

**SPOUSES ANTONIO AND GENOVEVA BALANON-ANICETE AND
SPOUSES ANDRES AND FILOMENA BALANON-MANANQUIL,
PETITIONERS, VS. PEDRO BALANON (REPRESENTED BY HIS LEGAL
HEIR JEAN BALANON QUIAMB...**

G.R. Nos. 150820-21. April 30, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This is a petition for review of the decision of the Court of Appeals[1] dated October 5, 2001 in CA-G.R. SP No. 38739, which affirmed the decision of the Regional Trial Court of Manila, Branch 9, and the Metropolitan Trial Court of Manila, Branch 15, in two unlawful detainer cases.

Petitioners Genoveva Balanon-Anicete and Filomena Balanon-Mananquil are sisters of respondent Pedro Balanon. They are three of the five children of Tiburcio Balanon and Alejandra Balanon, both deceased.

Respondent Pedro Balanon is the registered owner of a parcel of land situated on Alabastro Street, San Andres, Manila, consisting of 210 square meters and covered by Transfer Certificate of Title No. 30997 of the Registry of Deeds of Manila. Sometime in 1961, a three-door apartment building was constructed on the lot using the proceeds of a loan obtained by Pedro Balanon from the Government Service Insurance System and secured by a real estate mortgage thereon.

Respondent occupied Unit 2259 of the apartment building, while petitioners Genoveva Balanon-Anicete and Filomena Balanon-Mananquil occupied Units Nos. 2261 and 2263, respectively.

Sometime in April 1994, respondent filed separate complaints for unlawful detainer against petitioners before the Metropolitan Trial Court of Manila, Branch 15. The complaints were docketed as Civil Case No. 138244-CV entitled “Pedro Balanon, Plaintiff versus Spouses Antonio and Genoveva Anicete, Defendants,” and Civil Case No. 138245-CV entitled “Pedro Balanon, Plaintiff versus Spouses Andres and Filomena Mananquil, Defendants.” He alleged that petitioners occupied the apartment units out of his tolerance and benevolence; that he needed the premises for his own use and benefit and for the use and benefit of his own children; that petitioners refused to vacate the premises despite repeated demands; and that earnest efforts towards a compromise were made but proved futile.[2]

In their respective answers, petitioners alleged that respondent did not own the apartment building or the lot where it stands. They averred that the land was purchased by their mother but Pedro registered the same in his name through fraudulent machinations. Furthermore, the loan amortizations on the cost of construction of the three-door apartment building were paid out of their mother’s pension funds. They also claimed that their mother filed an action for reconveyance of the subject properties when she discovered Pedro’s fraudulent machinations sometime in 1983. The complaint, however, was dismissed at the instance of their mother upon Pedro’s assurance that the property will be divided among the heirs in due time. After their mother died, Pedro reneged on his commitment

to divide the property; thus, the heirs, including the petitioners, filed an action for reconveyance of the subject properties against Pedro before the Regional Trial Court of Manila, Branch 9, which was docketed as Civil Case No. 94-71496.

On August 19, 1994, the Metropolitan Trial Court rendered a consolidated decision in favor of respondent. The decretal portion thereof states:

WHEREFORE, judgment on the merits is hereby rendered in favor of plaintiff as follows:

- Ordering defendants Spouses Anicete and Spouses Mananquil and all persons claiming rights of possession under them to vacate the respective premises occupied by them at No. 2261 and 2263, respectively, both at Alabastro Street, San Andres, Manila, and peacefully surrender possession of the same to plaintiff;
- Ordering defendants to pay to plaintiff the sum of P1,000.00 each from November 25, 1991 until the premises are vacated and possession thereof surrendered; and
- Ordering defendants to pay plaintiff the sum of P2,000.00 each, for and as attorney's fees, plus the costs of suit.

Defendant's counterclaims are denied for lack of merit.

SO ORDERED.[3]

Petitioners appealed to the Regional Trial Court, which affirmed in toto the decision of the lower court.[4] Petitioners' Motion for Reconsideration was denied. Hence, they filed a petition for review before the Court of Appeals, which was docketed as CA-G.R. SP No. 38739.

On October 5, 2001, the Court of Appeals rendered the assailed decision, the dispositive portion of which reads:

WHEREFORE, the instant petition is hereby DENIED and is accordingly DISMISSED.[5]

Petitioners filed a Motion for Reconsideration of the above decision,[6] which was denied by the Court of Appeals.[7]

Unfazed, petitioners filed the instant petition for review before this Court, contending that the Court of Appeals erred –

(1)

IN COMPLETELY RELYING ON THE BARE CERTIFICATE OF TITLE OF PRIVATE RESPONDENT IN UPHOLDING HIS RIGHT TO EJECT PETITIONERS FROM THE SUBJECT PROPERTY WITHOUT INQUIRING INTO THE BACKGROUND OF PRIVATE RESPONDENT'S ACQUISITION THEREOF, IN EFFECT RULING THAT THESE EJECTMENT CASES COULD BE ADJUDICATED UPON SOLELY ON THE BASIS OF PRIVATE RESPONDENT'S ONLY EVIDENCE OF SUPPOSED OWNERSHIP.

(2)

IN RULING THAT PETITIONERS ARE POSSESSORS BY MERE TOLERANCE WHO HAVE OVERSTAYED THEIR BENEFACTOR'S PERMISSION.[8]

The petition lacks merit.

In *Rosanna B. Barba v. Court of Appeals, et al.*, [9] we held that the only issue for resolution in an unlawful detainer case is physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants. Moreover, an ejectment suit is summary in nature and the same cannot be

circumvented by the simple expedient of asserting ownership over the property.

In forcible entry and unlawful detainer cases, even if the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the lower courts and the Court of Appeals, nonetheless, have the undoubted competence to provisionally resolve the issue of ownership for the sole purpose of determining the issue of possession. Such decision, however, does not bind the title or affect the ownership of the land or building, neither shall it bar an action between the same parties respecting title to the land or building nor be held conclusive of the facts therein found in a case between the same parties upon a different cause of action involving possession.

In the instant case, the Court of Appeals correctly relied on the transfer certificate of title in the name of the respondent.[10] As registered owner, respondent had the right to the possession of the property, which is one of the attributes of his ownership thereof. Petitioners' argument that respondent is not the true owner of the land is a collateral attack on his title, which is not allowed. Respondent's title can only be challenged in a direct action, for it is well settled that a certificate of title cannot be subject to collateral attack and can be altered, modified or cancelled only in a direct proceeding in accordance with law. Having obtained a valid title over the subject lot, respondent is entitled to protection against indirect attacks against his title.[11]

Anent the issue of whether petitioner's occupancy of the premises was by mere tolerance of respondent, suffice it to state that this has been settled by the Metropolitan Trial Court, the Regional Trial Court and the Court of Appeals. Moreover, the issue boils down to a question of fact, which is beyond the province of this Court. Factual findings of the appellate court are generally conclusive on this Court which is not a trier of facts. It is not the function of the Supreme Court to analyze or weigh evidence all over again.[12]

Considering that petitioners were in possession of the subject property by sheer tolerance of its owners, they knew that their occupation of the premises may be terminated any time. Persons who occupy the land of another at the latter's tolerance or permission, without any contract between them, is necessarily bound by an implied promise that they will vacate the same upon demand, failing in which a summary action for ejectment is the proper remedy against them.[13]

WHEREFORE, the petition is DENIED. The decision of the Court of Appeals dated October 5, 2001 in CA-G.R. SP No. 38739 is AFFIRMED in toto.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Penned by Associate Justice Cancio C. Garcia; concurred in by Associate Justices Hilarion L. Aquino and Edgardo P. Cruz.

[2] Rollo, pp. 37-44.

[3] Rollo, p. 45; penned by Judge Virgilio N. Jiro.

[4] Rollo, p. 50.

[5] Id., p. 26.

[6] Id., p. 164.

[7] Id., p. 33.

[8] Id., p. 16.

[9] G.R. No. 126638, 6 February 2002.

[10] Embrado v. Court of Appeals, G.R. No. 51457, 27 June 1994, 233 SCRA 335, see also Republic v. Court of Appeals, G.R. No. 108998, 24 August 1994, 235 SCRA 567.

[11] Tan v. Philippine Banking Corp., G.R. No. 137739, 26 March 2001.

[12] Mendezona v. Ozamiz, G.R. No. 143370, 6 February 2002.

[13] Pada-Kilario v. Court of Appeals, G.R. No. 134329, 19 January 2000.

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