

**MANILA INTERNATIONAL AIRPORT AUTHORITY, PETITIONER, VS.
REYNALDO (REYMUNDO) AVILA, CALIXTO AGUIRRE, AND SPS.
ROLANDO AND ANGELITA QUILANG, RESPONDENTS.***G.R. No. 185535. January 31, 2011*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-185535/>**MENDOZA, J.:**

This is a petition for review on certiorari under Rule 45 filed by the Manila International Airport Authority (MIAA) seeking to reverse and set aside the June 16, 2008 Decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 97536 which annulled the August 7, [2006[3]] and the November 13, [2006[4]] Resolutions of the Regional Trial Court of Pasay City, Branch 117 (RTC), in Civil Case No. 05-0399-CFM.

From the records, it appears that in June 1968, the late Tereso Tarrosa (Tarrosa) leased a 4,618 square meter parcel of land located along the MIAA Road in Pasay City from its owner, MIAA. Before the expiration of the lease sometime in 1993, Tarrosa filed a case against MIAA to allow him to exercise his pre-emptive right to renew the lease contract. Finding that Tarrosa violated certain provisions of its contract with MIAA, the trial court dismissed the case. Tarrosa appealed before the CA but to no avail. When Tarrosa passed away, he was substituted by his estate represented by his heirs' attorney-in-fact, Annie Balilo (Balilo). On June 9, 1998, the CA decision became final and executory.[5]

Thereafter, MIAA sent letters of demand to the heirs asking them to vacate the subject land. Unheeded, MIAA instituted an ejectment suit against the Estate of Tarrosa (Estate) before the Metropolitan Trial Court of Pasay City, Branch 47 (MeTC), docketed as Civil Case No. 64-04-CFM. On February 18, 2005, the MeTC rendered its decision[6] ordering the Estate and all persons claiming rights under it to vacate the premises, peacefully return possession thereof to MIAA and pay rentals, attorney's fees and costs of suit.

The Estate, through Balilo, appealed the case to the RTC, where it was docketed as Civil Case No. 05-0399-CFM. In its July 22, 2005 Decision,[7] the RTC gave due course to the appeal and affirmed the MeTC decision in toto.

The Estate then filed a motion for reconsideration while MIAA sought the correction of a clerical error in the MeTC decision as well as the issuance of a writ of execution. On September 20, 2005, the RTC issued an omnibus order[8] denying the Estate's motion for reconsideration, granting MIAA's motion to correct a clerical error and granting the motion for the issuance of a writ of execution.

On the strength of the writ of execution issued by the RTC, a notice to vacate was served on the occupants of the subject premises. The RTC Sheriff partially succeeded in evicting the Estate, Balilo and some other occupants. Still, others remained in the premises.[9]

Among the remaining occupants were respondents Calixto E. Aguirre (Aguirre), Reymundo Avila (Avila), and spouses Rolando and Angelita Quilang (Quilangs), who filed separate special appearances with motions to quash the writ of execution.[10] In essence, all of them interposed that they were not covered by the writ of execution

because they did not derive their rights from the Estate since they entered the subject premises only after the expiration of the lease contract between MIAA and Tarrosa. They further stated that the subject premises had already been set aside as a government housing project by virtue of Presidential Proclamation No. 595 (Proclamation No. 595).[11]

On May 5, 2006, the RTC granted the motion to quash filed by the remaining occupants, including Avila and the Quilangs.

On August 4, 2006, the RTC denied the motion to quash filed by Aguirre. In its August 4, 2006 Resolution,[12] the RTC stated:

It is important to emphasize at this juncture that during the ocular inspection conducted by this court (Thru Presiding Judge, Henrick F. Gingoyon), records reveal that the area occupied by Mr. Calixto Aguirre, as he claimed, is more or less 1,000 square meters. Thus, citing the provision of the law pertaining to qualified occupants or beneficiaries who can avail of the privilege, the area alone possessed by Mr. Calixto Aguirre will not qualify as beneficiary under Republic Act 7279. Moreover, the result of the ocular inspection revealed that the area is used by Mr. Calixto Aguirre as business establishment and in fact some of them were even subject for lease.

Therefore, from the very nature of the utilization of the property the same is beyond doubt not covered and the same is contrary to the letter and spirit of the aforementioned Presidential Proclamation No. 595.

WHEREFORE, premises considered, the instant Motion to Quash Writ of Execution and Set Aside Judgment filed by Mr. Calixto Aguirre is hereby DENIED for lack of merit.

