

SECOND DIVISION

[G.R. NO. 152164, November 23, 2007]

**ADELFA DEMAFELIS, PETITIONER, VS. COURT OF APPEALS AND
FERNANDO CONDEZ,***

R E S O L U T I O N

QUISUMBING, J.:

On appeal are the Decision^[1] dated September 6, 2001 and the Resolution^[2] dated February 8, 2002 of the Court of Appeals in CA-G.R. SP No. 58859. The appellate court had reversed the Decision^[3] dated July 28, 1995 of the Regional Trial Court (RTC), Branch 274, Parañaque City.

The facts of the case are as follows:

On April 17, 1987, petitioner Adelfa Demafelis bought from the heirs of Hermogenes Rodriguez a 155-square meter parcel of land, part of a larger undivided parcel, Lot No. Psu-103596 covered by Tax Declaration No. D-010-07184. The land is situated in the Barrio of San Dionisio, Parañaque City. Petitioner said that she had allowed respondent Fernando Condez to stay in the property but later, she asked respondent to vacate the property. However, respondent did not leave. Thus, she filed with the Metropolitan Trial Court (MeTC), Branch 78, Parañaque City, a complaint for ejectment against respondent.

Respondent for his part maintains that on March 7, 1988, he bought the property from Antonio F. Bernabe^[4] and that he had stayed in the said property as early as 1985, even before he acquired it from Bernabe.

The MeTC ordered respondent's eviction.^[5] Respondent appealed to the RTC which affirmed the findings of the MeTC. The dispositive portion of the decision reads:

WHEREFORE, the decision of the court a quo is hereby affirmed in its entirety, and that, the court a quo is hereby ordered to issue a writ of execution in favor of the [petitioner].

SO ORDERED.^[6]

Respondent appealed to the Court of Appeals, asking whether the affirmation by the RTC of the decision of the MeTC was proper under the circumstances.^[7] The Court of Appeals held:

Comparing the two lots, i.e., 75 square meters allegedly purchased by petitioner from Antonio Bernabe, Jr., and the 115 square meters portion allegedly bought by respondent from Ismael Favila, it appears that the lot sold by Favila to Bernabe on March 7, 1998, which consists of 115,132

square meters, a portion of 75 square meters of which was in turn sold by Bernabe to petitioner Condes, is described as **Lot 1, Psu-55940**, and covered by TCT No. 272. On the other hand, the lot sold by Favila to respondent Demafelis with an area of 115 square meters is a portion of the 86,320 square meters known as **Lot No. Psu-103592**, and covered by Tax Declaration No. 010-07184. On the basis of the Psu number alone, it shows that the origin of the lot claimed by petitioner is different from the origin of the lot claimed by respondent.

Correspondingly, there is no certainty as to the identity of the property purchased by petitioner and that of respondent, except the bare contracts executed in their favor. Had there been a relocation survey of the boundaries of the property in question, the controversy as to the identity of the lot subject matter of the instant case would have been avoided. If there is no identity between the property purchased by petitioner and the property purchased by respondent, the instant case for ejectment will not prosper as the parties have exclusive rights over their respective property.

WHEREFORE, the Decision, dated July 28, 1995, of the Regional Trial Court affirming the Decision, dated March 12, 1995, of the Metropolitan Trial Court is **REVERSED** and **SET ASIDE**. Civil Case No. 9216 of the M[e]TC, Branch 78, Parañaque City, is **DISMISSED**.

SO ORDERED.^[8]

The Court of Appeals later denied petitioner's subsequent motion for reconsideration.^[9]

Hence, the instant petition, which raises the following issues:

I.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS, SEVENTH DIVISION WENT BEYOND THE ISSUES RAISED IN THE PETITION FOR REVIEW IN RENDERING THE DECISION SOUGHT TO BE REVIEWED.

II.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS, SEVENTH DIVISION ERRED IN ITS FINDINGS THAT THERE IS NO IDENTITY OF THE PROPERTY SUBJECT OF EJECTMENT BEING CONTRARY TO THE EVIDENCE ON RECORD.

III.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS, SEVENTH DIVISION ERRED IN CONCLUDING THAT THE DOCUMENT OF SALE IN FAVOR OF RESPONDENT FERNANDO CONDES TRANSFERRED OWNERSHIP CONTRARY TO THE FINDINGS OF THE LOWER COURT THAT THE DOCUMENT NAMELY: "KASUNDUAN SA BILIHAN NG LUPA" IS

ACTUALLY AN AGREEMENT TO ENTER INTO A CONTRACT TO SELL AND DID NOT TRANSFER THE OWNERSHIP OF THE LOT SUBJECT THEREIN.

IV.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS, SEVENTH DIVISION ERRED IN NOT REMANDING THE CASE TO THE COURT OF ORIGIN FOR THE PURPOSE OF ESTABLISHING IDENTITY OF THE PROPERTY RATHER THAN DISMISSING OUTRIGHT CIVIL CASE NO. 9216 OF THE M[e]TC, BRANCH 78, PARAÑAQUE CITY.^[10]

More simply stated, the issues for resolution now are: (1) Did the Court of Appeals err in going beyond the issues raised in the petition for review? (2) Did the Court of Appeals err in finding that the identity of the property in question has not been established? (3) Lastly, did the Court of Appeals err in concluding that the document of sale in favor of respondent transferred ownership?

On the first issue, petitioner contends that a review of the arguments of respondent in the MeTC would clearly reveal that the matter of identity of the property subject of ejectment was not raised. In fact, the first time that the matter surfaced was when the Court of Appeals rendered the decision which is sought to be reviewed in this appeal.^[11]

Respondent, on the other hand, states that the Court of Appeals is clothed with ample authority to review matters although not assigned as errors if their consideration is necessary in arriving at a just decision.^[12]

The pertinent rule is Section 8, Rule 51 of the Revised Rules of Court. It states:

SEC. 8. Questions that may be decided. ↑ No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

In several cases we have also explained that the Court of Appeals is imbued with sufficient authority and discretion to review matters, not otherwise assigned as errors on appeal, if it finds that their consideration is necessary in arriving at a complete and just resolution of the case or to serve the interests of justice or to avoid dispensing piecemeal justice.^[13] In *Sesbreño v. Central Board of Assessment Appeals*^[14] we held that an appellate court has an inherent authority to review unassigned errors, e.g. (1) which are closely related to an error properly raised; (2) upon which the determination of the error properly assigned is dependent; or (3) where the Court finds that consideration of them is necessary in arriving at a just decision of the case.^[15]

We note that the issue raised in the court a quo was:

Whether the affirmance by the Regional Trial Court, Branch 274, Parañaque City, of the decision of the Metropolitan Trial Court, Branch 78, Parañaque City is proper under the circumstances.^[16]