

VIRGILIO BOTE, PETITIONER, VS. SAN PEDRO CINEPLEX PROPERTIES CORPORATION, RESPONDENT.

G.R. No. 180675. July 27, 2009

Ponente: CORONA, J.

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CORONA, J.:

On June 21, 2006, respondent San Pedro Cineplex Properties Corporation filed a complaint for forcible entry[1] in the Municipal Trial Court (MTC) of San Pedro, Laguna, Branch 2.

Respondent asserted that it owned several contiguous properties (with a total area of 74,847 sq.m.) covered by TCT Nos. 309608, 309609 and 309610[2] in Barangay Landayan, San Pedro, Laguna. It purchased the said land from La Paz Housing (LPH) in 1994 and had been leasing out the premises to De la Rosa Transit which operated a bus terminal therein.

Respondent further claimed that its peaceful and uninterrupted possession of the said properties was disrupted in June 2006 when petitioner Virgilio Bote, through violence and intimidation, entered the premises, brought in heavy machineries and built a makeshift structure.

Petitioner, on the other hand, asserted that the land in question was covered by TCT No. T-35050 and registered in the name of his late father-in-law, Manuel Humada Eñano, whose sole heir was his wife, Jennifer Eñano-Bote. In June 2006, he brought in machineries into the premises intending to develop the same in view of the commercialization of Barangay Landayan.

Petitioner likewise claimed that the Eñanos were in possession of the land as their caretaker had been living there since 1965 when Manuel purchased the property (then covered by TCT No. 19832) from Gliceria Kasubuan.

Furthermore, inasmuch as the property was the subject of a pending ejectment case,[3] respondent could not have been in possession of the property.[4]

After inspecting the disputed premises and evaluating the pleadings and evidence submitted by the parties, the MTC found that the land in question was originally part of a property covered by OCT No. 217 registered in the name of Gliceria Kasubuan. Kasubuan sold the property to spouses Antonio Sibulo and Rosario Islan who were issued TCT No. 31852. When the property was subdivided pursuant to a judicial order, TCT No. 31852 was cancelled and TCT Nos. 42530 and 42531 were issued in its place. Over the years, the former Kasubuan property was sold and subdivided several times. In 1990, LPH purchased three contiguous lots (with a total area of 74,847 sq. m.) which were part of the Kasubuan property. It built concrete structures and installed security guards within the premises. In 1994, it sold the said parcels of land to respondent. Respondent, the present registered owner, had been leasing out the property to De la Rosa Transit which operates a bus terminal within the premises. In view of these findings, the MTC concluded that respondent had been in peaceful and continuous possession of the property in question since 1994.

In a decision dated September 22, 2006,[5] the MTC held:

WHEREFORE, finding [respondent's] cause of action to be sufficiently established being supported by evidence on record, judgment is hereby rendered in favor of [respondent] and against [petitioner] as follows:

- Ordering [petitioner] and all persons claiming right under them to vacate the parcels of land covered by TCT Nos. 309608, 309609 and T-309610 by removing the fence it built, the equipment, container vans, bulldozers and all security guards it deployed and brought inside the premises and surrender peaceful possession of the above parcels of land to herein [respondent];
- To pay [respondent] the amount of P20,000 as attorney's fees and
- To pay the cost of suit.

SO ORDERED.

Petitioner assailed the decision of the MTC in the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 93.[6] Petitioner insisted that Manuel purchased the land covered by TCT No. 19832 (which, like respondent's certificates, could be traced back to OCT No. 217) from Kasubuan in 1965 and that the said transaction was recorded in the primary book of entries in the Register of Deeds of Sta. Cruz, Laguna. Furthermore, the Eñanos had caretakers living on the land and had been paying real estate taxes thereon since 1966. Thus, they enjoyed continuous and uninterrupted possession of the disputed premises.

In a decision dated January 29, 2007,[7] the RTC reversed and set aside the decision of the MTC. It held that since the property was the subject of a pending ejectment case, respondent could not have had prior possession of the disputed premises.

Respondent assailed the January 29, 2007 decision of the RTC via a petition for review[8] in the Court of Appeals (CA) insisting that it proved by preponderance of evidence its prior possession of the property.

In a decision dated September 28, 2007,[9] the CA set aside the decision of the RTC and reinstated the MTC decision. It held that respondent was in peaceful possession of the disputed property from 1994 until petitioner entered the premises in 2006. Moreover, the filing of another ejectment case by respondent did not negate its prior possession of the disputed land.

Petitioner moved for reconsideration but it was denied.[10] Hence, this recourse[11] with petitioner asserting that the CA erred in finding that respondent proved its prior possession of the disputed land.

We remand the case to the MTC.

Both petitioner and respondent assert ownership and possession of the land in question and present their respective Torrens titles as evidence thereof.

While the MTC found that respondent's certificates of title, TCT Nos. 309608, 309609 and 309610, could be traced back to the mother title, OCT No. 217, it did not make any finding on whether the said certificates in fact cover the disputed property.

Considering the vastness of the land covered by OCT No. 217 and the fact that it had been subdivided many times over the years, petitioner and respondent might possibly be claiming distinct, albeit contiguous, properties. This can actually be a situation of mistaking another's property as one's own.

Settled is the rule that the person who has a Torrens title over the land is entitled to possession thereof.[12] The MTC merely depended on the allegations of the parties that their respective certificates cover the land in question. However, it did not determine whose title actually covers the disputed property. A geodetic survey to determine the metes and bounds of the lots covered by the respective titles of the parties could have solved the matter.

WHEREFORE, the case is hereby REMANDED to the Municipal Trial Court of San Pedro, Laguna, Branch 2 for further proceedings, particularly to determine whose certificate(s) of title actually cover the disputed property and thereafter, to grant possession to the proper party.

SO ORDERED.

Puno, C.J., Carpio, Leonardo-De Castro, and Bersamin, JJ., concur.

- [1] Under Rule 70 of the Rules of Court. The complaint was docketed as Civil Case No. 06-419. Rollo, pp. 86-92.
- [2] Respondent appeared as the registered owner in the said titles. Id., pp. 93-97.
- [3] Civil Case No. 02-308, San Pedro Cineplex Properties v. Vicente Vergara Atanacio et al., in the MTC of San Pedro, Laguna, Branch 1.
- [4] Rollo, pp. 95-103.
- [5] Penned by Acting Presiding Judge Elpidio R. Calis. Id., pp. 75-80.
- [6] Docketed as Civil Case No. SPL-1206. Petitioner filed a petition for certiorari under Rule 65 of the Rules of Court but the RTC decided it as an appeal.
- [7] Penned by Judge Francisco Dizon-Pano. Rollo, pp. 68-73.
- [8] Docketed as CA-G.R. SP No. 99354.
- [9] Penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justices Rebecca de Guia-Salvador and Magdangal M. de Leon. Rollo, pp. 51-61.
- [10] Resolution dated November 28, 2007. Id., pp. 65-66.
- [11] Under Rule 45 of the Rules of Court.
- [12] Arambulo v. Gungab, G.R. No. 156581, 30 September 2005, 471 SCRA 640, 649-650. (citations omitted)

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