

## SECOND DIVISION

[ G.R. No. 211004, August 23, 2017 ]

**QUEEN ERRIKA L. SADDI, PETITIONER, VS. MARICRIS  
RENOMERON, RESPONDENT.**

### D E C I S I O N

**PERALTA, J.:**

This is a petition for review<sup>[1]</sup> of the Decision<sup>[2]</sup> of the Court of Appeals dated July 15, 2013, setting aside the Decision dated June 15, 2012 of the Regional Trial Court of Marikina, Branch 272 and dismissing petitioner's complaint for ejectment. Petitioner's motion for reconsideration was denied in a Resolution<sup>[3]</sup> dated January 20, 2014.

The facts are as follows:

On January 26, 2011, plaintiff-herein petitioner Queen Errika L. Saddi (Saddi) filed a complaint for ejectment<sup>[4]</sup> against respondent Maricris Renomeron (*Renomeron*) before the Metropolitan Trial Court of Marikina City, Branch 75 (*MeTC*).

In her Complaint,<sup>[5]</sup> Saddi alleged that she is a resident of No. 18 Graphite Street, Twin River Subdivision, Parang, Marikina City, while the defendant, herein respondent Renomeron is a resident of No. 10 Graphite Street, Twin River Subdivision, Parang, Marikina City. On July 20, 2010, Saddi bought the property (120 square meters) located at No. 10 Graphite St., Twin River Subdivision, Parang, Marikina City from Rosalinda Restar-Ambata (*Ambata*), covered by TCT No. 009-2010001546 (in the name of Saddi).<sup>[6]</sup> The said property was formerly owned by the late Spouses Claro S. Restar and Concepcion T. Restar who died without issue.<sup>[7]</sup> The only heir of the Spouses Claro and Concepcion Restar is the sister of Claro S. Restar, Rosalinda Estar-Ambata.<sup>[8]</sup>

Saddi alleged that on August 4, 2010, while she was in prior possession of the property, as new owner, Renomeron, by strategy or stealth, introduced herself as the adopted daughter of Miguela T. Renomeron, the alleged sister of the late Concepcion Restar. Renomeron requested Saddi to allow her to stay in the subject property until August 8, 2010, since she was still looking for an apartment. Out of pity and consideration, Saddi allowed Renomeron to stay on the condition that she will leave the place on August 8, 2010 pursuant to an Eviction Letter<sup>[9]</sup> dated August 4, 2010. On August 8, 2010, Saddi requested Renomeron to leave or vacate the property so that she could renovate and introduce improvements thereon, but Renomeron refused to vacate the subject premises despite several demands, depriving Saddi of the actual physical possession of the said property. Saddi demanded what right Renomeron had for not vacating the premises despite her promise, but Renomeron could not show Saddi any document evincing her right over

the property except for her bare claim that she is the adopted daughter of Miguela T. Renomeron.

Saddi alleged that Renomeron is a mere intruder in the subject property legally owned and registered in her name. She claimed that Renomeron prevented her from entering the property to make an inventory of the personal properties found thereat by padlocking the gates of the property.

Saddi referred the matter to the *barangay* for mediation and conciliation, which was futile because Renomeron refused to vacate the property. The Office of the Lupon Tagapamayapa of Barangay Parang issued to her a Certificate to File Action.<sup>[10]</sup>

On December 1, 2010, Saddi sent Renomeron a final demand letter<sup>[11]</sup> dated November 26, 2010, asking Renomeron to pay P3,000.00 as monthly rent beginning August 8, 2010 and to vacate the premises within 15 days from receipt of the demand letter.<sup>[12]</sup> Despite numerous demands, Renomeron failed and refused to vacate the property.

Saddi prayed for the trial court to render judgment in her favor and to order Renomeron and all persons claiming rights under her to vacate the premises; to pay her reasonable rent in the amount of P3,000.00 per month until she vacates the subject premises; to pay her moral damages in the amount of P25,000.00, attorney's fees in the amount of P50,000.00, appearance fee of P3,000.00 per hearing until the final determination of the case, and the costs of suit.

In her Answer,<sup>[13]</sup> defendant-herein respondent Maricris Renomeron specifically denied all the allegations in the Complaint except for the allegations on the respective address of the parties. By way of special and affirmative defenses, Renomeron alleged that Rosalinda Restar-Ambata is not the sole owner of the subject property, and that the Affidavit of Self-Adjudication executed by Ambata is null and void because she falsely declared that she is the only heir of the late Spouses Claro and Concepcion Restar.

