

SECOND DIVISION

[G.R. No. 117005, June 19, 1997]

CARLITO D. CORPUZ, PETITIONER, VS. HONORABLE COURT OF APPEALS (SIXTEENTH DIVISION) AND JUANITO ALVARADO, RESPONDENTS.

DECISION

ROMERO, J.:

Petitioner Carlito Corpuz questions the decision of the Court of Appeals^[1] affirming the decision of the Regional Trial Court of Manila, Branch 10, dismissing the petition for review in Civil Case No. 92-62869.

Corpuz filed an action for unlawful detainer against private respondent Juanito Alvarado with the Metropolitan Trial Court of Manila, Branch 6, docketed as Civil Case No. 138532, for recovery of possession of the room being occupied by the latter, which Corpuz' children allegedly needed for their own use.

Alvarado and Corpuz were two of the tenants of a certain Lorenzo Barredo who, in May 1988, decided to sell his property to the tenants. Due to economic difficulties, however, Alvarado and the other lessees executed an "Affidavit of Waiver" granting Barredo the right to sell his house to any person who can afford to purchase the same. Consequently, Barredo sold his house to Corpuz for P37,500.00. As a result of the sale, a tenancy relationship was established between Corpuz and Alvarado.

In October 1991, Corpuz sent a written notice to Alvarado demanding that he vacate the room which he was occupying because the children of Corpuz needed it for their own use. Alvarado refused to vacate the room as demanded, prompting Corpuz to seek his ejectment.

In his answer, Alvarado raised two major defenses, to wit: (1) the alleged "Affidavit of Waiver" executed between him and Barredo was a forgery; and (2) the dispute was not referred to the Lupong Tagapayapa.

Finding the defenses of Alvarado to be without merit, the MTC of Manila handed down on August 11, 1992 a decision ordering Alvarado to vacate the room.^[2]

Feeling aggrieved, Alvarado appealed to the RTC. On March 11, 1993, said court rendered its decision^[3] which, in effect, reversed the MTC's decision on the ground that the purported sale between Corpuz and Barredo was the subject of a controversy pending before the National Housing Authority (NHA) which must be resolved first by said agency. It also concluded that the "Affidavit of Waiver" executed by Alvarado and Barredo was a forgery. Consequently, it ordered the dismissal of the case for unlawful detainer, and ruled that Alvarado cannot be legally expelled from the subject premises.

His motion for reconsideration of said decision having been denied for lack of merit by the RTC^[4] on July 16, 1993, Corpuz elevated his case to the Court of Appeals. The appellate court, however, found no reversible error in the assailed judgment and affirmed the same in its entirety in its assailed decision dated July 14, 1994.^[5] A subsequent motion for reconsideration was likewise denied by the Court of Appeals in its resolution dated September 1, 1994.^[6] Hence, this petition.

The main issues presented in this petition is whether Corpuz' unlawful detainer suit filed before the MTC against Alvarado should be suspended until the resolution of the case lodged in the NHA impugning the sale of said property, and whether the "Affidavit of Waiver" between Corpuz and Barredo was authentic. Corpuz maintains that the mere assertion challenging his ownership over the said property is not a sufficient ground to divest the MTC of its exclusive jurisdiction.^[7]

The petition is impressed with merit.

It is elementary that the MTC has exclusive jurisdiction over ejectment cases.^[8] As the law now stands, the only issue to be resolved in forcible entry and unlawful detainer cases is the physical or material possession over the real property, that is, possession de facto.^[9]

In the recent case of *Refugia v. Court of Appeals*,^[10] however, we ruled that:

"In the case of *De la Santa vs. Court of Appeals, et al.*, this Court, in making a distinction between the reception of evidence and the resolution of the issue of ownership, held that the inferior court may look into the evidence of title or ownership and possession de jure insofar as said evidence would indicate or determine the nature of possession. It cannot, however, resolve the issue of ownership, that is, by declaring who among the parties is the true and lawful owner of the subject property, because the resolution of said issue would effect an adjudication on ownership which is not sanctioned in the summary action for unlawful detainer. With this as a premise and taking into consideration the amendment introduced by Batas Pambansa Blg. 129, it may be suggested that inferior courts are now conditionally vested with adjudicatory power over the issue of title or ownership raised by the parties in an ejectment suit."

Consequently, since the present petition involves the issue of possession intertwined with the issue of ownership (i.e., the controversy pending in the NHA), the doctrinal pronouncement in *Refugia* is applicable.

Parenthetically speaking, the issue raised in this petition is far from novel. The prevailing doctrine is that suits or actions for the annulment of sale, title or document do not abate any ejectment action respecting the same property.^[11]

In *Wilmor Auto Supply Construction Company Corporations, et al. v. Court of Appeals*,^[12] Justice (now Chief Justice) Andres Narvasa outlined the following cases involving the annulment of the title or document over the property which should not be considered in the abatement of an ejectment suit, to wit: