

SECOND DIVISION

[G.R. No. 210504, January 24, 2018]

HEIRS OF ALFONSO YUSINGCO, REPRESENTED BY THEIR ATTORNEY-IN-FACT, TEODORO K. YUSINGCO, PETITIONERS, VS. AMELITA BUSILAK, COSCA NAVARRO, FLAVIA CURAYAG AND LIXBERTO^[1] CASTRO, RESPONDENTS.

D E C I S I O N

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the Decision^[2] of the Court of Appeals (CA), Cagayan de Oro City, dated July 31, 2013 in CA-G.R. SP No. 04500. The questioned CA Decision set aside the Joint Decision^[3] of the Regional Trial Court (RTC), Branch 30, Surigao City, dated August 17, 2011, which affirmed with modification the February 25, 2011 Omnibus Judgment^[4] of the Municipal Trial Court in Cities (MTCC), Branch 1, Surigao City, in five (5) consolidated cases for *accion publiciana* and/or recovery of possession.

The pertinent factual and procedural antecedents of the case are as follows:

On August 11, 2005, herein petitioners filed five separate (5) Complaints^[5] for *accion publiciana* and/or recovery of possession against herein respondents and a certain Reynaldo Peralta. The suits, which were subsequently consolidated, were filed with the MTCC of Surigao City, which were later raffled to Branch 1 thereof. Petitioners uniformly alleged in the said Complaints that: they are owners of three (3) parcels of land, denominated as Lot Nos. 519, 520 and 1015, which are all located at *Barangay* Taft, Surigao City; they inherited the lots from their predecessor-in-interest, Alfonso Yusingco; they were in possession of the said properties prior to and at the start of the Second World War, but lost possession thereof during the war; after the war, petitioners discovered that the subject properties were occupied by several persons, which prompted petitioners to file separate cases for *accion reivindicatoria* and recovery of possession against these persons; during the pendency of these cases, herein respondents entered different portions of the same properties and occupied them without the knowledge and consent of petitioners; petitioners were forced to tolerate the illegal occupation of respondents as they did not have sufficient resources to protect their property at that time and also because their ownership was still being disputed in the earlier cases filed; subsequently, the cases which they earlier filed were decided in their favor and they were declared the owners of the subject properties; thereafter, petitioners demanded that respondents vacate the said properties, but the latter refused.

In their Answer, respondents raised essentially similar defenses, contending, in

essence, that: they have been in possession of the subject properties for more than thirty (30) years; petitioners never actually possessed the said parcels of land and that they never had title over the same; thus, petitioners' claim would be in conflict with and inferior to respondents' claim of possession.

After the issues were joined, trial ensued.

On February 25, 2011, the MTCC, Branch 1, Surigao City issued an Omnibus Judgment in favor of herein petitioners and disposed as follows:

WHEREFORE, premises considered judgment is hereby rendered in favor of the plaintiffs, Heirs of Alfonso Yusingco, represented by their attorney-in-fact Teodoro E. Yusingco, against defendants Flavia Curayag, Cosca Navarro, Amelita Busilak, Lexberto Castro, Reynaldo Peralta and Adriano Solamo ordering:

1. Defendants Flavia Curayag, Cosca Navarro, Amelita Busilak, Lexberto Castro, Reynaldo Peralta and Adriano Solamo and all those claiming rights under them to vacate the premises of the lots respectively occupied by them and to remove their improvements from the premises and restore possession to the plaintiffs;

2. Defendant Amelita Busilak to pay the plaintiffs a monthly compensation of 1,200.00 for the use of the property occupied by her at 2763 P. Reyes cor. Narciso Sts., Surigao City, computed from the time of the filing of the complaint on August 11, 2005 until she vacates the subject property;

3. Defendant Cosca Navarro to pay the plaintiffs a monthly compensation of P2,120.00 for the use of the property occupied by her located at 03240 Borrromeo St., Surigao City, computed from the time of the filing of the complaint on August 11, 2005 until she vacates the subject property;

4. Defendant Flavia Curayag to pay the plaintiffs a monthly compensation of P1,760.00 for the use of the property occupied by her located at 03818, Narciso St., Surigao City, computed from the time of the filing of the complaint on August 11, 2005 until she vacates the subject property;

5. Defendant Lexberto Castro to pay the plaintiffs a monthly compensation of P1,500.00 for the use of the property occupied by her located at SLB Pension House, Borrromeo St., Surigao City, computed from the time of the filing of the complaint on November 27, 2007 until he vacates the subject property;

