

## THIRD DIVISION

[ G.R. No. 199448, November 12, 2014 ]

**ROLANDO S. ABADILLA, JR., PETITIONER, VS. SPOUSES  
BONIFACIO P. OBRERO AND BERNABELA N. OBRERO,  
RESPONDENTS.**

### D E C I S I O N

**REYES, J.:**

This is a Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court seeking to annul and set aside the Decision<sup>[2]</sup> dated February 28, 2011 of the Court of Appeals (CA) in CA-G.R. SP No. 110689 affirming the Decision<sup>[3]</sup> dated September 9, 2009 of the Regional Trial Court (RTC) of Laoag City, Branch 65, in Civil Case No. 14522-65 ordering Rolando S. Abadilla, Jr. (petitioner) to, *inter alia*, vacate a certain parcel of land in favor of Spouses Bonifacio P. Obrero (Bonifacio) and Bernabela N. Obrero (respondents), and thus reversing the Decision<sup>[4]</sup> dated October 17, 2008 of the Municipal Trial Court in Cities (MTCC) of Laoag City, Branch 2, in Civil Case No. 3329 which dismissed the respondents' complaint for forcible entry.

### The Facts

In their complaint<sup>[5]</sup> for forcible entry filed before the MTCC on October 1, 2007, the respondents alleged that they are the registered owners of Lot No. 37565, Psd 01-065731, situated at *Barangay* 37, Calayab, Laoag City (subject land) and covered by Transfer Certificate of Title<sup>[6]</sup> (TCT) No. T-38422 issued on July 3, 2007. Erected on the land are various improvements utilized for residential and business purposes.

On September 22, 2007, the petitioner, with the aid of armed men and hireling, forcibly fenced the perimeter of the said parcel of land with barbed wire. The petitioner and his men also intimidated the respondents and their customers and destroyed some of the improvements on the land.

For the alleged acts of the petitioner, the respondents sought indemnification for attorney's fees as actual damages, moral damages, and exemplary damages. The respondents also sought the issuance of a preliminary mandatory injunction to preserve the last, actual, peaceable status of the parties before the controversy.

In his Answer,<sup>[7]</sup> the petitioner denied the acts imputed to him. He claimed that he, along with the other legal heirs of his father, Rolando Abadilla, Sr. (Abadilla, Sr.), are the real owners and actual, lawful possessors of the subject land. The respondents conveyed the land to the petitioner's father in 1991 through a Deed of Absolute Sale.<sup>[8]</sup> On June 13, 1996, Abadilla, Sr. was ambushed and killed. In that same year, the petitioner and his co-heirs fenced the subject land as safety measure since they

all reside in Metro Manila and seldom visit Ilocos Norte where the land is located. They left a caretaker to oversee the subject land and the other properties of Abadilla, Sr. in that province.

Despite knowing that they are no longer the owners of the subject land, the respondents have, many times, maliciously attempted to remove and destroy the fence/enclosures on the subject land. Every time they did so, the petitioner and his co-heirs caused the reconstruction or repair of the fence. The respondents also surreptitiously built a concrete structure on the land and used the same for dwelling purposes.

Sometime in 2007, the petitioner received reports that the respondents have again removed the fence on the subject land and that they were also offering it for sale. The petitioner, thus, decided to replace the ruined enclosure with stronger materials and put up signs declaring that the enclosed property is owned by the heirs of Abadilla, Sr.

The petitioner averred that the complaint failed to state a cause of action because the respondents failed to show that they were deprived of possession through acts amounting to force, intimidation, threat, strategy or stealth. Also, they cannot validly claim to have been dispossessed because they are still actually residing on the subject land. The petitioner also questioned the jurisdiction of the MTCC over the nature of the case arguing that any claim of dispossession should be reckoned from 1996, when the petitioner first fenced the subject land or 12 years before the complaint was actually instituted by the respondents.

