

FIRST DIVISION

[G.R. Nos. 225353-54, August 28, 2019]

RHEMA INTERNATIONAL LIVELIHOOD FOUNDATION, INC., ET AL., VS. HIBIX, INC., REPRESENTED BY ITS BOARD OF DIRECTORS, YOSHIMITSU TAGUCHE, ET AL., RESPONDENTS.

DECISION

CARANDANG, J.:

Before this Court is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court (Rules), filed by Rhema International Livelihood Foundation, Inc. (Rhema), assailing the Decision^[2] dated December 21, 2015 and Resolution^[3] dated June 23, 2016 of the Court of Appeals (CA) in CA-G.R. SP Nos. 133873 and 134084.

Facts of the Case

On September 4, 2008, a complaint for forcible entry was filed by Rhema against Hibix, Inc. (Hibix) and its Board of Directors.^[4]

Rhema alleged that by virtue of a donation from Marylou Bhalwart, it "became the owner of a large tract of land consisting of 71,409,413 [square] meters with [Transfer Certificate of Title (TCT)] No. 8037 Plan PSD_25211 with Decree No. 160 of March 19, 1905 and was issued [Original Certificate of Title OCT)] 128."^[5] Rhema averred that it previously enjoyed juridical and physical possession of the property for years when suddenly, on August 29, 2008, Hibix, together with armed men claiming to be members of the special action unit of the National Bureau of Investigation (NBI), forcibly evicted Rhema's personnel.^[6]

Hibix alleged that on September 25, 1990, Philippine Fuji Xerox Corporation (Philippine Fuji) acquired a parcel of land from Executive Realty and Development Corporation. A new title was issued to Philippine Fuji under TCT No. 46374. In 1992, Philippine Fuji constructed its building over said property and occupied the same upon its completion in 1994. On November 3, 1999, Philippine Fuji sold the property, together with its improvements, to Hibix. TCT No. 143048 was issued and registered in the name of Hibix. Since then, Hibix had been in possession of the property until June 25, 2008, when a certain Romeo Prado (Prado), introducing himself as a special sheriff, together with four policemen, six security guards, and a certain Julian Go, claiming to be the owner of the property accompanied by two armed security guards, took over the possession of the property through force, violence, and intimidation.^[7]

According to Hibix, Prado told the security guards of Hibix that they were implementing a special writ of execution purportedly issued by the Regional Trial Court of Pasay City, Branch 111 (RTC of Pasay City), with respect to LRC Civil Case No. 3957-P. Hibix, however, found out that as early as June 25, 2002, the CA had

already enjoined the enforcement of said order, making the writ of execution that Prado presented bogus.^[8]

Hibix lodged a complaint with the NBI relative to the unlawful and forcible take-over of the property. On August 29, 2008, Hibix and the NBI took possession of the property.^[9]

On July 20, 2009, the Metropolitan Trial Court of Parañaque City, Branch 78 (MeTC) rendered its Decision^[10] finding Hibix to have forcibly entered the property. Hibix was immediately ordered to vacate and to pay Rhema P200,000.00 per month as rent from August 29, 2008 until possession of the property is turned over to Rhema.^[11]

Hibix appealed to the Regional Trial Court of Parañaque City, Branch 274 (RTC of Parañaque City). In a Decision^[12] dated May 17, 2003, the RTC of Parañaque City held that the property in question covered an area of about 6,357 square meters, including improvements.^[13] In affirming the findings of the MeTC, the RTC of Parañaque City ruled that Rhema had prior physical possession of the property for a brief period-or from June 25, 2008 to August 29, 2008.^[14] According to the RTC of Parañaque City, since Hibix was in peaceful possession of the property prior to June 25, 2008 when Rhema took over the property through force, Hibix should have filed a complaint for forcible entry against Rhema instead of using force, with the help of the NBI, to recover possession thereof.^[15] The RTC of Parañaque City, however, deleted the award of rentals in favor of Rhema.^[16]

Both parties filed their respective appeals to the CA.

In its Consolidated Decision,^[17] the CA reversed the decisions of the RTC of Parañaque City and the MeTC, and dismissed the case for forcible entry against Hibix. The CA ratiocinated that Rhema failed to establish prior physical possession of the property because at the time NBI officers conducted an investigation and verified the complaint filed by Hibix, Rhema abandoned the property. Thus, when Hibix retook possession thereof, Rhema had no prior physical possession over the property.^[18]

The CA concluded that Hibix did not wrestle possession of the property from Rhema to make out a case of forcible entry through force, intimidation, strategy, threat, or stealth. The arrest effected by the NBI officers and the filing of criminal cases against the officers of Rhema were "not the deprivation of possession x x x contemplated by law"^[19] in a forcible entry case.

Aggrieved, Rhema filed the instant Petition for Review on *Certiorari*.^[20] Hibix filed its Comment,^[21] moving to dismiss the petition for failure to comply with the requirements under Rule 45 of the Rules. Herein petitioners filed its Reply.^[22]

Issue

The sole issue in this case is whether the elements of forcible entry are present.

The Court's ruling