

FIFTH DIVISION

[CA-G.R. SP NO. 130382, May 26, 2014]

ENRICO S. ZAFRA, FRANCISCO B. BATAL AND MARLYN M. BANGCONG, PETITIONERS, VS. CARLOS R. CRUZ AND FRANCISCO SANTIAGO, JR., RESPONDENTS.

D E C I S I O N

GONZALES-SISON, M., J:

Before the Court is a Petition for Review under Rule 42 of the Revised Rules of Court assailing the April 19, 2013 Decision^[1] of the Regional Trial Court Court (RTC), Third Judicial Region, Malolos City, Bulacan, Branch 83 in Civil Case No. 600-M-201.

As culled from the records, the following are the antecedent facts:

On November 12, 2009, plaintiffs, *herein respondents*, filed a complaint^[2] for forcible entry with prayer for preliminary mandatory injunction against defendants, *herein petitioners* with the MTC, Bocaue, Bulacan, docketed as Civil Case No. 09-4761. Plaintiffs claimed that they are the owners of a private market known as the Santiago-Cruz Private Market, covered by Transfer Certificate of Title No. T-3852 of the Register of Deeds of Bulacan. They alleged that on May 6, 2009, the defendants through the help of a certain Deputy Sheriff Virgilio Robles, Jr., with the aid of laborers, workers and goons, forcibly entered the subject property. Thereafter, the latter removed the market's enclosure and installed their own barbed wire. Further, the plaintiff claimed that defendant Zafra forcibly drove a dump truck and forcibly created an opening in the market and the defendants entered the premises. Thereafter, defendant Bangcong erected a building on the property to operate a beerhouse. All the above, according, to the plaintiffs, have been committed by the defendants through stealth, force and intimidation.^[3]

Plaintiffs likewise alleged that despite demand upon the defendants to vacate the premises, they refused to do so.^[4]

Answering defendants averred that defendant Enrico Zafra is the owner of a parcel of land registered in his name as TCT No. EP-484. He acquired this property after his father, Simeon Zafra, died on September 16, 2000. The late Simeon Zafra was the declared *bona fide* tenant of the landholding of the questioned property as per decision of the Department of Agrarian Reform Adjudication Board (DARAB) dated February 16, 1998 in DARAB CASE No. 4690, and affirmed by the Supreme Court in G.R. No. 141806 on January 17, 2005.

The case is now in its last and final stage-execution of the decision but by some clever and corrupt maneuverings of plaintiffs, they have succeeded in blocking the final execution of the decision of the DARAB by (1) filing the instant harassment case, and (2) causing the dispossession of defendant Enrico Zafra of his landholding last June 1, 2010 by virtue of Joint Resolution issued by the DAR Provincial

Adjudicator Joseph Noel C. Longboan even as the instant case for alleged forcible entry was already heard by the MTC. As a result, plaintiffs continue to possess the property on the strength of the Resolution dated September 2, 2010, issued by the DAR Regional Adjudicator Erasmo Cruz.^[5]

With the foregoing, defendants set up the following as their defenses, to wit: (1) plaintiffs' simultaneous filing of the instant case and Motion Ad Cautelam before PARAD Longboan is an evidence that they are guilty of forum shopping; (2) *res judicata* in reference to a DARAB case; (3) the case involves agrarian tenancy and is, therefore, beyond the court's jurisdiction to try; (4) the plaintiff's failure to prove their ownership of the property, thus resulting in lack of cause of action, and (5) the defendants' entry was by virtue of a writ of execution issued by the DARAB.^[6]

By decision^[7] dated July 6, 2011, the MTC ruled in favor of the plaintiffs, the *dispositive* portion of which, reads as follows:

WHEREFORE, all the foregoing, considered, judgment is hereby rendered:

- a. Ordering the defendants, Marlyn Bangcong, and all those deriving possessory claims from her, to VACATE that lot occupied by the Santiago-Cruz Private Market, and covered by TCT No. T-3852 of the Registry of Deeds of Bulacan, and to peacefully surrender possession thereof to the plaintiffs;
- b. Ordering the defendant, Marlyn Bangcong, to pay the plaintiffs, reasonable compensation for her occupation of the subject premises at P10,000.00 per month, beginning from October 27, 2009 until she finally vacates the premises.
- c. Ordering the defendants Enrico Zafra and and Francisco Batal, to pay the plaintiffs reasonable compensation for their occupation of the subject premises, from October 27, 2009 to June 1, 2010, at the rate of P10,000.00 per month.

