



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

VALERIANA VILLONDO,
Petitioner,

G.R. No. 173606

Present:

- versus -

CARPIO, *Chairperson,*
DEL CASTILLO,
ABAD,*
PEREZ, *and*
PERLAS-BERNABE, *JJ.*

CARMEN QULJANO,
ARDIANO ALCANTARA,
and MARCELINO EBENA,
Respondents.

Promulgated:

DEC 03 2012 *Atty. Katala*

X ----- X

DECISION

DEL CASTILLO, *J.:*

"In giving recognition to the action of forcible entry and detainer[,] the purpose of the law is to protect the person who in fact has actual possession; and in case of controverted right, it requires the parties to preserve the status quo until one or the other of them sees fit to invoke the decision of a court of competent jurisdiction upon the question of ownership. It is obviously just the person who has first acquired possession [who] should remain in possession pending this decision x x x."¹

In a legal battle for forcible entry, two parties assert their alleged right to possess a 2.66-hectare government timberland in Udlom, Sinsin, Cebu City. One of the parties, Valeriana Villondo (Valeriana), prevailed in the Municipal Trial Court in Cities (MTCC) but later lost her case before the Regional Trial Court (RTC) after it rejected her standing as the real party-in-interest. And since the Court of Appeals (CA) affirmed the RTC's ruling, Valeriana now comes to this

¹ Per raffle dated September 17, 2012

² *Medina v. Villanueva*, 37 Phil. 752, 757 (1918).

Court to assail the March 31, 2005 Decision² and July 10, 2006 Resolution³ of the CA in CA-G.R. SP No. 70734.

Factual Antecedents

In her Complaint⁴ for forcible entry with preliminary mandatory injunction before the MTCC in Cebu City, Valeriana claimed that in the morning of August 14, 1999, respondent Carmen Quijano (Carmen) and her farm laborers, respondents Adriano Alcantara and Marcelino Ebena, intruded into her land with the help of three policemen and other *barangay* officials. They destroyed the plants therein, harvested the root crops, corn, and banana, built a hut, fenced off the area, and posted a “NO TRESPASSING” sign, thus preventing Valeriana and her family from entering the premises where they have always resided and depriving them of their harvest.

Valeriana argued that Carmen can never assert ownership over the property because it is a government land. She claimed that Carmen’s parents, Rufo and Constanca Bacalla, were themselves aware that an ownership claim is worthless. Thus, they ceded their plantations on the subject land to her husband Daniel Villondo (Daniel) for ₱2,000.00 as declared in a “*Kasabutan*”.⁵

Valeriana based her and her family’s right of possession on Certificate of Stewardship No. 146099 in the name of ‘Daniel T. Villondo’,⁶ which she claimed to have been awarded to her now-deceased husband whose actual name is ‘Daniel P. Villondo.’ Said Certificate was issued by the Department of Environment and Natural Resources on February 14, 1994. Valeriana averred that her family had prior possession of the land as her husband started tilling the same even before the

² CA *rollo*, pp. 116-122; penned by Associate Justice Sesinando E. Villon and concurred in by Associate Justices Arsenio J. Magpale and Enrico A. Lanzas.

³ Id. at 130-131; penned by Executive Justice Arsenio J. Magpale and concurred in by Associate Justices Vicente L. Yap and Romeo F. Barza.

⁴ Records, pp. 1-7.

⁵ Id. at 252.

⁶ Id. at 247 and 251.

war. When she married him in 1948, they continued to occupy and cultivate the land together with their five children. To further support her claim of prior possession and Carmen's alleged intrusion, she submitted, *inter alia*, Carmen's letters that sought police and *barangay* assistance in fencing the subject property,⁷ her (Carmen) counsel's demand letter for Valeriana's son Esteban Villondo (Esteban) to leave the property,⁸ pictures of a collapsed house on the subject land that Valeriana claims to belong to one of her sons,⁹ and an affidavit of Regino Habasa (Regino), a Bureau of Forestry employee and a *Barangay* Sinsin resident, who attested that the Villondo family had been tilling the land since 1951.¹⁰

On the other hand, Carmen interposed that the alleged "*Kasabutan*" was never brought to her attention by her parents. In any case, she asserted that such allegation of Valeriana even supports her claim of prior possession.

Carmen tacked her possessory right to that of her parents Rufo and Constancia Bacalla who in 1948 purchased¹¹ from Liberato and Vicente Abellanosa a 4.51 hectare land in Taop, Pardo, Cebu City covered by Tax Declaration No. 92638. According to her, said 4.51 hectare land includes the disputed area which her parents also cultivated and developed. Carmen submitted to the court her tax declarations over the land.¹²

The respondents also questioned Valeriana's legal personality to sue, contending that "Daniel T. Villondo,"¹³ the named tiller in the Certificate of Stewardship No. 146099, is the real party-in-interest and thus should be the plaintiff in the suit and not Valeriana. They claimed that "Daniel T. Villondo" is actually Valeriana's son Romualdo Villondo (Romualdo), a construction worker who had never even cultivated the subject land. Respondents refuted Valeriana's

⁷ Id. at 257-258.

⁸ Id. at 260.

⁹ Id. at 261, 263, 265 and 267.

¹⁰ Id. at 134-135.

¹¹ See Sale of Real Estate dated January 14, 1948, id. at 272-273.

¹² Id. at 274-275.

¹³ "T" stands for Tangaro, the middle name supposedly derived from the mother Valeriana Tangaro Villondo.

claim that the named tiller in the Certificate refers to her husband “Daniel P. Villondo,”¹⁴ who was awarded by the government a Certificate of Stewardship over another parcel of land in 1983.¹⁵ Because of this, they asserted that Valeriana is misleading the court by making it appear that she has successional rights from her husband as steward. To support this, respondents submitted the respective stewardship applications¹⁶ as well as other documents¹⁷ indicating that Daniel P. Villondo and Daniel T. Villondo are different persons. Notably, Regino’s Affidavit admits that Daniel T. Villondo refers to Romualdo.¹⁸

Incidentally, Carmen’s attempt to have the land surveyed in June 1997 resulted in the filing before the MTCC of Cebu of criminal cases for grave threats and grave coercion docketed as Criminal Case Nos. R-55788-55789¹⁹ against Valeriana, her two children Esteban and Trinidad, and a daughter-in-law. Carmen alleged that the four were armed with scythe, bolo, and pieces of wood when they prevented her from entering and surveying the property, and even threatened to kill her if she proceeds with the land survey.²⁰

Ruling of the Municipal Trial Court in Cities

After weighing the parties’ respective evidence, the MTCC adjudged that the Daniel T. Villondo under whose name the Certificate of Stewardship was issued, is actually Valeriana’s son, Romualdo. The MTCC pointed out that the boundaries of the lot as reflected in Romualdo’s Certificate of Stewardship are way different from the boundaries mentioned in Tax Declaration No. 92638 that Carmen has been relying upon. In fact, the land covered by Romualdo’s

¹⁴ “P” stands for Pardillo.

¹⁵ Records, p. 277.

¹⁶ Id. at 278-284.

¹⁷ See Acceptance dated November 19, 1997, id. at 104; Certification dated November 15, 1999, id. at 105; Certification of fact of marriage dated December 2, 1997, id. at 110; Certificate of Death dated March 16, 1996, id. at 111; Certificate of Baptism of Romualdo Villondo dated December 11, 1985, id. at 113; Marriage Certificate between Romualdo Villondo and Margarita Barique, id. at 114; Complaint Affidavit dated September 20, 1999, id. at 287-288.

¹⁸ Id. at 134.

¹⁹ Id. at 285.

²⁰ See Complaint Affidavit dated September 8, 1997, id. at 130. She also filed a criminal case for perjury against them, docketed as Criminal Case No. 84355-R, id. at 106-109.

Certificate of Stewardship made no mention that it is bounded by Carmen's land or the land of her predecessors-in-interest.²¹ This thus disproved respondents' claim that Certificate of Stewardship No. 146099 was issued over a land that constitutes a portion of Carmen's property.

Noting that the ejectment case delves on possession *de facto*, the MTCC also concluded that respondents indeed deprived Valeriana and her family of the possession of the land. It reasoned that Carmen herself alleged in the pending criminal cases for grave threats and grave coercion that she was prevented by the Villondos from entering the property and this presupposes that Valeriana and her family were in prior possession and occupation of the land in question. Thus, in its March 2, 2001 Decision,²² the MTCC ruled:

WHEREFORE, judgment is hereby rendered in favor of [Valeriana] and against the [respondents] ordering the latter to vacate and move out from the premises of the subject land and to restore [Valeriana] to the peaceful possession and occupation thereof and condemning them to pay [Valeriana], jointly and severally, the following:

(a) Actual Damages in the amount of Twenty-Five Thousand (PhP25,000.00) Pesos;

(b) Attorney's fees in the amount of Fifteen Thousand (PhP15,000.00) Pesos; and

(c) Litigation expenses in the amount of Ten Thousand (PhP10,000.00) Pesos.

SO ORDERED.²³

²¹ Id. at 138-139. As noted by the MTCC:

It bears emphasis to state that said land [covered by Certificate of Stewardship] along cor. 1-2 is bounded by Daniel Villondo; cor. 2-3-4-5 is bounded by Romualdo Villondo; cor. 6-7 is bounded by Sabas Alcantara; cor. 7 is bounded by Arcadio Dablo; cor. 7-8 is bounded by Valeriana Villondo; cor. 8-1 is bounded by Daniel Villondo. There is no mention that a corner thereof is bounded by Carmen Quijano or by her predecessors-in-interest (Annex "A"-Complaint)."

On the other hand, the land claimed by Carmen Quijano which is covered by Tax Declaration No. 92638 is bounded on the North by Riachuelo; on the South by Riachuelo; on the East by Tomas Mabala and on the West by Alejandro Ybay (Annex "1"-Answer). Thus, the allegation of Carmen Quijano that said Certificate of Stewardship No. 146099 was issued over a portion of her property appears to be without basis.

²² Id. at 136-140; penned by Judge Oscar D. Andrino.

²³ Id. at 140.

Ruling of the Regional Trial Court

Dismayed with the judgment, respondents appealed to the RTC of Cebu City and reiterated their claim of prior possession of the property. They also put in issue therein lack of cause of action since Valeriana is not the real party-in-interest. A supersedeas bond was likewise posted.²⁴

In its February 11, 2001 Resolution,²⁵ the RTC found Valeriana's Complaint dismissible for lack of cause of action, viz.:

Based on the foregoing findings of the court a quo, the complaint should have been initiated by Romualdo Villondo, who is using the name of Daniel T. Villondo, because he is the real party-in-interest and not by his mother, the herein appellee Valeriana Villondo. There is also no showing that Romualdo Villondo is a minor or an incompetent who needs the assistance of his mother as guardian ad litem. Because of this fatal defect, this case is dismissible under Section 1, Rule 16 of the Rules of Court because the herein appellee Valeriana Villondo is not the real party-in-interest but Romualdo Villondo, and therefore the complaint does not state a cause of action.²⁶

In any event, the RTC gave more credence to Carmen's tax declarations over Valeriana's assertion of long-time possession which to it, was never established.

The dispositive portion of the said Resolution reads:

WHEREFORE, in view of the foregoing, the Decision appealed from is hereby reversed in favor of the [respondents] since the [petitioner] Valeriana Villondo is not a real party-in-interest or beneficiary of the Certificate of Stewardship x x x but her son Romualdo Villondo, who used the name of Daniel T. Villondo, Jr. Hence, the court a quo should have dismissed the complaint since it does not state a cause of action.

Cost [de] officio.

IT IS SO ORDERED.²⁷

²⁴ Id. at 366-377.

²⁵ Id. at 437-440; penned by Judge Ireneo Lee Gako, Jr.

²⁶ Id. at 440.

²⁷ Id.

Valeriana filed a Motion for Reconsideration²⁸ but the same was denied in an Order²⁹ dated March 12, 2002.

