



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

HEIRS OF ROGELIO ISIP, SR.,  
namely: CELEDONIA, ROLANDO,  
ROGELIO, JR., all surnamed ISIP,  
and IRENE ISIP-SILVESTRE,  
represented by their Attorney-in-Fact  
ROLANDO ISIP,

*Petitioners,*

- versus -

RODOLFO QUINTOS,  
RODOLFO DE GUZMAN and  
ISAGANI ISIP, doing business under  
the name RONIRO ENTERPRISES  
COMPANY,

*Respondents.*

G.R. No. 172008

Present:

LEONARDO-DE CASTRO,\*  
*Acting Chairperson,*

BERSAMIN,  
DEL CASTILLO,  
VILLARAMA, JR., and  
PERLAS-BERNABE,\*\* JJ.

Promulgated:

01 AUG 2012

DECISION

DEL CASTILLO, J.:

In forcible entry cases, the only issue is who has the better right of possession over the subject property.

This petition for review on *certiorari* assails the Decision<sup>1</sup> dated June 18, 2003 and Resolution<sup>2</sup> dated March 21, 2006 of the Court of Appeals (CA) in CA-G.R. SP No. 74178. The CA affirmed the Order<sup>3</sup> dated July 31, 2002 of the Regional Trial Court (RTC) of Pasig City, Branch 154, in SCA No. 2146 which reconsidered and set aside its own Decision<sup>4</sup> dated March 25, 2002 and in effect

<sup>1</sup> Per Special Order No. 1226 dated May 30, 2012.

<sup>2</sup> Per Special Order No. 1227 dated May 30, 2012.

<sup>3</sup> CA *rollo*, pp. 167-185; penned by Associate Justice Bienvenido L. Reyes (now a member of this Court) and concurred in by Associate Justices Salvador J. Valdez, Jr. and Danilo B. Pine.

<sup>4</sup> Id. at 235-238; penned by Associate Justice Bienvenido L. Reyes (now a member of this Court) and concurred in by Associate Justices Arturo D. Brion (also a member of this Court) and Mariflor Punzalan Castillo.

<sup>5</sup> Id. at 39-43; penned by Judge Abraham B. Borreta.

<sup>6</sup> Id. at 58-76.

affirmed *in toto* the Decision<sup>5</sup> dated May 22, 2001 of the Metropolitan Trial Court (MeTC) of Taguig City, Branch 74, in Civil Case No. 1715 which dismissed herein petitioners' complaint for forcible entry against the respondents.

***Factual Antecedents***

In 1986, Rogelio Isip, Sr. (Rogelio Sr.) occupied and took possession of a parcel of land known as Lot 69, Block 169 Psd-13-002680. Located at No. 2 Barrameda Street, Upper Bicutan, Taguig, Metro Manila, the said parcel of land contains an area of 292 square meters, more or less, where Rogelio Sr. constructed a small house to serve as his place of residence.

A year later, Toyo Keiki Philippines, Inc. (Toyo Keiki) requested Rogelio Sr. that it be allowed to dig a deep well on the subject property and to put up thereon a water distribution system. Since Rogelio Sr. was a stockholder of Toyo Keiki, he allowed the corporation to build the water distribution system. Thus, Toyo Keiki tore down Rogelio Sr.'s house and replaced it with a bigger structure with a room for the latter and an office in front. The water distribution project, however, did not become fully operational.

In January 1991, the deep well was rehabilitated with funding from Sunrise Management Corporation and Jiro Yamashita. Upon the completion of the rehabilitation work, Sunrise Management Corporation operated the water distribution system with Rogelio Sr. as General Manager, assisted by his two sons Rolando Isip (Rolando) and Rogelio Isip, Jr. (Rogelio Jr.) and brother-in-law Alfredo Lobo.

In 1997, Rodolfo Quintos (Quintos) proposed to Rogelio Sr. to operate a car repair shop in the compound. Since Quintos is a former claims manager in an insurance company and is familiar with running a business, Rogelio Sr. agreed

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<sup>5</sup> Id. at 47-57; penned by Judge Benjamin T. Pozon.

and, hence, a car repair shop was constructed in the compound. However, despite the completion of the repair shop, they were not able to start the business due to Rogelio Sr.'s illness.

