

THIRD DIVISION

[G.R. No. 153791, August 24, 2007]

**GO KE CHONG, JR., PETITIONER, VS. MARIANO M. CHAN,
RESPONDENT.**

D E C I S I O N

AUSTRIA-MARTINEZ, J.:

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, questioning the Decision^[1] of the Municipal Trial Court in Cities (MTCC), Branch 1, San Fernando, La Union, dated April 1, 2002, which dismissed petitioner's complaint for forcible entry with damages on the ground of lack of jurisdiction, and the Order^[2] dated May 22, 2002 denying petitioner's Motion for Reconsideration.

The facts are as follows:

Petitioner Go Ke Chong, Jr. filed a Complaint for Forcible Entry with Damages and Preliminary Mandatory Injunction against respondent Mariano M. Chan on February 20, 2001 before the MTCC of San Fernando, La Union, docketed as Special Civil Case No. 3720, claiming that on March 21 to 22, 2000, respondent's men illegally fenced off Lot No. 553, located along the National Road of Brgy. IV San Fernando City, covering an area of 110 sq m, and demolished the building and improvements constructed by petitioner thereon, depriving him of lawful physical possession thereof.^[3] He claims that he is the lawfully declared owner and possessor of Lot No. 553 by virtue of an Affidavit of Ownership/Possession dated January 15, 1998 and an Affidavit of Declaration of Facts dated February 23 1998 which he executed and registered with the Register of Deeds. He also asserts that he has been actually and physically occupying -- in continuous, peaceful, uninterrupted, open and public possession -- Lot No. 553 in the concept of a prescriptive owner, having constructed a building thereon in good faith and with just title, knowing that said land was an idle, abandoned, vacant and undeveloped public land at the time that he entered and started developing the same.^[4]

Respondent on the other hand asserts in his Answer that he inherited from his father, Leoncio Chan, the 538-sq m lot, of which the herein disputed property is part;^[5] in 1987 he and petitioner entered into a lease contract over the property; and when respondent no longer wanted to renew the lease, petitioner, in a desperate attempt to keep the property, surreptitiously executed an Affidavit of Ownership/Possession claiming ownership over a portion of the leased property;^[6] respondent subsequently filed a case for Illegal Detainer against petitioner in March 1998 before the Municipal Trial Court (MTC) Branch 2, docketed as Civil Case No. 6285, and judgment was rendered on September 30, 1998, ordering petitioner to vacate the property and demolish the building therein; the RTC affirmed the said decision and a writ of execution was issued on March 16, 2000.^[7] In moving for the

dismissal of the complaint, respondent also pointed out that there is another action for quieting of title and cancellation of tax declaration pending between the parties.
[8]

The MTCC conducted a hearing on the prayer for writ of preliminary injunction, and on July 16, 2001, granted the same.[9] The MTCC then directed the parties to file their briefs; and later, affidavits of witnesses, documents, exhibits and position papers.[10]

On April 1, 2002, the MTCC rendered the herein assailed decision dismissing petitioner's complaint for lack of jurisdiction, stating thus:

In the above-entitled case, the issue involved is not merely on question of actual or material possession but also the validity and nullity of the affidavit of ownership and possession of the disputed property. The present case is thus converted from a forcible entry suit to one that is not capable of pecuniary estimation and this only be addressed to the original jurisdiction of the Regional Trial Court [sic]. x x x In fact, defendant Mariano Chan had filed an action against the plaintiff Go Ke Chong, Jr. for Quieting of Title and cancellation of tax declaration pending before the Regional Trial Court of La Union, Branch 29 entitled Mariano Chan vs. Go Ke Chong, Jr. and docketed as Civil Case No. 6453. (citations omitted)

IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered DISMISSING this case for lack of jurisdiction.

No moral or exemplary damages is hereby awarded to both of the parties.

The writ of preliminary mandatory injunction issued in this case is hereby revoked. No costs.

SO ORDERED.[11]

Petitioner's Urgent Ex-parte Motion for Reconsideration was likewise denied by the MTCC on May 22, 2002.[12]

Petitioner now comes before this Court claiming that the assailed Decision and Order of the MTCC "present questions of law and the issue of misapprehension of facts;"
[13] thus:

I

IN THE APPEALED DECISION DATED APRIL 1, 2002, THE COURT A QUO GRAVELY ERRED IN SIMPLY ADOPTING THE BASELESS AND MISLEADING ALLEGATION OF RESPONDENT THAT PETITIONER'S AFFIDAVIT OF OWNERSHIP/POSSESSIONSHIP [sic] DATED JANUARY 15, 1998 OVER LOT 553 IS DEFECTIVE IN FORM AND SUBSTANCE, AND UPON WHICH BASIS THE COURT A QUO CONVERTED THE INSTANT FORCIBLE ENTRY CASE TO ONE THAT IS NOT CAPABLE OF PECUNIARY ESTIMATION AND, THUS, DISMISSED THE SAID CASE FOR "LACK OF JURISDICTION". RESPONDENT'S SAID ALLEGATION IS UNPROVEN AND UNSUPPORTED BY

EVIDENCE.

II.

IN THE APPEALED DECISION DATED APRIL 1, 2002, THE COURT A *QUO* GRAVELY ERRED IN NOT RESOLVING THE RELEVANT AND SUBSTANTIAL ISSUES PRESENTED IN PETITIONER'S POSITION PAPER WHICH, WHEN CAREFULLY CONSIDERED, WOULD HAVE UNEQUIVOCALLY CONVINCED THE COURT A *QUO* TO RENDER JUDGMENT IN FAVOR OF PETITIONER.

