

SECOND DIVISION

[G.R. No. 200969, August 03, 2015]

**CONSOLACION D. ROMERO AND ROSARIO S.D. DOMINGO,
PETITIONERS, VS. ENGRACIA D. SINGSON, RESPONDENT.**

D E C I S I O N

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*^[1] seeks to set aside the February 29, 2012 Decision^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 114363 which granted herein respondent's Petition for Review, reversed the December 11, 2009 Order^[3] of the Regional Trial Court of Pasig City, Branch 160 (RTC) in SCA No. 3144, and reinstated the said RTC's April 29, 2009 Decision.^[4]

Factual Antecedents

The parties herein - petitioners Consolacion Domingo Romero and Rosario S.D. Domingo and respondent Engracia Domingo Singson - are siblings. Their parents, Macario and Felicidad Domingo, own a 223-square meter piece of property (the subject property) located at 127 F. Sevilla Street, San Juan City, Metro Manila covered by Transfer Certificate of Title No. (32600) (23937) 845-R^[5] (TCT 845-R) which was issued in 1953. It appears that petitioners and other siblings, Rafael and Ramon Domingo, are the actual occupants of the subject property, having stayed there with their parents since birth. On the other hand, respondent took up residence in Mandaluyong City after getting married.

On February 22, 1981, Macario passed away, while Felicidad died on September 14, 1997.^[6]

On June 7, 2006, TCT 845-R was cancelled and a new certificate of title -Transfer Certificate of Title No. 12575-R^[7] or 12575^[8] (TCT 12575) - was issued in respondent's name, by virtue of a notarized "Absolute Deed of Sale"^[9] ostensibly executed on June 6, 2006 by and between Macario and Felicidad - as sellers, and respondent - as buyer. And this despite the fact that Macario and Felicidad were then already deceased.

Soon thereafter, respondent sent letters to her siblings demanding that they vacate the subject property, under pain of litigation.

Petitioners and their other siblings just as soon filed a Complaint^[10] against respondent and the Register of Deeds of San Juan City for annulment and cancellation of TCT 12575 and the June 6, 2006 deed of sale, reconveyance, and damages, on the claim that the deed of sale is a forgery and that as heirs of Macario and Felicidad, the true owners of the subject property, they were entitled to a

reconveyance of the same. The case was docketed as Civil Case No. 70898-SJ and assigned to Branch 160 of the RTC of Pasig City.

Ruling of the Metropolitan Trial Court (MeTC)

On September 26, 2006, respondent filed an unlawful detainer suit against petitioners and her brothers Rafael and Ramon before the MeTC of San Juan City. Docketed as Civil Case No. 9534 and assigned to MeTC Branch 58, respondent in her Complaint^[11] sought to evict her siblings from the subject property on the claim that she is the owner of the same; that her siblings' stay therein was merely tolerated; and that she now needed the premises to serve as her daughters' residence. Thus, she prayed that her siblings be ordered to vacate the premises and pay monthly rent of P2,000.00 from date of demand until they vacate the premises, as well as attorney's fees and costs of suit.

In their Answer,^[12] petitioners prayed for dismissal, claiming that the June 6, 2006 deed of sale was a forgery, and no certificate of title in her name could be issued; that they thus remained co-owners of the subject property, and respondent had no right to evict them; and that the pendency of Civil Case No. 70898-SJ bars the ejectment suit against them.

After proceedings on September 17, 2007, the MeTC rendered a Decision,^[13] decreeing as follows:

Anent the first issue of jurisdiction, the Court answers in the affirmative
xxx.

xxxx

From the above-quoted verse, the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts have the exclusive original jurisdiction over this case. Moreover, in the case of Hilario vs. Court of Appeals, (260 SCRA 420,426 citing: Refugia, Et al[.] vs. Court of Appeals, Et al[.,] G.R. No. 118284, July 4, 1996) the Supreme Court held: 'xxx inferior courts retain jurisdiction over ejectment cases even if the question of possession cannot be resolved without passing upon the issue of ownership; but this is subject to the caveat that the issue raised as to ownership be resolved by the Trial Court for the sole purpose of determining the issue of possession x x x.' Thus, even where the defendants assert in their Answer, ownership of or Title to the property, the inferior Court is not deprived of its jurisdiction, xxx

xxxx

As to the second issue as to whether or not plaintiff may validly eject the defendants, again this Court answers in the affirmative, since the plaintiff is a holder of a Torrens Title which is a right in rem. The defendants in their defense that they have filed a case before the Regional Trial Court questioning the Title of the plaintiff is their right and prerogative, unless however restrained by higher court, this Court will proceed as mandated by law and jurisprudence. This action for unlawful detainer is sanctioned

by Rule 70 of the 1997 Rules of Civil Procedure which provides:

xxxx

While the defendants claim that their parents are still the owner[s] of the subject property in litigation and during their lifetime have not awarded nor alienated said property to anybody, why then has plaintiff the Title of said property? If it was secured fraudulently, the same is of no moment since it has its own forum to address to [sic]. Moreover, the pendency of an action questioning the ownership of the property does not bar the filing or consideration of an ejectment suit nor the execution of the judgment therein xxx. As correctly pointed out by the plaintiff, 'ownership may be exercised over things or rights,' Art. 427 of the New Civil Code. Likewise, Art. 428 of the same code provides that: 'the owner has the right to enjoy and dispose of a thing, without other limitations than those established by law. The owner has also a right of action against the holder and possessor of the thing in order to recover it.' Further, Art. 434 states that 'in an action to recover, the property must be identified, and the plaintiff must rely on the strength of his Title and not on the weakness of the defendant's claim.' The defendants therefore can be validly ejected from the premises in question since this is not accion publiciana as claimed by the defendants.

Finally, on the third issue of damages and the side issue of reasonable compensation for the use of the subject premises, the Supreme Court in the case of Balanon-Anicete vs. Balano, 402 SCRA 514 held: 'xxx persons who occupy the land of another at the latter's tolerance or permission without any contract between them [are] necessarily bound by an implied promise that they will vacate the same upon demand, failing in which a summary action for ejectment is the proper remedy against them.' Hence, upon demand, plaintiff is entitled to collect reasonable compensation for the actual occupation of the subject property which is P2,000.00 per month and the payment of attorney's fees. Since no evidence was presented relative to damages, the Court cannot award the same.

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. Ordering the defendants and all persons claiming rights under them to vacate the subject property known as No. 127 F. Sevilla St., San Juan, Metro Manila and to surrender peaceful possession thereof to the plaintiff in this case;
2. Ordering the defendants to pay plaintiff the amount of P2,000.00 per month for the actual use and occupation of the subject property reckoned from date of extrajudicial demand which is August 7, 2006, until defendants shall have finally vacated the premises;
3. Ordering the defendants to pay plaintiff the amount of P10,000.00 as and by way of attorney's fees; and

4. The costs of suit.

SO ORDERED.^[14]

Ruling of the Regional Trial Court

In an appeal before the RTC docketed as SCA Case No. 3144, petitioners and their co-defendants argued that the MeTC erred in not resolving the issue of ownership, in ordering them to vacate the premises, in deciding issues which were not framed by the parties, and in not granting them damages and awarding the same instead to respondent.

On April, 29, 2009, the RTC rendered its Decision,^[15] pronouncing as follows:

Stripped of its non-essentials, the appeal primarily hinges on the lower court's failure to rule upon the issue on the validity of Transfer Certificate of Title No. 12575 of the lot, subject of the ejectment suit.

Upon a judicious consideration of the arguments raised by the parties in their respective memorandum vis-a-vis the decision of the court *a quo*, this court opines and so holds that the said court did not err in its findings. The validity of a transfer certificate of title cannot be raised in the said ejectment suit as it partakes of a collateral attack against the said title. This is not allowed under the principle of indefeasibility of a Torrens title. The issue on the validity of title i.e., whether or not it was fraudulently issued, can only be raised in an action expressly instituted for that purpose.

The ruling of the Supreme Court in the case of Raymundo and Perla De Guzman vs. Praxides J. Agbagala, G.R. No. 163566, February 19, 2008 is revelatory, thus:

'Indeed, a decree of registration or patent and the certificate of title issued pursuant thereto may be attacked on the ground of falsification or fraud within one year from the date of their issuance. Such an attack must be direct and not by a collateral proceeding. The rationale is this:

xxx [The] public should be able to rely on the registered title. The Torrens System was adopted in this country because it was believed to be the most effective measure to guarantee the integrity of land titles and to protect their indefeasibility once the claim of ownership is established and recognized.'

For reasons aforestated, the appeal is hereby DENIED.

WHEREFORE, premises considered, judgment is hereby rendered affirming *in toto* in [sic] the decision of the lower court dated September 17, 2007.

With costs against the appellant.

SO ORDERED.^[16]

On motion for reconsideration, however, the RTC reversed itself. Thus, in a December 11, 2009 Order,^[17] it held that -

2. This Court's Findings

At the outset, it should be mentioned that the court *a quo* should have dismissed the complaint outright for failure to comply with a condition precedent under Section 10, Rule 16 of the Rules of Civil Procedure, the parties being siblings and there being no allegations in the complaint as regards efforts at compromise having been exerted, a matter that was raised in the answer of defendants Consolation Romero and Rosario D. Domingo.

2.1. The Issue of MeTC Jurisdiction

The court *a quo* is correct in ruling that it has jurisdiction over this case, the allegations in the complaint being so phrased as to present one apparently for unlawful detainer. It did not matter that after answers were filed and further proceedings were had, what emerged were issues of ownership and possession being intricately interwoven, the court being clothed with jurisdiction to provisionally adjudicate the issue of ownership, it being necessary in resolving the question of possession.

2.2. The Issue of Whether or Not Plaintiff Can Eject Defendants

In *Barnachea vs. Court of Appeals, et al.*, it was held that one of the features of an unlawful detainer case is possession of property by defendant being at the start legal, becoming illegal by reason of the termination of right to possess based on his contract or other arrangement with plaintiff.

In this case, the legal possession of subject premises by defendants-appellants, they being the heirs of original owners Macario and Felicidad Domingo, has not ceased. The basis for the claimed ownership by plaintiff-appellee is a deed of absolute sale dated 06 June 2006 (Exhibit "2") showing the signatures of vendor Sps. Domingo whose respective death certificates indicate that Macario died on 22 February 1981 and Felicidad on 14 September 1997. It is clear that the deed of sale became the basis for the transfer of subject property in plaintiff-appellee's name under TCT No. 12575 (Exhibit "A"), a fact that prompted herein defendants-appellants to file a complaint for annulment of sale and reconveyance of ownership, docketed as Civil Case No. 70898-SJ earlier than this subject case.

It appearing that defendants-appellants' occupancy of subject property is premised on their right thereto as co-owners, being compulsory heirs of their parents, and it not being established that they had alienated such right in favor of their sister, herein plaintiff-appellee, the latter cannot eject them therefrom.