

## **SPECIAL SEVENTEENTH DIVISION**

**[ CA-G.R. SP NO. 85025, August 18, 2006 ]**

**YOLANDA PAGULA, LILIA ALDAMEA AND FERDINAND ALANO,  
PETITIONERS, VS. RUANTO HOMEOWNERS ASSOCIATION, INC.,  
RESPONDENT.**

### **D E C I S I O N**

**SANTIAGO-LAGMAN, J.:**

This petition for review<sup>[1]</sup> seeks to reverse and set aside the Joint Decision<sup>[2]</sup> of the Regional Trial Court, (RTC) Branch 74, Antipolo City in SP Civil Cases Nos. 03-249<sup>[3]</sup>, 03-250<sup>[4]</sup> and 03-251<sup>[5]</sup>, affirming the Decisions<sup>[6]</sup> all dated December 4, 2002 of the Municipal Trial Court In Cities (MTCC), Antipolo City, Branch 2. The MTCC's separate decisions ordered the defendants therein (herein Petitioners) and all persons claiming rights under them to vacate the property in controversy, pay reasonable compensation for the use of the same and attorney's fees.

Briefly, this case emanated from the separate Complaints for Ejectment filed by herein private respondent against petitioners Yolanda Pagula, Lilia Aldamea and Ferdinand Alano and all persons claiming rights under them, docketed as Civil Cases Nos. 037-02;<sup>[7]</sup> 060-02;<sup>[8]</sup> and 061-02,<sup>[9]</sup> respectively, before the MTCC of Antipolo City. The said complaints similarly alleged that private respondent is the owner in fee simple of a parcel of land consisting of 30,000 sq. meters situated at Sitio Gumamela II, Brgy Sta. Cruz, Antipolo City covered by TCT No. 354474<sup>[10]</sup> of the Register of Deeds, Marikina City, which is occupied by petitioners without its express consent, knowledge and authority. Despite the formal demands sent to individual petitioners to vacate the portion they occupied, petitioners refused, prompting the private respondent to engage the services of a counsel.

In their Answer<sup>[11]</sup> and Position Paper,<sup>[12]</sup> petitioners denied the material allegations in the complaint and maintain that private respondent has no cause of action against them, considering that the property occupied by them (petitioners) is not covered by the Transfer Certificate of Title issued in favor of the private respondent. In support of this, petitioners presented certificate of titles of the land they occupied issued in favor of PAIC Savings Bank, which is under liquidation by the Philippine Insurance Deposit Corporation (PDIC). Petitioners claim that they are legitimate actual occupants of the subject property, to whom the PDIC offered to sell the said property by way of the Community Mortgage Program.

In the separate Decisions,<sup>[13]</sup> all dated December 4, 2002, issued by the MTCC in the said ejectment cases, the court found for the private respondent and ordered petitioners to vacate and surrender possession of the subject property to private respondent, the dispositive portion of the said decisions read:

**SCA NO. 060-02:**

"IN VIEW THEREOF, judgment is hereby rendered ordering the defendants and all persons claiming rights under them to:

- 1) Vacate the subject property and surrender possession thereof to the plaintiff;
- 2) Pay the amount of Five Hundred Pesos (P500.00) a month as reasonable compensation for the use of the subject property from the date of demand to vacate, March 2002 until defendants and all persons claiming rights under them vacate the subject premises;
- 3) Pay the amount of Ten Thousand Pesos (P10,000.00) as attorney's fees plus the cost of suit."

SO ORDERED."<sup>[14]</sup>

**SCA NO. 037-02**

"IN VIEW THEREOF, judgment is hereby rendered ordering the defendants and all persons claiming rights under them to:

- 1) Vacate the subject property and surrender possession thereof to the plaintiff;
- 2) Pay the amount of Five Hundred Pesos (P500.00) a month as reasonable compensation for the use of the subject property from the date of demand to vacate, September 2001 until defendants and all persons claiming rights under them vacate the subject premises;
- 3) Pay the amount of Ten Thousand Pesos (P10,000.00) as attorney's fees plus the cost of suit."

SO ORDERED."<sup>[15]</sup>

**SCA NO. 061-02**

"IN VIEW THEREOF, judgment is hereby rendered ordering the defendants and all persons claiming rights under them to:

- 1) Vacate the subject property and surrender possession thereof to the plaintiff;
- 2) Pay the amount of Five Hundred Pesos (P500.00) a month as reasonable compensation for the use of the subject property from the date of demand to vacate, March 2002 until defendants and all persons claiming rights under them vacate the subject premises;
- 3) Pay the amount of Ten Thousand Pesos (P10,000.00) as attorney's fees plus the cost of suit."

SO ORDERED.”<sup>[16]</sup>

In resolving the controversy, the MTCC cited Section 1, Rule 70 of the Revised Rules of Court, on the findings that the complaint filed by the private respondent was one for forcible entry, and therefore, entitles it to the right of possession of the subject property.

On appeal, <sup>[17]</sup> the RTC affirmed in toto the findings of the MTCC in the three (3) cases anchored on the premise that private respondent established its right of possession over the subject property.

Meanwhile, in the Memorandum<sup>[18]</sup> filed by petitioners before the RTC, they challenged the assailed decision on the argument that the lower court did not acquire jurisdiction over the forcible entry case filed against them considering that private respondent failed to show prior physical possession of the subject property nor was it alleged that the latter was deprived of its possession in the manner provided by law.

Aggrieved by the said decision, petitioners sought relief before Us, via this petition for review raising the following assignment of errors, to wit:

“I.) THE CASES INSTITUTED BY THE RESPONDENT AGAINST THE HEREIN PETITIONERS DO NOT FALL UNDER THE JURISDICTION OF THE MUNICIPAL TRIAL COURT;

II.) THE MUNICIPAL TRIAL COURT ERRED AND ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION AND/OR WITH GRAVE ABUSED (sic) OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN RENDERING THE DECISIONS IN FAVOR OF THE PLAINTIFF AND AGAINST THE DEFENDANTS;

III.) THE REGIONAL TRIAL COURT ERRED AND ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION AND/OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN AFFIRMING THE DECISIONS OF THE MUNICIPAL TRIAL COURT;

IV.) THE MUNICIPAL TRIAL COURT AND THE REGIONAL TRIAL COURT ERRED AND ACTED WITH GRAVE ABUSE OF DISCRETION AS THE ASSAILED DECISIONS ARE NOT SUPPORTED BY EVIDENCE;

V.) THE MUNICIPAL TRIAL COURT ERRED IN THE APPRECIATION OF THE EVIDENCE OR THE LACK OF IT.

VI.) THE MUNICIPAL TRIAL COURT ERRED WHEN IT FAILED TO APPRECIATE THAT THE PLAINTIFF DOES NOT HAVE A CAUSE OF ACTION AGAINST THE HEREIN PETITIONERS;

VII.) THE MUNICIPAL TRIAL COURT ERRED AND ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT SHIFTED THE BURDEN OF PROOF FROM THE PLAINTIFF TO THE DEFENDANTS. <sup>[19]</sup>