

SECOND DIVISION

[G.R. No. 173606, December 03, 2012]

VALERIANA VILLONDO, PETITIONER, VS. CARMEN QUIJANO, ARDIANO ALCANTARA, AND MARCELINO EBENA, RESPONDENTS.

DECISION

DEL CASTILLO, J.:

"In giving recognition to the action of forcible entry and detainer[,], the purpose of the law is to protect the person who in fact has actual possession; and in case of controverted right, it requires the parties to preserve the status quo until one or the other of them sees fit to invoke the decision of a court of competent jurisdiction upon the question of ownership. It is obviously just the person who has first acquired possession [who] should remain in possession pending this decision x x x."

[1]

In a legal battle for forcible entry, two parties assert their alleged right to possess a 2.66-hectare government timberland in Udlom, Sinsin, Cebu City. One of the parties, Valeriana Villondo (Valeriana), prevailed in the Municipal Trial Court in Cities (MTCC) but later lost her case before the Regional Trial Court (RTC) after it rejected her standing as the real party-in-interest. And since the Court of Appeals (CA) affirmed the RTC's ruling, Valeriana now comes to this Court to assail the March 31, 2005 Decision^[2] and July 10, 2006 Resolution^[3] of the CA in CA-G.R. SP No. 70734.

Factual Antecedents

In her Complaint^[4] for forcible entry with preliminary mandatory injunction before the MTCC in Cebu City, Valeriana claimed that in the morning of August 14, 1999, respondent Carmen Quijano (Carmen) and her farm laborers, respondents Adriano Alcantara and Marcelino Ebena, intruded into her land with the help of three policemen and other *barangay* officials. They destroyed the plants therein, harvested the root crops, corn, and banana, built a hut, fenced off the area, and posted a "NO TRESPASSING" sign, thus preventing Valeriana and her family from entering the premises where they have always resided and depriving them of their harvest.

Valeriana argued that Carmen can never assert ownership over the property because it is a government land. She claimed that Carmen's parents, Rufo and Constancia Bacalla, were themselves aware that an ownership claim is worthless. Thus, they ceded their plantations on the subject land to her husband Daniel Villondo (Daniel) for P2,000.00 as declared in a "*Kasabutan*".^[5]

Valeriana based her and her family's right of possession on Certificate of Stewardship No. 146099 in the name of 'Daniel T. Villondo',^[6] which she claimed to

have been awarded to her now-deceased husband whose actual name is 'Daniel P. Villondo.' Said Certificate was issued by the Department of Environment and Natural Resources on February 14, 1994. Valeriana averred that her family had prior possession of the land as her husband started tilling the same even before the war. When she married him in 1948, they continued to occupy and cultivate the land together with their five children. To further support her claim of prior possession and Carmen's alleged intrusion, she submitted, *inter alia*, Carmen's letters that sought police and *barangay* assistance in fencing the subject property,^[7] her (Carmen) counsel's demand letter for Valeriana's son Esteban Villondo (Esteban) to leave the property,^[8] pictures of a collapsed house on the subject land that Valeriana claims to belong to one of her sons,^[9] and an affidavit of Regino Habasa (Regino), a Bureau of Forestry employee and a *Barangay* Sinsin resident, who attested that the Villondo family had been tilling the land since 1951.^[10]

On the other hand, Carmen interposed that the alleged "*Kasabutan*" was never brought to her attention by her parents. In any case, she asserted that such allegation of Valeriana even supports her claim of prior possession.

Carmen tacked her possessory right to that of her parents Rufo and Constanacia Bacalla who in 1948 purchased^[11] from Liberato and Vicente Abellanos a 4.51 hectare land in Taop, Pardo, Cebu City covered by Tax Declaration No. 92638. According to her, said 4.51 hectare land includes the disputed area which her parents also cultivated and developed. Carmen submitted to the court her tax declarations over the land.^[12]

The respondents also questioned Valeriana's legal personality to sue, contending that "Daniel T. Villondo,"^[13] the named tiller in the Certificate of Stewardship No. 146099, is the real party-in-interest and thus should be the plaintiff in the suit and not Valeriana. They claimed that "Daniel T. Villondo" is actually Valeriana's son Romualdo Villondo (Romualdo), a construction worker who had never even cultivated the subject land. Respondents refuted Valeriana's claim that the named tiller in the Certificate refers to her husband "Daniel P. Villondo,"^[14] who was awarded by the government a Certificate of Stewardship over another parcel of land in 1983.^[15] Because of this, they asserted that Valeriana is misleading the court by making it appear that she has successional rights from her husband as steward. To support this, respondents submitted the respective stewardship applications^[16] as well as other documents^[17] indicating that Daniel P. Villondo and Daniel T. Villondo are different persons. Notably, Regino's Affidavit admits that Daniel T. Villondo refers to Romualdo.^[18]

Incidentally, Carmen's attempt to have the land surveyed in June 1997 resulted in the filing before the MTCC of Cebu of criminal cases for grave threats and grave coercion docketed as Criminal Case Nos. R-55788-55789^[19] against Valeriana, her two children Esteban and Trinidad, and a daughter-in-law. Carmen alleged that the four were armed with scythe, bolo, and pieces of wood when they prevented her from entering and surveying the property, and even threatened to kill her if she proceeds with the land survey.^[20]

Ruling of the Municipal Trial Court in Cities

After weighing the parties' respective evidence, the MTCC adjudged that the Daniel T. Villondo under whose name the Certificate of Stewardship was issued, is actually Valeriana's son, Romualdo. The MTCC pointed out that the boundaries of the lot as reflected in Romualdo's Certificate of Stewardship are way different from the boundaries mentioned in Tax Declaration No. 92638 that Carmen has been relying upon. In fact, the land covered by Romualdo's Certificate of Stewardship made no mention that it is bounded by Carmen's land or the land of her predecessors-in-interest.^[21] This thus disproved respondents' claim that Certificate of Stewardship No. 146099 was issued over a land that constitutes a portion of Carmen's property.

Noting that the ejectment case delves on possession *de facto*, the MTCC also concluded that respondents indeed deprived Valeriana and her family of the possession of the land. It reasoned that Carmen herself alleged in the pending criminal cases for grave threats and grave coercion that she was prevented by the Villondos from entering the property and this presupposes that Valeriana and her family were in prior possession and occupation of the land in question. Thus, in its March 2, 2001 Decision,^[22] the MTCC ruled:

WHEREFORE, judgment is hereby rendered in favor of [Valeriana] and against the [respondents] ordering the latter to vacate and move out from the premises of the subject land and to restore [Valeriana] to the peaceful possession and occupation thereof and condemning them to pay [Valeriana], jointly and severally, the following:

(a) Actual Damages in the amount of Twenty-Five Thousand (PhP25,000.00) Pesos;

(b) Attorney's fees in the amount of Fifteen Thousand (PhP15,000.00) Pesos; and

(c) Litigation expenses in the amount of Ten Thousand (PhP10,000.00) Pesos.

SO ORDERED.^[23]

Ruling of the Regional Trial Court

Dismayed with the judgment, respondents appealed to the RTC of Cebu City and reiterated their claim of prior possession of the property. They also put in issue therein lack of cause of action since Valeriana is not the real party-in-interest. A supersedeas bond was likewise posted.^[24]

In its February 11, 2001 Resolution,^[25] the RTC found Valeriana's Complaint dismissible for lack of cause of action, *viz.*:

Based on the foregoing findings of the court a quo, the complaint should have been initiated by Romualdo Villondo, who is using the name of Daniel T. Villondo, because he is the real party-in-interest and not by his

mother, the herein appellee Valeriana Villondo. There is also no showing that Romualdo Villondo is a minor or an incompetent who needs the assistance of his mother as guardian ad litem. Because of this fatal defect, this case is dismissible under Section 1, Rule 16 of the Rules of Court because the herein appellee Valeriana Villondo is not the real party-in-interest but Romualdo Villondo, and therefore the complaint does not state a cause of action.^[26]

In any event, the RTC gave more credence to Carmen's tax declarations over Valeriana's assertion of long-time possession which to it, was never established.