On February 5, 1998, Rogelio Sr. died. Six months later, his son Rolando was appointed General Manager of the water distribution system of Sunrise Management Corporation. Quintos then revived to Rolando the proposal to establish the car repair shop.

Quintos allegedly told Rolando that there was a need for accreditation from the insurance companies before the car repair shop could commence operation. In line with such accreditation, Quintos told Rolando that inspectors from the insurance companies will conduct ocular inspection to see if the building is being used for commercial or business purposes and not for residential use. Hence, Rolando had to temporarily vacate the premises. Relying on the representations of Quintos, who was their legal counsel and the godfather of Rogelio Jr., Rolando and Rogelio Jr. agreed to temporarily vacate the compound.

When Rolando returned to the compound, however, he was refused entry by three armed security guards allegedly upon the instructions of Quintos, Rodolfo De Guzman (De Guzman), and Isagani Isip (Isip). A notice was also posted at the gates of the compound that Sunrise Management Corporation had been dissolved and that the deep well compound was already under the management of Roniro Enterprises Company (Roniro Enterprises).

Thus, on January 4, 1999, petitioners Celedonia Isip, Rolando, Rogelio Jr. and Irene Isip-Silvestre, claiming to be the legitimate children and legal heirs of Rogelio Sr., filed before the MeTC of Taguig City a complaint for forcible entry against respondents Quintos, De Guzman, and Isip, all doing business under the name Roniro Enterprises. Petitioners claimed that respondents, through deceit, strategy, and stealth, succeeded in entering the deep well compound and once

inside the premises, prevented the petitioners from re-entering the same through the use of force, intimidation, and threat.

Respondents vehemently denied the charge. They asserted that Eddie Dizal Pontino (Pontino) formerly owned and occupied the disputed lot. On May 12, 1984, he executed a Deed of Absolute Sale of Rights in favor of Pendatun Hadji Datu (Hadji Datu) for the sum of ₱60,000.00. However, on May 19, 1984, Pontino rescinded the said contract of sale on the ground that Hadji Datu failed to pay the purchase price of the lot after repeated demands to do so.<sup>6</sup>

Despite the rescission of the contract of sale, Hadji Datu sold the lot to Toyo Keiki, through its President Michael S. Sagara (Sagara), the latter being unaware of the said rescission. Subsequently Pontino wrote a letter<sup>7</sup> to Toyo Keiki through Sagara informing the latter that Hadji Datu never became the owner of the subject lot. Thus, when Hadji Datu tried to claim the balance of the purchase price, Sagara told him that he cannot release the said amount because Pontino claimed to be the true owner and possessor of the subject lot.

In 1988, Pontino and Jedco Corporation entered into a Deed of Assignment concerning the water distribution system and the subject lot. Jedco Corporation then acquired the right of possession over the premises in question and the control over the operation of the water distribution system.

It was not long thereafter when Jedco Corporation decided to withdraw and relinquish its rights over the premises in question in favor of De Guzman. De Guzman then took over the premises and summoned the late Ireneo Isip (Ireneo) and Quintos to help him in the operation of the water distribution business. Ireneo then recommended his brother Rogelio Sr. to manage the said business under the umbrella of Sunrise Management Corporation.

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<sup>6</sup> See letter of even date, *rollo*, p. 230.

<sup>7</sup> *Id.* at 226.

Respondents claimed that Rogelio Sr., the petitioners' predecessor-in-interest, was an employee of Sunrise Management Corporation. After the death of Rogelio Sr., De Guzman wrote a letter dated August 14, 1998 addressed to the president and chairman of the board of Sunrise Management Corporation stating that he is terminating the services of the said corporation because of the unfortunate death of Rogelio Sr. In the same letter, De Guzman likewise held Sunrise Management Corporation, together with the sons of Rogelio Sr., responsible to render an accounting relative to the operation of the said deep well.