Ruling of the Court of Appeals

When Valeriana elevated the case to the CA,³⁰ she proffered that the only issue that the courts should consider in forcible entry cases is actual possession. She highlighted the fact that the RTC did not overturn the MTCC's factual finding of her actual possession of the disputed property. She therefore claimed that the RTC erred in dismissing her Complaint for the sole reason that she is not a real party-in-interest and likewise prayed for the issuance of a writ of execution/possession.

The CA however was not convinced. In its March 31, 2005 Decision,³¹ it ruled:

[Valeriana's] allegation that she and her family were deprived of their possession, cultivation and enjoyment of the subject land may be true; however, it is equally important, in order for her case to prosper, to show that she has the right or interest to protect. One who has no right or interest to protect cannot invoke the jurisdiction of the court as party-plaintiff in an action for it is jurisprudentially ordained that every action must be prosecuted or defended in the name of the real party in interest. A "real party in interest" is one who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. We agree with the RTC that petitioner is not the real party in interest in the case at bench.

X X X X

WHEREFORE, the petition is DENIED. The assailed February 11, 2002 Resolution and the March 12, 2002 Order of Branch 5, Regional Trial Court, Cebu City, are hereby AFFIRMED.³²

²⁸ Id. at 448-551.

²⁹ Id. at 462.

³⁰ CA *rollo*, pp. 2-21.

³¹ Id. at 116-122.

³² Id. at 121-122.

In her Motion for Reconsideration,³³ Valeriana maintained that she is a real party-in-interest since she was one of those dispossessed of the property. However, the CA, in its July 10, 2006 Resolution,³⁴ ignored her plea for a reconsideration.

The Sole Issue

Pleading before us for a review of the CA ruling, Valeriana underscores her rightful personality as plaintiff and stressed that the CA erred in affirming the RTC when it ruled that only Romualdo can be the plaintiff in the forcible entry case.

Hence, the central issue to be resolved is: *Whether Valeriana is a real party-in-interest in the forcible entry case she filed.*

Our Ruling

Notably, even public lands can be the subject of forcible entry cases as it has already been held that ejectment proceedings may involve all kinds of land.³⁵ Thus, in the case at bench, while the parties are fighting over the possession of a government land, the courts below are not deprived of jurisdiction to render judgment thereon.³⁶ Courts must resolve the issue of possession even if the parties to the ejectment suit are mere informal settlers.³⁷

For a court to restore possession, two things must be proven in a forcible entry case: prior physical possession of the property and deprivation of the property by means of force, intimidation, threat, strategy, or stealth.³⁸ “Possession *de facto*, [*i.e.*, the physical possession of a property,] and not possession *de jure* is

³³ Id. at 123-127.

³⁴ Id. at 130-131.

³⁵ *Lee v. Dela Paz*, G.R. No. 183606, October 27, 2009, 604 SCRA 522, 534-535, citing *David v. Cordova*, 502 Phil. 626, 645 (2005).

³⁶ *Pitargue v. Sorilla*, 92 Phil. 5, 11-15 (1952).

³⁷ *Pajuyo v. Court of Appeals*, G.R. No. 146364, June 3, 2004, 430 SCRA 492, 511.

³⁸ *Domalsin v. Spouses Valenciano*, 515 Phil. 745, 766-767 (2006).

the only issue in a forcible entry case. This rule holds true regardless of the character of a party's possession, provided that he has in his favor priority in time. x x x”³⁹ As used in forcible entry and unlawful detainer cases, ‘possession’ refers to “physical possession, not legal possession in the sense contemplated in civil law.”⁴⁰

Here, Valeriana is one of those in prior physical possession of the land who was eventually dispossessed.

Carmen failed to present evidence that she was in actual physical possession of the land she claims. Her “[t]ax declarations are not conclusive proofs of ownership, or even of possession.”⁴¹ They only constitute proofs of a claim of title over the declared property.⁴² Her acts betray her claim of prior possession. Her counsel wrote Valeriana's son Esteban and demanded that the subject land be vacated. Carmen had to seek help from the authorities in order to fence the lot. Furthermore, by filing criminal cases for grave threats and grave coercion, she herself acknowledged that Valeriana, together with Esteban, another son and daughter-in-law, were the ones occupying the subject property and who allegedly prevented her from conducting a land survey. These circumstances are indicative of the Villondo family's possession of the premises.

With this in mind, is Valeriana the appropriate party to file a forcible entry case against the respondents? We rule that the CA has no reason to withhold the relief she prays for on the ground of a lack of cause of action.

“A real party-in-interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.”⁴³ As we have explained:

³⁹ *Bunyi v. Factor*, G.R. No. 172547, June 30, 2009, 591 SCRA 350, 358.

⁴⁰ *De Grano v. Lacaba*, G.R. No. 158877, June 16, 2009, 589 SCRA 148, 158-159 citing *Spouses Tirona v. Hon. Alejo*, 419 Phil. 285, 298 (2001).

⁴¹ *Estrella v. Robles Jr.*, G.R. No. 171029, November 22, 2007, 538 SCRA 60, 74.

⁴² *Lee v. Dela Paz*, supra note 35 at 539, citing *Republic v. Court of Appeals*, 328 Phil. 238, 248 (1996).

⁴³ RULES OF COURT, Rule 3, Section 2.

'Interest' within the meaning of the rules means material interest, an interest in issue and to be affected by the decree as distinguished from mere interest in the question involved, or a mere incidental interest. A real party-in-interest is one who has a legal right. x x x The action must be brought by the person who, by substantive law, possesses the right sought to be enforced. x x x⁴⁴

Section 1, Rule 70 of the Rules of Court specifies who may be the plaintiff in an action for forcible entry, *viz*:

Section 1. *Who may institute proceedings, and when.* - x x x **a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth**, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, **may**, at any time within one (1) year after such unlawful deprivation or withholding of possession, **bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.** (Emphasis supplied.)

Sans the presence of the awardee of the Certificate of Stewardship, the provision clearly allows Valeriana to institute the action for the recovery of the physical possession of the property against the alleged usurper. She has a right or interest to protect as she was the one dispossessed and thus, she can file the action for forcible entry. Any judgment rendered by the courts below in the forcible entry action will bind and definitely affect her claim to possess the subject property. The fact that Valeriana is not the holder of the Certificate of Stewardship is not in issue in a forcible entry case. This matter already delves into the character of her possession. We emphasize that in ejectment suits, it does not even matter if the party's title to the property is questionable.⁴⁵

The MTCC correctly considered Valeriana as a real party-in-interest and correctly delved strictly with the issue of physical possession. Notably, the CA, other than dismissing the case for lack of cause of action, did not seem to dispute

⁴⁴ *Vidal v. Escueta*, 463 Phil. 314, 337 (2003).

⁴⁵ *Arbizo v. Santillan*, G.R. No. 171315, February 26, 2008, 546 SCRA 610, 623 citing *Pajuyo v. Court of Appeals*, *supra* note 37 at 510. Also cited in *David v. Cordova*, *supra* note 35 at 645.

the MTC's factual finding of Valeriana's prior physical possession. Absent any evidence of respondents' prior physical possession, Valeriana, who has cogently convinced us that she was dispossessed of the land by force, is entitled to stay on the property until she is lawfully ejected by others who can prove in a separate proceeding that they have a better right.

We then end by highlighting the principle behind ejectment proceedings:

x x x Regardless of the actual condition of the title to the property, the party in peaceable quiet possession shall not be thrown out by a strong hand, violence, or terror. Neither is the unlawful withholding of property allowed. Courts will always uphold respect for prior possession.⁴⁶


WHEREFORE, the instant petition is hereby **GRANTED**. The assailed March 31, 2005 Decision and July 10, 2006 Resolution of the Court of Appeals in CA-G.R. SP No. 70734 are hereby **ANNULLED and SET ASIDE**. The Decision of the Municipal Trial Court in Cities in Cebu, Branch 5, is **REINSTATED and AFFIRMED**.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ROBERTO A. ABAD
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

⁴⁶ *Parsons v. Court of Appeals*, supra note 37 at 310.


ESTELA M. PERLAS-BERNABE
Associate Justice


ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice

