

## SECOND DIVISION

[ G.R. No. 229076, September 16, 2020 ]

**MA. LUZ TEVES ESPERAL, PETITIONER, VS. MA. LUZ TROMPETA-  
ESPERAL AND LORENZ ANNEL BIAOCO, RESPONDENTS.**

### DECISION

**INTING, J.:**

Before the Court is a Petition<sup>[1]</sup> for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Decision<sup>[2]</sup> dated June 10, 2016 and the Resolution<sup>[3]</sup> dated January 5, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 142161 which reversed and set aside the Decision<sup>[4]</sup> dated June 30, 2015 of Branch 257, Regional Trial Court (RTC), Parañaque City in Civil Case No. 15-37.

#### *The Antecedents*

The instant petition stemmed from the forcible entry case filed by Ma. Luz Teves Esperal (petitioner) against Ma. Luz Trompeta-Esperal (Trompeta) and Lorenz Annel Biaoco (Biaoco) (collectively, respondents) which involved a 109-square meter parcel of land located at 2496 F Dynasty Ville I, Bayview Drive, Tambo, Parañaque City covered by Transfer Certificate of Title (TCT) No. 125190<sup>[5]</sup> (subject property) registered in the name of Pablo Rostata (Pablo) and the petitioner. Both were previously married to each other, but the marriage was declared void because of Pablo's previous marriage to another woman.<sup>[6]</sup>

Sometime in September 2012, petitioner who was working in the United States, came home to the Philippines for a short vacation. She was surprised that her property, which was vacant when she left for the United States, was now occupied by persons unknown to her. Upon inquiry, the occupants informed her that they were the lessees and paying rentals to Biaoco, nephew of Trompeta. She then told the occupants that she is the owner of the property and that she did not authorize Biaoco to have the property leased to anyone.

When petitioner returned to the property on September 29, 2012, she met Biaoco. The latter confirmed that he managed the property and collected rentals for his aunt, Trompeta. Petitioner told him that she is the owner of the property and not his aunt. Upon hearing this, respondents voluntarily left the premises. Thereafter, petitioner took over the possession of the property and designated her sister, Rosario Ola (Ola) to be the property administrator. She likewise made an arrangement with the lessees to pay the rentals to Ola. Thus, she changed the locks of the gate of the subject property.<sup>[7]</sup>

For more than two weeks, petitioner's possession of the subject property was

peaceful. However, on the third week of October 2012, when petitioner was back in the United States, Ola informed her that their tenants were not allowed to enter the subject property; that respondents entered the premises by destroying the locks using a bolt cutter; and that respondents changed the locks, prohibited the tenants from entering the premises, and posted a rent signage.

Ola immediately reported the incident to the *barangay* on October 23, 2012. Petitioner's counsel then sent a demand letter to respondents for them to vacate the subject property.<sup>[8]</sup> Despite the receipt of the demand letter, respondents refused to leave the subject property prompting petitioner to file the Complaint<sup>[9]</sup> for Ejectment and Damages against respondents before the Metropolitan Trial Court (MeTC), Parañaque City.

For their part, respondents averred that the complaint is without legal basis and should be dismissed outright as petitioner is not the real party-in-interest because she was not the owner of the subject property. They likewise insisted that although petitioner was described in the property's title as the wife of Pablo, their marriage was later nullified due to the existing marriage of Pablo to another woman. Moreover, they asserted that Pablo already executed in their favor, an Affidavit of Acceptance for the Foreclosure of the Mortgage Property<sup>[10]</sup> dated March 15, 2005 wherein Pablo declared that respondent Trompeta is the new owner of the subject property. Thus, respondents contended that they have the right to enter the property and use it in accordance with their will.<sup>[11]</sup>

#### *The Ruling of the MeTC*

On October 28, 2014, Branch 77, MeTC, Parañaque City rendered a Decision,<sup>[12]</sup> the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff Ma. Luz Feves Esperal and against the defendants Ma. Luz Trompeta-Esperal & Lorenz Annel Biaoco and ordering all persons claiming under them to:

1. Vacate the property subject of this case covered by Transfer Certificate of Title No. 125190 and surrender possession thereof to the plaintiff or representative;
2. Order defendants to pay the reasonable amount of Php 5,000.00 per month reckoned from the demand dated October 23, 2012 as actual damages for there is no doubt that defendants benefited in occupying the subject property until the defendants vacate the premises and possession thereof is fully restored to the plaintiff;
3. Pay Plaintiff the Attorney's fees in the amount of P20,000.00; and
4. Pay the costs of suit.