III.

IN THE APPEALED ORDER DATED MAY 22, 2002, THE COURT A *QUO* GRAVELY ERRED IN CONCLUDING THAT "PLAINTIFF (*PETITIONER*) WAS NOT ABLE TO PROVE PRIOR POSSESSION DE FACTO" OF LOT 553 IN ITS DENIAL OF PETITIONER'S URGENT EX-PARTE MOTION FOR RECONSIDERATION (OF THE DECISION DATED APRIL 1, 2002) AND PETITIONER'S REPLY (TO DEFENDANT'S COMMENT DATED MAY 10, 2002) FOR "LACK OF MERIT."

IV.

IN THE APPEALED DECISION DATED APRIL 1, 2002 AND ORDER DATED MAY 22, 2002, THE COURT A *QUO* GRAVELY ERRED IN DELVING INTO ISSUES OF RESPONDENT'S OWNERSHIP OVER HIS INHERITED PROPERTY (LOT 555-A) WHICH ARE LEFT TO BE BETTER APPRECIATED AND CONSIDERED BY THE PROPER COURT HAVING JURISDICTION OVER IT, PARTICULARLY REGIONAL TRIAL COURT BRANCH 29 OF THE FIRST JUDICIAL REGION UNDER CIVIL CASE NO. 6453 ENTITLED "MARIANO CHAN VS. GO KE CHONG, JR. ET AL." FOR QUIETING OF TITLE, ANNULMENT/CANCELLATION OF TAX DECLARATION, DAMAGES."

V.

IN THE APPEALED DECISION DATED APRIL 1, 2002 AND ORDER DATED MAY 22, 2002, THE COURT A *QUO* COMMITTED SERIOUS MISAPPREHENSION OF FACTS IN:

A) JUDICIALLY DECLARING THAT "THE OWNERSHIP AND POSSESSIONSHIP [sic] OF PETITIONER OVER LOT 553 STARTED ONLY ON JANUARY 15, 1998 WHILE RESPONDENT AND HIS FAMILY WAS ALREADY THE OWNER AND POSSESSOR OF BOTH LOT 555-A AND LOT 553 SINCE 1947."

B) JUDICIALLY DECLARING THAT LOT 553 IS NOT OF UNKNOWN OWNERSHIP AND THAT PETITIONER HAS MISREPRESENTED SUCH FACT IN HIS AFFIDAVIT OF OWNERSHIP AND POSSESSIONSHIP DATED JANUARY 15, 1998.

C) FAILING TO APPRECIATE AND CONSIDER THE SIGNIFICANT AND IRREFUTABLE FACT THAT PETITIONER'S PROPERTY (LOT 553) IS DISTINCT AND SEPARATED [sic] FROM RESPONDENT'S LOT (LOT 555-A).^[14]

Essentially, petitioner claims that his complaint before the MTCC only concerns Lot No. 553 and does not involve Lot No. 555-A owned by respondent located at the north portion thereof; that on March 21 to 22, 2000, respondent in bad faith extended the fencing of Lot No. 555-A beyond its southern boundary and by force, intimidation, threat, strategy and stealth unlawfully entered Lot No. 553 and demolished petitioner's building thereon.^[15] He also avers that the MTCC erred in dismissing his complaint for forcible entry for "lack of jurisdiction" based on respondent's unsubstantiated and unproven claim of ownership over Lot No. 553.^[16] He then prays that the Decision dated April 1, 2002 and Order dated May 22, 2002 of the MTCC be reversed and set aside; that a decision be rendered upholding his prior possession *de facto* over Lot No. 553 and declaring the same to be distinct and separate from respondent's property, Lot No. 555-A; and that the instant case be remanded to the MTCC for a proper trial and hearing on the merits.^[17]

Respondent for his part avers that: the issues raised by petitioner do not involve questions of law which are proper for appeal under Rule 45 of the Rules of Court;^[18] the lot being claimed by petitioner is actually located within the property owned by respondent;^[19] respondent previously filed an action for quieting of title and cancellation of tax declaration involving Lot No. 553 against petitioner, and considering that the issue of ownership of the property is already subject of the case before the Regional Trial Court (RTC), the MTCC divested itself of jurisdiction to resolve the same;^[20] petitioner's claim of just title started only in 1998 and his possession over the subject property has from the outset been in the concept of lessee and thereafter been contested judicially.^[21]

Petitioner filed a Reply.^[22] Thereafter, both parties filed their respective memoranda reiterating their claims.^[23]

Herein petition should have been outrightly dismissed.

As the present petition delves not only into the correctness of MTCC's dismissal of petitioner's forcible entry case on the ground of lack of jurisdiction, but also into the veracity of the respective factual claims of both parties, the same clearly does not present pure questions of law that may be directly appealed to this Court. This Court may only take cognizance of appeals from decisions, final orders or resolutions of trial courts which involve pure questions of law.

Under Sec. 5 of Article VIII of the Constitution, the Court has the power to:

(2) Review, revise, reverse, modify, or affirm on appeal or certiorari as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

x x x x

(e) **All cases in which only an error or question of law is involved.**
(Emphasis supplied)

Section 1, Rule 45 of the Rules of Court also provides that: