

THIRD DIVISION

[G.R. No. 155086, March 15, 2004]

RUBEN HONGRIA, PETITIONER, VS. EPITACIA HONGRIA-JUARDE, RESPONDENT.

DECISION

VITUG, J.:

In a dispute over the possession of a parcel of coconut land, with an area of 6.6138 hectares, situated in Cagtalaba, Magallanes, Sorsogon, herein respondent Epitacia Hongria-Juarde, in her action for forcible entry, averred that Ruben Hongria, Efren Boi, Efren Poche, Jose Poche *alias* Junior Poche, Roberto Poche, Zardo Maglaque and John Doe, through force, threats, intimidation and stealth, entered her property and deprived her of the actual possession, as well as the fruits, thereof. In his answer to the complaint, Ruben Hongria, herein petitioner, countered that he acquired the property in good faith and for value from his grandfather, Teodoro Hongria, and that Epitacia Hongria-Juarde, who resided in Quezon City, was never in possession nor the owner of the disputed property. In a decision,^[1] dated 27 June 2000, the Municipal Trial Court of Magallanes, Sorsogon, ruled in favor of petitioner. Ruben Hongria, *et al.*, filed an appeal with the Regional Trial Court, Branch 65, Bulan, Sorsogon, Sorsogon.^[2] In its decision of 07 September 2001, the Regional Trial Court, reversing the decision of the Municipal Trial Court, held:

"PREMISES CONSIDERED, the Court hereby issues an ORDER REVERSING entirely the Decision of the Court *a quo* and declaring that –

"(a) Defendants are the actual prior physical possessors of Lot No. 3361 with an area of 6.6 hectares;

"(b) Plaintiff should VACATE the land in question and RELINQUISH POSSESSION thereof to Defendants, and to CEASE and DESIST from intruding in the lot in question and disturbing their possessory rights.

"(c) Prayer for writ of injunction shall be acted upon only after the requirements of AFFIDAVITS and BOND in the amount of P50,000.00 had been complied with.

"No pronouncement as to costs."^[3]

Hongria-Juarde moved for a reconsideration of the decision. In an order, dated 14 January 2002, the Regional Trial Court "set aside" her motion for reconsideration, as