



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

EDGAR M. RICO,

Petitioner,

G.R. No. 215166

Present:

-versus-

GESMUNDO, C.J., *Chairperson*
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

ERNIE "TOTO" CASTILLO,
PIFIANO JUMO, GERRY
VILLEGAS, ALFRANCE
ALICANTE, FELIX YAGAO,
JOHN DOES, and MARILOU
LOPEZ a.k.a. MA. LORETO V.
ABELLA-LOPEZ,

Respondents.

Promulgated:

JUL 23 2024

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DECISION

MARQUEZ, J.:

The proper remedy from an adverse decision of the Regional Trial Court (RTC) exercising its appellate jurisdiction in a forcible entry case is a petition for review to the Court of Appeals (CA) under Rule 42 of the Rules of Court, and not a petition for *certiorari* under Rule 65. Accordingly, the CA erred in giving due course to the Petition for *Certiorari* filed by respondents Ernie "Toto" Castillo and Pifiano Jumo, members of the Philippine National Police; Gerry Villegas of the City Engineer's Office assigned to the City Demolition Team; Alfrance Alicante, Felix Yagao, Marilou Lopez, also known as Ma. Loreto V. Abella-Lopez, and John Does (Castillo et al.). In any event, it is well-settled that in forcible entry cases, the complainants need only to prove prior physical possession and not their legal entitlement to such possession. In addition, a favorable judgment in an unlawful detainer suit does not permit the plaintiff to resort to violence to eject the respondent.

Before the Court is a Petition for Review on *Certiorari*¹ assailing the Decision² and Resolution³ of the CA, which reversed the Decision⁴ of the RTC affirming the Decision⁵ of the Municipal Trial Court in Cities (MTCC). The MTCC ordered Castillo et al., as well as Charles Suan, Perlito Sobiono, Mendoza Shuille Soli, Ricky Monib, and John Camiguin, to vacate the disputed parcel of land located in Barangay Matina, Davao City, identified as Lot 1957, Cad. 102 (Lot 1957).⁶

On January 30, 2006, petitioner Edgar M. Rico (Rico) filed a Complaint for forcible entry⁷ against Castillo et al. and some John Does.⁸ Rico claimed that he was the Free Patent applicant of the 11,015-square meter portion of Lot 1957,⁹ and that Castillo et al., on the instructions of respondent Marilou Lopez (Lopez), forcibly entered his portion of Lot 1957 by destroying the steel gate and demolishing the structures on October 11, 2005.¹⁰

On the other hand, Milagros Villa-Abrille (Villa-Abrille), represented by Lopez, maintained that Lot 1957, including the portion claimed by Rico, is registered in her name under Transfer Certificate of Title (TCT) No. T-19416.¹¹ She merely leased a 1,500-square meter portion of Lot 1957 to Rico for a monthly rental of PHP 20,000.00, as provided in their duly signed and notarized Contract of Lease.¹² However, Rico refused to vacate her property upon expiry of the lease.¹³ Consequently, Villa-Abrille filed a Complaint for unlawful detainer against Rico, docketed as Civil Case No. 10,033-C-D-01, before the MTCC.¹⁴ The MTCC decided in her favor and ordered Rico to vacate the property.¹⁵ This Decision was later affirmed by the CA and this Court.¹⁶ However, this Decision was never enforced.¹⁷

¹ *Rollo*, pp. 3–18.

² *Id.* at 19–50. The August 12, 2013 Decision in CA-G.R. SP Nos. 01883-MIN et al. was penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Oscar V. Badelles and Edward B. Contreras of the Special Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

³ *Id.* at 51–55. The October 2, 2014 Resolution in CA-G.R. SP Nos. 01883-MIN et al. was penned by Associate Justice Edward B. Contreras and concurred in by Associate Justices Oscar V. Badelles and Maria Filomena D. Singh (now a Member of this Court) of the Special Former Special Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

⁴ *Id.* at 63–66. The May 9, 2007 Decision in Civil Case No. 31,660-06 was penned by Presiding Judge Emmanuel C. Carpio of Branch 16, Regional Trial Court, Davao City.

⁵ *Id.* at 56–62. The November 8, 2006 Decision in Civil Case No. 18,988-C-D-06 was penned by Presiding Judge George E. Omelio of Branch 4, Municipal Trial Court in Cities, Davao City.

⁶ *Id.* at 62.

⁷ *Id.* at 23.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 24.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

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In the meantime, on January 9, 2001, Rico filed an application for Free Patent with the Department of Environment and Natural Resources over the parcel of land he previously rented from Villa-Abrille, representing that the lot was still alienable and disposable.¹⁸

In its November 8, 2006 Decision, the MTCC granted Rico's Complaint for forcible entry in Civil Case No. 18,988-C-D-06, ruling as follows:

WHEREFORE, judgment is rendered ordering herein defendants and persons acting in their stead to:

- a) vacate the subject premises and restore the physical and material possession of the same to the plaintiff, in peace;
- b) to solidarily pay plaintiff the sum of [PHP 20,000.00] monthly, for the use and continued occupation or possession of the subject premises commencing October 11, 2005 until defendants vacate the same;
- c) pay [PHP 20,000.00] as attorney's fees; and
- d) cost[s] of suit.

SO ORDERED.¹⁹ (Emphasis in the original)

On appeal, the RTC affirmed the MTCC. The dispositive portion of the May 9, 2007 RTC Decision reads:

WHEREFORE, finding no error committed by the lower court, the assailed Decision dated November 8, 2006 is affirmed in toto and defendants-appellants' appeal is hereby ordered **DISMISSED**.

SO ORDERED.²⁰ (Emphasis in the original)

Castillo et al. filed a Petition for *Certiorari* with the CA under Rule 65 of the Rules of Court, assailing the RTC Decision.²¹ The CA initially dismissed the Petition for being the wrong remedy, but later reinstated the Petition upon Castillo et al.'s Motion for Reconsideration.²² The CA also consolidated the Petition for *Certiorari* with three other petitions involving various properties allegedly owned by Villa-Abrille.²³

¹⁸ *Id.* at 24–25.

¹⁹ *Id.* at 62.

²⁰ *Id.* at 66.

²¹ *Id.* at 26.

²² *Id.*

²³ *Id.* at 22–23.

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On the substance, the CA granted the Petition and held that Rico's Complaint for forcible entry lacked merit. The dispositive portion of the CA Decision reads:

WHEREFORE, in view of the above premises, We hold, thus:

- a) For **CA-G.R. No. 01883**, the petition is hereby **GRANTED**. The *Decision dated [November 8, 2006]* of the MTCC, Branch 04, Eleventh Judicial Region, Davao City, in *Civil Case No. 18-988-C-D-06*, is hereby **REVERSED** and **SET ASIDE**, and private respondent is hereby **DIRECTED** to vacate the subject property;
- b) For **CA-G.R. Nos. 02060 and 02079**, the petitions are hereby **GRANTED**. The *Decision dated [November 20, 2006]* in *Civil Case No. 19,422-F-D-06* rendered by the said court, is likewise **REVERSED** and **SET ASIDE**, and private respondents are hereby **DIRECTED** to vacate the subject property; and
- c) For **CA-G.R. No. 02215**, the petition is hereby **DISMISSED**, and the *Decision dated [June 3, 2005]* of the said court in *Civil Case No. 16,996-G-F-E-D-2004* is hereby **AFFIRMED**.

The MTCC, Branch 04, Eleventh Judicial Region, Davao City, is hereby **DIRECTED** to **ENFORCE** this Decision relative to **CA-G.R. Nos. 01883, 02060[,] and 02079**.

SO ORDERED.²⁴ (Emphasis in the original)

According to the CA, "peculiar facts and circumstances"²⁵ removed the dispute from the ambit of a simple forcible entry case:

For one, *We are bothered by the questionable nature of Edgar Rico's possession of the subject property*. Extant in the records is a 2-year Contract of Lease dated [August 12, 1999] over Lot 2, Block 1, Psd-66802 between Milagros Villa-Abrille (Milagros) and Edgar Rico. It commenced on [August 16, 1999] and was supposed to end on [August 15, 2001]. Strangely, before the supposed expiry of such Contract of Lease, Edgar Rico filed the Application for Free Patent on [January 9, 2001] over the same property, *i.e.*, "Lot 2 Block 1 Psd 66802" representing that "[t]he land described and applied for is not claimed or occupied by other person, but is a public land, [...] living under OCT 5609 – since 1959." Edgar Rico's act of applying for free patent [over] the very property he was renting, and even admitting that the same is already titled under OCT 5609, strikes Us as suspicious, to say the least. *Being undisputedly a rent-paying lessee of Milagros, Edgar Rico is legally deemed to have recognized the ownership of the lot by Milagros, which includes the right of possession*. When he failed to comply with his obligations under the lease, expectedly, the case of unlawful detainer (*Civil Case No. 10,033-C-D-01*) filed by Milagros against him was ruled in her favor. *Unfortunately however, and for unclear*

²⁴ *Id.* at 49–50.

²⁵ *Id.* at 36.

reasons, despite that the decision was already upheld up to the Supreme Court, the same was not enforced.

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In the instant case, analyzing Edgar Rico's entry into the property, the same was legal as it was obtained by him through the lease agreement with Milagros. Thus, the *apropos* case is for unlawful detainer, as was correctly filed by Milagros as *Civil Case No. 10,033-C-D-01*. When said case was adjudged in favor of Milagros, *such became the characterization of Rico's possession, i.e., it has become unlawful as his right to hold possession thereof under the lease contract had ceased and terminated.*

*Such characterization of his possession as unlawful persists in spite of the failure to enforce the decision in the unlawful detainer case. Considering that the trial court's decision in Civil Case No. 10,033-C-D-01 was affirmed by the Court of Appeals, and further affirmed by the Supreme Court, as it had in fact been issued an Entry of Judgment, thus, the unlawful character of Edgar Rico's possession is already the case law on the matter insofar as his possession arising from the lease is concerned. It must be borne in mind that such unlawful possession was continued by Edgar Rico over the subject property precisely because the judgment in the unlawful detainer case was not enforced. Differently said, the judgment in the unlawful detainer case is res judicata as to the issue of possession derived from the terminated lease, i.e., that Edgar Rico has no right to possess the subject property, and necessarily, that it is Milagros who is entitled to possess the same.*²⁶ (Emphasis supplied)

The CA also found that the demolition of Rico's property was carried out in accordance with Section 27²⁷ of Republic Act No. 7279, or the Urban Development and Housing Act of 1992:

From the foregoing, it is clear that the only requirement in order that a summary eviction and demolition may be effected is the identification of who are the professional squatters and squatting syndicates in the area, which identification shall be done by the following: (1) the local government units concerned; (2) the Philippine National Police; (3) the

²⁶ *Id.* at 36-38.

²⁷ The cited provision reads:

Sec. 27. *Action Against Professional Squatters and Squatting Syndicates.* — The local government units, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates, as herein defined.

Any person or group identified as such shall be summarily evicted and their dwellings or structures demolished, and shall be disqualified to avail of the benefits of the Program. A public official who tolerates or abets the commission of the abovementioned acts shall be dealt with in accordance with existing laws.

For purposes of this Act, professional squatters or members of squatting syndicates shall be imposed the penalty of six (6) years imprisonment or a fine of not less than Sixty thousand pesos ([PHP] 60,000.00) but not more than One hundred thousand pesos ([PHP] 100,000.00)], or both, at the discretion of the court.

Presidential Commission for the Urban Poor (PCUP); and (4) the PCUP-accredited urban poor organization in the area.

Examining the records, We find ample proof that the task of identification was done by said groups, and Edgar Rico was included among those tagged as a professional squatter/member of squatting syndicate. In fact, Resolution No. 20, Series of 2004, specifically made mention of Edgar Rico and his family, the pertinent portions of which, read:

“c) That on August 12, 1999, Mr. EDGAR RICO (one of the informal settlers) leased from MILAGROS VILLA ABRILLE a certain parcel of land consisting of 1,500 square meters, for a consideration of [PHP] 20,000 a month for a period of [two] years intended as “commercial eatery business” [. . .]:

- 1) Edgar Rico is not a resident of the area. He is a resident of SIR New Matina, of which he is an awardee of a residential lot identified as Block G-3, Lot 4, New Matina, Davao City since March 14, 1986 and has in fact paid in full the value of the said residential lot. Living with him in said residential lot is his wife MERLIN D. RICO and their daughter MARY EDLYN RICO.
- 2) For failure of Edgar Rico to pay the rents due for said commercial space leased, a case for UNLAWFUL DETAINER was filed in court and on November 6, 2001, the MTCC rendered a Decision against Edgar Rico ordering him to vacate the premises. The case was elevated to the higher courts until finally the Supreme Court on June 9, 2003 issued a Resolution sustaining the Decision of the court *a quo* ordering Edgar Rico to vacate the premises.

d) While the Unlawful Detainer Case was pending before the MTCC, Edgar Rico filed an Application for Free Patent in January 2001 before the Department of Environment and Natural Resources (DENR) involving the land subject of the Contract of Lease with Villa-Abrille;

[. . .]

- e) That on August 8, 2003, the DENR Regional Executive Director Jeremias L. Dolino had denied with finality the request of EDGAR RICO for authority to survey that parcel of land situated in Tulip Drive. [. . .]

WHEREAS, there is now substantial evidence to establish that all the [15] informal settlers of the land registered in the name of the Heirs of Carlos Villa Abrille situated in Tulip Drive, Matina, Davao City, have maliciously conspired and confederated with each other to prevent the registered owner

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from recovering possession over the property as part of the scheme to eventually deprive the owner with ownership thereof in order that it may be disposed of for profit, monetary or otherwise, knowing the commercial value of the lot.

NOW THEREFORE, [. . .], IT IS RESOLVED AS IT IS HEREBY RESOLVED TO DECLARE AS IT IS HEREBY DECLARED *that the additional [15] occupants (Annex A hereof) of a certain parcel of land registered in the name of the Heirs of Carlos Villa Abrille [. . .] as part and/or members of SQUATTING SYNDICATES as defined under Section 3(s) of Republic Act No. 7279 in relation to Section 5(a) of the Supplementary Guidelines in the Identification of Professional Squatters and Squatting Syndicates.*²⁸ (Emphasis in the original)

The CA denied reconsideration.²⁹ Hence, this Petition.

Rico maintains that the RTC Decision became final as Castillo et al. did not file a petition for review under Rule 42 assailing the RTC Decision before the CA.³⁰ Instead, Castillo et al. filed a petition for *certiorari* under Rule 65, which is the wrong remedy.³¹ Moreover, the factual findings of the trial courts are binding on the CA³² and the CA did not make any finding that the lower courts gravely abused their discretion, amounting to lack or excess of jurisdiction, in granting Rico's Complaint.³³ Finally, the property occupied by Rico is hundreds of meters away from the property claimed by Villa-Abrille.³⁴ In fact, the CA erred in stating that the Decision in Civil Case No. 10,033-C-D-01 in favor of Villa-Abrille was never enforced:

The records of that case would reveal that a Writ of Execution was duly issued and implemented by the sheriff of the said court. The sheriff of the court in his return stated, however, that the "occupation and structures of the defendant is about [200] square meters more or less away from the private property referred to by the plaintiff in the complaint as appearing in the technical description shown in the subject certificate of title[.]" as expressly stated in the May 7, 2008 Order of then Acting Presiding Judge Carmelita B. Cadiente-Flores of Branch 4, MTCC, Davao City[.]³⁵

Consequently, Rico's possession of the lot was lawful³⁶ and the CA erred in reversing the Decisions of the RTC and MTCC.

²⁸ *Id.* at 40-42.

²⁹ *Id.* at 51-55.

³⁰ *Id.* at 11.

³¹ *Id.* at 26, 168-169.

³² *Id.* at 11.

³³ *Id.* at 12.

³⁴ *Id.* at 13.

³⁵ *Id.*

³⁶ *Id.* at 14.

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On the other hand, Castillo et al. assert that Rico was illegally occupying the disputed property and that he had already been convicted of the crime of falsification in relation to his application for free patent over said property and is currently serving his sentence.³⁷ In addition, Rico committed forum shopping as he filed other petitions before the Court relating to this dispute, docketed as G.R. Nos. 212279 and 220659.³⁸

We grant the Petition.

At the outset, it must be emphasized that the CA erred in giving due course to Castillo et al.'s Petition for *Certiorari*. The proper remedy would have been to file a petition for review from the RTC to the CA under Rule 42, Section 1 of the Rules of Court, which provides:³⁹

Section 1. How appeal taken; time for filing.— A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals The petition shall be filed and served within [15] days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment.

Moreover, the general rule is that a writ of *certiorari* will not issue where the remedy of appeal is available to the aggrieved party.⁴⁰ The remedies of appeal in the ordinary course of law and that of *certiorari* under Rule 65 are mutually exclusive and not alternative or cumulative.⁴¹ A writ of *certiorari* may only lie on the ground of lack of jurisdiction or grave abuse of discretion, which implies such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, or where the power is exercised in an arbitrary manner by reason of passion, prejudice, or personal hostility, and it must be so patent or gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.⁴²

The Court's ruling in *Guzman v. Guzman*⁴³ is instructive:

The petitioner's resort to a Rule 65 petition for *certiorari* to assail the RTC decision and orders is misplaced. *When the RTC issued its decision and orders, it did so in the exercise of its appellate jurisdiction; the proper remedy therefrom is a Rule 42 petition for review.* Instead, the petitioner filed a second motion for reconsideration and thereby lost her right to

³⁷ *Id.* at 159–160.

³⁸ *Id.* at 160.

³⁹ See *Alfiler v. Spouses Cayabyab*, G.R. No. 217111, March 13, 2023 [Per C.J. Gesmundo, First Division].

⁴⁰ *Medina v. Spouses Nicomedes*, 838 Phil. 17 (2018) [Per J. Caguioa, Second Division].

⁴¹ *Id.* at 23.

⁴² *Algo Towers Development Corp. v. Development Bank of the Philippines*, G.R. No. 206824, January 17, 2023 [Unsigned Resolution, First Division].

⁴³ 706 Phil. 319 (2013) [Per J. Brion, Second Division].

appeal; a second motion for reconsideration being a prohibited pleading pursuant to Section 5, Rule 37 of the Rules of Court.

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No grave abuse of discretion

In any case, even granting that the petition can be properly filed under Rule 65 of the Rules of Court, we hold that it was bound to fail.

It should be noted that ***as a legal recourse, certiorari is a limited form of review. It is restricted to resolving errors of jurisdiction and grave abuse of discretion, not errors of judgment.*** Indeed, as long as the lower courts act within their jurisdiction, alleged errors committed in the exercise of their discretion will amount to mere errors of judgment correctable by an appeal or a petition for review.

In this case, *the imputed errors pertained to the RTC's appreciation of matters not raised as errors on appeal, specifically, the transfer of rights and subsequent unilateral revocation, and the strictly enforced rule on notice of hearing.* These matters involve only the RTC's appreciation of facts and its application of the law; *the errors raised do not involve the RTC's jurisdiction, but merely amount to a claim of erroneous exercise of judgment.*⁴⁴ (Emphasis supplied, citations omitted)

We recognize that the Court has previously allowed petitions for *certiorari* under Rule 65 even if appeal is an available remedy in certain situations, i.e., (a) when public welfare and the advancement of public policy dictate; (b) when the broader interests of justice so require; (c) when the writs issued are null and void; or (d) when the questioned order amounts to an oppressive exercise of judicial authority.⁴⁵ However, none of the foregoing exceptions are present in this case.

Assuming that Rule 65 was the appropriate remedy, the RTC did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in affirming the MTCC.

In forcible entry cases, a person is deprived of physical possession of any land or building by means of force, intimidation, threat, strategy, or stealth.⁴⁶ The possession is illegal from the beginning and the only issue is who has the prior possession *de facto*.⁴⁷ For a forcible entry suit to prosper, the plaintiffs must allege and prove: (a) that they have prior physical possession of the property; (b) that they were deprived of possession either by force, intimidation, threat, strategy, or stealth; and (c) that the action was filed within one year from the time the owners or legal possessors learned of their

⁴⁴ *Id.* at 326–328.

⁴⁵ *Alfiler v. Spouses Cayabyab*, G.R. No. 217111, March 13, 2023 [Per C.J. Gesmundo, First Division] at 9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁶ *Galindez v. Salamanca-Guzman*, G.R. No. 231508, September 28, 2022 [Per J. Gaerlan, Third Division] at 13. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁷ *Id.*

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deprivation of the physical possession of the property.⁴⁸ The only issue in forcible entry cases is whether the claimant has proved, by preponderance of evidence, prior physical possession of the contested property.⁴⁹ The question of ownership may only be provisionally resolved if it is raised by the parties and its resolution is essential to determine which party has the better right of possession.⁵⁰

Both the MTCC and RTC found that the above elements of forcible entry were present, and the CA agreed that Rico's Complaint made out a case for forcible entry:

