

**FLORA N. FLORES, REPRESENTED BY HER ATTORNEYS-IN-FACT,
JOSE NAVARRO AND ERLINDA NAVARRO, PETITIONER, VS. SPOUSES
LUCAS AND ZENAIDA QUITALIG, RESPONDENTS.***G.R. No. 178907. July 04, 2008*

Ponente: VELASCO JR., J.

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This petition under Rule 45 arose from a complaint for forcible entry and damages filed by Flora N. Flores against spouses Lucas and Zenaida Quitalig before the Municipal Trial Court (MTC) in Bauang, La Union and which was docketed as Civil Case No. 1013.

The property subject of the case is an untitled lot with an area of 200 sq.m. located in Taberna, Bauang, La Union Cadastre and lies between Lot No. 4834, owned by the spouses Quitalig, and Lot No. 4835, owned by Flores. In her complaint, Flores alleged that in 2004, the spouses Quitalig, in the belief that the subject lot is part of their Lot No. 4834, entered, occupied, and constructed a fence around the subject lot. Both parties claimed ownership and prior possession of the said property.

The complaint was, however, dismissed by the MTC in its April 6, 2005 Decision.[1] According to the MTC, the spouses Quitalig were able to prove their prior possession and ownership of the subject lot through documentary and testamentary evidence. On the other hand, Flores was not able to prove her claim of ownership since her title to the subject lot is tainted with irregularity. The court found that Flores derived title to the subject lot through a Deed of Absolute Sale executed by Macario Navarro in 1995 who, as it turned out, died on April 22, 1986.

Unperturbed by the unfavorable MTC decision, Flores appealed to the Regional Trial Court (RTC), Branch 33 in Bauang, La Union, the appeal docketed as Civil Case No. 1600-BG. In its September 6, 2005 Decision, [2] the RTC found for Flores and accordingly set aside that of the MTC. The RTC held that Flores was able to prove that she and her predecessors-in-interest have been in possession of the subject lot since 1950, through tax declarations under the names of her predecessors-in-interest. In stark contrast thereto, the RTC doubted the spouses Quitalig's claim of prior possession, because their documentary evidence to prove their prior possession over the subject property being dated 2004, at the earliest, was apparently prepared after the complaint was filed. The RTC also held that the issue on Flores' ownership cannot be properly appreciated in a case for forcible entry and should, therefore, be resolved in a separate action for the annulment of the adverted deed of sale.

Aggrieved, the spouses Quitalig filed a petition for review with the Court of Appeals (CA), which, on January 31, 2007, rendered a Decision [3] ruling in favor of the spouses Quitalig. The CA ruled that Flores failed to sufficiently show that the subject lot is within the boundaries of her claimed property, Lot No. 4835. This failure, according to the CA, precluded it from properly determining whether or not there was forcible entry. Accordingly, the CA reversed the decision of the RTC and dismissed Flores' complaint for forcible entry.

Flores accordingly moved for the reconsideration of the CA's decision but the same was denied in the CA's July 26, 2007 Resolution.

Flores now comes before this Court setting forth this issue, summarized as follows: Whether the CA erred in holding that petitioner failed to present adequate proof to establish the identity of the subject lot and, thus, also failed to show that the subject lot is within the metes and bounds of her land, thereby precluding the CA from determining the issue of forcible entry.

Flores maintains that she, her attorneys-in-fact, and her predecessors-in-interest have been in peaceful possession of the subject property since 1950 until the possession was interrupted by the spouses Quitalig in 2004 when they abruptly entered the property and fenced its perimeter.

The spouses Quitalig, on the other hand, claim that the subject property belongs to them as it is part of the lot they had purchased from Cresencio and Jose Madayag in 1982 and had been in their possession ever since.

The petition has merit.

An action for forcible entry is summary in nature. It is designed to recover physical possession through prompt proceedings that are restrictive in nature, scope, and time limits. [4] In such action, the plaintiff must prove that he was in prior possession of the land or building and that he was deprived thereof by means of force, intimidation, threat, strategy, or stealth.[5]

Owing to the summary nature of forcible entry cases, courts should expeditiously resolve the issue of possession, eschewing, as a rule, the issue of ownership since such cases proceed independently of any claim of ownership and the plaintiff needs merely to prove prior possession de facto and the undue deprivation thereof. [6] Here, the MTC clearly erred when it delved into the issue of ownership and focused on Flores' seemingly flawed title over the property. The MTC failed to appreciate that, in spite of this flaw in Flores' title to the subject property, there is preponderance of evidence to reasonably conclude that Flores and her predecessors-in-interest were in actual possession of the subject property until 2004 when respondents, through stealth or strategy, entered and claimed it as part of their land. It is clear though that the spouses Quitalig almost succeeded in muddling the core issue by inserting the collateral issue of ownership.

The CA, too, erred when it held that Flores failed to particularly identify the location of the subject property, which thereby precluded it from determining whether or not the spouses Quitalig indeed dispossessed her of the subject property. It is clear from the records before us that the lot in question is between Lot No. 4834, owned by the spouses Quitalig, and Lot No. 4835, owned by Flores and her predecessors-in-interest. It is also clear that Flores, through her attorneys-in-fact, was in physical possession of the subject lot before the spouses Quitalig entered and fenced it in 2004. The CA could have easily and should have determined from the other evidence presented who between the parties exercised prior possession over the subject property since what is important in this type of cases is determining who is entitled to the physical possession of the property.[7] Indeed, any of the parties who can prove prior possession de facto may recover such possession even from the owner himself.[8] In any case, the RTC correctly ruled that the issue of ownership can be properly resolved in another proceeding and in a more appropriate forum.

WHEREFORE, premises considered, the CA's January 31, 2007 Decision and its July 26, 2007 Resolution in CA-G.R. SP No. 91823 are hereby REVERSED and SET ASIDE. The RTC's September 6, 2005 Decision in Civil Case No. 1600-BG is hereby REINSTATED.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, Tinga, and Brion, JJ., concur.

[1] Id. at 82-86. Penned by Judge Romeo V. Perez.

[2] Id. at 67-72. Penned by Judge Rose Mary R. Molina-Alim.

[3] Id. at 23-31. Penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justices Conrado M. Vasquez, Jr. (now Presiding Justice) and Lucenito N. Tagle.

[4] *Buduhan v. Pakurao*, G.R. No. 168237, February 22, 2006, 483 SCRA 116, 122.

[5] *Sampayan v. Court of Appeals*, G.R. No. 156360, January 14, 2005, 448 SCRA 220, 228.

[6] *Baños v. Lutheran Church in the Philippines*, G.R. No. 142308, November 15, 2005, 475 SCRA 13, 34; citing *Bongato v. Malvar*, G.R. No. 141616, August 14, 2002, 387 SCRA 327.

[7] Id.; citing *Solanda Enterprises v. Court of Appeals*, G.R. No. 123479, April 14, 1999, 305 SCRA 645, 646.

[8] Id.; citing *Gener v. Faustino*, G.R. No. 130730, October 19, 2001, 367 SCRA 631, 643.

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