SO ORDERED. (underscoring supplied)[13]

On August 7, 2006, a similar finding was made with regard to Avila and the Quilangs when the RTC resolved MIAA's motion for reconsideration. In its August 7, 2006 Resolution, the RTC likewise wrote:

Unfortunately, however, the result of the ocular inspection revealed that some of the 28 Oppositors, namely: Mr. REYMUNDO AVILA; SPS. ROLANDO QUILANG AND ANGELITA QUILANG; ROMEO CAGAS; JEANETTE LOPEZ, are using the property subject to this case not as family dwelling but rather utilized as business establishments. Thus, the said occupancy is not covered under Republic Act 7279 in order to be considered qualified beneficiaries. Relatedly, therefore that the Writ of Execution cannot be implemented against the afore-named persons on the ground that they are qualified beneficiaries under Presidential Proclamation No. 595 in relation to the provision of Republic Act 7279 is unwarranted under the circumstances.

It is important to emphasize at this juncture that during the ocular inspection conducted by this court (Thru Presiding Judge, Henrick F. Gingoyon), records reveal that the area occupied by Mr. REYNALDO (REYMUNDO) AVILA, is occupying more or less 500 square meters and the same is actually use[d] as an apartment for lease/ rent; Sps. ROLANDO AND ANGELITA QUILANG; is occupying the premises by virtue of the rights vested by their father, Calixto Aguirre, and also utilizing the property for rent; ROMEO CAGAS AND JEANNETE LOPEZ are tenants of Calixto Aguirre.

Thus, citing the provision of the law pertaining to qualified occupants or beneficiaries who can avail of the privilege, the area alone possessed by Mr. Reynaldo (Reymundo) Avila; Sps. Rolando and Angelita Quilang will not qualify as beneficiaries under Republic Act 7279. Moreover, the area as shown in the result of the ocular inspection is used by them as business establishment and in fact some of them were even subject for lease.

Therefore, from the very nature of the utilization of the property the same is beyond doubt not covered and the

same is contrary to the letter and spirit of the aforementioned Presidential Proclamation No. 595 in relation to Republic Act 7279.

WHEREFORE, premises considered, the Order dated May 5, 2006 is hereby MODIFIED in so far as Oppositors REYNALDO (REYMUNDO) AVILA; Sps. ROLANDO QUILANG and ANGELITA QUILANG; ROMEO CAGAS AND JEANETTE LOPEZ are concerned. Let the corresponding Writ of Execution against the afore-mentioned persons be issued.

SO ORDERED. (underscoring supplied)[14]

The above findings were reiterated in the assailed RTC's Joint Resolution dated November 13, 2006 which denied the separate motions for reconsideration of the respondents.

On account of this, Aguirre, Avila and the Quilangs went to the CA on certiorari questioning the propriety of the RTC's disposition, more particularly, its finding that they were not qualified beneficiaries under Proclamation No. 595.

On June 16, 2008, the CA rendered the subject decision annulling the RTC resolutions dated August 7, 2006 and November 13, 2006. According to the CA, there was a grave abuse of discretion on the part of the RTC in ruling that respondents could not invoke Proclamation No. 595 because the mandate to determine the same rested with the National Housing Authority (NHA). Thus:

X x x. As provided in said Proclamation No. 595, the National Housing Authority (NHA), under the supervision of the Housing and Urban Development Coordinating Council (HUDCC) and in coordination with the MIAA, shall be the agency primarily responsible for the administration and disposition of the lots subject thereof in favor of the bona fide occupants therein, pursuant to the provisions of Sections 8, 9 and 12 of Republic Act 7279 and other pertinent laws.[15]

In a related case, MIAA also went to the CA on certiorari questioning the RTC's grant of another motion to quash its writ of execution filed by other remaining occupants. Said occupants are not parties in this case. The case was docketed as CA-G.R. SP No. 96477.[16] In said case, taking note that the occupants themselves admitted that they had entered the subject premises without the permission of either the MIAA or the Estate, the CA ruled that the said occupants were mere trespassers or squatters who had no right to possess the same. Accordingly, the writ of execution issued in the ejectment case could be enforced against them even though they were not named parties in the ejectment suit. Some of the occupants/aggrieved parties therein, namely, Alejandro Aguirre (son of Calixto Aguirre) and Norberto Aguirre (brother of Calixto Aguirre), came to this Court via a petition for review but it was summarily denied for having been filed out of time and for their failure to show any reversible error on the part of the CA. The denial became final and executory on July 23, 2009.[17]

Going back to the June 16, 2008 CA Decision, MIAA comes now to this Court questioning its annulment of the RTC resolutions by raising the following:

ISSUES:

WHETHER OR NOT THE COURT OF APPEALS ERRED IN FINDING THAT PUBLIC RESPONDENT JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN HE ARROGATED UPON HIMSELF THE DETERMINATION THAT PRIVATE RESPONDENTS ARE NOT QUALIFIED BENEFICIARIES UNDER PROCLAMATION NO. 595

WHETHER OR NOT A NAKED CLAIM OF POTENTIAL QUALIFIED BENEFICIARIES OF A SOCIALIZED HOUSING PROGRAM PREVAIL OVER THE RIGHTS OF THE PERSON WITH PRIOR PHYSICAL POSSESSION AND A BETTER RIGHT OVER THE DISPUTED REAL PROPERTY[18]

The Court finds the petition meritorious.