The dispositive portion of the said Resolution reads:

WHEREFORE, in view of the foregoing, the Decision appealed from is hereby reversed in favor of the [respondents] since the [petitioner] Valeriana Villondo is not a real party-in-interest or beneficiary of the Certificate of Stewardship x x x but her son Romualdo Villondo, who used the name of Daniel T. Villondo, Jr. Hence, the court a quo should have dismissed the complaint since it does not state a cause of action.

Cost [de] officio.

IT IS SO ORDERED.^[27]

Valeriana filed a Motion for Reconsideration^[28] but the same was denied in an Order^[29] dated March 12, 2002.

Ruling of the Court of Appeals

When Valeriana elevated the case to the CA,^[30] she proffered that the only issue that the courts should consider in forcible entry cases is actual possession. She highlighted the fact that the RTC did not overturn the MTCC's factual finding of her actual possession of the disputed property. She therefore claimed that the RTC erred in dismissing her Complaint for the sole reason that she is not a real party-in-interest and likewise prayed for the issuance of a writ of execution/ possession.

The CA however was not convinced. In its March 31, 2005 Decision,^[31] it ruled:

[Valeriana's] allegation that she and her family were deprived of their possession, cultivation and enjoyment of the subject land may be true; however, it is equally important, in order for her case to prosper, to show that she has the right or interest to protect. One who has no right or interest to protect cannot invoke the jurisdiction of the court as party-plaintiff in an action for it is jurisprudentially ordained that every action must be prosecuted or defended in the name of the real party in interest. A "real party in interest" is one who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. We agree with the RTC that petitioner is not the real party in

interest in the case at bench.

x x x x

WHEREFORE, the petition is DENIED. The assailed February 11, 2002 Resolution and the March 12, 2002 Order of Branch 5, Regional Trial Court, Cebu City, are hereby AFFIRMED.^[32]

In her Motion for Reconsideration,^[33] Valeriana maintained that she is a real party-in-interest since she was one of those dispossessed of the property. However, the CA, in its July 10, 2006 Resolution,^[34] ignored her plea for a reconsideration.

The Sole Issue

Pleading before us for a review of the CA ruling, Valeriana underscores her rightful personality as plaintiff and stressed that the CA erred in affirming the RTC when it ruled that only Romualdo can be the plaintiff in the forcible entry case.

Hence, the central issue to be resolved is: *Whether Valeriana is a real party-in-interest in the forcible entry case she filed.*

Our Ruling

Notably, even public lands can be the subject of forcible entry cases as it has already been held that ejectment proceedings may involve all kinds of land.^[35] Thus, in the case at bench, while the parties are fighting over the possession of a government land, the courts below are not deprived of jurisdiction to render judgment thereon.^[36] Courts must resolve the issue of possession even if the parties to the ejectment suit are mere informal settlers.^[37]

For a court to restore possession, two things must be proven in a forcible entry case: prior physical possession of the property and deprivation of the property by means of force, intimidation, threat, strategy, or stealth.^[38] "Possession *de facto*, [*i.e.*, the physical possession of a property,] and not possession *de jure* is the only issue in a forcible entry case. This rule holds true regardless of the character of a party's possession, provided that he has in his favor priority in time. x x x"^[39] As used in forcible entry and unlawful detainer cases, 'possession' refers to "physical possession, not legal possession in the sense contemplated in civil law."^[40]

Here, Valeriana is one of those in prior physical possession of the land who was eventually dispossessed.

Carmen failed to present evidence that she was in actual physical possession of the land she claims. Her "[t]ax declarations are not conclusive proofs of ownership, or even of possession."^[41] They only constitute proofs of a claim of title over the declared property.^[42] Her acts betray her claim of prior possession. Her counsel wrote Valeriana's son Esteban and demanded that the subject land be vacated. Carmen had to seek help from the authorities in order to fence the lot. Furthermore, by filing criminal cases for grave threats and grave coercion, she