

**GERMAN MANAGEMENT & SERVICES, INC., PETITIONER, VS.
HON. COURT OF APPEALS AND ORLANDO GERNALE, RESPONDENTS.***G.R. No. 76216. September 14, 1989*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-76216/>**FERNAN, C.J.:**

Spouses Cynthia Cuyegkeng Jose and Manuel Rene Jose, residents of Pennsylvania, Philadelphia, USA are the owners of a parcel of land situated in Sitio Inarawan, San Isidro, Antipolo, Rizal, with an area of 232,942 square meters and covered by TCT No. 50023 of the Register of Deeds of the province of Rizal issued on September 11, 1980 which canceled TCT No. 56762/T-560. The land was originally registered on August 5, 1948 in the Office of the Register of Deeds of Rizal as OCT No. 19, pursuant to a Homestead Patent granted by the President of the Philippines on July 27, 1948, under Act No. 141.

On February 26, 1982, the spouses Jose executed a special power of attorney authorizing petitioner German Management Services to develop their property covered by TCT No. 50023 into a residential subdivision. Consequently, petitioner on February 9, 1983 obtained Development Permit No. 00424 from the Human Settlements Regulatory Commission for said development. Finding that part of the property was occupied by private respondents and twenty other persons, petitioner advised the occupants to vacate the premises but the latter refused. Nevertheless, petitioner proceeded with the development of the subject property which included the portions occupied and cultivated by private respondents.

Private respondents filed an action for forcible entry against petitioner before the Municipal Trial Court of Antipolo, Rizal, alleging that they are mountainside farmers of Sitio Inarawan, San Isidro, Antipolo, Rizal and members of the Concerned Citizens of Farmer's Association; that they have occupied and tilled their farmholdings some twelve to fifteen years prior to the promulgation of P. D. No. 27; that during the first week of August 1983, petitioner, under a permit from the Office of the Provincial Governor of Rizal, was allowed to improve the Barangay Road at Sitio Inarawan, San Isidro, Antipolo, Rizal at its expense, subject to the condition that it shall secure the needed right of way from the owners of the lot to be affected; that on August 15, 1983 and thereafter, petitioner deprived private respondents of their property without due process of law by: (1) forcibly removing and destroying the barbed wire fence enclosing their farmholdings without notice; (2) bulldozing the rice, corn, fruit bearing trees and other crops of private respondents by means of force, violence and intimidation, in violation of P. D. 1038 and (3) trespassing, coercing and threatening to harass, remove and eject private respondents from their respective farmholdings in violation of P.D. Nos. 316, 583, 815, and 1028.[1]

On January 7, 1985, the Municipal Trial Court dismissed private respondents' complaint for forcible entry.[2] On appeal, the Regional Trial Court of Antipolo, Rizal, Branch LXXI sustained the dismissal by the Municipal Trial Court.[3]

Private respondents then filed a petition for review with the Court of Appeals. On July 24, 1986, said court gave due course to their petition and reversed the decisions of the Municipal Trial Court and the Regional Trial Court.[4]

The Appellate Court held that since private respondents were in actual possession of the property at the time they were forcibly ejected by petitioner, private respondents have a right to commence an action for forcible entry regardless of the legality or illegality of possession.[5] Petitioner moved to reconsider but the same was denied by the Appellate Court in its resolution dated September 26, 1986.[6]

Hence, this recourse.

The issue in this case is whether or not the Court of Appeals denied due process to petitioner when it reversed the decision of the court a quo without giving petitioner the opportunity to file its answer and whether or not private respondents are entitled to file a forcible entry case against petitioner.[7]

We affirm. The Court of Appeals need not require petitioner to file an answer for due process to exist. The comment filed by petitioner on February 26, 1986 has sufficiently addressed the issues presented in the petition for review filed by private respondents before the Court of Appeals. Having heard both parties, the Appellate Court need not await or require any other additional pleading. Moreover, the fact that petitioner was heard by the Court of Appeals on its motion for reconsideration negates any violation of due process.

Notwithstanding petitioner's claim that it was duly authorized by the owners to develop the subject property, private respondents, as actual possessors, can commence a forcible entry case against petitioner because ownership is not in issue. Forcible entry is merely a quieting process and never determines the actual title to an estate. Title is not involved.[8]

In the case at bar, it is undisputed that at the time petitioner entered the property, private respondents were already in possession thereof. There is no evidence that the spouses Jose were ever in possession of the subject property. On the contrary, private respondents' peaceable possession was manifested by the fact that they even planted rice, corn and fruit bearing trees twelve to fifteen years prior to petitioners' act of destroying their crops.

Although admittedly petitioner may validly claim ownership based on the monuments of title it presented, such evidence does not responsively address the issue of prior actual possession in a forcible entry case. It must be stated that regardless of the actual condition of the title to the property, the party in peaceable quiet possession shall not be turned out by a strong hand, violence or terror.[9] Thus, a party who can prove prior possession can recover such possession even against the owner himself. Whatever may be the character of his prior possession, if he has in his favor priority in time, he has the security that entitles him to remain in the property until he is lawfully ejected by a person having better right by *accion publicana* or *accion reivindicatoria*. [10]

Both the Municipal Trial Court and the Regional Trial Court have rationalized petitioner's drastic action of bulldozing and destroying the crops of private respondents on the basis of the doctrine of self-help enunciated in Article 429 of the New Civil Code.[11] Such justification is unavailing because the doctrines of self-help can only be exercised at the time of actual or threatened dispossession which is absent in the case at bar. When possession has already been lost, the owner must resort to judicial process for the recovery of property. This is clear from Article 536 of the Civil Code which states, "(i)n no case may possession be acquired through force or intimidation as long as there is a possessor who objects thereto. He who believes that he has an action or right to deprive another of the holding of a thing, must invoke the aid of the competent court, if the holder should refuse to deliver the thing."

WHEREFORE, the Court resolved to DENY the instant petition. The decision of the Court of Appeals dated July 24, 1986 is hereby AFFIRMED. Costs against petitioner.

SO ORDERED.

Bidin and Cortes, JJ., concur.

Gutierrez, Jr., J., in the result.

Feliciano, J., on leave.

[1] Rollo, pp. 30-31.

[2] Rollo, p. 37.

[3] Rollo, p. 70.

[4] Penned by J. Luis Javellana, concurred in by Mariano Zosa, Vicente Mendoza, Ricardo Tensuan, JJ. Rollo, p. 5.

[5] Rollo, p. 19

[6] Rollo, pp. 27-28

[7] Rollo, p. 7

[8] Baptista vs. Carillo, No. L-32192, July 30, 1976, 72 SCRA 214.

[9] Drilon vs. Guarana, 149 SCRA 342; Supia and Batioco v. Quitero and Ayala, 59 Phil. 312; Pitargo v. Sorilla, 92 Phil. 5.

[10] Bishop of Cebu vs. Mangaron, 6 Phil. 286, 291

[11] Rollo, p. 38 and 70.

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