

## THIRD DIVISION

[ G.R. No. 196529, July 01, 2013 ]

**WILLIAM T. GO, PETITIONER, VS. ALBERTO T. LOOYUKO, SUBSTITUTED BY HIS LEGAL HEIRS TERESITA C. LOOYUKO, ALBERTO LOOYUKO, JR., ABRAHAM LOOYUKO AND STEPHANIE LOOYUKO (MINORS, REPRESENTED BY THEIR MOTHER TERESITA LOOYUKO), ALVIN, AMOS, AARON, DAVID, SOLOMON AND NOAH, ALL SURNAMED PADECIO, RESPONDENTS.**

### DECISION

**MENDOZA, J.:**

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the October 29, 2009 Decision<sup>[1]</sup> and the March 30, 2011 Resolution of the Court of Appeals (CA), in CA-G.R. SP No. 84844, which set aside the March 29, 2004 Decision<sup>[2]</sup> of the Regional Trial Court, Branch 88, Quezon City (*QC RTC*), and reinstated the May 20, 2000 Decision<sup>[3]</sup> of the Metropolitan Trial Court, Branch 35, Quezon City (*MeTC*) in an action for unlawful detainer.

#### **The Facts:**

Respondent Alberto T. Looyuko (*Looyuko*) and Jimmy Go, brother of petitioner William Go (*William*) were partners in a business called Noah's Ark Group of Companies (*Noah's Ark*). Their partnership was embodied in a written agreement, dated February 9, 1982.

Sometime in 1986, William was appointed Chief of Staff of Noah's Ark Sugar Refinery. He was allowed by Looyuko to occupy the townhouse in Gilmore Townhomes, Granada Street, Quezon City. On October 10, 1986, another agreement was entered into by Looyuko and Jimmy in furtherance of their business partnership.

In a letter, dated October 28, 1998, Looyuko demanded that William vacate the townhouse. Jimmy filed an adverse claim over the property, annotating his interest on the title as co-owner. He claimed that the townhouse was bought using funds from Noah's Ark and, hence, part of the property of the partnership. William refused to vacate the property relying on the strength of his brother's adverse claim.

On December 2, 1998, Looyuko filed a complaint for unlawful detainer against William before the MeTC. He adduced as evidence the Transfer Certificate of Title (*TCT*) No. 108763 issued in his name as well as the aforementioned demand letter. He alleged that William's occupation was merely by tolerance, on the understanding that he should vacate the property upon demand. On the other hand, William presented the partnership agreements, the contract to sell of the subject property to Noah's Ark, and the cash voucher evidencing payment for the acquisition of the

property.

On May 20, 2000, the MeTC rendered a decision in favor of Looyuko stating that he had the right to the possession of the said townhouse as its registered owner. William then appealed to the QC RTC. Meanwhile, Looyuko filed a motion for execution pending appeal on the ground that the supersedeas bond was insufficient.

On his part, William filed a motion to suspend proceedings in the unlawful detainer case because a complaint for specific performance against Looyuko had been filed by Jimmy before Branch 167 of the RTC of Pasig City (*Pasig RTC*), docketed as Civil Case No. 67921, to establish his alleged right as a co-owner. In March 2001, the QC RTC ruled in favor of William and deferred the proceedings in the unlawful detainer case to await the outcome of the civil case before the Pasig RTC. The QC RTC also denied Looyuko's two motions for execution.

The CA, however, reversed the QC RTC orders and directed the immediate execution of the MTC Decision.

On March 29, 2004, the QC RTC issued a decision in the action for unlawful detainer, reversing the findings of the MTC and ruling in favor of William. It held that the property was purchased in the name of Noah's Ark and that Looyuko held the title for purpose of expediency only. The QC RTC also gave credence to the affidavit and authorization executed by Jimmy, finding them to be un rebutted. The said documents stated that William's authority to occupy the disputed property was part of his privilege as Chief of Staff of Noah's Ark.

Looyuko filed a Petition for Review under Rule 42 of the Rules of Court before the CA. In its assailed October 29, 2009 Decision, the CA ruled in favor of Looyuko and held that the issue of possession could be resolved without ruling on the claim of ownership. The CA stated that the TCT presented by Looyuko unequivocally showed that he owned the property and, as a consequence of ownership, he was entitled to its possession. It ruled that the validity of Looyuko's title could be assailed through a direct proceeding but not in an action for ejectment. William filed a motion for reconsideration, which was subsequently denied by the CA in its assailed March 30, 2011 Resolution.

Hence, this petition with the following

### **ASSIGNMENT OF ERRORS:**

#### **I.**

**THE HONORABLE COURT ERRED IN GRANTING THE INSTANT PETITION.**

#### **II.**

**THE HONORABLE COURT ERRED IN HOLDING THAT THE EJECTMENT CASE CAN PROCEED WITHOUT RESOLVING THE ISSUE OF OWNERSHIP RAISED BY PETITIONER.**<sup>[4]</sup>

Petitioner William, in his pleadings, argues that the QC RTC correctly appreciated the evidence he presented to prove Jimmy's co-ownership, reiterating that his evidence shows that the actual owner is not respondent Looyuko but Noah's Ark, and that he was allowed to use the property as part of his benefits and privileges as its Chief of Staff. He further argues that the CA erred in holding that the ejectment case could proceed without resolving the issue of ownership, and posits that the issue of ownership was properly raised and the MeTC, in fact, addressed such issue. He contends that he is not attacking the validity of the certificate of title and that a certificate of title does not foreclose the fact that the same may be under co-ownership not mentioned in the certificate. He also argues that respondent Looyuko failed to prove that he had prior physical possession of the property before he was unlawfully deprived of it, which is fundamental in an ejectment case.

### **The Court's Ruling**

The petition is bereft of merit.

It is apparent from the arguments of William that he is calling for the Court to reevaluate the evidence presented by the parties. A petition for review under Rule 45 of the Rules of Court should cover only questions of law. Questions of fact are not reviewable by this Court. The issue to be resolved must be limited to determining what the law is on a certain set of facts. Once the issue invites a review of the evidence, the question posed is one of fact.<sup>[5]</sup> William is, therefore, raising questions of facts beyond the ambit of the Court's review.

Even if the Court were to reevaluate the evidence presented, considering the divergent positions of the courts below, the petition would still fail.

This petition involves an action for unlawful detainer, which is an action to recover possession of real property from one who unlawfully withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. The possession of the defendant in an unlawful detainer case is originally legal but becomes illegal due to the expiration or termination of the right to possess.<sup>[6]</sup> The sole issue for resolution in an unlawful detainer case is physical or material possession of the property involved, independent of any claim of ownership by any of the parties.<sup>[7]</sup> When the defendant, however, raises the defense of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.<sup>[8]</sup>

The Court agrees with William that the issue of ownership should be ruled upon considering that such has been raised and it appears that it is inextricably linked to the question of possession. Its resolution will then boil down to which of the parties' respective evidence deserves more weight.<sup>[9]</sup> Even granting, however, that all the pieces of documentary evidence presented by William are valid, they will fail to bolster his case.

The Court has consistently upheld the registered owners' superior right to possess the property in unlawful detainer cases.<sup>[10]</sup> It is an age-old rule that the person