

## SECOND DIVISION

[ G.R. NO. 165620, September 08, 2006 ]

**PRISCILA V. PADRE AND EDGARDO V. PADRE, PETITIONERS, VS.  
ELIAS MALABANAN, RESPONDENT.**

### D E C I S I O N

**GARCIA, J.:**

In this petition for review under Rule 45 of the Rules of Court, petitioners Priscila V. Padre and Edgardo V. Padre seek the annulment and setting aside of the Decision<sup>[1]</sup> dated March 30, 2004 of the Court of Appeals (CA), as reiterated in its Resolution<sup>[2]</sup> of October 5, 2004, in *CA-G.R. SP No. 76827*, reversing an earlier decision of the Regional Trial Court (RTC) of Quezon City, Branch 82, which affirmed that of the Metropolitan Trial Court (MeTC), same city, Branch 32 in an ejectment suit thereat commenced by the petitioners against, among others, the herein respondent, Elias Malabanan.

The facts:

On August 31, 1999, at the MeTC of Quezon City, the petitioners filed a complaint for ejectment against the herein respondent and two (2) others, namely, Felino Casas and Marlon Mediana. Subject of the suit is the 600-square meter lot located on Bonifacio St., Area 1-A, Veterans Village, Barangay Pasong Tamo, Quezon City. The complaint, which was subsequently amended and raffled to Branch 32 of the court, alleged, *inter alia*, as follows:

xxx xxx xxx

3. The plaintiffs [now petitioners] are the co-owners of the following described property located at Quezon City, covered by Transfer Certificate of Title No. 64227 of the Registry of Deeds for Quezon City. x x x
4. The plaintiffs, upon their mere tolerance, allowed the defendants to occupy and possess the above-described property, with the understanding that the defendants and all persons claiming rights from them, if any, will vacate the premises upon demand from plaintiffs.
5. **Starting 1983, the plaintiffs have repeatedly demanded that the defendants vacate the subject premises.** The last demand was around July 1998. (Emphasis supplied.)
6. Despite such repeated demands, the defendants have failed and/or refused to vacate the subject premises, thereby compelling the

plaintiffs to incur expenses in the amount of P20,000.00 as and for attorney's fees, appearance fee of P1,500.00 each, plus litigation expenses of not less than P5,000.00.

xxx xxx xxx

Of the three (3) defendants impleaded in the Amended Complaint, only the respondent filed an Answer, thereunder interposing the following defenses:

xxx xxx xxx

3. He denies that plaintiffs are the registered owners of the parcel of land described in Transfer Certificate of Title No. 674227. Plaintiffs' TCT, even if it may be registered with the Registry of Deeds of Quezon City, is spurious. xxx

4. He vehemently denies that his possession/occupation of the land is by mere tolerance of plaintiffs. He does not know and have not seen the plaintiffs since the start of his occupancy and have not entered into any understanding with plaintiffs as to his stay therein.

xxx xxx xxx

6. Plaintiffs have not possessed or occupied the land for any single moment. xxx

7. He denies that plaintiffs since 1983 repeatedly asked him to vacate the land. xxx

xxx xxx xxx

9. The lot owned and occupied by herein defendant was part of the Piedad Estate. Piedad Estate was one of those landed estates known as the "Friar Lands" which became patrimonial property of the government by virtue of Public Land Act No. 1120 x x x. The disposition of portions of the Piedad Estate is limited to actual settlers/occupants. xxx

xxx xxx xxx

12. Defendant is the true owner of the land in dispute. He has been in peaceful possession of his homelot continuously, openly and adversely (even against the government) for many years now in the concept of owner. He is a transferee/beneficiary of the World War II Veterans Legionaries of the Philippines, Inc. whose officers and members were the original actual occupants/settlers of the land since 1946, even before the plaintiffs' alleged certificate could come up in 1978.

Thereafter, a pre-trial conference was held between the respondent and the plaintiffs, following which, the parties submitted their respective position papers.

On January 15, 2001, the MeTC, *sans* trial on the merits, rendered judgment for the plaintiffs, thus:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against defendants Elias Malabanan [now the respondent] the spouses Marlon and Liberty, both surnamed Mediana, as follows:

1. Ordering defendants and all persons claiming rights under them to vacate the property located at Bonifacio St., Area 1-A, Veterans Village, Barangay Pasong Tamo, Quezon City per TCT No. 64227, and surrender possession thereof to plaintiff; (sic)
2. Ordering defendants to pay jointly and severally the sum of P15,000.00, as and for attorney's fees;
3. Ordering defendants to pay jointly and severally the sum of P20,000.00 as reasonable compensation for the use and occupancy of the aforesaid property starting from August 1998 and every month thereafter until possession thereof is restored to plaintiffs.
4. Ordering defendants to pay the costs of suit.

SO ORDERED.

On respondent's appeal, the RTC of Quezon City, Branch 82, in its decision of March 18, 2003, affirmed *in toto* that of the MeTC, to wit:

WHEREFORE, premises considered judgment is hereby rendered **AFFIRMING** *in toto* the Decision rendered by the MTC (sic), Quezon City, Branch 32 of January 15, 2001.

SO ORDERED.

From the RTC's denial of his motion for reconsideration, the respondent went on appeal to the CA whereat his appellate recourse was docketed as *CA-G.R. SP No. 76827*. In the herein assailed Decision<sup>[3]</sup> of March 30, 2004, the CA granted the respondent's appeal; dismissed the petitioners' amended complaint for ejectment; and reversed and set aside the earlier decisions of the RTC and the MeTC, as follows:

WHEREFORE, the instant petition is **GRANTED**. Accordingly, the assailed Decision of the RTC (Br. 82, Quezon City) dated March 18, 2003 and the Decision of the MeTC (Br. 32, Quezon City) dated January 15, 2001 are **REVERSED** and **SET ASIDE** and the complaint of respondents (now petitioners) is hereby **DISMISSED**.

SO ORDERED.

Partly says the CA in its reversal action:

xxx. We deemed it expedient to just resolve the pivotal issue presented before Us: whether or not an unlawful detainer suit was the proper legal remedy for [petitioners] in the present case and not an *accion publiciana* or *accion reivindicatoria*.