

**SPS. JOSE DANTE AND LUZVIMINDA PALOMAR, PETITIONERS, VS.
MARIA P. SISON, CONSTANCIA P. DAVANTES, OBDULLA P. BACULOT,
PRIMITIVA P. TUBAL, THE HONORABLE COURT OF APPEALS,
ELEVENTH...**

G.R. No. 82761. June 29, 1989

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-82761/>

GUTIERREZ, JR., J.:

This petition for certiorari and injunction with prayer for a preliminary mandatory injunction seeks the reversal of the Court of Appeals' decision in CA-G.R. SP.No. 13374 dated February 10, 1988 and its resolution dated March 30, 1988 which, respectively, dismissed the petitioners' special civil action for certiorari and denied the petitioners' motion for reconsideration.

On January 23, 1987, the petitioners filed with the Metropolitan Trial Court of Quezon City, Branch 35, a complaint for forcible entry against respondents Ophelia P. Sison, Alejandro Sison, Amelita Sison, Carlos Davantes and Alan Pacadaljin. They alleged that they are residents of No. 21 J. Ponce St., Project 4, Quezon City, which the respondents are also presently occupying; that they bought the subject premises on January 7, 1987 from Josephine Pacadaljin, the property's registered absolute owner; that after the sale, when Josephine was moving her belongings from the subject premises, the respondents forced their way inside the premises; that since then, the respondents, despite demands, refused to vacate the said premises to the prejudice of the petitioners.

The respondents filed their Answer and averred that the petitioners are residents not of the premises in question but of No. 23 of the same street: that the registered owner of the subject premises is the deceased Loreta Pacadaljin; and, that the petitioners and Josephine Pacadaljin were the ones who forced their way into the premises and took out the appliances and furniture inside the house. The respondents also argued that the petitioners have no cause of action against them because the alleged sale between the parties was null and void. They alleged that Josephine Pacadaljin, through falsification of documents made it appear that she is a natural daughter of the deceased Loreta Pacadaljin and the sole heir of the deceased and thus, succeeded in adjudicating to herself the property in question.

In June 1987, while the ejectment case was pending, the respondents filed with the Regional Trial Court of Quezon City, Branch 78, a complaint for annulment of sale and damages against Josephine Pacadaljin, the petitioners and John Doe "who might be the new buyer of the premises after the filing of the complaint." (Rollo, p. 115) They alleged that Loreta Pacadaljin, who died single, without issue and intestate, was the registered owner of the subject premises; that they are the surviving relatives (i.e. brothers, sisters, nephews and nieces) of the deceased; that in their desire to keep the memory of the deceased intact and to maintain a house in Metro Manila, they did not yet adjudicate the property among themselves, that meanwhile, Josephine Pacadaljin, a daughter of the deceased's brother, sued in another court a petition for the issuance of a new transfer certificate of title in her name; that in support of the petition, she submitted a falsified birth certificate: that after the court ordered the

issuance of a new certificate in her name, Josephine sold the subject premises to the petitioners who live just next door. On July 29, 1987, the petitioners filed in the annulment case to dismiss. The motion stated that the complaint does not state a cause of action as it is "mainly and principally a quarrel among alleged heirs." (Rollo, p. 117)

Upon motion of the respondents, however, the Regional Trial Court issued on August 20, 1987 an order for the issuance of a writ of preliminary injunction "enjoining the defendants particularly the Honorable Judge Gregorio D. Dayrit from further conducting proceedings in connection with the hearing of Civil Case No. 50730, entitled 'Sps. Jose Dante and Luzviminda Palomar versus Ophelia P. Sison, et al.,' pending the determination and adjudication on the herein amended complaint, or until further orders from this Court." (Rollo, p. 70) A motion for reconsideration of the order was filed by the petitioners which was dismissed on November 2, 1987. On the same day, the trial court denied the motion to dismiss filed earlier.

The petitioners then went to the Court of Appeals on a special civil action for certiorari challenging the adverse orders of the court. The petition was, however, dismissed. Hence, the present petition.

The only issue in this case is whether or not the hearing of an ejectment case in the Municipal Trial Court may be stayed by the pendency of an annulment of sale case, involving the same property, subsequently filed with the Regional Trial Court.

We rule in the negative.

In recent decisions of this Court, we have repeatedly held that the filing of an action for reconveyance of title over the same property or for the annulment of the deed of sale over the land does not divest the Municipal Trial Court of its jurisdiction to try the forcible entry or unlawful detainer case before it. (*Dela Cruz v. Court of Appeals*, 133 SCRA 520 [1984]); *Drilon v. Gaurana*, 149 SCRA 342 [1987]; *Ching v. Malaya*, 153 SCRA 412 [1987]; *Ang Ping v. Regional Trial Court of Manila, Br. 40*, 154 SCRA 77 [1987]). This is so because, while there may be identity of parties and subject matter in the forcible entry case and the suit for annulment of title and/or reconveyance, the rights asserted and the relief prayed for are not the same. (*Drilon v. Gaurana*, *supra*). The respondents in ejectment proceedings cannot defeat the summary nature of the action against them by simply filing an action questioning the ownership of the person who is trying to eject them from the premises.

Comparing the legal actions abovementioned, this Court, in the case of *Ang Ping v. Regional Trial Court, Branch 40*, (*supra*) held:

In *Dela Cruz v. Court of Appeals* (133 SCRA 520 [1984]), we had a similar ruling:

"We find no merit in petitioners' aforesaid submission. An unlawful detainer action has an entirely different subject from that of an action for reconveyance of title. What is involved in unlawful detainer case is merely the issue of material possession or possession de facto; whereas in an action for reconveyance, ownership is the issue. So much so that the pendency of an action for reconveyance of title over the same property does not divest the city or municipal court of its jurisdiction to try the forcible entry or unlawful detainer case, nor will it preclude or bar execution of judgment in the ejectment case where the only issue involved is material possession or possession de facto. (*Ramirez v. Bieza*, L-45640, July 30, 1981, 106 SCRA 187).

"This is so because:

"The judgment rendered in an action for forcible entry or detainer shall be effective with respect to the possession only and in no case bind the title or affect the ownership of the land or building. Such judgment shall not bar an action between the same parties respecting title to the land or building nor shall it be held conclusive of the facts therein found in case between the same parties upon a different cause of action not involving possession." (Section 7, Rule 70, Rules of Court).

"The rationale is that forcible entry and unlawful detainer cases are summary proceedings designed to provide for an expeditious means of protecting actual possession or the right to possession of the property involved. (Republic v. Guarin, supra). It does not admit of a delay in the determination thereof. It is a 'time procedure' designed to remedy the situation. (Mabalot v. Madela, Jr., 121 SCRA 347). Procedural technicality is therefore obviated and reliance thereon to stay eviction from the property should not be tolerated and cannot override substantial justice. (Dakudao v. Consolation, 122 SCRA 877). So much so that judgment must be executed immediately when it is in favor of the plaintiff in order to prevent further damages arising from loss of possession. (Salinas v. Navarro, 126 SCRA 167). (At pp. 527-528)"

In the case of Ching y. Malaya, (supra), where the facts are more or less similar to the case at bar. the Court held:

'It is settled that the mere assertion of ownership by the defendant in an ejectment case will not oust the municipal court of its summary jurisdiction. (Orellano v. Aluestir, 76 SCRA 536; Alvir v. Vera, 130 SCRA 357) This has to be so, for 'were the principal otherwise, the ends of justice would be frustrated by making the efficacy of this kind of actions depend upon the defendant in all cases.' (Vivar v. Vivar, 8 SCRA 847) Accordingly, we have repeatedly held:

""The mere circumstance that proof of title, or evidence of ownership, had been introduced during the trial before the Municipal Court would not deprive said court of jurisdiction to rule on the question of who had the prior physical possession. (Vencilao v. Camarenta, 29 SCRA 473)

""Even where defendant in a detainer or forcible entry alleges title to the property in his answer, it is declared in a great number of cases that the Justice of the Peace or the Court of First Instance on appeal will not be divested of its jurisdiction by such allegations alone. (Savinada v. Tuason, et al, G.R. No. L-2132, May 30, 1949; LooSoo v. Osorio, G.R.No. L-1364, May 30, 1951; Cruz v. Lunsang, G.R. No. L-2332, October 4, 1959; De Los Reyes v. Elepanio, et al, G.R. No. L-3466, October 13, 1950; Mediran v. Villanueva, 37 Phil. 752).""