6. Defendants Reynaldo Peralta and Adriano Solamo to pay the plaintiffs a monthly compensation of P2,000.00 for the use of the property occupied by them located at 04286, Navarro St., Surigao City, computed from the time of the filing of the complaint on November 27, 2007 until they vacate the subject property

7. All the defendants to pay the cost of the suit.

SO ORDERED.^[6]

The MTCC held that: in an earlier case for *accion reivindicatoria* (Civil Case No. 1645) decided by the Court of First Instance of Surigao Del Norte on June 8, 1979 and affirmed by the CA in its Decision dated August 30, 1982 (CA-G.R. No. 66508-R), which became final and executory on December 18, 1986, herein petitioners were declared the true and lawful co-owners of the subject properties; on the other hand, evidence showed that respondents were mere intruders on the lots in question; thus, as judicially-declared owners of the said lots, petitioners are entitled to possession thereof as against respondents whose entries into the said properties are illegal.

Herein respondents filed an appeal with the RTC of Surigao City.

On August 17, 2011, the RTC, Branch 30, Surigao City, rendered a Joint Decision, which affirmed, with modification, the Omnibus Judgment of the MTCC. The dispositive portion of the RTC Joint Decision reads, thus:

WHEREFORE, the assailed Omnibus Judgment dated February 25, 2011 of the Municipal Trial Court in Cities, Branch 1, Surigao City is **AFFIRMED WITH MODIFICATION** as to the judgment against defendants Reynaldo Peralta and Adriano Solamo who did not file an appeal therefrom. x x x

SO ORDERED^[7]

Herein respondents then filed with the CA a petition for review under Rule 42 of the Rules of Court assailing the abovementioned Joint Decision of the RTC.

On July 31, 2013, the CA promulgated its Decision granting the petition of herein respondents. The CA disposed as follows:

WHEREFORE, the petition is GRANTED. The Joint Decision dated August 17, 2011 of the Regional Trial Court, 10th Judicial Region, Branch 30, Surigao City is SET ASIDE and a new one rendered: (1) SETTING ASIDE the Omnibus Judgment dated February 25, 2011 of the Municipal Trial Court in Cities, Branch 1, Surigao City, in consolidated civil cases for *Accion Publiciana* and/or Recovery of Possession, and (2) DISMISSING the consolidated cases for lack of merit.

SO ORDERED.^[8]

The CA ruled that the RTC and CA Decisions used by the MTCC in holding that herein petitioners are owners of the subject properties and are, thus, entitled to legal possession thereof, are based on a previous *accion reivindicatoria*, which is a suit in personam. The CA held that, being an action *in personam*, the judgments in the said case binds only the parties properly impleaded therein. Since respondents were not parties to the said action, the CA concluded that they could not be bound by the judgments declaring petitioners as owners of the disputed properties. Hence, petitioners' present actions to recover possession of the said properties from respondents, on the basis of the said judgments, must fail.

Aggrieved by the CA Decision, herein petitioners are now before this Court via the instant petition for review on *certiorari* contending that the assailed CA Decision is replete with legal infirmities, to wit:

1. When Honorable Court of Appeals held that the prior judgments declaring herein petitioners as the true and lawful co-owners of the property did not bind herein respondents, as they were not parties to the actions, saying that these were an *accion reivindicatoria* and an action for recovery of possession, hence in personam, and as such, they bound only the parties properly impleaded and duly heard or given an opportunity to be heard; even if such principle is inapplicable in the instant case.
2. When Honorable Court of Appeals impliedly ruled that herein respondents would have a better right of possession over the subject matter property over herein petitioners, despite the rulings in the prior judgments showing the contrary.

The petition is meritorious.

The issues raised in the instant petition boil down to the basic question of whether or not the final and executory decisions rendered in a previous *accion reivindicatoria*, finding petitioners to be the lawful owners of the subject properties, are binding upon respondents.

This Court rules in the affirmative.

At the outset, the Court finds it proper to look into the nature of the actions filed by petitioners against respondents. A perusal of the complaints filed by petitioners shows that the actions were captioned as "*Accion Publiciana* and/or Recovery of Possession." However, the Court agrees with the ruling of the lower courts that the complaints filed were actually *accion reivindicatoria*.

In a number of cases,^[10] this Court had occasion to discuss the three (3) kinds of actions available to recover possession of real property, to wit:

x x x (a) *accion interdictal*; (b) *accion publiciana*; and (a) *accion reivindicatoria*