

SECOND DIVISION

[G.R. No. 131968, June 29, 2001]

SPOUSES ERNESTO AND JESUSA PENGSON, PETITIONERS, VS. MIGUEL OCAMPO, JR., FOR HIMSELF AND AS ATTORNEY-IN-FACT OF MELCHOR G. OCAMPO, FERNANDO G. OCAMPO AND ROBLEDO G. OCAMPO, RESPONDENTS.

D E C I S I O N

QUISUMBING, J.:

This is a petition to review on *certiorari* the judgment dated December 18, 1997 of the Court of Appeals in CA-G.R. SP No. 44147 annulling the decisions of the Regional Trial Court (RTC), Branch 15 in Malolos, Bulacan and the Municipal Trial Court (MTC) of San Miguel, Bulacan dated November 15, 1996 and January 16, 1996, respectively.

The factual antecedents of this case are as follows:

On October 20, 1995, respondents filed an ejectment case against petitioners before the MTC of San Miguel, Bulacan. In their complaint, respondents alleged: that they are the registered owners of a parcel of land situated in San Jose, San Miguel, Bulacan, and covered by TCT No. 275405 (RT-40973); that on a 60 to 80 square meter portion of said lot, they permitted petitioners to reside without rent; that since they already needed the same portion, they demanded that petitioners vacate the lot, but the latter refused; that the refusal prompted them to bring a complaint before the barangay authorities but no settlement was reached, hence a certification to file action was issued; that respondents again demanded from the petitioners to vacate the land but petitioners still ignored said demand; that respondents were therefore constrained to lodge an ejectment case before the MTC for which they sought damages in the form of rentals and attorney's fees.

Petitioners denied that their stay on the property was by mere tolerance. They averred that petitioner Jesusa Pengson is a co-owner of the land in question, being a compulsory heir of spouses Fabian Santos and Consorcia Ocampo, who died without issue;^[1] that Consorcia Ocampo is the sister of Miguel Ocampo Sr., the father of private respondents; that Miguel Ocampo Sr. and Consorcia Ocampo's parents (Clemente Ocampo and Remedios Maniquiz) died intestate, leaving behind several pieces of properties including the subject property; that when petitioners were married, they were persuaded by Consorcia Ocampo to remain in their residence as she is a co-owner of the lot where their house stands as evidenced by TCT No. 275408; that when TCT No. 275403 was reconstituted, the name of Consorcia Ocampo was fraudulently deleted, thus depriving Jesusa Pengson of her right as compulsory heir of Consorcia Ocampo who should participate in the settlement of the estate of Clemente and Remedios Ocampo by right of representation.

In their reply, respondents denied their relationship to petitioner Jesusa Pengson. They pointed out that Consorcia Ocampo and Fabian Santos died without any issue, as admitted by petitioners, and that Jesusa Pengson was just raised by them in their household without the benefit of a legal adoption.

On January 16, 1996, the MTC rendered judgment in favor of petitioners. It held that petitioner Jesusa Pengson is a legitimate daughter of Fabian Santos and Consorcia Ocampo who is a co-owner of the property in question. It ruled that by virtue of the right of ownership of Consorcia Ocampo, petitioner Jesusa Pengson should be considered co-owner of the subject property, hence, respondents have no cause of action against petitioners.

On appeal, the RTC affirmed MTC's judgment. A motion for reconsideration filed by respondents was denied.

On review, the Court of Appeals nullified the judgments of both MTC and RTC. *In lieu* thereof, a new one was entered directing petitioners to vacate the property in question and deliver the possession thereof to respondents. It held that MTC's judgment was void for having been rendered without jurisdiction when it declared that Jesusa Pengson is a legitimate child of Consorcia Ocampo and a co-owner of the property in question.

Undaunted, petitioners filed this petition for review on certiorari under Rule 45 of the Rules of Court, raising the following issues for resolution:

[I]

DID THE COURT A QUO ACT IN EXCESS OF ITS JURISDICTION AND/OR COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT REVERSED THE DECISION OF THE MUNICIPAL TRIAL COURT THAT THE LATTER CAN PASS UPON THE ISSUE OF OWNERSHIP IN ORDER TO DETERMINE THE RIGHT OF POSSESSION ONLY IF THE HEREIN PETITIONERS INVOKED THE DEFENSE OF OWNERSHIP IN THEIR ANSWER TO THE COMPLAINT?

[II]

DID THE COURT A QUO ACT IN EXCESS OF ITS JURISDICTION AND/OR COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT DECLARED NULL AND VOID THE DECISION OF THE MUNICIPAL TRIAL COURT ADMITTING THE BIRTH CERTIFICATE OF PETITIONER JESUSA PENGSON AS PROOF OF HER FILIATION?

[III]

IS THE CONDITIONAL PRESENTATION OF A XEROX COPY OF TRANSFER CERTIFICATE OF TITLE, RT-40973 WITHOUT HAVING PRODUCED THE ORIGINAL THEREOF AS ORDERED BY THE MUNICIPAL TRIAL COURT ADMISSIBLE IN EVIDENCE TO PROVE OWNERSHIP OF THE LOT IN QUESTION BY THE RESPONDENTS?