



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 October 2020** which reads as follows:*

“G.R. No. 237122 (Gloria Garcia and all persons claiming rights under her v. Spouses Victor G. Esguerra, Jr. and Paulina B. Esguerra). – The petition is without merit.

Petitioner argues in the main that respondents’ act of posting a security guard on the subject property is not the physical possession contemplated by law in forcible entry cases. Petitioner posits that respondents were never in prior physical possession of the subject property for not having physically occupied the same themselves.¹

Clearly, to resolve the argument raised by petitioner would involve a re-examination of the facts of the case which unfortunately is not the function of this Court.

We stress that this Court is not a trier of facts. Factual issues are not proper subjects of this Court’s power of judicial review. Well-settled is the rule that only questions of law can be raised in a petition for review under Rule 45 of the Rules of Civil Procedure.²

At any rate, a re-examination of the case will not result in a different outcome.

In forcible entry cases, which is likewise governed by the Revised Rules on Summary Procedure, three things must be alleged in the complaint; first, prior physical possession of the property, second, deprivation of the property either by force, intimidation, threat, strategy, or stealth, and third, that the action was filed within one (1) year from the time the owners or

¹ Rollo, p. 22.

² See *NGEI Multi-Purpose Cooperative, Inc. v. Filipinas Palmoil Plantation, Inc.*, 697 Phil. 433, 440 (2012).

legal possessors learned of their deprivation of the physical possession of the property.³

Here, petitioner Garcia argues that the complaint failed to sufficiently allege respondents' prior physical possession of the subject property.

We do not agree.

In forcible entry cases, prior physical possession is an indispensable requirement. The Court have consistently ruled, however, that possession can be acquired not only by material occupation, but also by the fact that a thing is subject to the action of one's will or by the proper acts and legal formalities established for acquiring such right.⁴

The Court notes that respondents, relying on the Certificate of Title covering the property in question issued in their name, exercised dominion over the property by posting thereon a security guard to protect it from people who will try to enter and take over it without their consent or against their will. The Court rules that this act or exercise of dominion by respondents, subjecting the property to the action of their will, is equivalent to the prior physical possession required in forcible entry cases.

Evidently, the complaint contained a sufficient allegation of respondents' prior physical possession of the subject property.

We now stress that under the Revised Rules on Summary Procedure, the weight of evidence is not considered when a judgment is rendered based on the complaint. Here, petitioner's failure to timely file his answer to the complaint constitutes her acquiescence to all of the allegations stated therein. Consequently, there is actually nothing else to be done in this situation except to render judgment as may be warranted by, and based solely on, the facts alleged in the complaint.⁵

Here, the following were sufficiently alleged in respondents' complaint for forcible entry: (a) respondents, who are the owners of the subject property, posted a security guard on the subject property where an old building is standing, to watch over, and protect it, (b) petitioner, with the aid of her children, forcibly entered the subject property by destroying the padlock on the entrance door, and (c) the complaint was filed within one (1) year from the time respondents were deprived of the physical possession of the subject property.

Thus, given that all the required allegations to make out a cause of action for forcible entry have been sufficiently alleged in the complaint and that petitioner Garcia is deemed to have admitted all the allegations in the

³ See *Mangaser v. Ugay*, 749 Phil. 372, 381 (2014).

⁴ See *id.* at 382.

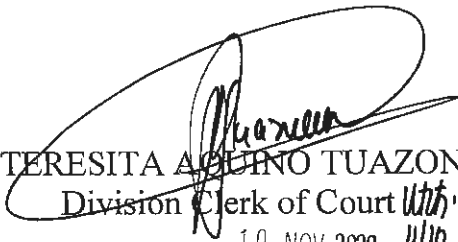
⁵ See *Fairland Knitcraft Corporation v. Po*, 779 Phil. 612, 626-627 (2016).

complaint including respondents' claim of ownership⁶ over the subject property, for having failed to timely file her answer, the Court of Appeals and the Metropolitan Trial Court correctly ruled in favor of respondents.

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The Court of Appeals' Decision dated September 18, 2017 and the Resolution dated January 23, 2018 in CA-G.R. SP No. 150005 are **AFFIRMED**.

SO ORDERED." (*Inting, J., no part; Lopez, J., additional member per Raffle dated October 5, 2020*).

By authority of the Court:


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10 NOV 2020 11/10

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Please notify the Court of any change in your address.
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⁶ See *id.* at 629.