

THIRD DIVISION

[G.R. No. 144116, November 22, 2002]

**CESAR MONTANEZ, PETITIONER, VS. NESTOR MENDOZA,
RESPONDENT.**

DECISION

PANGANIBAN, J.:

In general, a petition for review under Rule 45 refers merely to errors of law allegedly committed by lower courts. However, as an exception, when the assailed decision of the Court of Appeals (CA) reverses factual findings of the regional trial court (RTC) and municipal trial court (MTC), the Supreme Court may pass upon the controverted issues of fact. Indeed, in the present case, the CA erred in reversing the lower courts; thus, it becomes the duty of this Court to correct the error.

Statement of the Case

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the April 17, 2000 Decision^[1] and the July 13, 2000 Resolution^[2] of the Court of Appeals in CA-GR SP No. 49368. The decretal portion of the Decision reads as follows:

"WHEREFORE, the Petition for Review is GRANTED. [T]he assailed decision of the Municipal Trial Court of San Mateo, Rizal dated August 1, 1996 in Civil Case No. 1163 which was affirmed by the Regional Trial Court of San Mateo, Rizal, Branch 77 in its decision dated September 16, 1998 is hereby REVERSED and accordingly SET ASIDE. Petitioner is furthermore awarded attorney's fees in the sum of P10,000.00"^[3]

The assailed Resolution denied petitioner's Motion for Reconsideration.

The reversed Decision of the Regional Trial Court of San Mateo, Rizal (Branch 77) disposed as follows:

"WHEREFORE, judgment is hereby rendered DISMISSING the appeal.

"The Decision appealed from is hereby AFFIRMED IN TOTO."^[4]

The Facts

The antecedents of the case are summarized by the Court of Appeals thus:

"Sometime in April 1995, [herein Petitioner] Cesar Montañez filed a complaint for forcible entry with damages against Nestor Mendoza before the Municipal Trial Court of San Mateo, Rizal. The complainant alleged, among other things, that: he has been in possession of a parcel of land situated at Sitio Lumbangan, Barangay Pintong Bukawe (formerly part of Maarat) San Mateo, Rizal consisting of more or less, six (6) hectares

bounded on the east by property of Danilo Laceste, on the west by property of Herminia Ramos, on the north by a barangay road and on the south by property of Domingo Montañez; that since 1970, he and his family have lived on the said land cultivated the same by planting crops like rice, corn, camote, etc.; that the Community Environment and Natural Resources Office (CENRO) has certified that he is the actual occupant and possessor of the land in Sitio Lumbangan, Maarat, San Mateo, Rizal; that sometime in the middle of May 1994, [private respondent] Nestor Mendoza entered the land and dispossessed him and his family by force and intimidation; that [private respondent] and his goons destroyed standing crops and trees planted by private respondent.

"In his answer, [private respondent] denied the material allegations in the complaint and as affirmative defense, averred that he built his house in the land owned and titled in the name of Ramon Mendoza; that he was expressly authorized by the administrator to construct a house therein as shown by the Authority to Construct Residential House; that any and all plants, crops and other improvements that were then and up to now existing in the aforesaid land also belong to and/or were introduced thereat by the Mendoza family; that he did not employ armed goons as the land on which his house was constructed belonged to Ramon Mendoza and at no time did private respondent occupy said land.

"After the proceedings, the Municipal Trial Court rendered a decision in favor of the [petitioner], the dispositive portion of which reads:

'WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff Cesar Montañez and against defendant Nestor Mendoza and all other persons claiming rights under him, as follows:

1. To vacate the property subject of this case and surrender possession thereof to plaintiff;
2. To remove the improvements introduced by him on the subject property;
3. To pay the plaintiff the amount of ₱5,000.00 as and by way of attorney's fees; and
4. To pay the costs.

Defendant's counterclaims is hereby ordered DISMISSED.

SO ORDERED.'

"Aggrieved by the decision, [private respondent] appealed the case to the Regional Trial Court of San Mateo, Rizal, Branch 77. In his appeal, [private respondent] disputed the finding of the Municipal Trial Court that the land where he built his house is the same land that has been in possession of [petitioner]. Unfortunately, the Regional Trial Court upheld the decision of the Municipal Trial Court in favor of [petitioner], hence, this petition."^[5] (Citations omitted)

Ruling of the Court of Appeals

Reversing the RTC and the MTC, the CA ruled that in civil cases, the burden of proof is on plaintiffs who must establish their allegations by a preponderance of evidence.^[6] It reasoned that, in the present case, the identity of the land being questioned by petitioner has not been sufficiently proven to be the same one where respondent had constructed a house; hence, the issue of the legality of the former's possession of that land cannot be the basis for a forcible entry suit.^[7] Thus, the present Petition.^[8]

Issues

In his Memorandum, petitioner assigns this sole issue for our consideration:

"x x x [W]hether or not the Court of Appeals erred in holding that petitioner has not prove[n] that the property he claims to cultivate is the same property which respondent took possession [of]."^[9]

Simply put, the issue for resolution is whether petitioner has sufficiently established his cause of action by a preponderance of evidence.

This Court's Ruling

The Petition is meritorious.

Main Issue:

Sufficiency of Evidence

Petitioner argues that he is entitled to possession of the parcel of land that is the subject of the forcible entry case, because its area is not part of that which is covered by OCT No. P-658 in the name of Ramon Mendoza.^[10]

On the other hand, respondent claims that he possesses an authority to construct a residential house on the latter parcel of land. He adds that it was incumbent upon petitioner to adduce substantial evidence to prove that the land from which he was ousted illegally was the same one from which he had lawfully built the house in question.^[11]

We agree with petitioner.

An action for forcible entry is a quieting process that is summary in nature. It is designed to recover physical possession through speedy proceedings that are restrictive in nature, scope and time limits.^[12] In forcible entry, the plaintiff is deprived of physical possession by means of force, intimidation, threat, strategy or stealth.^[13] The presence of any of these elements in the present case implies that the possession of the disputed land by the defendant has been unlawful from the beginning; that is, he acquired possession by illegal means.^[14]

Further, it is a basic rule in civil cases that "the party having the burden of proof must establish his case by a preponderance of evidence."^[15] *Preponderance of evidence* simply means "evidence which is of greater weight, or more convincing than that which is offered in opposition to it."^[16] Hence, parties who have the burden of proof must produce such quantum of evidence, with plaintiffs having to rely on the strength of their own evidence, not on the weakness of the defendant's.^[17]

In the present ejectment case, petitioner (as plaintiff) has the burden of proving that he was illegally deprived of possession of the parcel of land, which is the subject of the forcible entry case.^[18] To obtain a judgment in his favor, he must therefore establish a preponderance of evidence for this essential fact.^[19]

Obviously, the issue in this case is shrouded by a conflict in factual perception, a conflict that is ordinarily not subject to a petition for review under Rule 45 of the Rules of Court.^[20] But the Court is constrained to resolve it, because the factual findings of the Court of Appeals are contrary to those of the trial court.^[21] Thus, we will rule on such factual issues as an exception to the general rule.^[22]

In this light, we have meticulously scoured the records of this case and found that the appellate court had erred in appreciating the evidence presented.^[23] Respondent failed to provide a reason, let alone an adequate one, to justify the reversal of the lower courts' Decisions.^[24] Indeed, the findings of the MTC, which were adopted by the RTC, had adequately supported the allegations in the Complaint.^[25]

First, petitioner alleged and proved that he had been in prior physical possession of the property in litigation until respondent deprived him of it.^[26] In ejectment cases, the plaintiff merely needs to prove prior *de facto* possession and undue deprivation thereof.^[27] The sole question for resolution is the physical or material possession (possession *de facto*) of the subject property. Neither a claim of juridical possession (possession *de jure*) nor an averment of ownership^[28] by the defendant can outrightly prevent the court from taking due cognizance of the case.^[29]

Petitioner's actual physical possession has been sufficiently proven by the Certification^[30] dated April 10, 1992, issued by Land Management Officer Maximo M. Pentiño of the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR). This document lists petitioner as one of the actual occupants of a parcel of land situated in Sitio Lumbangan, Maarat, San Mateo, Rizal – the same land that is the subject of the forcible entry case. Not having been successfully overturned, the validity of the Certification, as well as the presumption of regularity in the performance of official function stands.^[31] Similarly, if respondent alleges any irregularity in the issuance of the Certification, he should come forward with clear and convincing proof.^[32]

Petitioner's prior possession was further corroborated by the Sworn Statements of Carlito Solano,^[33] Claudio Laceste Sr.,^[34] Agripino Madrona,^[35] Efren Montanez,^[36] Danilo and George Laceste,^[37] and Alfredo Blanco.^[38] These affidavits should be given evidentiary value. The Rule on Summary Procedure precisely provides for the submission by the parties of affidavits and position papers and enjoins courts to hold hearings only when it is necessary to do so to clarify factual matters.^[39] This procedure is in keeping with the objective of the Rule: to promote the expeditious and inexpensive determination of cases.^[40]

Second, not only has petitioner proven his possession of the parcel of land he had cultivated since 1970, but has also satisfactorily proven the identity of the property.^[41] There are marked differences between the land that is the subject of the