SO ORDERED."^[8]

In rendering its decision, the MTC ratiocinated that there was insufficient proof that the subject property was included in the DARAB case; that there was no proof of agrarian complexion in the present case; that subject property was owned by plaintiffs, and the forcible entry of defendants to the subject property entitled the plaintiffs to pay them reasonable compensation of P10,000.00 per month beginning October 27, 2009 until defendant Marlyn Bagcong vacates the premises or June 1, 2010 in the case of defendants Enrico Zafra and Francisco Batal, and attorney's fees.

On appeal by defendants, the RTC affirmed the decision of the MTC, the *fallo* thereof reads as follows, to wit:

"WHEREFORE, premises considered, the instant appeal is hereby DISMISSED and the decision of the Municipal Trial Court of Bocaue, Bulacan dated July 16, 2011 is AFFIRMED IN TOTO.

xxx

SO ORDERED.”^[9]

Hence, the appellant now petitioners, lodged the present petition for review which assigns the following issues to be resolved by Us, to wit:

I.

EVIDENCE SUBMITTED BEFORE THE MTC AND THE RTC CLEARLY ESTABLISHED THAT THE FORCIBLE ENTRY CASE FILED BY RESPONDENTS WAS AN “AGRARIAN DISPUTE” BETWEEN THE PARTIES AND IT WAS PLAINLY AN ABUSE OF DISCRETION FOR THE LOWER COURTS TO HAVE CONCLUDED OTHERWISE AND TO HAVE ASSUMED JURISDICTION OVER THE DISPUTE.

II.

EVIDENCE CLEARLY ESTABLISHED FORUM SHOPPING COMMITTED BY THE RESPONDENTS.

III.

RES JUDICATA CLEARLY BARRED THE RESPONDENTS FROM FILING THE “FORCIBLE ENTRY” CASE BEFORE THE MTC AND THEREIN RAISE ANEW REHASHED AND OLD ARGUMENTS TO CONTEST A FINAL AND EXECUTORY DARAB DECISION. RESPONDENT FRANCISCO SANTIAGO, JR. AND ALL PERSONS OCCUPYING THE AGRARIAN LAND ON HIS INSTRUCTION OR AUTHORITY WERE ALREADY BARRED BY THE PRINCIPLE OF RES JUDICATA FROM RE-OPENING A LONG-CONCLUDED AGRARIAN DISPUTE.^[10]

The appellee vehemently opposed the petition. They maintain that the RTC did not commit reversible error in affirming the finding of the MTC that there is no forum shopping in this case.^[11]

The issues raised by petitioners boil into two, to wit: (1) Whether or not the MTC has validly assume jurisdiction over the complaint filed by respondents, and (2) Whether respondents are guilty of forum shopping on the ground that *res judicata* has already set in.

THE PETITION FAILS.

On the first issue, it is a basic rule that jurisdiction over the subject matter is determined by the allegations in the complaint. It is determined exclusively by the Constitution and the law. It cannot be conferred by the voluntary act or agreement of the parties, or acquired through or waived, enlarged or diminished by their act or omission, nor conferred by the acquiescence of the court. Well to emphasize, it is neither for the court nor the parties to violate or disregard the rule, this matter being legislative in character.^[12]

Under Batas Pambansa Blg. 129,^[13] as amended by R.A. No. 7691,^[14] the MTC shall have exclusive original jurisdiction over cases of forcible entry and unlawful detainer. The Revised Rules on Summary Procedure (RRSP)^[15] governs the remedial aspects of these suits.