



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated May 3, 2021 which reads as follows:*

**“G.R. No. 211639 – SPOUSES BENEDICTO AND VIRGINIA LADICA, ET AL., petitioners, versus SPOUSES ROLANDO D. UY AND ANNALIZA R. UY, respondents.**

After a careful review of the instant Petition and its annexes, as well as the Decision<sup>1</sup> dated April 30, 2013 and Resolution<sup>2</sup> dated January 23, 2014 of the Court of Appeals<sup>3</sup> (CA) in CA-G.R. SP No. 02439, the Court resolves to **DENY** the Petition for lack of merit.

It bears emphasis that actions for forcible entry (*detentacion*) and unlawful detainer (*desahucio*) contemplate summary ejectment proceedings for the recovery of physical or material possession (possession *de facto*) where the dispossession has not lasted for more than one year.<sup>4</sup> In *Heirs of Alfredo Cullado v. Gutierrez*,<sup>5</sup> the Court explained:

Cases of forcible entry and unlawful detainer are governed by Rule 70 of the Rules of Court. Under Section 1 of Rule 70, “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

- over – four (4) pages ...

100

<sup>1</sup> *Rollo*, pp. 24-34. Penned by Associate Justice Edgardo L. Delos Santos (now a Member of the Court) and concurred in by Associate Justices Pamela Ann Abella Maxino and Maria Elisa Sempio Diy.

<sup>2</sup> *Id.* at 35-36.

<sup>3</sup> Nineteenth and Former Nineteenth Division, respectively,

<sup>4</sup> *Heirs of Alfredo Cullado v. Gutierrez*, G.R. No. 212938, July 30, 2019, 911 SCRA 557.

<sup>5</sup> *Id.*

implied, 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.”

Forcible entry and unlawful detainer cases are governed by the rules on summary procedure. The judgment rendered in an action for forcible entry or unlawful detainer is conclusive with respect to the possession only, will not bind the title or affect the ownership of the land or building, and will not bar an action between the same parties respecting title to the land or building. When the issue of ownership is raised by the defendant 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.<sup>6</sup>

As forcible entry cases deal with physical or material possession and not title,<sup>7</sup> the Court has held that the issue of ownership should be provisionally resolved only when it is intimately intertwined with the issue of possession, to such an extent that the question of who had prior possession cannot be determined without ruling on the question of who the owner of the land is.<sup>8</sup> Thus, for a forcible entry suit to prosper, the plaintiff only needs to allege and prove that: (1) he/she had prior physical possession of the property; (2) he/she was unlawfully deprived of such possession by the defendant through force, intimidation, strategy, threat or stealth;<sup>9</sup> and (3) that the action was filed within one year after such deprivation.<sup>10</sup>

In the instant case, the Court agrees with the CA that respondents sufficiently proved their cause of action for forcible entry. Notably, the CA found (1) that respondents had prior physical possession of Lot No. 2373-A in 2005, (2) that petitioners entered the property through force, intimidation, strategy and/or stealth and destroyed respondents’ bamboo fence, cut down the banana plants of respondents, and took possession of the property in 2006, and (3) that the action was filed within one year from the deprivation.<sup>11</sup> These factual findings are binding on the Court.

- over -

100

<sup>6</sup> Id. at 569-570. Underscoring supplied.

<sup>7</sup> *Heirs of Pedro Laurora v. Sterling Technopark III*, G.R. No. 146815, April 9, 2003, 401 SCRA 181, 184.

<sup>8</sup> Id. at 185.

<sup>9</sup> See *Rhema International Livelihood Foundation, Inc. v. Hibix, Inc. represented by its Board of Directors, Yoshimitsu Taguche, et al.*, G.R. Nos. 225353-54, August 28, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65589>>.

<sup>10</sup> *Heirs of Alfredo Cullado v. Gutierrez*, supra note 4, at 570.

<sup>11</sup> *Rollo*, pp. 25-26.

It is of no moment that petitioners, as heirs of the registered owner, claim that they have a better right to own and possess the property<sup>12</sup> and that respondents were the ones who unlawfully took possession of the same in 2005.<sup>13</sup> It is settled that “x x x in a forcible entry case, [‘]a party who can prove prior possession can recover such possession even against the owner himself. Whatever may be the character of his possession, if he has in his favor prior possession in time, he has the security that entitles him to remain on the property until a person with a better right lawfully ejects him. [’]”<sup>14</sup> In *Heirs of Pedro Laurora v. Sterling Technopark III*,<sup>15</sup> the Court explained:

Notwithstanding the actual condition of the title to the property, a person in possession cannot be ejected by force, violence or terror — not even by the owners. If such illegal manner of ejectment is employed, as it was in the present case, the party who proves prior possession — in this case, petitioners — can recover possession even from the owners themselves.

Granting *arguendo* that petitioners illegally entered into and occupied the property in question, respondents had no right to take the law into their own hands and summarily or forcibly eject the occupants therefrom.

Verily, even if petitioners were mere usurpers of the land owned by respondents, still they are entitled to remain on it until they are *lawfully* ejected therefrom. Under appropriate circumstances, respondents may file, other than an ejectment suit, an *accion publiciana* — a plenary action intended to recover the better right to possess; or an *accion reivindicatoria* — an action to recover ownership of real property.

The availment of the aforementioned remedies is the legal alternative to prevent breaches of peace and criminal disorder resulting from the use of force by claimants out to gain possession. The rule of law does not allow the mighty and the privileged to take the law into their own hands to enforce their alleged rights. They should go to court and seek judicial vindication.<sup>16</sup>

Indeed, as the issue of material possession can be easily resolved in favor of respondents without delving into the issue of ownership, the Court agrees with the CA that there is no need to delve into the issue of ownership which is better threshed out in an

- over -

100

---

<sup>12</sup> Id. at 26.

<sup>13</sup> Id. at 18.

<sup>14</sup> *Nenita Quality Foods Corporation v. Galabo*, G.R. No. 174191, January 30, 2013, 689 SCRA 569, 581. Underscoring supplied.

<sup>15</sup> Supra note 7.

<sup>16</sup> Id. at 185-186. Italics in the original.

appropriate action for *publiciana* or *reivindicatoria*, as the case may be. In view of the foregoing, the instant Petition is denied.

**WHEREFORE**, premises considered, the Petition is **DENIED**. The Decision dated April 30, 2013 and Resolution dated January 23, 2014 of the Court of Appeals in CA-G.R. SP No. 02439 are hereby **AFFIRMED**.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court <sup>715</sup>

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**100**

Atty. Margarita A. Bantug  
Counsel for Petitioners  
c/o Office of the Sangguniang Panlalawigan  
Legislative Building, Capitol Site  
Brgy. Asuncion, Maasin City  
6600 Southern Leyte

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Philippine Judicial Academy (x)  
Supreme Court

Judgment Division (x)  
Supreme Court

UR

Court of Appeals  
6000 Cebu City  
(CA-G.R. SP No. 02439)

Sps. Rolando & Annaliza Uy  
Respondents  
Brgy. San Roque, Matalom  
6526 Leyte

The Hon. Presiding Judge  
Regional Trial Court, Branch 18  
Hilongos, 6524 Leyte  
(Civil Case No. H-528)

The Hon. Presiding Judge  
Municipal Circuit Trial Court  
Bato-Matalom, 6525 Leyte  
(Civil Case No. 169)



