Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SPOUSES MAURICIO M. TABINO and LEONILA DELA CRUZ-TABINO,
Petitioners,

- versus -

LAZARO M. TABINO,
Respondent.

G.R. No. 196219

Present:

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

Promulgated:
JUL 3 0 2014

x - x

D E C I S I O N

DEL CASTILLO, *J.*:

This Petition for Review on *Certiorari*[1] seeks to set aside the August 25, 2010 Decision[2] of the Court of Appeals in CA-G.R. SP No. 107957, entitled "*Lazaro M. Tabino, Petitioner, versus Spouses Mauricio Tabino and Leonila dela Cruz-Tabino, Respondents,*" as well as its March 18, 2011 Resolution[3] denying reconsideration of the assailed judgment.

Factual Antecedents

Proclamation No. 518[4] (Proc. 518) excluded from the operation of Proc.

---

1 *Rollo*, pp. 3-19.

2 Id. at 160-170; penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justices Normandie B. Pizarro and Ruben C. Ayson.

3 Id. at 172-173; penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justices Normandie B. Pizarro and Elihu A. Ybañez.

4 Excluding From The Operation Of Proclamation No. 423 Dated July 12, 1957 Which Established The Military Reservation Known As "Fort William Mckinley" (Now Fort Andres Bonifacio) Situated In The Municipalities Of Pasig, Taguig, Pateros And Parañaque, Province Of Rizal And Pasay City (Now Metropolitan Manila) As Amended By Proclamation No. 2475 Dated January 7, 1986, Certain Portions Of Land Embraced Therein Known As Barangays Cembo, South Cembo, West Rembo, East Rembo, Comembo, Pembo And Pitogo, Situated In The Municipality Of Makati, Metropolitan Manila And Declaring The Same Open For Disposition Under The Provisions Of Republic Act No. 274, And Republic Act No. 730 In Relation To The Provisions Of The Public Land Act, As Amended. Dated January 31, 1990.

423[5] – which established the military reservation known as Fort Bonifacio situated in the then municipalities of Pasig, Taguig, Pateros and Parañaque, Province of Rizal and Pasay City – certain portions in said reservation known and identified as *Barangays* Cembo, South Cembo, West Rembo, East Rembo, Comembo, Pembo, and Pitogo, situated in Makati, and declared the same open for disposition in accordance with Republic Act (RA) No. 274,[6] and RA 730[7] in relation to the provisions of Commonwealth Act No. 141.[8]

Among others, Proc. 518 allowed a maximum area of 300 square meters for disposition to any *bona fide* occupants/residents of said *Barangays* Cembo, South Cembo, West Rembo, East Rembo, Comembo, Pembo, and Pitogo who have resided in or occupied such areas on or before January 7, 1986.

In 1985, petitioner Mauricio M. Tabino (Mauricio) – a technical sergeant in the military – and his brother, respondent Lazaro M. Tabino – a colonel in the military – occupied a 353-square meter lot in Pembo, Makati City. Mauricio established residence within the lot, while respondent continued to reside in Novaliches, Quezon City.[9] The lot was later subdivided into two portions, denominated as Lots 2 and 3, Block 255, Zone 12, Group 10, Sampaguita Extension, Pembo, Makati City.

Lot 2 – containing an area of 184 square meters – was applied for coverage under Proc. 518 by Mauricio, while Lot 3 – containing an area of 169 square meters – was applied for by respondent. Respondent was later on issued by the Fort Bonifacio Post Commander a Revocable Permit[10] to occupy his lot, but the permit authorized him to occupy an area of only 150 square meters.

In 1988, Lot 3 was awarded to respondent, and a Certificate[11] to such effect was issued by the Bureau of Lands (now Land Management Bureau).

On May 11, 2004, respondent filed an ejectment case against Mauricio and the latter's wife, Leonila dela Cruz (petitioners) with the Metropolitan Trial Court of Makati (MeTC). Docketed as Civil Case No. 85043 and assigned to Branch 64, the ejectment case is based on the theory that respondent is the true and sole owner

---

5 Reserving For Military Purposes Certain Parcels Of The Public Domain Situated In The Municipalities Of Pasig, Taguig, Parañaque, Province Of Rizal And Pasay City. Dated July 12, 1957.

6 An Act Authorizing The Director Of Lands To Subdivide The Lands Within Military Reservations Belonging To The Republic Of The Philippines Which Are No Longer Needed For Military Purposes, And To Dispose Of The Same By Sale Subject To Certain Conditions, And For Other Purposes. Approved on June 15, 1948.

7 An Act To Permit The Sale Without Public Auction Of Public Lands Of The Republic Of The Philippines For Residential Purposes To Qualified Applicants Under Certain Conditions. Approved on June 18, 1952.

8 The Public Land Act.

9 *Rollo*, pp. 79-85.

10 Id. at 56.

11 Id. at 59.

of the 353-square meter lot; that he used Mauricio only for the purpose of circumventing the 300-square meter limit set by Proc. 518 by asking the latter to apply for the purchase of a portion of the lot after subdividing the same into two smaller lots; that Mauricio's stay in the premises is merely by tolerance of respondent; that petitioners introduced permanent structures on the land; and that petitioners refused to vacate the premises upon respondent's formal demand. Respondent thus prayed that petitioners be ordered to vacate Lots 2 and 3 and to pay the former rentals, attorney's fees, and costs of suit.[12]

Petitioners countered in their Answer[13] that respondent had no right to eject them; that the parties' true agreement was that petitioners would act as caretakers of respondent's Lot 3, and for this, respondent would pay petitioners a monthly salary of ₱800.00; that respondent failed to honor the agreement; and that relative to Lot 2, there was a pending Protest filed with the Regional Executive Director of the Department of Environment and Natural Resources (DENR) National Capital Region.

Protests in the Department of Environment and Natural Resources

It appears that petitioners and respondent both filed Protests with the DENR relative to Lots 2 and 3. In a June 13, 2006 Decision, respondent's Protest – docketed as Case No. 2004-821 and entitled "*Lazaro M. Tabino, Protestant, versus Mauricio Tabino and Leonila C. Tabino, Protestees*" – was resolved as follows:

> WHEREFORE, premises considered, the instant Protest should be as it is hereby "DENIED" for lack of merit. The Miscellaneous Sales Application filed by Mauricio Tabino over Lot 2, Block 255, Zone 12, Group 190, Sampaguita St., Pembo, Makati should now be given due course by this Office. x x x[14]

The DENR held in Case No. 2004-821 that respondent is not qualified to acquire Lot 2 under Proc. 518 since he was already awarded a home lot in Fort Bonifacio, specifically Lot 19, Block 22, Fort Bonifacio (AFPOVAI), Taguig. Moreover, he failed to prove that Mauricio was not a *bona fide* resident/occupant of Lot 2; on the contrary, it has been shown that Mauricio, and not respondent, has been in actual possession and occupation of the lot.

In an August 28, 2007 Order,[15] the above disposition was reiterated after respondent's motion for reconsideration was denied.

---

12 Id. at 20-22; respondent's Complaint.
13 Id. at 27-31.
14 Id. at 102.
15 Id. at 102-104.

On the other hand, petitioners' Protest, docketed as Case No. 2005-939 and entitled "*Leonila Tabino and Adrian Tabino, Protestants, versus Lazaro Tabino and Rafael Tabino, Respondents*", was resolved in an August 28, 2007 Order,[16] which decreed thus –