As mentioned earlier, the controversy stemmed from an ejectment suit filed by MIAA against the Estate represented by Balilo wherein the MeTC ordered the eviction of the Estate, Balilo and all those claiming rights under them.

The MeTC decision was affirmed by the RTC. Eventually, the Estate, Balilo and some occupants were evicted.[19] Respondents Aguirre, Avila and the Quilangs, together with some other remaining occupants, filed their separate special appearances and sought to quash the RTC's writ of execution. They claimed that they did not derive their right to occupy the premises from the Estate or from Balilo but rather from Proclamation No. 595 as they were potential beneficiaries of the same. In its opposition, the MIAA submitted documents prepared and signed by Balilo showing that the respondents were tenants of Tarrosa or Balilo.[20] The RTC, through its then Presiding Judge, the late Henrick F. Gingoyon (Judge Gingoyon), conducted an ocular inspection on the premises. Judge Jesus B. Mupas, who took over from Judge Gingoyon, reproduced the findings of the latter in his August 4, 2006 Resolution.[21]

The same finding was reached with respect to Avila and the Quilangs in the August 7, 2006 Resolution of the RTC[22] and reiterated in its Joint Resolution dated November 13, 2006 which dismissed the separate motions for reconsideration of the respondents.

Going over the RTC's findings and disposition, the Court is of the considered view that it acted well within its jurisdiction. It is settled in ejectment suits that a defendant's claim of ownership over a disputed property will not divest the first level courts of their summary jurisdiction. Thus, even if the pleadings raise the issue of ownership, the court may still pass on the same although only for the purpose of determining the question of possession. Any adjudication with regard to the issue of ownership is only provisional and will not bar another action between the same parties which may involve the title to the land. This doctrine is but a necessary consequence of the nature of ejectment cases where the only issue up for adjudication is the physical or material possession over the real property.[23]

Granting that their occupation of the subject premises was not derived from either Tarrosa or Balilo, the postulation of the respondents makes them mere trespassers or squatters acquiring no vested right whatsoever to the subject property.[24] Thus, to thwart the decision of the court, they claim that they were potential beneficiaries of Proclamation No. 595. Certainly, this bare anticipation on their part should not be permitted to defeat the right of possession by the owner, MIAA. Juxtaposed against the evidence adduced by the MIAA showing that respondents were once tenants of either Tarrosa or Balilo, respondents' bare claim that they could be beneficiaries of Proclamation No. 595 cannot be given any consideration.

At any rate, as earlier stated, the ruling on the inapplicability of Proclamation No. 595 is only provisional and will certainly not bar the NHA or any other agency of the government tasked to implement Proclamation No. 595, from making a determination of respondents' qualifications as beneficiaries,[25] in another action.

In *Pajuyo v. CA*,[26] the very case relied upon by the respondents and later cited by the CA in its assailed decision, the Court reiterated that the determination of the rights of claimants to public lands is distinct from the determination of who has better right of physical possession. While it was held therein that the CA erred in making a premature determination of the rights of the parties under Proclamation No. 137, it was emphasized that the courts should expeditiously resolve the issue of physical possession to prevent disorder and breaches of peace.

WHEREFORE, the petition is GRANTED. The June 16, 2008 Decision of the CA in CA-G.R. SP No. 97536 is hereby REVERSED and SET ASIDE and another judgment entered reinstating the August 7, 2006 and the

November 13, 2006 Resolutions of the Regional Trial Court of Pasay City, Branch 117, in Civil Case No. 05-0399-CFM.

SO ORDERED.

Carpio, (Chairperson), Nachura, Peralta, and Abad, JJ., concur.

[1] Rollo, p. 176.

[2] Id. at 16-31. Penned by Associate Justice Celia C. Librea-Leagogo with Associate Justice Vicente S.E. Veloso and Associate Justice Agustin Dizon, concurring.

[3] Id. at 236-239.

[4] Id. at 260-263.

[5] Id. at 98-115.

[6] Id. at 116-120.

[7] Id. at 122-127.

[8] Id. at 128-130.

[9] Id. at 18 and 131.

[10] Id. at 18, 144 and 159.

[11] Id. at 393 (CA Decision in S.P No. 96477).

[12] Id.

[13] Id. at 294-295.

[14] Id. at 238-239.

[15] Id. at 12.

[16] Id. at 390.

[17] Id. at 456.

[18] Id. at 43-44 and 442.

[19] Id. at 18 and 131.

[20] Id. at 195-212

[21] Id. at 294.

[22] Id. at 238-239.

[23] *Pajuyo v. CA*, G.R No. 146364, June 3, 2004, 430 SCRA 492, 509.

[24] Id.

[25] Id. at 513-154.

[26] G.R No. 146364, June 3, 2004, 430 SCRA 492, 518.

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