"There is one exception, however, and that is where it appears during the trial that, by the nature of the evidence presented, the issue of possession cannot be decided without deciding the issue of ownership, in such a case, the jurisdiction of the municipal court is lost and the action should be dismissed. (Torres, et al. v. Pena, 78 Phil. 23 1; Penalosa v. Garcia, 78 Phil. 245; Cruz v. Garcia, 79 Phil. 1; Canaynay v. Sarmiento, 79 Phil. 36; Raymundo v. Santos, L-4479, June 30, 1953; Dy Sun v. Brillantes and Court of Appeals, L-4478, May 27, 1953; Andres v. Hon. E. Soriano, 54 O.G. 2506; Songahid v. Cinco, L-14341, January 29, 1960; Sy v. Dalman, 22 SCRA 834) An

illustration is the case of *Teodoro v. Balatbat*, where the defendant claimed possession by virtue of a deed of sale allegedly executed by the plaintiff, who in turn denied its authenticity. As there was no indication that the defendant's claim was unfounded, the municipal court could not continue with the case because it had lost the competence to decide it. (L-6314, January 22, 1954)

"After examining the facts of this present case, the Court finds that it does not come under the exception to the rule.

"The property in question consists of a residential house and lot covered by TCT No. T-85126 and registered in the name of petitioner Jose Ching in the Registry of Deeds of Laguna. The basis of the registration is a deed of sale executed in his favor by Felix Carpio, the former owner, who had acquired it from Brigido Alvarado, Cesar Alvarado's supposed father. The record does not show that such registration has been challenged since the issuance in 1978 of the said certificate of title, which in the absence of evidence to the contrary- should be presumed valid. There is no encumbrance on the land, and there is no adverse claim or notice of *lis pendens* annotated in the certificate. Such registration, it may be added, is binding against the whole world unless annulled for cause in proper cases.

"It is true that petitioner Cesar Alvarado had filed a complaint in the court of first instance of Laguna against the petitioners and several others for the annulment of the deed of sale invoked by the petitioners. However that fact alone could not divest the municipal court of jurisdiction to continue trying the question of possession, more so since the question of ownership was appropriately being litigated in the annulment suit. Significantly, the deed of sale being challenged in that action was different from the contract involved in the exception just cited.

"In the *Balatbat* case, the deed of sale invoked by the defendant was allegedly executed by the plaintiff, who denied its authenticity. In other words, the transaction in question was purportedly between the plaintiff and the defendant as vendor and vendee. In the instant case, the private respondents were not a party to the contract of sale invoked by the petitioners. It was being challenged by respondent Cesar Alvarado only as an alleged heir of Brigido Alvarado, who had transferred it to Felix Carpio, who in turn had sold it to the petitioners.

Without preempting any decision in that annulment case, we make the observation that even if the private respondents should succeed therein, he would not thereby necessarily acquire full ownership of the property in question. Assuming the validity of the holographic will be invoked, he would be entitled to only an indefinite portion of the testator's estate as long as no partition thereof shall have been effected. For this reason alone, the respondent's claim of ownership over the particular house and lots in question could be dismissed as untimely and untenable.

"Finally, the fact that the petitioners themselves adduced evidence of ownership over the property in question did not, as claimed, have the effect of divesting the municipal court of its jurisdiction. As permitted in the above-cited Section 88 of R.A. No. 296, the plaintiff in an ejectment case may introduce such evidence for the purpose of proving the character of his possession and the amount of damages he is claiming for unjust deprivation of such

possession. The petitioners were only trying to prove their right to possession and damages by establishing their right of ownership."

It is true that the respondents may suffer distressing consequences if ever they are ejected only to be reinstated if they eventually win the annulment case. However, the same would be true for the petitioners if the final outcome is in their favor. There is yet no final decision in the annulment case and in the ejectment proceedings. Both parties, then, have equal chances of winning the cases.

WHEREFORE, in view- of the foregoing, the petition is hereby GRANTED. The decision of the appellate court dated February 10, 1988 and its resolution dated March 30, 1988 are SET ASIDE. The Metropolitan Trial Court of Quezon City, Branch 35 is ordered to proceed with the forcible entry case with deliberate speed.

SO ORDERED.

Fernan, C.J. (Chairman), Feliciano. Bidin, and Cortes, JJ., concur.

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.