

## THIRD DIVISION

**[ G.R. No. 159974, September 05, 2007 ]**

**JESUS CAYABYAB AND ZALDY LAZO, PETITIONERS, VS.  
ROSEMARIE GOMEZ DE AQUINO, REPRESENTED BY ARMANDO  
AQUINO, RESPONDENTS.**

### D E C I S I O N

**AUSTRIA-MARTINEZ, J.:**

Before the Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, seeking to nullify the Decision<sup>[1]</sup> of the Court of Appeals (CA) dated June 12, 2003 in CA-G.R. SP No. 72105 and its Resolution of September 15, 2003, which reversed and set aside the Decision of the Regional Trial Court (RTC) of Pangasinan and reinstated the earlier Decision of the Municipal Trial Court (MTC) of Bayambang, Pangasinan ordering the ejectment of the petitioners from the subject premises.

The antecedent facts of the petition are as follows:

On July 11, 2001, Rosemarie Gomez de Aquino (respondent), represented by her attorney-in-fact Armando Aquino, filed a Complaint<sup>[2]</sup> for Unlawful Detainer against Jesus Cayabyab and Zaldy Lazo (petitioners), docketed as Civil Case No. 644 before the Municipal Trial Court of Bayambang, Pangasinan.

In the Complaint, respondent (as plaintiff) alleged that she is the owner and was in prior possession of the land currently being occupied by the petitioners, through Transfer Certificate of Title No. 97848 issued in her name by the Register of Deeds of the Province of Pangasinan. Respondent added that since 1998, petitioners were allowed to occupy the property with her tolerance, on the condition that the petitioners will vacate the same upon her demand. Respondent claimed that when she made such demand through the demand letters dated October 30, 2000 she sent to the petitioners, the latter refused to vacate and has continued to occupy the premises to this day. Respondent complained that despite her ownership of the property and despite the petitioners' receipt of her demand letters, the latter insist on staying in the premises; hence, the complaint.

In their Answer,<sup>[3]</sup> the petitioners (as defendants) averred that they and their predecessors-in-interest had been in long, peaceful and continuous possession of the subject property for more than 40 years. They likewise contended that the property was in fact neither owned nor possessed by the respondent, as the same had always been part of the former Camp Gregg Military Reservation. As such a military reservation, the land was allegedly put under the exclusive use of the Government for military purposes by the then colonial American Government, which then subsequently transferred its control to the Philippine Government in 1947. They claimed that they did not occupy the property at respondent's tolerance; that the land is public in nature which means that it is owned and administered by the

Government, through the Bureau of Lands. Petitioners also contended that respondent's title, TCT No. 97848, is spurious, having been derived from older titles issued on the said military reservation. In addition, petitioners cried lack of jurisdiction on the part of the MTC to decide the case for Unlawful Detainer since prior to the filing of the case by the respondent, petitioners already raised the issue of ownership of the land under the Camp Gregg Military Reservation in a case they had filed with the Commission on the Settlement of Land Problems (COSLAP) where both the petitioners and the respondent were parties.

Following the parties' submission of their respective Position Papers, the MTC rendered its Decision<sup>[4]</sup> dated February 20, 2007 in favor of respondents, ordering petitioners to vacate the land in question.

Aggrieved by the Decision, petitioners filed a timely Notice of Appeal to the Regional Trial Court.

After requiring the parties to submit their respective memoranda, the RTC rendered its Decision,<sup>[5]</sup> dated June 14, 2002, the dispositive portion of which reads:

WHEREFORE, the Decision of the Municipal Trial Court of Bayambang, Pangasinan adverted to above is set aside and a new one entered dismissing the complaint.

SO ORDERED.

The RTC based its Decision on the doctrine of "primacy of administrative jurisdiction" since the petitioners had already filed an earlier case involving the same property and the same parties before the COSLAP.

Finding the Decision of the RTC unfavorable, the respondent appealed to the CA. In her Petition for Review, the respondent contended that the RTC erred in giving credence to petitioners' contention that the property is within a military reservation when the fact is, respondent has a title to the property which cannot be collaterally attacked.

In its Decision dated June 12, 2003, the CA reversed and set aside the RTC Decision and reinstated the MTC Decision, thus:

WHEREFORE, premises considered, the petition is hereby GRANTED. The assailed Decision dated June 14, 2002 of the Regional Trial Court of San Carlos City, Pangasinan is REVERSED AND SET ASIDE and the Decision dated February 20, 2002 of the Municipal Trial Court of Bayambang, Pangasinan is REINSTATED.

SO ORDERED.<sup>[6]</sup>

In a Resolution<sup>[7]</sup> dated September 15, 2003, the CA denied petitioners' Motion for Reconsideration.

Hence, herein petition raising the following issues:

WHETHER THE COURT OF APPEALS ERRED IN REVERSING THE DECISION OF THE REGIONAL TRIAL COURT THAT THE MTC HAS NO JURISDICTION OVER THE UNLAWFUL DETAINER CASE UNDER THE DOCTRINE OF PRIMARY JURISDICTION.

## II

WHETHER THE COURT OF APPEALS ERRED IN NOT AFFIRMING THE FINDINGS OF THE REGIONAL TRIAL COURT THAT THE NATURE OF THE SUBJECT LAND IS INCLUDED IN THE MILITARY RESERVATION CAMP AND THEREFORE, THE PENDING CASE BEFORE COMMISSION ON SETTLEMENT OF LAND PROBLEMS (COSLAP) IS DETERMINATIVE AS TO WHO IS ENTITLED TO POSSESSION OF THE SUBJECT LAND.<sup>[8]</sup>

Petitioners contend that the CA erred in reversing the RTC Decision and reinstating the MTC Decision for the following reasons: *first*, the MTC has no jurisdiction over the case for Unlawful Detainer under the doctrine of primary jurisdiction; *second*, since it was alleged that the subject land is within a military reservation, the courts should have given way to the COSLAP case because the latter is determinative of who is entitled to possession of the subject land.

We summarize the arguments of petitioners in the petition for review into a single issue: whether or not the COSLAP case barred the MTC from taking jurisdiction over the case of Unlawful Detainer now subject of herein petition.

The petition lacks merit.

Settled is the rule that in summary actions for ejectment such as Forcible Entry and Unlawful Detainer, the only issue involved is that of physical possession or possession *de facto*, the purpose of which is only to protect the owner from any physical encroachment from without.<sup>[9]</sup> Such cases are merely quieting processes, not designed to determine actual title, being summary actions intended to provide an expeditious manner for protecting possession or right to possession without involvement of title.<sup>[10]</sup> It is a settled rule that the mere assertion of ownership by the defendant in an ejectment case will not oust the municipal court of its summary jurisdiction.<sup>[11]</sup>

Thus, in the instant case, although the petitioner alleges instituting a prior action before the COSLAP which allegedly touches on the issue of ownership over the subject property, specifically the Government's ownership over the property, the same is not a bar to the MTC taking jurisdiction over a case for unlawful detainer filed by the respondent. Under the Rules of Court, particularly Rule 70, Section 18:

The judgment rendered in an action for forcible entry or detainer **shall be conclusive with respect to the possession only** and shall **in no wise 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. (Emphasis ours)

Thus, the judgment rendered in an action for forcible entry or detainer shall be effective with respect to the possession only and shall 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 a case between the same parties upon a different cause of action involving possession.<sup>[12]</sup> In similar cases, the Court uniformly stated that "[A]n unlawful detainer action has an entirely different subject from that of an action for reconveyance of title. What is involved in an 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*."<sup>[13]</sup>

It is not even material if the other action was filed earlier than or prior to the ejectment case. In *Feliciano v. Court of Appeals*, this Court ruled:

The fact that herein petitioner instituted a prior action for the annulment of the mortgage contract, certificate of sale, deed of absolute sale, reconveyance and damages, is not a valid reason for defeating the action for ejectment. While there may be identity of parties and subject matter in the two (2) actions, the issues involved and the reliefs prayed for are not the same. In the annulment and reconveyance suit, the issue is the validity of the mortgage and the subsequent foreclosure sale, whereas the issue in the ejectment case is whether, assuming the mortgage and foreclosure sale to be valid, private respondent has the right to take possession of the property. In the former case, the relief prayed for is recovery of ownership of the subject land, while the latter, it is the restoration of possession thereof to private respondent. Hence, the Metropolitan Trial Court can validly try the ejectment case even while the annulment suit is being litigated in the Regional Trial Court.<sup>[14]</sup>

Thus, if another case pending before another court of justice does not bar an independent summary case for ejectment like forcible entry or unlawful detainer, the Court likewise takes the view that neither should an ejectment case be barred by another case pending before an administrative body, such as the COSLAP, where the question of ownership over the subject property is raised. The Court views with disfavor petitioners' contention that the COSLAP case that was filed earlier than the MTC case for unlawful detainer barred the latter court from taking jurisdiction. Here, the doctrine of primary jurisdiction yields to the peculiar and special stature of a summary case for ejectment, whose rationale is to provide for an expeditious means of protecting actual possession or the right to possession of the property involved.<sup>[15]</sup>

As the Court expounded:

It does not admit of a delay in the determination thereof. It is a 'time procedure' designed to remedy the situation. Procedural technicality is therefore obviated and reliance thereon to stay eviction from the property should not be tolerated and cannot override substantial justice. 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.<sup>[16]</sup>

Such a position becomes even more compelling in the instant case since the petitioners herein do not even plead their own title or ownership of the subject property, but merely the Government's alleged ownership and control.

In addition, under Presidential Decree (P.D.) No. 1529, or the Property Registration Decree, a certificate of title is not subject to collateral attack. Section 48 provides:

Section 48. *Certificate not subject to collateral attack.* - A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.

Further, a reading of the provisions of Section 3 of Executive Order No. 561, dated September 21, 1979, which created the COSLAP, shows that the law did not confer on that agency original and exclusive jurisdiction over ejectment cases, *viz*:

Sec. 3. *Powers and Functions.* - The Commission shall have the following powers and functions:

1. Coordinate the activities, particularly the investigation work, of the various government offices and agencies involved in the settlement of land problems or disputes, and streamline administrative procedures to relieve small settlers and landholders and members of cultural minorities of the expense and time-consuming delay attendant to the solution of such problems or disputes;
2. Refer and follow-up for immediate action by the agency having appropriate jurisdiction any land problem or dispute referred to the Commission: Provided, That the Commission may, in the following cases, assume jurisdiction and resolve land problems or disputes which are critical and explosive in nature considering, for instance, the large number of the parties involved, the presence or emergence of social tension or unrest, or other similar critical situations requiring immediate action:
  - (a) Between occupants/squatters and pasture lease agreement holders or timber concessioners;
  - (b) Between occupants/squatters and government reservation grantees;
  - (c) Between occupants/squatters and public land claimants or applicants;
  - (d) Petitions for classification, release and/or subdivision of lands of the public domain; and
  - (e) Other similar land problems of grave urgency and magnitude.

The Commission shall promulgate such rules and procedures as will insure expeditious resolution and action on the above cases. The resolution, order or decision of the Commission on any of the foregoing cases shall have the force and effect of a regular