Perusing over the complaint of Edgar Rico before the MTCC, the [three] essential requisites . . . appeared to be attendant. Edgar Rico's complaint states that he was in possession of the subject property by virtue of his Free Patent application. He also averred that the subject property was a public land declared to be alienable and disposable. However, on [October 11, 2005], members of the City demolition team and the City Mobile Group forcibly entered into the property, fired shots[,] and destroyed his steel gate. Thus, he filed the complaint before the MTCC on [January 30, 2006], well within the [one]-year prescribed period.⁵¹

The CA then went on to state that it was "bothered by the *questionable nature* of Edgar Rico's possession of the subject property,"⁵² and reversed the Decisions of the lower courts based on the following: (a) the MTCC's purported decision in Civil Case No. 10,033-C-D-01 granting Villa-Abrille's complaint for unlawful detainer against Rico; and (b) Section 27 of Republic Act No. 7279. As pertinently argued by Rico, however, *the CA made no finding of grave abuse of discretion on the part of the courts a quo; instead, it exceeded the bounds of its jurisdiction under Rule 65 and substituted its appreciation of the evidence and interpretation of the applicable law for that of the lower courts.*

The CA held that the MTCC Decision in Civil Case No. 10,033-C-D-01 was never executed "for unclear reasons,"⁵³ and upheld Villa-Abrille's right to forcibly remove Rico in lieu of complying with the proper execution procedures under Rule 39 of the Rules of Court:

Besides, allowing the forcible entry case in spite [of] the prior judgment in the unlawful detainer case would ensue to an absurd and inconsistent ruling on the same issue of possession. *Milagros, who had been adjudged entitled to possess the property in the unlawful detainer case would at the same time be regarded as an unlawful intruder into the same*

⁴⁸ *Id.* at 13–14.

⁴⁹ *Id.* at 14. See also *Spouses Dudek v. Spouses Panugaling*, G.R. No. 255813, July 13, 2022 [Unsigned Resolution, Third Division].

⁵⁰ RULES OF COURT, Rule 70, sec. 17. See *Heirs of Spouses Binay v. Banaag*, G.R. No. 226112, September 7, 2022 [Per J. Gaerlan, Third Division].

⁵¹ *Rollo*, p. 36.

⁵² *Id.* (Emphasis supplied)

⁵³ *Id.* at 37.

*property in the forcible entry case. Worse, a lessee can utilize the very possession he obtained by virtue of the lease as a means to oust the lessor of her rightful possession in spite [of] the termination of the lease. Such contradictions in judicial rulings are precisely what the rule on res judicata seeks to obviate, which should have been respected by the courts a quo.*⁵⁴ (Emphasis supplied)

In so doing, *the CA gave its imprimatur to the use of force as an acceptable means to enforce judicial decisions.* Following the CA's logic, any litigant in an unlawful detainer case could, instead of applying for the proper writs of execution and awaiting execution by the court's sheriff, simply resort to force to remove the adverse party. Such an absurd conclusion cannot be countenanced. Whether Villa-Abrille has legal title or not, the fact remains that it is only prior *physical* possession which is relevant in forcible entry cases. In this regard, the MTCC, RTC, and even the CA found that Rico had prior physical possession of the disputed property. The validity or invalidity of his title is not relevant to the resolution of this dispute, and the CA erred in basing its Decision on Rico's perceived lack of legal title.

Moreover, the CA's finding that the decision in the unlawful detainer case was never enforced for "unclear reasons" is questionable. *First*, it is unclear whether there is identity between the lots involved in the unlawful detainer case and the present dispute. *Second*, according to the Order⁵⁵ issued by the MTCC in the unlawful detainer case on May 7, 2008, the property occupied by Rico and subject of that dispute was 200 square meters away from the property claimed by Villa-Abrille.⁵⁶ The pertinent portion of the MTCC's Order reads:

In the first return of the writ, the concerned sheriff stated that the occupation and structures of the defendant is about [200] square meters more or less away from the private property referred to by the plaintiff in the complaint as appearing in the technical description shown in the subject certificate of title. Consequently, the subject writ of execution was returned duly implemented.

About [four or five] years later, just after the Supreme Court affirmed with finality the decision of the trial court in this case, herein plaintiff filed again another motion for issuance of an alias writ of execution, and the subject sheriff made a return with the same tenor as in the first writ with additional phrase "no action taken[.]"