SO ORDERED.<sup>[13]</sup>

Undaunted, respondents appealed to the RTC.

### *The Ruling of the RTC*

On June 30, 2015, the RTC dismissed the respondents' appeal. It disposed of the case as follows:

WHEREFORE, the Appeal of the defendants is dismissed on the ground of preponderance of evidence in favour of the plaintiff. Thus, the Decision of the court a quo is affirmed.

IT IS SO ORDERED.<sup>[14]</sup>

The RTC declared that the issue of ownership, in the case at bench, became significant to determine who among the parties has the right to possess the subject property. It ruled that the court can tackle the issue on ownership of the property for it to resolve the issue of possession. It cautioned, however, that the ruling on the issue of ownership in the ejectment case is not a final resolution of the ownership of the subject property as it is merely tentative and for purposes of resolving the issue on possession only.<sup>[15]</sup>

Moreover, the RTC found that petitioner is a co-owner of the property since it was acquired during the subsistence of her marriage to Pablo. It pointed out that Pablo cannot sell the property without the petitioner's consent; that when the petitioner's marriage with Pablo was declared void, Pablo can merely sell his inchoate portion of the subject property and not the share of the petitioner; and that the petitioner, as co-owner of the property, can bring an ejectment case against the respondents.<sup>[16]</sup>

Furthermore, the RTC stressed-that the Affidavit of Acceptance for the Foreclosure of the Mortgage Property, allegedly executed by Pablo in favor of Trompeta, is neither a real estate mortgage nor a deed of sale. Thus, the RTC ruled that the affidavit is not proof that Pablo mortgaged the property or transferred ownership over the property to Trompeta.<sup>[17]</sup>

Respondents then filed a Motion for Reconsideration.<sup>[18]</sup> The RTC denied it in its Order<sup>[19]</sup> dated August 19, 2015.

Undeterred, respondents raised the issue to the CA.

### *The Ruling of the CA*

On June 10, 2016, the CA rendered a Decision<sup>[20]</sup> reversing and setting aside the RTC Decision and disposed of the case as follows:

WHEREFORE, premises considered, the Decision dated 30 June 2015 and Order dated 19 August 2015 of Regional Trial Court, Branch 257, Parañaque City, and concomitantly, the verdict of eviction rendered by the Metropolitan Trial Court, Branch 77, Parañaque City are REVERSED and SET ASIDE and declared of no effect. This is without prejudice to the institution by the parties of the proper action before a court of competent jurisdiction to ventilate and resolve with conclusiveness their contrasting claims of ownership over the subject property.

SO ORDERED.<sup>[21]</sup>

Aggrieved, petitioner comes before the Court raising the sole ground, to wit:

20. The Court of Appeals erred in holding that an ejectment case is not proper due to the contrasting claims of ownership by both petitioner Ma. Luz Teves Esperal and respondent Ma. Luz Trompeta-Esperal.<sup>[22]</sup>

Petitioner argues that basically, the RTC can make a ruling on the issue of ownership if it is necessary to determine the rightful possessor between two claimants. Moreover, she insists that she was in peaceful possession of the subject property before respondents forcibly occupied it; that even if the right to possess was based on the contending claims of ownership, she has the right to possess it by virtue of the fact that her name as a co-owner appears in the TCT; and that the subject property was acquired during the existence of her marriage to Pablo. Finally, the petitioner contends that Trompeta's claim of ownership was based on an alleged loan, but no loan document was ever presented.

In their Comment,<sup>[23]</sup> respondents counter: (1) that the instant petition should be dismissed outright for being filed out of time, and that the Motion for Extension to File Petition was not served upon respondent; (2) that the CA was correct in ruling that the issue of ownership cannot be determined in the case at bench; and (3) that there was insufficient basis for the RTC to conclude that the petitioner is a co-owner of the property.

#### *Our Ruling*

The Court grants the petition.

At the outset, the Court reiterates that in a petition for review on *certiorari* under Rule 45 of the Rules of Court, its jurisdiction is generally limited to reviewing errors of law. Section 1, Rule 45 of the Rules of Court states that the petition filed shall raise only questions of law which must be distinctly set forth. The Court explained the difference between a question of fact and a question of law in this wise: