GREGORY BALUYO Y GAMORA, FOR AND IN BEHALF OF EMMANUEL GAMORA BALUYO PETITIONER, VS. SPOUSES JOAQUIN AND REBECCA DE LA CRUZ, RESPONDENTS.

G.R. No. 197058. October 14, 2015

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-197058/

BRION, J.:*

We resolve the present petition for review on certiorari[1] assailing the October 22, 2010 decision[2] and May 9, 2011 resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 111755. The CA reversed and set aside the decision of the Regional Trial Court (RTC), Calabanga, Camarines Sur, that in turn affirmed the Municipal Trial Court (MTC)'s ruling in a forcible entry case filed by the petitioner against the respondents. The CA held that the petitioner failed to establish his 'prior physical possession' of the subject property - which is an indispensable element in a forcible entry action.

Statement of Facts

In May 2008, Gregory G. Baluyo, for and on behalf of his brother Emmanuel Baluyo, filed a complaint[4] for forcible entry, with prayer for preliminary mandatory injunction and damages, against respondents-spouses Joaquin and Rebecca De La Cruz. The complaint alleged that he was the caretaker of a residential house and lot in Barangay San Pablo, Calabanga, Camarines Sur, owned by his brother Emmanuel, who bought the property from Bonifacio and Consolacion Dimaano (spouses Dimaano) on November 30, 1999;[5] that the house was leased to Lourdes Perico since March 2008;[6] and, that on April 23, 2008, the respondents, through force, intimidation, threat, strategy or stealth, demolished the house on the property, forcibly ejecting the lessee Perico and depriving the petitioner of his possession thereof.[7]

The respondents, on the other hand, denied the petitioner's claim of ownership and contended that the subject property was owned by Bonifacio Dimaano, the father of respondent Rebecca Dela Cruz nee Dimaano, as evidenced by Original Certificate of Title No. 31756;[8] and that Rebecca, as the sole heir of the deceased Bonifacio, is now the property's absolute owner.[9] Also, they belied the petitioner's claim that the subject residential house was leased to Perico,[10] as the latter never paid any rent during her stay in the premises.[11] They claimed that the supposed lessee was not forcibly ejected from, and in fact had voluntarily vacated the premises prior to the demolition on April 23, 2008.[12]

In a decision[13] dated February 26, 2009, the MTC of Calabanga, Camarines Sur, ruled in the petitioner's favor and ordered the respondents to turn over the possession of the subject property, and to pay the petitioner one hundred thousand pesos (P100,000.00) as damages and twenty thousand pesos (P20.000.00) as attorney's fees.[14]

On appeal, the RTC affirmed in toto the MTC's decision. Finding for the petitioner, the RTC gave credence to the Deed of Absolute Sale executed by the spouses Dimaano conveying the subject property to Emmanuel Baluyo. In a decision[15] dated October 22, 2009, the RTC held:

> "In a nutshell, the plaintiff-appellee (referring to Emmanuel Baluyo) further contends that he has been in

> physical and material possession of the subject residential house and lot because he was raised and resided therein since childhood, together with his brother Gregorio Baluyo and mother, Crisanta Baluyo (sister of Consolacion Dimaano) until he purchased the same from the spouses Bonifacio and Consolacion on November 30, 1999 as evidenced by the Deed of Absolute Sale. In support thereof, he presented the alleged Deed of Absolute (sic) as a source of his right to claim such prior physical and material possession, which was executed by the said spouses in favor of the plaintiff-appellee on November 30, 1999; xxx.
>
> xxx xxx xxx
>
> Section 9 of Rule 130 of the Rules of Court finds application in the case at bar, which provides that: "When the terms of an agreement have been reduced into writing, it is considered as containing all the terms agreed upon and there can be, between the parties and their successors in interest, no evidence of such terms other that the contents of the written agreement. In this case, there is no other evidence to contain their agreement of sale, except the said Deed of Absolute Sale, which under the law is accorded the presumption of its (sic) regularity. Thus, the general rule would apply that the subject property is now owned by the plaintiff-appellee by virtue of the sale on November 30, 1999, unless the defendants-appellants can present countervailing evidence questioning the validity of their written agreement.
>
> According to the defendants-appellants, they only came to know about it (referring to the Deed of Absolute Sale) sometime on October 2002 when their father, Bonifacio Dimaano discovered that (sic) the existence of the said Deed of Sale conveying the subject property to the plaintiff-appellant. Just the same, the best evidence rule will apply and that is, the Deed of Absolute Sale itself is presumed that it contains all the terms and conditions of the agreement of the parties."[16] (emphasis supplied)

The respondents appealed the RTC's decision to the CA through a Petition for Review under Rule 42 of the Rules of Court.

In a decision[17] dated October 22, 2010, the CA reversed the RTC's decision upon finding that the petitioner failed to establish, by preponderance of evidence, his prior physical possession of the subject property. The CA held:

> "In the instant case, the RTC found that Baluyo had sufficiently established by preponderance of evidence that he was in prior possession of the subject property, xxx
>
> xxx xxx xxx
>
> However, an examination of the Deed of Absolute Sale which Baluyo presented in evidence, shows that what was conveyed to Baluyo, representing the heirs of Crisanta Baluyo as vendees, was "1/2 po[r]tion of the parcel of residential land," or an area of 214.135 square meters of the 428.27 square meter residential land described under TD No. (035-0398) R-035-085, Cad No. 15." Baluyo, therefore, had not sufficiently established which portion of the undivided residential land was conveyed to him. Worse, he failed to establish that he specifically owned that portion of property where the residential house was erected. Baluyo was not, therefore, able to prove his basis for his claimed lawful possession of the property."[18] (emphases supplied)

The petitioner moved to reconsider the CA's decision. With the denial of his motion for reconsideration with the CA,[19] the petitioner filed the present petition for review on certiorari under Rule 45 before this Court.

The Petition

The petitioner argues' that the CA misapprehended the facts of the case in ruling that he failed to establish his prior physical possession of the residential house and lot in question, and to identify the specific portion of land conveyed to him under the November 30, 1999 Deed of Absolute Sale.

He contends that his family moved into the subject property, together with the spouses Dimaano and respondent

Rebecca, in 1970, and had since resided therein,[20] and later acquired ownership after buying the property from the spouses Dimaano in November 1999.[21]

The petitioner also contends that the identity of the "half-portion of the 428.27 square meter residential land" conveyed to him by the spouses Dimaano has been established, as the respondents have already bought the other half-portion of the land from their parents (spouses Dimaano).[22]

In a resolution[23] dated August 3, 2001, this Court required the respondents to file their comment to the petition.

The respondents counter-argue in their comment that the CA did not err in reversing the RTC's decision because the evidence submitted by the petitioner to prove his possession and ownership of the subject property were self-serving and uncorroborated, particularly the deed of absolute sale allegedly executed by the spouses Dimaano in the petitioner's favor and the handwritten receipts supposedly issued by the petitioner to his lessee.

OUR RULING
We find the petition meritorious.

Proof of prior physical possession is an indispensable element in a forcible entry case.[24] Section 1, Rule 70[25] of the Revised Rules of Court requires that, in actions for forcible entry, the plaintiff must allege that he has been deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth. This requirement implies that the defendant's possession of the property is unlawful from the beginning, as he acquires possession by unlawful means. The plaintiff must prove that he was in prior physical possession of the property in litigation until he was deprived thereof by the defendant.[26]

We have ruled that a party who has prior physical possession, regardless of the character of his possession, can recover possession even against the owner of the property.[27] The law protects the party in peaceful, quiet possession from being thrown out by a strong hand, terror or violence;[28] such party is entitled to remain on the property until he is lawfully ejected by a person having a better right.[29]

In ejectment cases, such as in forcible entry, the only question to be resolved is who between the contending parties is entitled to the physical or material possession of the property involved, independent of any claim of ownership set forth by the parties-litigants.[30] In ejectment cases, possession means nothing more than actual physical possession (possession de facto),[31] it is not juridical possession (possession de jure), which gives the transferee a right over the thing that he may set up even against the owner.[32] Thus, "an ejectment case will not necessarily be decided in favor of one who has presented proof of ownership of the subject property."[33]

