

### Title:

Emma Buenviaje Nabo vs. Felix C. Buenviaje: A Question of Tolerance and the Right to Possession

### Facts:

The conflict centers on a complaint for Ejectment with Damages filed by Felix C. Buenviaje (respondent) against Emma Buenviaje Nabo (petitioner), claiming ownership of land in San Mateo, Rizal, via Original Certificate of Title No. 0-1777. The respondent invoked his title to justify ejecting the petitioner, his niece, who was allowed to stay on the property under his tolerance until a withdrawal notice was issued in July 2012. Following the petitioner's refusal to vacate post-notice and failed barangay conciliation, the case escalated to the Municipal Trial Court (MTC).

The petitioner countered, detailing decades of residence and possession since childhood, formal acquisition from her father in 1983, and continuous possession and tax payments. She detailed a history of her refusing respondent's offers to simulate sales or consolidate the property for registration, asserting her claim over the property.

Despite her claims and opposition filed in a 2001 hearing for title registration, where the respondent promised to drop the case, she found herself faced with a demand to vacate in 2012, to which she replied, denying the respondent's claims.

The case progressed from the MTC, which dismissed the complaint, to the Regional Trial Court (RTC), which reversed the MTC's decision, favoring the respondent. The Court of Appeals (CA) affirmed the RTC's decision, leading to the Supreme Court petition.

### Issues:

1. Was the petitioner's possession of the subject property merely by the respondent's tolerance, and thus, did the respondent rightfully seek an ejectment suit upon withdrawal of said tolerance?
2. Can possession rights under the Torrens system justify an ejectment action without substantial proof of initial possession by tolerance?

### Court's Decision:

The Supreme Court granted the petition, reversing the CA and reinstating the MTC's decision. It ruled that for an ejectment suit to proceed, the respondent needed to prove the petitioner's possession was by his tolerance, which he failed to do. The mere presentation of a title does not suffice to establish tolerance or justify ejectment under Rule 70 of the Rules

of Court. The Court emphasized the necessity to respect prior possession in ejectment cases, underscoring that the case presented was improperly decided as an unlawful detainer without sufficient evidence of tolerance.

### ### Doctrine:

This case reaffirms the principle that ownership, evidenced by a certificate of title under the Torrens system, does not automatically grant the right to eject a possessor without proving the possession was initially by tolerance. It highlights the criticality of establishing the basis of lawful possession in ejectment suits and the prioritization of physical possession in determining rightful occupancy.

### ### Class Notes:

Key elements critical to ejectment cases:

- Tolerance as the basis of initial possession must be clearly proven.
- Ownership does not equate to the automatic right to possession in the face of established prior occupancy.
- The principle of respecting prior possession, regardless of the presence or absence of title, is paramount in determining physical possession.
- The claimant in an ejectment suit must satisfy the burden of proving all jurisdictional facts necessary for the action to prosper.

### ### Historical Background:

This case illustrates the complex interplay between title ownership under the Torrens system and the traditional respect for physical possession, especially in familial contexts where initial possession may not strictly follow formal property transfer protocols. It underscores the importance of evidentiary proof in asserting rights to possession and the limitations of title ownership in displacing physical occupancy without due legal process.