

SECOND DIVISION

[G.R. No. 153411, August 17, 2007]

JOSE CALISAY, PETITIONER, VS. EVANGELINA RABANZO-TEODORO, REPRESENTED BY HER ATTORNEY-IN-FACT MELODY TEODORO-YANEZA, RESPONDENT.

D E C I S I O N

TINGA, J.:

This Petition for Review under Rule 45 assails the Decision dated 31 October 2001 rendered by the Court of Appeals in CA-G.R. SP No. 54620.^[1] The case stemmed from a complaint for unlawful detainer filed with the Municipal Trial Court (MTC) of Sta. Cruz, Laguna.

The antecedents follow.

On 1 April 1998, respondent Evangelina Rabanzo-Teodoro^[2] as plaintiff filed a complaint for unlawful detainer^[3] against petitioner Jose Calisay as defendant. Respondent alleged that her father, Dominador V. Rabanzo (Rabanzo), purchased the subject property, a parcel of residential land identified as Lot No. 1062, with an area of about 176 square meters, and situated in Barrio Santo Angel Sur, Sta. Cruz, Laguna, from Pamfilo Tobias (Tobias). The purchase was evidenced by a Deed of Absolute Sale executed on 3 April 1952. On 5 May 1979, Rabanzo sold the property to respondent, by way of a notarized Deed of Absolute Sale. In 1985, Rabanzo allowed petitioner to live with him at the house he had earlier erected on the property. Petitioner and his own family thus lived therein as househelp. Rabanzo then died in 1989, but respondent allowed petitioner and his family to remain in the house, treating him as her overseer.^[4]

However, when petitioner retired from government service in 1997, he used his retirement pay to open a bakery business at the front part of the house, undertaking renovations for that purpose, without respondent's prior consent.^[5] Respondent asked petitioner to pay rentals but the latter refused. In November of 1997, petitioner was summoned to a dialogue with respondent's husband. The meeting resulted in an agreement which petitioners signed wherein he undertook to vacate the premises by the end of the year. When petitioner still did not vacate the property at the end of the year, at the instance of respondent, barangay conciliation proceedings were conducted, but to no avail. In the following year, respondent filed the complaint for unlawful detainer with the MTC of Sta. Cruz, Laguna.

Respondent attached several documents to her complaint, including the 1979 Deed of Absolute Sale that established her dominion over the lot and the real property tax receipts that evidenced her payment of the corresponding real property taxes over the property.^[6]

On 4 June 1998, petitioner filed his Answer^[7] wherein he raised, as a special and affirmative defense, the existence of a decision dated 12 September 1941 of the Court of First Instance (CFI) of Laguna, Fifth Judicial District, in Cadastral Case No. 44. According to the decision, a copy of which was attached to the Answer, through their common counsel, Tobias and Rosendo Kalisay manifested that they had both inherited Lot No. 1062 from Tomas Tobias. The dispositive portion of the decision reads

WHEREFORE, the Court hereby adjudicates Lot No. 1062 pro indiviso and in equal shares to Rosendo Kalisay, widower, and Pampilo Tobias, single, both of legal age, Filipinos, and residents of Sta. Cruz, Province of Laguna, Philippines.

After this decision shall have become final, let the decree of registration of title be issued in accordance with law.

IT IS SO ORDERED.^[8]

Petitioner however alleged that despite the Decision, issued just a few months before the outbreak of the Pacific phase of World War II, the corresponding title was never issued. The property has since remained unregistered, as certified by the Registry of Deeds of Sta. Cruz, Laguna.

Petitioner further alleged that he was the son of Rosendo Kalisay, who died intestate sometime in 1946. Accordingly, he and his sister, Candelaria Calisay, succeeded to the share of their father to one-half (½) of Lot No. 1062. In view of his ownership, petitioner argued, he could not be ousted from the property. Petitioner admitted that he had signed the 1997 agreement to vacate the premises, but he alleged that he did so only as a result of the undue influence that respondent had exerted on him.

Petitioner claimed that it was only around 1997, or after he had been asked to vacate the premises, that he was forced to verify the status of Lot No. 1062 at the Municipal Hall, at which point he first encountered the 1941 CFI decision. He executed a sworn statement recounting such discovery.^[9]

The parties submitted their respective position papers before the MTC, as required under the Rules on Summary Procedure. Among the documents attached by respondent to her position paper was a certification issued by the Municipal Assessor of Sta. Cruz, Laguna, stating that the name of Rosendo Calisay did not appear in the list of registered owners of real properties located in Sta. Cruz.

On 28 December 1998, the MTC rendered its decision^[10] in favor of respondent. The MTC found that the above-mentioned certification of the Municipal Assessor defeated petitioner's claim that his father had owned half of the subject property. Stressing that the primary issue in ejectment cases is not the question of ownership of the property, but the material possession thereof, the MTC ruled that the 1997 agreement between the parties was sufficient to establish respondent's possession of the subject property.

Accordingly, the MTC ordered petitioner to vacate the subject property and to pay monthly rentals at the rate of P4,000.00 beginning January of 1998, as well as

attorney's fees in the amount of P18,000.00.

Petitioner appealed the MTC decision to the Regional Trial Court (RTC) of Sta. Cruz, which on 25 May 1999, rendered a decision^[11] reversing the MTC and dismissing the complaint for unlawful detainer. This time, the RTC gave primacy to the CFI decision in Cadastral Case No. 44, there being no indication that "the said decision has been modified, or superseded, for all intents and purposes, it be[coming] final and executory sometime in 1941."^[12] The RTC stated since that the records did not speak of the existence of any other heir of Rosendo Kalisay, petitioner had the perfect right to the title to one-half undivided portion of Lot No. 1062. While acknowledging that respondent would be able to recover possession against petitioner if she can prove prior possession of the property, the RTC found no proof that respondent had acquired possession thereof prior to 1941. In any event, it would be "virtually impossible" for respondent to prove her possession of the entire Lot No. 1062 since her predecessor-in-interest owned only half of the property.^[13]

Aggrieved, respondent filed a petition for review on certiorari^[14] with the Court of Appeals assailing the RTC decision. The petition was granted in a decision dated 31 October 2001,^[15] which reinstated the MTC decision. The appellate court found it undisputed that petitioner's father had been in possession of the property since 1952, and that respondent started occupying the same in 1985, out of liberality and tolerance of petitioner's father. On the other hand, the issue of ownership was raised only in November of 1997, or after more than a decade of consistent recognition of respondent's and her father's ownership on petitioner's part.

With respect to the 1941 CFI decision in Cadastral Case No. 44, the Court of Appeals had this to say:

On the other hand, except for the alleged decision of the then Court of First Instance, no evidence on record would support respondent Calisay's claim of ownership over the subject property. As a matter of fact, a copy of the decision relied upon by private respondent is not even made part of the record. It was error for the appellate court to rule in favor of private respondent on the basis merely of the said decision. Assuming that said decision is legally valid and existing, said decision, however, does not automatically transfer ownership thereof in favor of Pamfilo Tobias and Rosendo Calisay. Acts of ownership must likewise be performed by them such as obtaining title thereto in their names and acquiring possession over the property. However, none of these were obtained under the circumstances in the case of Rosendo Calisay who has not titled the property in his name nor took possession over the same. Neither did Rosendo Calisay declare the same for taxation purposes. If Rosendo Calisay was a co-owner of the subject property, the normal thing for him to do would be to protect his interest by actively participating with Pamfilo Tobias in matters affecting the subject property. The record is bereft of any participation on the part of private respondent's predecessor in exercising acts of ownership which would include possession of the subject property. If, indeed, respondent's predecessor had an interest over the property, why was respondent not informed of such interest? How come the discovery was made only in 1997. It bears stressing that the discovery of the alleged co-ownership of

respondent's predecessor over the property happened at the time that respondent was being asked to surrender possession thereof in favor of petitioner. The decision was allegedly made in 1941 and why was its existence revealed only in 1997 when the dispute commenced? These questions cast doubt on private respondent's claim of ownership on the property. Further to this is the certification issued by the Office of the Municipal Assessor of Sta. Cruz attesting that the name of Rosendo Calisay does not appear in the list of registered owners of real properties located in the said municipality.^[16]

After petitioner's motion for reconsideration ^[17] was denied by the Court of Appeals on 23 April 2002,^[18] the present petition was filed. Essentially, petitioner insists on the validity and continued efficacy of the 1941 CFI decision in Cadastral Case No. 44. Said decision, he points out, established the co-ownership over Lot No. 1062 between his father, Rosendo Kalisay, and Pampilo Tobias. His father's inability to have the property titled despite the CFI decision did not affect the validity and existence of such decision, but at the same time the co-ownership meant that Tobias could have conveyed only half of the property to respondent's father, petitioner wraps up.

We favor the result reached by the MTC and the Court of Appeals.

There are indisputable guiding principles in ejectment actions. Such actions, namely, actions for forcible entry and unlawful detainer, are designed as the appropriate judicial vehicles for the protection of the right of possession of real property. More than any other judicial remedy, the *accion interdictal* relies on dispatch to make it adequate. To expedite the hearing and adjudication of ejection suits they have long been made summary proceedings.^[19]

Likewise, in an unlawful detainer case or *accion desahucio*, the defendant was originally in lawful possession, but such possession became illicit by virtue of the expiration or termination of his right to possess. The main issue involved is not title over the property, but the determination as to who is entitled to the physical or material possession of the premises or possession *de facto*, independent of any claim of ownership set forth by any of the party-litigants.^[20]

Despite the abbreviated proceeding it ordains and the limited pleadings it allows, the Rules on Summary Procedure does not relax the rules on evidence. In fact, Section 14 of Rule 70 is emphatic that the affidavits required to be filed "shall state only facts of direct personal knowledge of the affiants which are admissible in evidence, and shall show their competence to testify to the matters stated therein."

In the case at bar, while the property remains unregistered, there seems to be no serious dispute that respondent is entitled to and actually has possession of Lot No. 1062. She derived possession of the property from her father, who conveyed it to her by sale in 1979. Since then she has been paying the corresponding real property taxes over the property. Her father, in turn, acquired the property from Tobias in 1952, and from then on had physical possession thereof until his death. Notably, all these documents evince respondent's possession, if not ownership, of the entire Lot No. 1062, and not just one-half thereof.