

THIRD DIVISION

[G.R. No. 113615, January 25, 1996]

**BIENVENIDO VELARMA, PETITIONER, VS. COURT OF APPEALS
AND JOSEFINA PANSACOLA, RESPONDENTS.**

R E S O L U T I O N

PANGANIBAN, J.:

Will the lot owner's agreement to sell the property to the government as evidenced by the minutes of a meeting of the Sangguniang Bayan, absent a formal deed, constitute a sufficient ground to defeat a forcible entry suit? This was the main question raised in this petition for review on certiorari which seeks to set aside the Decision dated January 26, 1994 of the Court of Appeals^[1] in CA-G.R. CV No. 33332. By a Resolution dated October 25, 1995, this case, along with several others, was transferred from the First Division to the Third. After due deliberation on the submissions of the parties, it was assigned to undersigned *ponente* for the writing of the Court's Resolution.

This case arose from an "ejectment suit"^[2] filed by private respondent against petitioner before the Regional Trial Court, Branch 64, Mauban, Quezon. Private respondent alleged: (1) that sometime in May 1981, petitioner surreptitiously built his dwelling on a portion of her land at Barangay Lual (Poblacion), Mauban, Quezon, registered under Transfer Certificate of Title No. T-91037 in the name of private respondent's husband Publio (deceased); (2) that the matter was reported to the Barangay Captain who conducted several conferences during which petitioner promised to vacate the land and remove his house therefrom, notwithstanding which he still failed or refused to do so; (3) that she instituted Criminal Case No. 1068 against petitioner in 1986 for violation of P.D. No. 772 (the Anti-Squatting Law); (4) that the trial court convicted petitioner of the offense and imposed a fine of P 1,500.00 on him; (5) that, despite such judgment, and notwithstanding repeated demands to vacate, petitioner continued occupying the property, compelling her to bring the suit.

The trial court in its nine-page judgment rendered on April 2, 1991 found that private respondent had satisfactorily established her ownership over the parcel of land in question. It also found that petitioner entered and occupied private respondent's land "without authority of law and against the will of the owner x x x through strategy and stealth."^[3] Furthermore, it declared that the claim of petitioner that "by virtue of an agreement between the former owner (Publio Pansacola) and the Municipality of Mauban x x x the lot [being occupied by petitioner] became the property of the government, and therefore, [respondent] has no cause of action against [petitioner]" was "baseless and unwarranted,"^[4] since no deed had ever been executed to "perfect the deal" between the municipality and Publio for the exchange of a portion of the abandoned provincial road with a portion of the lot owned by Publio (on which was built petitioner's dwelling), such that the