

## THIRTEENTH DIVISION

[ CA-G.R. SP NO. 93769, August 18, 2006 ]

**GRACIANO ARNALDO, JR., PETITIONER, VS. MANOTOK SERVICES, INC., RESPONDENT.**

### DECISION

**SABIO, JR., J.:**

In unlawful detainer, one unlawfully withholds possession thereof after the expiration or termination of his right to hold possession under any contract, express or implied (Go, Jr. vs. CA, 362 SCRA 755).

This petition for review under Rule 42 of the 1997 Rules of Civil Procedure assails the decision of the Regional Trial Court, Branch 34, Manila, in Civil Case No. 05-112350 which affirmed the decision of the Metropolitan Trial Court of Manila, Branch 26, in Civil Case No. 176542-CV for Ejectment.

The material antecedents, as culled from the records, thus:

Sometime on October 6, 2003, respondent (plaintiff therein) instituted Civil Case No. 176542 for Ejectment against petitioner (defendant therein) with the Metropolitan Trial Court of Manila, Branch 26.

On March 12, 2004, petitioner filed an answer with counterclaim. On the basis of the pleadings filed and evidence adduced, the Metropolitan Trial Court rendered a decision which decreed, thus:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff and against the defendants:

1. Ordering the defendants and all persons claiming title or rights under them to vacate and surrender the premises known as Lot 10-A Block 2913 and situated at Juan Luna Street, Tondo, Manila a portion of which is partially described as follows:

A parcel of land known as Lot 1-A, Block 13, situated at Juan Luna Street, Tondo, Manila, Bonded on the:

North – Lerma Street  
South – Lot 1-B  
East – Lot 13  
West – Juan Luna Street

containing an area of Seventy Four Square Meters (74 sq. m.) more or less.

2. Ordering the defendants to pay the sum of P493,248.25 as reasonable compensation for the use and occupation of the premises covering the period January 1, 1999 up to May 31, 2003 and the further sum of P11,758.25 every month thereafter until they shall have completely vacate the premises:

3. Ordering the defendants to pay the sum of P10,000.00 as and for Attorney's fees plus the costs of suit.

SO ORDERED.

Manila, December 6, 2004.”

(Rollo, pp. 68-69)

Not convinced, petitioner appealed to the Regional Trial Court raising the following issues, namely:

“I. DESPITE THE FACT THAT PLAINTIFF IS NOT THE REGISTERED OWNER AND THE ALLEGED LEASE DOES NOT IDENTIFY IT AS THE ADMINISTRATOR, THE LOWER COURT IGNORED THE ISSUE OF OWNERSHIP INSEPARABLE TO THE ISSUE OF POSSESSION.

THERE IS A SUITE FOR FRAUDULENT MISREPRESENTATION AND INTIMIDATION, ANNULMENT OF LEASE CONTRACT WITH QUIETING OF TITLE (FILED BY DEFENDANT HEREIN ALONG WITH OTHER RESIDENTS) PENDING BEFORE THE RTC OF MANILA BRANCH 42, WHICH GRANTED AN ORDER OF PRELIMINARY INJUNCTION WITH A CORRESPONDING WRIT.

II. THE ALLEGED AUTHORITY TO LEASE, IF THERE WAS ONE, DOES NOT DESCRIBE THE PROPERTY AT ALL; IT WAS NOT EVEN MENTIONED OR DESCRIBED IN THE ALLEGED LEASE CONTRACT OR ATTACHED TO IT;

III. THE DEFENDANT HAS A BETTER RIGHT TO POSSESSION BECAUSE BETWEEN THE TWO CLAIMANTS-THE TAX DECLARATION, PLUS THE ACTUAL POSSESSION BY THE DEFENDANT ARE FAR SUPERIOR TO THE ADMISSION OF NON-OWNERSHIP AND VAGUE CLAIM OF ADMINISTRATORSHIP BY THE PLAINTIFF;

IV. THE IDENTITY OF THE PROPERTY;

V. IN THE LEASE CONTRACT, THERE WAS NO AUTHORITY TO LEASE EITHER AS OWNER OR AS ADMINISTRATOR, THERE WAS NO TITLE, HENCE, THE CASE OF DALUMPENES VS. CA, 336 SCRA 538 MAY BE APPLIED IN THIS CASE AS TO THE VALIDITY OF THE DOCUMENTS PRESENTED BY THE

PLAINTIFF;

VI. FINALLY, BECAUSE PLAINTIFF FAILED TO PROVE OWNERSHIP OR TITLE OR TO IDENTIFY THE ALLEGED PROPERTY, DEFENDANT HAS A BETTER RIGHT OF POSSESSION THAN PLAINTIFF.”

(Rollo, pp. 96-97)

The Regional Trial Court affirmed the Metropolitan Trial Court's decision and dismissed petitioner's appeal. The Regional Trial Court ratiocinated in this manner:

“It is a basic principle in this jurisdiction that in an ejectment proceeding, the only issue involved is who is entitled to the physical or material possession of the subject property (Comment Remedial Law Compendium, Justice Florenz Regalado, page 769, 6th Revised Edition Vol 1). Under Section 16, Rule 70 of the Revised Rules of Court, it is stated that if defendant raises the defense of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession. It is clear, therefore, that the issue of ownership should only be touched upon by the court for the purpose of determining the issue of possession. But it does not follow that the court needs to resolve the issue of ownership every time it is alleged by the defendant. If the court can resolve the issue of possession without the need of addressing the issue of ownership, then there is no reason to touch the question of ownership.

Premised from the evidence adduced by the parties, this Court holds that the trial court did not err in ignoring the issue of ownership raised by the defendants-appellants because the plaintiff-appellee is the real owner of the subject lot and a Contract of Lease was executed between the parties herein. Other than the bare assertion of the defendant-appellant that they are in actual possession of the subject property for the past 70 years, they (defendant-appellant) did not submit any evidence to show proof that they have better rights than the plaintiff-appellee. Bare allegations are not enough. These must be supported by substantial evidence at the very least. (Nielsen Marine Services, Inc. vs. NLRC, December 29, 1998, GR No. 128395). From the evidence showing ownership of the subject property and authority to lease submitted by plaintiff-appellee (Annex A-Transfer Certificate of Title; Annex B and C-Management Contracts), it appears that the plaintiff-appellee has better rights over the subject property than the appellant. Plaintiff-Appellee correctly argued that the best proof of ownership of a piece of land is the certificate of title (Heirs of George Bofill vs. CA, 237 SCRA 451).

Defendant-Appellant's contention that their address is