Now plaintiff again filed this instant third motion for issuance of an alias writ of execution under the same condition and circumstances focusing on the phrase reflected in the second return of the concerned sheriff "no action taken[.]"

⁵⁴ *Id.* at 38-39.

⁵⁵ *Id.* at 70-71.

⁵⁶ *Id.* at 70.

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Herein plaintiff should not mistakenly believed [sic] that the second writ of execution was not acted upon. *The phrase "no action taken" simply means that since the first writ of execution has already been fully implemented, it goes without saying that the second writ of execution can not be given due course anymore as there was already an action taken during the implementation of the first writ of execution.*⁵⁷ (Emphasis supplied)

Accordingly, it is misleading for Castillo et al. to claim that the decision in the unlawful detainer case was never executed. Based on the above Order of the MTCC, the writ of execution had in fact been fully implemented. Villa-Abrille's apparent dissatisfaction with the results of the unlawful detainer case cannot justify Castillo et al.'s forcible removal of Rico from the disputed premises.

The Court's admonition in *Esperal v. Trompeta-Esperal*⁵⁸ is apropos:

*Regardless of 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. Assuming *arguendo* that herein respondents are the real owners of the subject property, they had no right to take the law into their own hands and summarily or forcibly eject petitioner's tenants from the subject property. Their *employment of illegal means to eject petitioner by force in entering the subject property by destroying the locks using [a] bolt cutter, replacing the locks, and prohibiting the tenants to enter therein made them liable for forcible entry* since prior possession was established by petitioner.*⁵⁹ (Emphasis supplied)

In sum, Castillo et al. availed of the wrong remedy in assailing the RTC Decision, and the CA erred in giving due course to their petition for *certiorari* under Rule 65. Even assuming, however, that Rule 65 was the appropriate remedy, nowhere in its Decision did the CA state that the RTC committed grave abuse of discretion in affirming the MTCC. Thus, the CA erred in reversing the Decision of the RTC and substituting its own judgment for that of the RTC and MTCC.

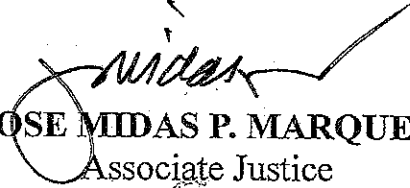
ACCORDINGLY, the instant Petition is **GRANTED**. The Decision dated August 12, 2013 and Resolution dated October 2, 2014 of the Court of Appeals in CA-G.R. SP Nos. 01883-MIN, 02060-MIN, 02079-MIN, and 02215-MIN are **REVERSED**. The Decision dated May 9, 2007 of the Regional Trial Court in Civil Case No. 31,660-06, which affirmed the Decision dated November 8, 2006 of the Municipal Trial Court in Cities in Civil Case No. 18,988-C-D-06, is **REINSTATED**. No costs.

⁵⁷ *Id.* at 70-71.

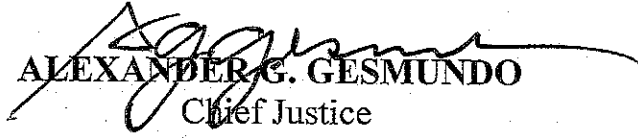
⁵⁸ 885 Phil. 304 (2020) [Per J. Inting, Second Division].

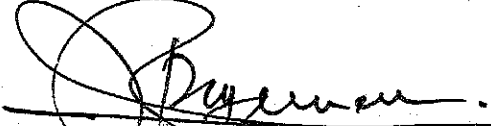
⁵⁹ *Id.* at 316.

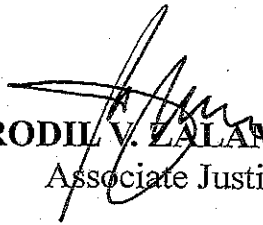
SO ORDERED.


JOSE MIDAS P. MARQUEZ
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

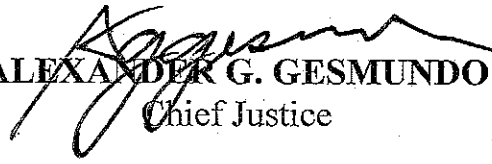

RAMON PAUL L. HERNANDO
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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.


ALEXANDER G. GESMUNDO
Chief Justice

