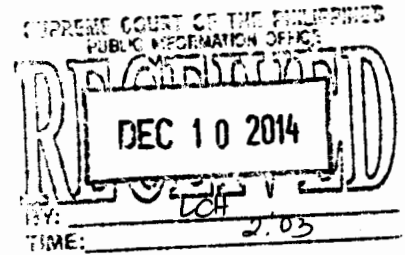




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated November 19, 2014, which reads as follows:

“G.R. No. 195009 (Demetrio Aguirre and Liwayway Aguirre v. Spouses Primo and Teodora Aguirre) – Respondents spouses Primo and Teodora Aguirre are the registered owners of a parcel, as well as the improvements found thereon, situated at Mulanay, Quezon by virtue of Original Certificate of Title No. P-47154¹ of the Register of Deeds of the Province of Quezon issued on December 24, 1999.² In January 2003, respondents sent petitioners Demetrio Aguirre and Liwayway Aguirre a letter demanding the latter to immediately vacate the property and surrender the physical possession thereof to the former.³ However, in September 2003, upon petitioners’ refusal to comply as well as the failure of *barangay* conciliation, respondents filed a complaint for unlawful detainer against petitioners before the Municipal Trial Court (MTC) of Mulanay, Quezon, docketed as Civil Case No. 506-2003.⁴ In their answer, petitioners alleged that the certificate of title of respondents was obtained through fraud, and thus, void from the beginning; that their refusal to vacate the subject property was based on the fact that they inherited half a portion thereof from Demetrio’s ancestors; and, that since the case is one of ownership, and not of possession, the MTC has no jurisdiction over the same.

In a Decision⁵ dated June 7, 2006, the MTC ruled in favor of respondents in saying that there can be no inheritance to speak of since the subject property was sold to respondents prior to the death of Demetrio’s ancestors as evidenced by a Deed of Sale executed in their favor and the subsequent registration of the property in their names. Moreover, since petitioners’ possession was by mere tolerance of respondents, the action for unlawful detainer was proper. The MTC further affirmed its power to rule on the instant case for while the question of ownership was raised, the MTC’s adjudication thereon is necessary for a proper determination of the issue of possession, which is merely provisional and does not bind the title or affect the ownership of the land.

¹ Rollo, p. 37.

² *Id.* at 60.

³ *Id.* at 61.

⁴ *Id.* at 137.

⁵ Penned by Judge Aniceto B. Razo, *id.* at 49-59.

The Regional Trial Court (RTC) of Gumaca, Quezon, however, reversed the MTC's ruling in its Decision⁶ dated January 31, 2007. According to the RTC, the issue in the instant case is clearly one of ownership and not merely of physical possession. Thus, since possession cannot be resolved without passing upon the issue of ownership, the latter being inseparably linked with the former, the case must be dismissed for the MTC loses jurisdiction over the same. The RTC further faulted the court below in ordering petitioners to vacate the subject property prior to the determination of the question of ownership given the fact that both parties anchored their claims thereon. As a result, it suspended the execution of the MTC's judgment and dismissed the appeal without prejudice to the filing of the proper action to determine the right of ownership.

On appeal, however, the Court of Appeals (CA) disagreed with the RTC and reinstated the decision of the MTC. In its Decision⁷ dated June 17, 2010, the CA noted that the RTC's ruling is based on outdated law and jurisprudence, which are no longer applicable to the instant case. The present rule, as it now stands, is that when the defendant raises the question of ownership in his pleading and the question of possession cannot be resolved without deciding the issue of ownership, the inferior court may resolve the question of ownership but only to determine possession. Such decision, as explained by the CA, does not bind the title or affect the ownership of the land.

Aggrieved, petitioner filed the instant Petition for Review essentially reiterating the findings of the RTC that the MTC did not have jurisdiction over the case, since the issue of ownership cannot be resolved without passing upon the question of ownership.

The petition lacks merit.

It is settled in law and jurisprudence that when the issue of ownership is raised in ejectment cases, such as the instant unlawful detainer case, the first level courts are not *ipso facto* divested of their jurisdiction.⁸ While the sole issue for resolution in an unlawful detainer case is physical or material possession of the property involved,⁹ when the defendant raises a question of ownership in his pleadings and the question of possession cannot be resolved

⁶ Penned by Judge Aurora V. Maqueda-Roman, *id.* at 60-71.