The petitioner added that the subject land was formerly the subject of a Homestead Patent Application in the name of one Ernesto Palma (Palma). The respondents, however, through illegal machinations, made Palma sign a quitclaim in their favor. Palma thereafter instituted a criminal case against the respondents for falsifying his signature in the purported quitclaim. To safeguard his and his co-heirs' ownership of the subject land, the petitioner purchased it from the heirs of Palma on October 29, 2007.

The petitioner attacked the validity of the respondents' TCT and alleged that it was irregularly preceded by an Original Certificate of Title (OCT) in the name of Airways Development Corporation (ADC).

The petitioner also counterclaimed for damages and attorney's fees and opposed the respondents' application for a writ of preliminary injunction on the ground that it will be an inequitable prejudgment of the main case.

Despite notice, the respondents failed to attend the hearings set for their application for a preliminary mandatory injunction. Consequently, their application was declared withdrawn in the MTCC Order dated June 3, 2008.<sup>[9]</sup> Preliminary conference was forthwith conducted wherein the respondents' counsel admitted that the signature above the typewritten name Bonifacio Obrero in the 1991 Deed of Absolute Sale with Abadilla, Sr. was the signature of herein respondent Bonifacio. Thereafter, the parties submitted their respective position papers and supporting documents.<sup>[10]</sup>

In their position paper, the respondents clarified that the sale between them and

Abadilla, Sr. did not push through. It was never consummated and the 1991 Deed of Absolute Sale was never notarized. To bolster such claim, they attached the affidavit of Engineer Rodolfo Jose, their agent. The respondents claimed that the numerous trees and concrete structures on the subject land are physical evidence of their possession which cannot be overcome by the petitioner's bare allegations.

The respondents further disclosed that they have filed a petition before the RTC praying for the issuance of a writ of preliminary mandatory injunction and for a judgment ordering the petitioner to leave the premises and remove the barbed-wire fence and bamboo posts inside the subject land.<sup>[11]</sup>

The petitioner pointed out respondent Bonifacio's admission during the preliminary conference and argued that it proves Abadilla Sr.'s earlier possession of the subject land and consequently the cessation of the respondents' ownership and possession upon their sale thereof.<sup>[12]</sup>

### **Ruling of the MTCC**

In a Decision dated October 17, 2008, the MTCC dismissed the complaint and the counterclaim. In finding the complaint unmeritorious, the MTCC held that respondent Bonifacio's admission confirmed that he and his wife indeed sold the land in December 1991 to Abadilla, Sr. Thus, ownership and possession of the land was transferred to him and then to the petitioner and his co-heirs in 1996. The MTCC further held that the complaint is actually an *acción reivindicatoria* over which it had no jurisdiction. The MTCC judgment was disposed thus:

**WHEREFORE**, premises considered, the instant case is hereby **DISMISSED**. The counter claim of the [petitioner] is likewise **DISMISSED**.

No pronouncement as to costs.

**SO ORDERED.**<sup>[13]</sup>

### **Ruling of the RTC**

The respondents appealed to the RTC of Laoag City, Branch 65, which, in a Decision dated September 9, 2009, disagreed with the findings of the MTCC.

After a scrutiny and assessment of the parties' evidence of ownership to support their respective claims of possession, the RTC found the respondents' asseverations more credible.

The 1991 Deed of Absolute Sale between the respondents and Abadilla, Sr. was found of no force and effect for lack of consideration.

The respondents were found to have exercised acts of dominion over the subject land since 1991 by establishing their residence thereon, declaring the same for taxation purposes, paying the corresponding realty taxes, planting trees and building concrete structures.

The damages for which the parties claimed indemnification were denied for being unsubstantiated. Accordingly, dispositive portion of the RTC decision read:

WHEREFORE, in the light of the foregoing, the Court finds for the [respondents] and against the [petitioner], and hereby renders judgment, granting the appeal, and reversing, setting-aside [sic] the appealed Decision of the court a quo, ordering the following:

Ordering the [petitioner] and his representatives, heirs and assigns, and all who claim title/possession under him, to totally and fully vacate the premises of the subject land; restore possession fully and absolutely to the [respondents] as well as to desist absolutely and perpetually from molesting the possession of the [respondents] over the property until such time that the issue of ownership may have been resolved at the proper forum, and in the event that the [petitioner] prevails thereon; and,

Ordering the [petitioner] to remove or demolish the fences that they have constructed on the subject land.