Renomeron alleged that when Claro Restar died on September 8, 2004,<sup>[14]</sup> he was survived by his wife Concepcion<sup>[15]</sup> and other collateral relatives, including Rosalinda Restar-Ambata. When Concepcion Restar died on October 7, 2008,<sup>[16]</sup> she was survived by her sisters, namely, Miguela Tonido Renomeron (*Miguela*), Victoria Tonigo Manidlagan (*Victoria*) and Fe Lucinaro-Cesar (*Fe*). Miguela is the full-blood sister of Concepcion Restar, since they were born of the same parents, Pastor Dumagat Tonido (*Pastor*) and Graciana Acedera,<sup>[17]</sup> while Victoria and Fe are the half-blood sisters of Concepcion, as they were born of the same father.<sup>[18]</sup> On March 1, 2009, Victoria died and was survived by her children, namely, Rodelio Tonido Manidlagan, Joan Tonido Manidlagan-Salceda, Julius Tonido Manidlagan, Restituto Tonido Manidlagan, Jr., Aris Tonido Manidlagan, and Marivic Tonido Manidlagan-Ambagan.<sup>[19]</sup> On June 16, 2010, Miguela died and was survived by her daughter Maricris Renomeron, the defendant and respondent herein. <sup>[20]</sup>

Renomeron claimed that the Deed of Sale between Saddi and Ambata over the property located at No. 10 Graphite Street, Twin River Subdivision, Parang, Marikina City is null and void, because Ambata could not have effectively transferred

ownership of those undivided portions of the property that belong to the other heirs and co-owners in accordance with the law on succession. The transfer of ownership over the property on account of the Deed of Sale executed between Saddi and Ambata would constitute an impossible service because there are other owners over the property who have even greater interest than Ambata. Renomeron contends that Saddi is not a buyer in good faith because she did not inquire as to the true ownership of the property. Considering that Saddi knew that Renomeron was occupying the subject property since they are neighbors, it should have warned Saddi that Renomeron had a right to occupy the same, thus, requiring her to make the necessary inquiry on her right to occupy the same.

Renomeron claimed that she has been occupying the subject property even before August 4, 2010. Hence, she never introduced herself to Saddi as the "adopted" daughter of Miguela T. Renomeron just to have an accommodation while looking for an apartment. Renomeron stated that she is the daughter of Miguela T. Renomeron and attached her Certificate of Live Birth<sup>[21]</sup> to her Answer.

Further, Renomeron stated that there can be no strategy or stealth on her part, because as alleged in the complaint, Saddi herself allowed her to stay in the subject property. She is not in possession of the property because of the tolerance of the owner, but, rather, she is in possession of the property as an heir or co-owner even before the alleged sale of the property. Renomeron alleged that she is not an intruder because the Deed of Sale over the property executed by Ambata in favor of Saddi, on the basis of which the property subject matter of this case was registered in the name of Saddi, is null and void. Renomeron alleged that she did not receive the final demand letter sent by Saddi on December 1, 2010.

Preliminary conference was conducted and terminated on August 17, 2011.

In her Position Paper,<sup>[22]</sup> plaintiff-herein petitioner Saddi stated, among others that were already alleged in the Complaint, that Renomeron was not in prior physical possession of the property. From the time that the subject property was sold to her, she already had the actual, material and physical possession of the property by operation of law. The allegation of Renomeron that she is an alleged heir is an issue that should be ventilated in another forum and not in an ejectment case where the only issue to be resolved is the issue of possession.

In her Position Paper,<sup>[23]</sup> defendant-herein respondent Renomeron averred that she is entitled to the physical possession of the property being a co-owner thereof and elaborated thereon as already alleged in her Answer. She claimed that she has been residing at the subject property even before Saddi bought the same in July 2010. Even her mother Miguela Tonido Renomeron resided at the subject property as shown in her given address in her Death Certificate,<sup>[24]</sup> which is 10 Graphite Street, Twin River Subdivision, Parang, Marikina City. She could not have employed strategy or stealth to acquire possession over the property because she was already in possession of the same even before Saddi bought the property. Possession of a hereditary property is deemed transmitted to the heir without interruption and from the moment of the death of the decedent, in case inheritance is accepted.<sup>[25]</sup>

The MeTC stated that the issues raised by the parties are: (1) Whether or not defendant (Renomeron) employed strategy or stealth in entering the subject

premises and, thus, is a mere intruder and not in prior physical possession of the subject property for which an action for ejectment is proper; (2) whether or not plaintiff (Saddi) is entitled to damages and to reasonable rent; and (3) whether or not the defendant (Renomeron) is entitled to the physical possession of the subject property.<sup>[26]</sup>

### **The MeTC's Ruling**

In a Decision dated November 2, 2011, the MeTC held that plaintiff-herein petitioner Saddi is entitled to the possession of the subject property.

The MeTC held that under Section 1, Rule 70 of the Rules of Court, a person deprived of the possession of any land or building, or a lessor, vendor, *vendee*, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action for unlawful detainer against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.

The MeTC found that Renomeron's stay in the subject property was not through strategy or stealth, because as alleged in the Complaint, Saddi herself allowed Renomeron to stay in the subject property after she purchased it from Ambata on July 20, 2010. When Saddi terminated the tolerance she extended to Renomeron and demanded that she vacate the subject property and the latter refused, Renomeron's right to the possession of the property had expired and she is considered to be unlawfully detaining the property.<sup>[27]</sup>

The MeTC stated that while Renomeron claims that she is in prior physical possession of the subject property in the concept of an heir and part owner thereof, it is a well-settled rule that in ejectment cases, the only issue that need be resolved is the physical or material possession of the property involved and not the ownership thereof.<sup>[28]</sup> Moreover, the issues regarding the validity of the Deed of Sale, the Affidavit of Self-Adjudication and the title in the name of Saddi can only be assailed in the action expressly instituted for that purpose.<sup>[29]</sup>

The MeTC held that Saddi is not entitled to moral damages. In forcible entry and unlawful detainer, the only damage that can be recovered is the fair rental value or reasonable compensation for the use and occupation of the leased property as well as attorney's fees and cost of suit.<sup>[30]</sup>

The dispositive portion of the Decision of the MeTC reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff, Queen Errika L. Saddi, and against the defendant, Maricris Renomeron, and all other persons claiming rights under her, as follows:

- a) Ordering the defendant and all persons claiming right under her to vacate the subject premises and peacefully surrender possession thereof to the plaintiff;
- b) Ordering the defendant to pay plaintiff P3,000.00 per month as reasonable compensation for the use and occupation of the subject premises computed from November 26, 2010 until the subject premises are vacated;
- c) Ordering the defendant to pay plaintiff the amount of P10,000.00 as and by way of attorney's fees; and
- d) Ordering the defendant to pay the costs of suit.

SO ORDERED.<sup>[31]</sup>

Renomeron appealed the MeTC Decision to the Regional Trial Court of Marikina City, Branch 272 (RTC) and raised these issues: (1) The lower court erred in holding that in ejectment cases, the only issue that needs to be resolved is the physical or material possession of the property involved and not the ownership thereof; and (2) the lower court erred in holding that there is unlawful detainer.

### **The RTC's Ruling**

In a Decision dated June 15, 2012, the RTC affirmed the MeTC Decision. It held:

In the case at bar, the herein plaintiff presented Transfer Certificate of Title No. 009-2010001546 as proof of her ownership of the subject property. Hence, more than a bare allegation is required to defeat the face value of plaintiff's TCT, which enjoys a legal presumption of regularity of issuance (*Heirs of Velasquez vs. CA, 382 Phil. 438*) although this Court is not unmindful of the ruling that the mere issuance of a TCT does not exclude the possibility that the property may be under co-ownership, as what the defendant-appellants are alleging. However, the adjudication made regarding the issue of ownership should be regarded as provisional and would not bar the filing of any action involving title to the property by the same parties. (*De Luna vs. CA, et al., 212 SCRA 276*). The foregoing doctrine is a necessary consequence of the nature of forcible entry and unlawful detainer cases where the only issue to be settled is the physical or material possession over the real property, that is, possession *de facto* and not possession *de jure*.

Anent the second issue, a scrutiny of the Complaint clearly shows that plaintiff-appellee intended recovery of possession over the subject property in that her claim for possession is supported by the execution of the Affidavit of Self-Adjudication by Rosalinda Ambata Restar marked as Annex "B", a Deed of Absolute Sale marked as Annex "C", and TCT No. 0092010001546 under the name of the herein plaintiff-appellee, Queen Errika Saddi, evidencing the transfer of ownership over the property. As found by the court *a quo*, the plaintiff allowed defendant to stay in the subject property after she purchased it from Rosalinda Ambata Restar.