between Gaston Nieves and Anita Nieves, albeit a private document, was presumed to be duly executed. The MCTC made a provisional ruling that Gaston Nieves, Milagros Nieves' father, owned the subject lot by virtue of the unregistered deed of sale by Nieves to Gaston. The registration of the title in Nieves' name in the Office of the Register of Deeds of Albay is not necessarily conclusive of Nieves' ownership of the property. The MCTC respected the right of possession of the spouses Beltran because the deed of sale, although unregistered, was executed in December 1964, much later than the issuance of the TCT in Nieves' name in April 1960.

Aggrieved, Nieves then appealed before the RTC.

The Regional Trial Court's Ruling

On 9 August 2005, the RTC found Nieves' appeal unmeritorious and consequently affirmed the MCTC's decision.[9]

The RTC held that the MCTC had no jurisdiction to entertain the question of just title. Moreover, an action for unlawful detainer should be filed within one year from the unlawful withholding of possession. Therefore, the complaint's failure to allege with clarity the specific date that the withholding of possession became unlawful was a fatal jurisdictional lapse.

The RTC denied Nieves' motion for reconsideration in an Order dated 22 September 2005. The Order in its entirety read:

In the face of this Court's decision dated 9 August 2005, this Court has not ventured into the area of determining the controversy of ownership over Lot 5847-A.

As may be noted, anyway, the record is bereft of credible evidence showing that the appellant [Nieves] ever has had prior actual physical possession of Lot 5847-A at anytime before she filed her ejectment suit for unlawful detainer.

The central controversy this Court has entertained is limited to possession - with this Court adverting to the evidence presented by the parties so far as material for the purpose of resolving the controversy of possession only.

This Court has refrained from touching issues that put title over Lot 5847-A as the main controversy.

ACCORDINGLY, upon consideration of the motion for reconsideration dated 3 September 2005 filed by the appellant [Nieves], this Court hereby modifies the dispositive portion of its decision dated 9 August 2005 to read, as follows, to wit:

WHEREFORE, Premises Considered, finding the appeal to be unmeritorious, the lower Court's decision dated 20 April 2005 in Civil Case No. C-698 is hereby AFFIRMED, without prejudice to whatever judicial action the parties may file before the appropriate court to determine the controversy of ownership over Lot 5847-A.

SO ORDERED.[10]

Nieves then filed a Petition for Review under Rule 42 before the CA.

The Ruling of the Court of Appeals

On 17 July 2006, the CA rendered its Decision[11] which reversed the 9 August 2005 Decision of the RTC.

The CA ruled that the MCTC and the RTC erred in declaring that the Spouses Beltran are entitled to possess the subject property on the basis of the unregistered deed of sale. The tax declarations presented by the spouses Beltran are not conclusive evidences of ownership, but are good indicators of possession in the concept of an owner. The CA doubted the veracity of the subject deed of sale and further ruled that a certificate of title is conclusive evidence of ownership. In an ejectment suit, it does not matter if the title is questionable. Nieves, who holds title to the land, is thus entitled to possession of the land. Finally, the one year prescriptive period for the filing of the complaint may be reckoned from 4 August 2004, the date the last demand to vacate was made. The filing of the complaint on 24 November 2004 is thus within the one-year prescriptive period.

The dispositive portion of the appellate court's Decision read as follows:

WHEREFORE, premises considered, the instant petition is GRANTED. The assailed Decision dated August 9, 2005 and its Order dated September 22, 2005 are REVERSED and SET ASIDE. A new one is rendered ordering respondents spouses Milagros Nieves Beltran and Jose Beltran to SURRENDER and VACATE the subject premises in favor of petitioner Anita R. Nieves.

SO ORDERED.[12]

The spouses Beltran filed a motion for reconsideration[13] which the CA denied for lack of merit in its Resolution[14] promulgated on 23 October 2006.

Issues

The spouses Beltran enumerated the following grounds to support their Petition:

- I. Public respondent Court of Appeals erred in declaring that petitioners Ida and Jose have no right over the property based on an unregistered deed of sale;
- II. Public respondent Court of Appeals erred in declaring respondent Anita as the owner of the property based merely on the photocopies of TCT No. 10963; [and]
- III. Public respondent Court of Appeals erred in declaring that the tax declarations in the name of respondent Anita is proof of her ownership over the property.[15]

The Court's Ruling

The petition has no merit. We agree with the CA. Registered owners such as Nieves are entitled to the possession of the property covered by the title from the time such title was issued in their favor.[16]

The only issue in an ejectment case is the physical possession of real property â€” possession de facto and not possession de jure. We rule upon the issue of ownership only to determine who between the parties has the better right of possession. As the law now stands, in an ejectment suit, the question of ownership may be provisionally ruled upon for the sole purpose of determining who is entitled to possession de facto.[17]

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 upon demand, failing which a summary action for ejectment is the proper remedy against them.[18] Whatever right of possession that the spouses Beltran

may have over the subject property cannot prevail over that of Nieves for the simple reason that Nieves is the registered owner of the subject property and the alleged deed of sale, which Nieves disputes, remains unregistered. Although it is true that the spouses Beltran, and not Nieves, were in prior physical possession of the subject property, this argument cannot hold water as prior physical possession is material only in forcible entry cases.[19]

Any question regarding the validity of Nieves' title can only be assailed in an action expressly instituted for that purpose. A certificate of title shall not be subject to collateral attack.[20] Our ruling in the present case shall not bar an action between the same parties for the determination of ownership of the subject property.

WHEREFORE, we DENY the petition. The Decision of the Court of Appeals in CA-G.R. SP No. 92258 promulgated on 17 July 2006 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Nachura, Leonardo-De Castro,[*] Peralta, and Mendoza, JJ., concur.

[*] Designated additional member per Special Order No. 905 dated 5 October 2010.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 33-42. Penned by Associate Justice Estela M. Perlas-Bernabe, with Associate Justices Andres B. Reyes, Jr. and Hakim S. Abdulwahid, concurring.

[3] Id. at 84-86. Penned by Judge Pedro R. Soriao.

[4] Id. at 87.

[5] Id. at 77-82. Penned by Judge Nimfa C. Gomez.

[6] Id. at 33-34.

[7] Id. at 60-63.

[8] Id. at 77-82.

[9] Id. at 84-86.

[10] Id. at 37 (Emphases in the original).

[11] Id. at 33-42.

[12] Id. at 42.

[13] Id. at 43-49.

[14] Id. at 51.

[15] Id. at 18.

[16] Spouses Apostol v. Court of Appeals, 476 Phil. 403 (2004).

[17] Umpoc v. Mercado, 490 Phil. 120,136 (2005).

[18] Calubayan, et al. v. Pascual, 128 Phil. 160, 163 (1967).

[19] Spouses Apostol v. Court of Appeals, supra note 16.

[20] Section 48, P.D. No. 1529.

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