Without costs.

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

### **Ruling of the CA**

Feeling aggrieved, the petitioner sought recourse before the CA, which sustained the findings of the RTC and dismissed the petitioner's appeal in a Decision dated February 28, 2011, thus:

**WHEREFORE**, the petition is **DISMISSED** without prejudice to the filing by either party of an action in the proper forum regarding the ownership of the property involved. The Decision dated 9 September 2009 of the Regional Trial Court, Branch 65, Laoag City in Civil Case No. 14522-65 (MTCC Civil Case No. 3329) is **AFFIRMED**. No costs.

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

When his motion for reconsideration was denied in the CA Resolution<sup>[16]</sup> dated November 23, 2011, the petitioner interposed the herein petition ascribing the following errors to the CA, to wit:

THE [CA] COMMITTED REVERSIBLE ERROR IN RULING THAT THE MATTER OF FORUM SHOPPING HAS BEEN MOOTED BY THE DECISION OF THE RTC-BR. 14, LAOAG CITY, DISMISSING CIVIL CASE NO. 14371-14;

THE [CA] COM[M]ITTED REVERSIBLE ERROR IN HOLDING THAT THE UNILATERAL 1991 DEED OF SALE IS INVALID AND INEXISTENT DESPITE THE ACKNOWLEDGMENT OF THE SAME BY THE RESPONDENT VENDOR;

THE [CA] COMMITTED REVERSIBLE ERROR IN DISREGARDING THE IMPORT OF THE FACT THAT RESPONDENT BONIFACIO OBRERO IS ACCUSED OF FALSIFYING THE DEED OF [QUITCLAIM] AND WAIVER IN A CRIMINAL CASE PENDING IN COURT; and

THE [CA] COMMITTED REVERSIBLE ERROR IN CONSCIOUSLY DISREGARDING THE DECISIONS IN CIVIL CASE NOS. 14371-14 (RTC-BR. 14) AND 3367 (MTCC-BR. 01).<sup>[17]</sup>

### **Ruling of the Court**

The petition is devoid of merit.

#### ***Preliminary Considerations***

It is a well-settled rule that in a petition for review on *certiorari* under Rule 45, the scope of the Court's judicial review of decisions of the CA is generally confined only to errors of law; questions of fact are not entertained as the Court is not a trier of facts.<sup>[18]</sup>

Observably, the issues raised by the petitioner involve factual matters which were already evaluated by the courts *a quo* in determining who, between him and the respondents is entitled to the subject land's possession *de facto*. Following the above-cited rule, it is beyond the Court's jurisdiction to re-examine the factual findings of the RTC as affirmed by the CA regarding the veracity and sufficiency of the proofs of ownership and right of possession respectively submitted by the parties. They are issues of fact which cannot be passed upon by the Court as it is not duty-bound to analyze and weigh again the evidence considered in the proceedings below.

Even if the Court were to re-examine the records and consider this case as an exceptional circumstance in view of the conflicting conclusion reached by the MTCC,<sup>[19]</sup> the Court, nevertheless, finds no reversible error in the assailed ruling of the CA.

***As holders of the disputed land's TCT, the respondents are entitled to its possession.***

"Ejectment proceedings are summary proceedings intended to provide an expeditious means of protecting actual possession or right to possession of property. Title is not involved. The sole issue to be resolved is who is entitled to the physical or material possession of the premises or possession *de facto*."<sup>[20]</sup> "Issues as to the *right* of possession or ownership are not involved in the action; evidence thereon is not admissible, except only for the purpose of determining the issue of possession."