⁷ Penned by Associate Justice Mario L. Guarifa III, with Associate Justices Apolinario D. Bruselas, Jr. and Rodil V. Zalameda, concurring; *id.* at 136-143.

⁸ *Manila Electric Company v. Heirs of Spouses Dionisio Deloy and Praxedes Martonito*, G.R. No. 192893, June 5, 2013.

⁹ *Go v. Looyuko*, G.R. No. 196529, July 1, 2013, citing *Esmáquel v. Coprada*, G.R. No. 152423, December 15, 2010, 638 SCRA 428, 436.

without deciding ownership, the issue of ownership shall be resolved but only to determine possession.¹⁰

In this case, the mere fact that petitioners claim to be the owners of a half portion of the subject property does not automatically remove the case from the jurisdiction of the MTC. It was well within its undoubted competence to provisionally resolve the issue of ownership for the sole purpose of determining possession. We cannot, therefore, adhere to the RTC's opinion that the MTC erred in taking cognizance of the complaint as it was within its jurisdiction to do so.

Neither can We fault the MTC in finding that respondents were entitled to possession for the same was based on the weight of the evidence presented by the parties. Here, it is respondents who have title to the subject property. Time and again, We have held that a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein.¹¹ It is an age-old rule that the person who has a Torrens Title over a land is entitled to its possession.¹² Moreover, this Court has consistently reiterated that when the property is registered under the Torrens system, the registered owner's title to the property is presumed legal and cannot be collaterally attacked, especially in a mere action for unlawful detainer.¹³ Respondents, as holders of the Original Certificate of Title covering the property herein, are entitled to the possession thereof as a matter of right, for he has presented evidence of indefeasible title over the same. It has even been held that it does not matter if the title to the property is questionable¹⁴ for an ejectment case is not necessarily decided in favor of one who has presented proof of ownership of the subject property.¹⁵

In any case, notice must be taken of the fact that our ruling in this present case is only as to the determination of who between the parties has the better right to possession. Our adjudication herein is merely provisional, not a final determination on the issue of ownership and, thus, will not bar any party from filing an action raising the matter of ownership. Moreover, questions as to the validity of respondents' certificate of title can likewise be ventilated in a proper suit instituted to directly attack its validity, an issue that We cannot resolve definitively in this unlawful detainer case.¹⁶

¹⁰ Rules of Court, Rule 70, Sec. 3; Section 33 (2) of Batas Pambansa (B.P.) Blg. 129, as amended by Republic Act (R.A.) No. 7691.

¹¹ *Supra* note 8.

¹² *Spouses Barias v. Heirs of Bartolome Boneo, et al.*, G.R. No. 166941, December 14, 2009, 608 SCRA 169.

¹³ *Salandan v. Mendez*, G.R. No. 160280, March 13, 2009, 581 SCRA 182, 198.

¹⁴ *Evangeline Rivera-Calingasan and E. Rical Enterprises v. Rivera*, G.R. No. 171555, April 17, 2013, citing *Barrientos v. Rapal*, G.R. No. 169594, July 20, 2011, 654 SCRA 165, 170-171.

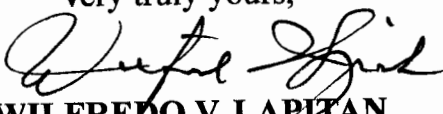
¹⁵ *Carbonilla v. Abiera*, G.R. No. 177637, July 26, 2010, 625 SCRA 461, 469.

¹⁶ *Corpuz v. Agustin*, G.R. No. 183822, January 18, 2012, 663 SCRA 350, 365.

WHEREFORE, premises considered, the petition is **DENIED** for failure of petitioners to show any reversible error in the assailed CA decision.

SO ORDERED.”

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court
11/27/14

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(Civil Case No. 506-2003)

The Presiding Judge
REGIONAL TRIAL COURT
Branch 61, Gumaca
4307 Quezon
(Civil Case No. 2975-G)

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