Issues regarding the validity of title to property can be assailed only in an action expressly instituted for that specific purpose,[34] either in an accion publiciana or accion reivindicatoria. A forcible entry action such as the present case, which by nature is an accion interdictal, is merely a quieting process and never determines actual title to an estate.[35]

However, where the issue of ownership is raised by any of the parties to an ejectment case, the courts may provisionally pass upon the same in order to determine who has the better right to possess the property. We stress that the adjudication of the issue of ownership is merely provisional and would not bar or prejudice an action between the same parties involving title to the property.[36]

The parties in this case anchor their right of physical or material possession on their respective claims of ownership. The petitioner asserts ownership over the subject property based on the Deed of Absolute Sale executed in his favor on November 30, 1999. On the other hand, the respondents claim ownership of the subject property based on the fact that respondent Rebecca is the sole heir of her father Bonifacio, who was the holder of

a certificate of title over the property. Bonifacio died in July 2007.[37]

To defeat the petitioner's claim, the respondents attack the validity and due execution of the deed of absolute sale. They suggest that the subject deed is most likely a forgery because, in another deed of absolute sale between Bonifacio Dimaano and Emmanuel Baluyo involving a different property, the National Bureau of Investigation has found Bonifacio's signature therein as forged. They question why the subject deed only surfaced nine (9) years after its alleged execution. Also, they allege that the subject deed was not notarized.[38]

After a careful review of the records, however, we find that the subject deed of sale was apparently notarized. Attached to the records of the case is a copy of the November 30, 1999 Deed of Sale, notarized by a certain Atty. Leoncio F. Elopre.[39]

We find that the respondents' evidence and arguments fail to overcome the presumption of regularity accorded to the petitioner's notarized deed of absolute sale.[40] The settled rule is that a notarized document enjoys the presumption of regularity and is conclusive as to the truthfulness of its contents.[41]

While there is evidence to suggest that the petitioner had allegedly been involved in a past forgery, we cannot consider such evidence to nullify the present deed of absolute sale between the petitioner and the spouses Dimaano, as it refers to a different sale transaction for another property, albeit involving the same parties. Thus, in the absence of clear and convincing proof to the contrary, the subject notarized deed of absolute sale is presumed to be valid and duly executed.

The presence of the subject deed of absolute sale well supports the claim that the petitioner has had physical possession of the subject property since the date of its execution for beginning November 30, 1999. The petitioner's claim is further strengthened by affidavits of witnesses attesting to the fact that Emmanuel Baluyo and his caretaker Gregory Baluyo had previously possessed and occupied the subject residential house which was leased to a certain Kagawad Edzel Severo and subsequently, to Lourdes Perico. The petitioner, therefore, enjoys priority in time of possession compared to the respondents who have never been in actual possession, and based on their claim, would have inherited the subject property only upon Bonifacio's death in July 2007.

On the issue that the identity of the actual portion of land conveyed to the petitioner was not established, we find that the CA committed a reversible error in ruling that the property involved in this case had not been sufficiently identified by the petitioner.

We note that the respondents never questioned before the lower courts the identity of the half-portion of the land claimed by the petitioner. From the very start, the parties were clear as to the identity of the property involved in the forcible entry case.

We discern from the records that the spouses Bonifacio and Consolacion Dimaano were the original owners of the 428.27 sq.m. residential house and lot in Barangay San Pablo, Calabanga, Camarines Sur. The petitioner, his brother Gregory and mother Crisanta who is Consolacion's sister, moved into the property together with the spouses Dimaano and respondent Rebecca. When the spouses separated in 1999, a fence was built separating the property in half. Since then, Bonifacio, during his lifetime, had lived and resided on his half of the property.

It is undisputed that the respondents now occupy half of the 428.27-sq.m. property and in fact are title-holders to this half. Thus, the half-portion conveyed to the petitioner under the subject deed of absolute sale could only refer to the remaining half-portion of the lot covered by OCT No. 31756 that is still under Bonifacio's name.

We reiterate that our pronouncement in this case on the issue of ownership is merely provisional and only for the purpose of resolving the issue of who between the parties has the right of possession of the subject property. The

petitioner or the respondents may still question the validity of the documents used by the other party to support their claim of ownership, and to recover possession and ownership of the subject property in a proper suit.

WHEREFORE, we GRANT the petition for review on certiorari and REVERSE and SET ASIDE the October 22, 2010 decision and May 9, 2011 resolution of the Court of Appeals in CA-G.R. SP No. 111755.

Accordingly, the October 22, 2009 decision of the Regional Trial Court of Calabanga, Camarines Sur, in Civil Case No. RTC 09-239, which affirmed the February 26, 2009 decision of the Municipal Trial Court of Calabanga, Camarines Sur, is hereby REINSTATED.

Costs against the respondents.

SO ORDERED.

Peralta, Del Castillo, Mendoza,[**] and Leonen, JJ., concur.

---

[*] Designated as Acting Chairperson, per Special Order No. 2222 dated September 29, 2015.

[**] Designated as Acting Member in lieu of Associate Justice Antonio T. Carpio, per Special Order No. 2223 dated September 29, 2015.

[1] Rollo, pp. 10-22.

[2] Penned by CA Associate Justice Vicente S.E. Veloso, with Associate Justices Francisco P. Acosta and Samuel H. Gaerlan, concurring; id. at 28-41.

[3] Id. at 80.

[4] CA rollo, pp. 35-36.

[5] Rollo, p. 12.

[6] Id.

[7] Id.

[8] CA rollo, p. 102.

[9] Rollo, p. 92.

[10] Id. at 61

[11] CA rollo, p. 32.

[12] Rollo, p. 90.

[13] Id. at 89.

[14] Id.; The dispositive portion of the MTC's decision read:

"In view of the above, judgment is hereby rendered ordering the defendants to turn over to the plaintiff the possession of the property in question, pay the plaintiff the amount of Twenty Thousand (P20,000.00) pesos representing attorney's fees, One Hundred Thousand (P100,000.00) pesos representing the property demolished and the costs of suit."

[15] Rollo, pp. 89-95

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[16] Id. at 92-93.

[17] Supra note 2.

[18] Rollo, pp. 38-39.

[19] Supra note 3.

[20] Rollo, p. 12 Id.

[22] Id. at 18.

[23] Id. at 98.

[24] Habagat Grill v. DMC-Urban Property Developer, Inc., G.R. No. 155110, 31 March 2005, 454 SCRA 653; Spouses Gaza v. Lim, 443 Phil. 337, 349 (2003).

[25] Section 1, Rule 70 of the Revised Rules of Court provides:

> SECTION 1. Who may institute proceedings, and when. Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.

[26] Spouses Ong v. Parel, 407 Phil. 1045, 1053 (2001).

[27] Sudaria v. Quiambao, G.R. No. 164305, November 20, 2007, 537 SCRA 689, 697-698, citing Pajuyo v. Court of Appeals, G.R. No. 146364, June 3, 2004, 430 SCRA 492.

[28] Id.

[29] Somodio v. Court of Appeals, G.R. No. 82680, August 15, 1994, 235 SCRA 307, 311-312.

[30] Gener v. De Leon, 419 Phil 920 (2001); Drilon v. Gaurana, G.R. No. L-35482, 30 April 1987, 149 SCRA 342, 348.

[31] Arbizo v. Santillan, G.R. No. 171315, February 26, 2008, 546 SCRA 610.

[32] Chua-Burce v. Court of Appeals, 387 Phil. 15, 26 (2000).

[33] Carbonilla v. Abiera, G.R. No. 177637, July 26, 2010, 625 SCRA 461.

[34] Ross Rica Sales Center, Inc. v. Ong, G.R. No. 132197, August 16, 2005, 467 SCRA 35, 51; Apostol v. Court of Appeals, G.R. No. 125375, June 17, 2004, 432 SCRA 351, 359.

[35] Supra note 29, at 313.

[36] Esmaquel v. Coprada, G.R. No. 152423, December 15, 2010, 638 SCRA 428.

[37] Rollo, p. 19

[38] Id. at 106.

[39] Id. at 85.

[40] CA rollo, p. 78.

[41] Ocampo v. Land Bank of the Philippines, G.R. No. 164968, July 3, 2009, 591 SCRA 562, 571-572.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.