

THIRD DIVISION

[G.R. No. 185627, March 15, 2017]

**SPOUSES BERNARDITO AND ARSENIA GAELA (DECEASED),
SUBSTITUTED BY HER HEIRS NAMELY: BERNARDITO GAELA AND
JOSELINE E. PAGUIRIGAN, PETITIONERS, V. SPOUSES TAN TIAN
HEANG AND SALLY TAN, RESPONDENTS.**

D E C I S I O N

REYES, J.:

Assailed in this Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court are the Decision^[2] dated April 28, 2008 and Resolution^[3] dated September 4, 2008 of the Court of Appeals (CA) in CA-G.R. SP No. 101375, which affirmed the Decision^[4] dated October 2, 2007 of the Regional Trial Court (RTC) of Pasig City, Branch 157, in S.C.A. Case No. 3083. The RTC decision reversed and set aside the Decision^[5] dated February 12, 2007 of the Metropolitan Trial Court (MeTC) of Pasig City, Branch 68, in Civil Case No. 11369 for Ejectment.

The Facts

This petition stemmed from a complaint for ejectment over two parcels of land both situated in Barrio Rosario, Municipality of Pasig, covered by Transfer Certificates of Title (TCT) Nos. PT-126446^[6] and PT-126450^[7] filed by Spouses Tan Tian Heang and Sally Tan (respondents) against Spouses Bernardito and Arsenia Gaela (petitioners).^[8]

The petitioners claimed that they are the lawful owners of the subject properties. They said that sometime in 2002, their daughter Bernardita Gaela (Bernardita) took the certificates of title registered in their names and forged their signatures in the Real Estate Mortgage^[9] that Bernardita executed in favor of Alexander Tam Wong (Wong). Thus, their certificates of title were cancelled and new ones were issued to Wong, who then sold the subject properties to the respondents on December 20, 2004. Afterwards, they sought the annulment of sale of the subject properties and cancellation of TCT Nos. PT-126446 and PT-126450 in the name of the respondents in Civil Case No. 70250 before the RTC of Pasig City, Branch 71. They averred that before the transfer of title from Wong to the respondents, they were able to cause the annotation of a notice of *lis pendens* on the respondents' titles.^[10]

For their part, the respondents countered that they are the lawful and legal owners of the subject properties which they acquired in good faith from its former owner Wong. They narrated that the subject properties were mortgaged by the petitioners to Wong for P2,000,000.00, and said mortgage was annotated at the back of the petitioners' titles. However, the petitioners ceased to pay the real property tax due on the subject properties. Thereafter, new titles were issued in favor of Wong. On December 18, 2004, they bought the subject properties and paid the taxes due

thereon as early as January 13, 2005. Nonetheless, while they were waiting for the transfer and release of new titles in their names, the petitioners filed Civil Case No. 70250 against Wong and caused its annotation on the latter's titles. This annotation was then carried over and appeared in their titles. Subsequently, they made demands to the petitioners to vacate the subject properties but the latter refused to do so.^[11]

On February 12, 2007, the MeTC rendered its Decision^[12] in favor of the petitioners, dismissing the complaint on the ground of lack of cause of action. The MeTC ruled, among others, that:

In the instant case, [the respondents] have indeed made a formal demand upon the [petitioners] to vacate the premises. However, such demand cannot be used as the point to determine the unlawfulness of [the petitioners'] possession for the reason that even before [the respondents] could make a formal demand upon the [petitioners], let alone, have the premises titled in their names, [the petitioners] have already filed an action to assert their ownership over the premises which is even annotated to the title of [Wong] and is likewise annotated on [the respondents'] title. Thus, the Court unreservedly finds it difficult to determine from the evidentiary records the point where [the petitioners'] possession became unlawful as [the respondents] were never in possession of the premises.^[13]

Aggrieved, the respondents filed an appeal before the RTC.^[14]

In a Decision^[15] dated October 2, 2007, the RTC granted the appeal and set aside the MeTC's ruling. The dispositive portion of the decision reads:

WHEREFORE, the instant appeal is hereby GRANTED. The assailed Decision dated February 12, 2007, rendered by the [MeTC] of Pasig City, is set aside and judgment is rendered as follows:

1. Declaring [the petitioners'] possession of the subject parcels of land unlawful, and ordering them to vacate the subject parcels of land;
2. Ordering [the petitioners] to pay reasonable monthly rentals of P10,000[.00] starting from March 16, 2005, until they fully vacate and turn over to [the respondents] the subject properties; and
3. Pay the cost of suit.

SO ORDERED.^[16]

In overturning the MeTC's ruling, the RTC held that the respondents have the better right to possess the subject properties since they are the registered owners of the same. The respondents' lack of prior physical possession over the subject properties is of no moment since it is enough that they have a better right of possession over the petitioners. The RTC further said that the case for annulment of title and the annotation of a notice of *lis pendens* on the respondents' TCTs did not in any way legitimize the petitioners' continued possession of the subject properties.^[17]

On appeal,^[18] the CA, in its Decision^[19] dated April 28, 2008, denied the petition and affirmed the RTC's judgment *in toto*. The CA held that the allegation in the

respondents' complaint make out a case for unlawful detainer and it was filed well within the one-year reglementary period.^[20]

Upset by the foregoing disquisition, the petitioners moved for reconsideration^[21] but it was denied by the CA in its Resolution^[22] dated September 4, 2008. Hence, the present petition for review on *certiorari*.

The Issue

WHO BETWEEN THE PARTIES HAS A BETTER RIGHT TO POSSESS THE SUBJECT PROPERTIES.

Ruling of the Court

The petition is bereft of merit.

At the outset, the Court noted that the issue of ownership between the parties herein is already the subject of a pending litigation before the RTC of Pasig City, Branch 71. Hence, the only matter to be resolved in this case is the issue of possession over the subject properties.

To begin with, it is perceptible from the arguments of the petitioners that they are calling for the Court to reassess the evidence presented by the parties. The petitioners are, therefore, raising questions of facts beyond the ambit of the Court's review. In a petition for review under Rule 45 of the Rules of Court, the jurisdiction of this Court in cases brought before it from the CA is limited to the review and revision of errors of law allegedly committed by the appellate court.^[23] However, the conflicting findings of facts and rulings of the MeTC on one hand, and the RTC and the CA on the other, compel this Court to revisit the records of this case. But even if the Court were to re-evaluate the evidence presented, considering the divergent positions of the courts below, the petition would still fail.

In the instant case, the petitioners mainly dispute the respondents' ownership of the subject properties by contending that they are the true owners of the same. They aver that the allegations of the respondents do not sufficiently show a cause of action for unlawful detainer. They claim that the respondents failed to prove that they had prior physical possession of the subject properties before they were unlawfully deprived of it. The respondents, however, only sought to recover the physical possession of the subject properties. The respondent rebuts the petitioners' claims by contending that they acquired the subject properties in good faith and have registered the same under their names and have been issued certificates of title. The respondents assert their ownership over the subject properties to lay the basis for their right to possess the same that was unlawfully withheld from them by the petitioners.

After reviewing the records of this case, the Court sustains the findings of the RTC and the CA that the nature of action taken by the respondents is one for unlawful detainer.

Unlawful detainer is an action to recover possession of real property from one who unlawfully withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. The possession of the defendant in an unlawful detainer case is originally legal but becomes illegal due to the expiration or termination of the right to possess. The sole issue for resolution in