> WHEREFORE, premises considered, the Protest lodged before this Office on 21 January 2005 by Leonila Tabino and Adrian Tabino as against the Application of Lazaro/Rafael Tabino over Lot 3, Blk. 255, Zone 12, Pembo, Makati City is, as it is hereby "GRANTED". As a consequence, the MSA (Unnumbered) of Rafael H. Tabino is hereby CANCELLED and DROPPED from the records of the Office. Thus, the Order dated July 16, 2004 re: Cancellation Order No. 04-032 should be, as it is hereby SET ASIDE. After the finality of this Decision, Claimant-Protestant Adrian Tabino may now file his land application over the subject lot.
>
> SO ORDERED.[17]

The ruling in Case No. 2005-939 is similar to the pronouncement in Case No. 2004-821: that respondent was disqualified from acquiring any more lots within Fort Bonifacio pursuant to Proc. 518, since he was previously awarded a home lot therein, specifically Lot 19, Block 22, PEMBO, Fort Bonifacio (AFPOVAI), Taguig; that respondent is not a *bona fide* resident/occupant of Lot 3, as he and his family actually resided in Novaliches, Quezon City; and that Mauricio has been in actual possession and occupation of Lot 3 since 1985.

Ruling of the Metropolitan Trial Court

On April 4, 2008, a Decision[18] was rendered in Civil Case No. 85043, as follows:

> The only issue to be resolved in this action to recover possession of the subject property is the question on who is entitled to the physical or material possession of the premises. In ejectment cases, the word "possession" means nothing more than physical possession, not legal possession, in the sense contemplated in civil law.
>
> It is undisputed that the revocable permit extended to the plaintiff was to occupy a parcel of land with an area of 150 square meters. Suffice it to say that beyond the 150 square meters would be contrary to the permit extended to the plaintiff to occupy the lot. Plaintiff therefore, would violate the provisions of the revocable permit if he goes beyond what was specified therein or up to 150 square meters. When the land was declared open pursuant to the provisions of Republic Act No. 274 and Republic Act No. 730 both parties applied in their respective name pursuant to the size of the land which they are permitted. Since

---

16 Id. at 105-109.
17 Id. at 109.
18 Id. at 111-113; penned by Judge Ronald B. Moreno.

> then defendants have been in possession of the subject property up to the present pursuant to the permit to occupy the subject land. Furthermore, defendants had acquired the property in their own name, a valid claim to establish possession.
>
> Plaintiff's contention that defendants' stay on the premises is by mere tolerance is devoid of merit. Well-established is the rule that findings of administrative agencies are accorded not only respect but also finality when the decision or order is not tainted with unfairness or arbitrariness that would amount to grave abuse of discretion. The order dated August 28, 2007 by the Department of Environment and Natural Resources affirming its previous decision in Case No. 2004-821 dated June 13, 2006 clearly stating therein that defendants are awardees of Lot 2, Block 255, Zone 12, Sampaguita Street, Pembo, Makati City, are accorded with respect and finality. Truly, defendants are rightful possessors of the subject property.
>
> x x x x
>
> WHEREFORE, above premises considered, the complaint as well as defendants' counterclaim are hereby ordered Dismissed. No costs.
>
> SO ORDERED.[19]

Ruling of the Regional Trial Court

Respondent appealed before the Makati Regional Trial Court (RTC),[20] but in a February 19, 2009 Decision[21] the RTC affirmed the MeTC *in toto*, thus:

> WHEREFORE, premises considered, the decision of the Metropolitan Trial Court Branch 64, Makati City dated April 4, 2008 in Civil Case No. 85043 is hereby AFFIRMED in TOTO.
>
> SO ORDERED.[22]

The RTC agreed with the MeTC in ruling that respondent is not entitled to possession of the disputed premises on account of the DENR findings in Case Nos. 2005-939 and 2004-821 that petitioners are registered claimants and *bona fide* residents thereof, and have been in open, continuous, exclusive and notorious possession thereof under a *bona fide* claim of ownership, while respondent was permitted to occupy an area of only 150 square meters and not more; petitioner would be in direct violation of his permit if he were to occupy more than the allowed area stated in said permit.

---

19 Id. at 112-113.
20 Docketed as Civil Case No. 08-635 and assigned to Branch 150 of the Regional Trial Court of Makati City.
21 *Rollo*, pp. 138-144; penned by Judge Elmo N. Alameda.
22 Id. at 144.

Ruling of the Court of Appeals

Respondent filed his Petition for Review[23] with the CA, assailing the RTC Decision and insisting that he had a better right of possession since he was the *bona fide* occupant of the disputed lot and Mauricio was merely his caretaker. He added that in 1994, Mauricio executed an Affidavit[24] (1994 affidavit) acknowledging that respondent was the true owner of Lot 2 and that he was merely allowed by the latter to occupy the same and introduce improvements thereon; this operated as an admission against interest which may be used against petitioners. Finally, respondent argued that the decision in the DENR Protest is not yet final and executory on account of his pending appeal; thus, the courts may not rely on the findings contained therein.

On August 25, 2010, the CA issued the assailed Decision, which held thus:

> WHEREFORE, premises considered, the instant petition for review is GRANTED. The assailed decisions of the RTC and the MeTC are hereby REVERSED and SET ASIDE. The ejectment suit filed by the petitioner against the respondents over Lot Nos. 2 and 3 is GRANTED. Accordingly, the respondents are ordered to vacate the subject premises.
>
> SO ORDERED.[25]

In reversing the trial court, the CA held that the 1994 affidavit – which petitioners do not dispute – should be taken as an admission by Mauricio that he was merely appointed by respondent as the caretaker of Lot 2, and that respondent is the true possessor and owner thereof. This being the case, petitioners occupy the premises by mere tolerance of respondent, and are bound to the implied promise that they shall vacate the same upon demand. The CA added that while respondent was authorized to occupy only 150 square meters, this was irrelevant since the only issue that must be resolved in an unlawful detainer case is actual physical or material possession, independent of any claim of ownership; since respondent has satisfactorily shown by preponderant evidence that he was in actual possession of Lots 2 and 3, he is entitled to recover the same from petitioners.

The CA also held that while respondent's application for Lot 2 was denied by the DENR in its June 13, 2006 Decision – since he was already an awardee of another lot within Fort Bonifacio, the issue of possession was not touched upon. For this reason, the DENR Decision has no bearing on the unlawful detainer case. Additionally, the DENR rulings are still the subject of appeals, and thus could not have conclusive effect.

---

23 Id. at 145-151.
24 Id. at 23-24.
25 Id. at 169.

Petitioners moved for reconsideration, but in a March 18, 2011 Resolution, the CA stood its ground. Hence, the instant Petition.

Issues

Petitioners raise the following issues:

> 1. CAN THE FINDINGS OF FACTS BY THE DENR IN RESOLVING CONFLICTING CLAIMS AS TO WHO HAS A BETTER RIGHT OF POSSESSION BETWEEN PETITIONERS AND RESPONDENT OVER SUBJECT PARCELS OF LOT BE NULLIFIED BY THE COURT UNDER AN EJECTMENT CASE?
>
> 2. HAS THE COURT VALIDLY ACQUIRED JURISDICTION TO HEAR AND ADJUDICATE ON REVIEW THE FINDINGS OF FACTS BY AN ADMINISTRATIVE BODY WITHOUT HAVING ADMINISTRATIVE REMEDIES FIRST EXHAUSTED?
>
> 3. HAS RESPONDENT VIOLATED THE RULE AGAINST FORUM-SHOPPING IN FILING EJECTMENT CASE AGAINST PETITIONERS DURING THE PENDENCY OF THE MISCELLANEOUS SALES APPLICATION CASES BEFORE THE DENR WHICH ADMINISTRATIVE BODY, IN EXERCISE OF ITS QUASI-JUDICIAL FUNCTION, HAS FIRST ACQUIRED JURISDICTION OVER THE SAME PARTIES, SAME SUBJECT MATTER AND SAME ISSUES OF FACT AND LAW?[26]

Petitioners' Arguments

In their Petition and Reply,[27] petitioners seek a reversal of the assailed CA dispositions and the reinstatement of the MeTC's April 4, 2008 Decision, arguing that the ejectment case constituted an attack on the DENR rulings in Case Nos. 2004-821 and 2005-939 – which disqualified respondent from acquiring Lots 2 and 3 on the ground that he was already an awardee of a lot within Fort Bonifacio; that Mauricio has been in actual possession and occupation of Lots 2 and 3 since 1985; and that respondent is not a *bona fide* resident/occupant of Lot 2 or 3 – which is not allowed, as it encroached on the administrative authority of the DENR. They argue that respondent should not have resorted to the ejectment case; instead, he should have exhausted all administrative remedies made available to him through the DENR.

Petitioners add that respondent is guilty of forum-shopping in filing the ejectment case without awaiting resolution of the pending DENR Protests, which necessarily touched upon the issue of possession.

---

[26] Id. at 7.
[27] Id. at 192-196.

Respondent's Arguments

Respondent argues in his Comment[28] that petitioners are estopped from claiming that the ejectment case indirectly attacked the DENR rulings and that it constituted forum-shopping, since these issues were not raised by petitioners in their pleadings below; that the courts are not divested of jurisdiction over the ejectment case, since the only issue involved therein is possession and not who is entitled to a miscellaneous sales application covering the disputed lot – which the DENR is tasked to determine; and that as a consequence of Mauricio's 1994 affidavit, petitioners are estopped from questioning respondent's possession.

Our Ruling

The Court partially grants the Petition.

Respondent is correct in arguing that petitioners may not raise the issues of exhaustion of administrative remedies and forum-shopping, after having voluntarily submitted themselves to the jurisdiction of the MeTC and the RTC trying the ejectment case. Besides, these issues are being raised for the first time at this stage of the proceedings. Moreover, petitioners in the instant Petition pray for the reinstatement of the MeTC Decision; as such, they cannot be allowed to simultaneously attack and adopt the proceedings or actions taken by the lower courts.

Nonetheless, the Court finds that the appellate court erred in ordering petitioners to vacate the premises. With the pendency of the DENR Protests – Case Nos. 2004-821 and 2005-939 – respondent's claim of possession and his right to recover the premises is seriously placed in issue. If the ejectment case – Civil Case No. 85043 – is allowed to proceed without awaiting the result of the DENR Protests, then a situation might arise where the existing structures thereon would have to be demolished. If petitioners' position, as affirmed by the DENR, is further upheld with finality by the courts, then it would mean that respondent had no right to occupy or take possession of the subject lots, which thus negates his right to institute and maintain the ejectment case; and an injustice would have occurred as a consequence of the demolition of petitioners' residence and other permanent improvements on the disputed lots.

Indeed, DENR Case Nos. 2004-821 and 2005-939 have found their way to the CA, and the pronouncements of the latter do not exactly favor respondent. Thus, in CA-G.R. SP No. 125056, entitled "*Lazaro M. Tabino, Petitioner, versus Mauricio M. Tabino and Leonila C. Tabino, Respondents*," the CA dismissed respondent's Petition for Review of the DENR Secretary's affirmance of the

[28] Id. at 184-190.

DENR NCR Regional Executive Director's June 13, 2006 Decision in Case No. 2004-821. In its January 13, 2014 Decision,[29] the CA's 6th Division held as follows:

> The DENR Secretary, acting through the OIC, Assistant Secretary for Legal Services, denied the appeal on the basis that upon findings of the Regional Executive Director, Mauricio has all the qualifications and none of the disqualifications based on the disposition of Public Lands. The DENR further ruled that upon ocular inspection made, it was ascertained that 1) per records, Mauricio is a survey claimant of Lot 2, Block 255, Psd-a3-0054204 with an area of 184 sq.m. situated in Pembo, Makati City; 2) that the land is residential in nature, a house stands erected in said area where Mauricio and his family reside; 3) that a portion of the said area is being utilized as a *carinderia* and a sari-sari store as their family's business; 4) that Mauricio is occupying the area since 1985 up to the present; 5) that Lazaro Tabino (petitioner) is actually residing in Quezon City; and, 6) the Yvonne Josephine Tabino, petitioner Lazaro Tabino and Rafael Tabino are *bonafide* residents of Quezon City for no less than twenty years, per Certification of Barangay Chairman Almario Francisco on 2 September 2004 of Barangay San Agustin, Novaliches, Quezon City. Further, the DENR held that the above findings were never refuted by the petitioner.
>
> On this point, it is worth stressing that the courts generally accord great respect, if not finality, to factual findings of administrative agencies because of their special knowledge and expertise over matters falling under their jurisdiction. Echoing the explanation of the private respondent DENR, citing the case of *Ortua vs. Encarnacion*, the findings of facts of the Director of Land (now the Regional Director) is conclusive in the absence of any showing that such decision was rendered in consequence of fraud, imposition or mistake, other than error of judgment in estimating the value or effect of evidence, regardless of whether or not it is consistent with the preponderance of evidence, so long as there is some evidence upon which the findings in question could be made.
>
> Moreover, notwithstanding the issue of physical possession having been ruled upon by the Court in CA-G.R. SP No. 107957, it is well to note that in the case of *Estrella vs. Robles*, it was explained that the Bureau of Lands determines the respective rights of rival claimants to public lands, but it does not have the wherewithal to police public lands. Neither does it have the means to prevent disorders or breaches of the peace among the occupants. Its power is clearly limited to disposition and alienation and any power to decide disputes over possession is but in aid of making the proper awards.
>
> x x x x
>
> In disposing of the case of *Estrella*, the Supreme Court held that, "Under the Public Land Act, the Director of Lands primarily and the DENR Secretary ultimately have the authority to dispose of and manage public lands. And while the DENR's jurisdiction over public lands does not negate the authority of courts of justice to resolve questions of possession, the DENR's decision would prevail with regard to the respective rights of public land claimants. Regular courts would have no jurisdiction to inquire into the validity of the award of the public

---

[29] Penned by Associate Justice Romeo F. Barza and concurred in by Associate Justices Hakim S. Abdulwahid and Ramon A. Cruz.

land."

Under the circumstances, the Court finds no reason to disturb the ruling of public respondent DENR in its disposition of the subject property.

WHEREFORE, the petition is DENIED.

SO ORDERED.

In the second case decided by the CA – CA-G.R. SP No. 126100 entitled "*Lazaro M. Tabino and Rafael H. Tabino, Petitioners, versus Leonila C. Tabino and Adrian C. Tabino, Respondents*" relative to the disposition in DENR Case No. 2005-939, the appellate court's 9th Division held in a June 28, 2013 Decision[30] that –

We agree with the respondents and dismiss the petition for petitioners' failure to exhaust administrative remedies.

The doctrine of exhaustion of administrative remedies is a cornerstone of Our judicial system. The thrust of the rule is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. The rationale for this doctrine is obvious. It entails lesser expenses and provides for the speedier resolution of controversies. Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed.

Another important reason for the doctrine of exhaustion is the separation of powers, which enjoins the Judiciary a becoming policy of non-interference with matters coming primarily (albeit not exclusively) within the competence of the other departments. The theory is that the administrative authorities are in a better position to resolve questions addressed to their particular expertise and that errors committed by subordinates in their resolution may be rectified by their superiors if given a chance to do so. Strict enforcement of the rule could also relieve the courts of a considerable number of avoidable cases which otherwise would burden their heavily loaded dockets.

Thus, the party with an administrative remedy must not only commence with the prescribed administrative procedure to obtain relief but also pursue it to its appropriate conclusion before seeking judicial intervention to give the administrative agency an opportunity to decide the matter itself correctly and prevent unnecessary and premature resort to the court. The non-observance of the doctrine of exhaustion of administrative remedies results in lack of cause of action, which is one of the grounds in the Rules of Court justifying the dismissal of the complaint.

Indeed, the doctrine of exhaustion of administrative remedies admits of exceptions, but none of these apply in this case. Consequently, Lazaro and Rafael should have first appealed to the Office of the President, which has the power to review the orders or acts of the DENR Secretary, being his subordinate, before

---

[30] Penned by Associate Justice Mario V. Lopez and concurred in by Associate Justices Jose C. Reyes, Jr. and Socorro B. Inting.

coming to Us through a petition for review. x x x

x x x x

FOR THESE REASONS, We DISMISS the petition.

SO ORDERED.

In *Samonte v. Century Savings Bank*,[31] this Court made the following pronouncement:

> Only in rare instances is suspension allowed to await the outcome of a pending civil action. In *Vda. de Legaspi v. Avendaño*, and *Amagan v. Marayag*, we ordered the suspension of the ejectment proceedings on considerations of equity. We explained that the ejectment of petitioners therein would mean a demolition of their house and would create confusion, disturbance, inconvenience, and expense. Needlessly, the court would be wasting much time and effort by proceeding to a stage wherein the outcome would at best be temporary but the result of enforcement would be permanent, unjust and probably irreparable.[32]

On the other hand, *Vda. de Legaspi v. Hon. Avendaño*,[33] which *Samonte* refers to, states:

> x x x Where the action, therefore, [is] one of illegal detainer, as distinguished from one of forcible entry, and the right of the plaintiff to recover the premises is seriously placed in issue in a proper judicial proceeding, it is more equitable and just and less productive of confusion and disturbance of physical possession, with all its concomitant inconvenience and expenses. For the Court in which the issue of legal possession, whether involving ownership or not, is brought to restrain, should a petition for preliminary injunction be filed with it, the effects of any order or decision in the unlawful detainer case in order to await the final judgment in the more substantive case involving legal possession or ownership. It is only where there has been forcible entry that as a matter of public policy the right to physical possession should be immediately set at rest in favor of the prior possession regardless of the fact that the other party might ultimately be found to have superior claim to the premises involved, thereby to discourage any attempt to recover possession thru force, strategy or stealth and without resorting to the courts.[34]

More significantly, *Amagan v. Marayag*[35] dictates, thus –

> As a general rule, an ejectment suit cannot be abated or suspended by the

---

31 G.R. No. 176413, November 25, 2009, 605 SCRA 478.
32 Id. at 484.
33 169 Phil. 138 (1977).
34 Id. at 146-147.
35 383 Phil. 486 (2000).

> mere filing before the regional trial court (RTC) of another action raising ownership of the property as an issue. As an exception, however, unlawful detainer actions may be suspended even on appeal, on considerations of equity, such as when the demolition of petitioners' house would result from the enforcement of the municipal circuit trial court (MCTC) judgment.[36]

In light of the developments in the DENR Protests, the Court cannot in good conscience order the petitioners to vacate the premises at this point. The better alternative would be to await the outcome of these Protests, before any action is taken in the ejectment case.

WHEREFORE, the Petition is **PARTIALLY GRANTED**. The assailed August 25, 2010 Decision of the Court of Appeals in CA-G.R. SP No. 107957 is **MODIFIED**, in that the directive for petitioners to vacate the subject premises is **REVERSED** and **SET ASIDE**.

Accordingly, the proceedings in the ejectment case, Civil Case No. 85043, are ordered **SUSPENDED** until the proceedings in DENR Case Nos. 2004-821 and 2005-939 are concluded.

No costs.

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

---

[36] Id. at 489-490.

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

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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