

## THIRD DIVISION

[ G.R. No. 169594, July 20, 2011 ]

**BIENVENIDO BARRIENTOS, PETITIONER, VS. MARIO RAPAL,  
RESPONDENT.**

### D E C I S I O N

**PERALTA, J.:**

This is a petition for review on *certiorari* seeking to reverse and set aside the Decision <sup>[1]</sup> dated April 29, 2005 of the Court of Appeals (CA) in CA-G.R. SP No. 68482, and the Resolution <sup>[2]</sup> dated September 1, 2005 denying petitioner's motion for reconsideration.

The procedural and factual antecedents are as follows:

On April 15, 1988, respondent Mario Rapal acquired a 235 square meter parcel of land located at No. 2 Misamis St., Luzviminda Village, Barangay Batasan Hills, Quezon City, from one Antonio Natavio *via* a notarized Deed of Transfer of Possessory Right. The said parcel of land was said to be a portion of the estate of the late Don Mariano San Pedro y Esteban covered by Original Certificate of Title (OCT) No. 4136. Thereafter, respondent constructed a semi-concrete house on the lot and took actual possession of the property by himself and through his caretaker, Benjamin Tamayo.

Sometime in 1993, respondent allowed petitioner Bienvenido Barrientos and his family to stay on the subject property as caretakers on the condition that petitioner shall vacate the premises when respondent would need the property. However, when respondent demanded petitioner to vacate the subject property, the last of which was made on July 14, 1997, petitioner refused to leave the lot. The parties later underwent *barangay* conciliations, but to no avail.

Thus, on April 13, 1998, respondent filed a case for Unlawful Detainer against the petitioner before the Metropolitan Trial Court (MeTC) of Quezon City. The case was docketed as Civil Case No. 19889.

On February 21, 2000, after submission of the parties' respective position papers, the trial court rendered a Decision <sup>[3]</sup> in favor of the respondent, the decretal portion of which reads:

WHEREFORE, in view of the foregoing considerations, this Court finds in favor of the plaintiff entitled to the prayer sought and hereby orders defendant to:

1. vacate and all persons claiming under him that house structure located at No. 2 Misamis Street, Luzviminda Village, Barangay Batasan Hills, Quezon City;
2. pay plaintiff the sum of P3,000.00 per month, as compensation for the use of said house structure beginning July 14, 1997 until he vacated the place; and
3. pay plaintiff the sum of P10,000.00 as attorney's fee plus cost of suit.

SO ORDERED. [4]

On appeal, the Regional Trial Court (RTC) reversed the Decision of the MeTC and resolved in favor of petitioner, reasoning that respondent has not shown any prior lawful possession of the property in question. [5] The dispositive portion of which reads:

WHEREFORE, the foregoing premises considered, the decision of the lower court is reversed and set aside. The court finds no basis to award any counterclaim. [6]

Aggrieved, respondent sought recourse before the CA assigning the following errors committed by the RTC, to wit:

1. That the Lower Court has grievously erred in concluding that the petitioner has not shown any prior lawful possession of the property in question.
2. That the Lower Court has grievously erred in concluding that the respondent and his family who were merely invited to live in the house out of Christian charity and human compassion, has possessory rights over the same lot and house.
3. That the Lower Court has grievously erred in injecting the issue of ownership over the lot.
4. That the Lower Court has grievously erred in concluding that the petitioner has propositioned himself as an awardee-grantee of the property in question. [7]

On April 29, 2005, the CA rendered the assailed Decision [8] reversing the decision of the RTC and reinstating the decision of the MeTC, the decretal portion of which reads:

**WHEREFORE**, in view of the foregoing, the extant Petition is hereby **GIVEN DUE COURSE**. The assailed Decision of the Regional Trial Court,

Branch 92-Quezon City is **REVERSED** and **SET ASIDE** and a new one entered **REINSTATING** the Decision of the Metropolitan Trial Court of Metro Manila, Branch 39-Quezon City.

**SO ORDERED.** [9]

In ruling in favor of the respondent, the CA touched upon the issue of ownership since both claimed ownership over the disputed property. The CA found that both parties presented weak evidence of ownership. Hence, the CA determined who between the parties was first in possession and concluded that respondent was, indeed, first in possession of the lot.

Petitioner then filed a motion for reconsideration, [10] but it was denied in the Resolution [11] dated September 1, 2005.

Hence, the petition assigning the following errors:

## I

WHETHER THE ISSUE OF OWNERSHIP CAN BE INITIALLY RESOLVED FOR THE PURPOSE OF DETERMINING THE ISSUE OF POSSESSION.

## II

WHETHER THE RESPONDENT'S DOCUMENT PURPORTING TO BE A TRANSFER OF POSSESSORY RIGHT CAN PREVAIL OVER THE PETITIONER'S CLAIM OF OWNERSHIP AND THE LATTER'S ACTUAL POSSESSORY RIGHT OVER THE PROPERTY. [12]

Petitioner maintains that he has a better right over the subject property as against the respondent. Petitioner insists that even assuming *arguendo* that the subject property was registered in the name of the Rapal family and occupied by him as caretaker, this only bolsters his claim that he has been in actual occupation of the property. Moreover, petitioner contends that since respondent's claim of ownership was derived from a void title, he did not have a better right to possess the property as opposed to by the petitioner who actually occupied the same.

Petitioner points out that he was even awarded a Certificate of Project Qualification by the Office of the President through the Housing and Urban Development Coordinating Council. Petitioner argues that since the property in controversy is a government property, it is the government through the National Government Center (NGC) that can award the same to qualified beneficiaries pursuant to Republic Act No. 9207, or the *National Government Center Housing and Land Utilization Act of 2003*, which it in fact did when he was given a Certificate of Project Qualification.

On his part, respondent argues that the CA did not commit any reversible error by ruling in his favor, considering that the CA initially looked into the issue of ownership only for the purpose of determining who between the parties has a better right to possess the subject property. In addition, petitioner failed to substantiate that he