Respondents prayed that judgment be rendered dismissing the complaint for lack of merit; ordering petitioners to jointly and severally pay moral damages and exemplary damages, attorney's fees, plus other litigation expenses as may be proven, and the costs of the suit.

### ***Ruling of the Metropolitan Trial Court***

After summary proceedings, the MeTC rendered a Decision on May 22, 2001 dismissing the complaint for lack of cause of action. It held that no forcible entry was committed since Roniro Enterprises was merely exercising its right over the premises.

### ***Ruling of the Regional Trial Court***

Upon appeal, the RTC initially reversed and set aside the MeTC's Decision. On respondents' motion for reconsideration, however, the RTC issued an Order<sup>8</sup> reversing its earlier Decision and affirming the MeTC's May 22, 2001 Decision. Thus:

WHEREFORE, the Decision dated March 25, 2002, of this Court is hereby RECONSIDERED and SET ASIDE and the Decision of the

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<sup>8</sup> CA rollo, pp. 39-43.

Metropolitan Trial Court of Taguig, Metro Manila, in Civil Case No. 1715, which was appealed to this Court, is hereby affirmed *in toto*.

SO ORDERED.<sup>9</sup>

### ***Ruling of the Court of Appeals***

Aggrieved, petitioners filed a petition for review before the CA. On June 18, 2003, the CA rendered the herein assailed Decision<sup>10</sup> dismissing the petition and affirming the Order of the RTC. Undeterred, petitioners filed a motion for reconsideration<sup>11</sup> but it was likewise denied.<sup>12</sup> Despite having been thrice rebuffed, petitioners remain unfazed and are now before this Court *via* this petition for review on *certiorari*.

### **Issue**

The only issue to be determined in this case is whether the respondents committed forcible entry.

### **Our Ruling**

The petition lacks merit.

Under Section 1, Rule 70 of the Rules of Court, a case of forcible entry may be filed by, “a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth x x x.” In cases of forcible entry, “the possession is illegal from the beginning and the basic inquiry centers on who has the prior possession *de facto*.”<sup>13</sup>

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<sup>9</sup> Id. at 43.

<sup>10</sup> Id. at 167-185.

<sup>11</sup> Id. at 189-201.

<sup>12</sup> Id. at 235-238.

<sup>13</sup> *Sarmiento v. Court of Appeals*, 320 Phil. 146, 153 (1995).

In the case at bench, petitioners argue that respondents deprived them of the possession of their lot through deceit, strategy, and stealth. They aver that respondents deceived them to temporarily vacate the premises on the pretext that they must convince the insurance inspectors that the premises are being used solely for commercial purposes. They were thus allegedly tricked to move out and once the respondents achieved their goal, they were prevented from entering the premises by posting security guards at the gates.

For their part, respondents claim that they have in their favor prior possession of the land dating back to 1984. They stake their claim of possession upon the right of title and possession of Pontino. The respondents posit that through a series of various transfers originating from Pontino, they now legally occupy the subject premises and do their business therein under the name Roniro Enterprises.

It is clear that respondents have prior possession *de facto*. While petitioners allege that their predecessor-in-interest Rogelio Sr. was in possession of the subject lot in 1986, evidence on record supports the respondents' claim that as early as 1984, Pontino not only possessed and occupied the lot but also had a title over the disputed property. And by virtue of a Deed of Assignment between Pontino and Jedco Corporation, which the latter relinquished in favor of De Guzman, respondents enjoy the right of prior possession *de facto*. In addition, the possession of respondents was lawful from the beginning since it was acquired through lawful means and thus no forcible entry was committed.

Petitioners further assert that the lot they occupy is different from the lot occupied by the respondents. They claim that their lot is located at No. 2, Barrameda St., Upper Bicutan, Taguig while the lot occupied by the respondents is located in Lower Bicutan. This, according to the petitioners, is enough reason to reverse the Decision of the CA as the same "does not conform to the truth."<sup>14</sup>

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<sup>14</sup> Rollo, pp. 28-39.

However, and as correctly found by the RTC and affirmed by the CA, “the point raised by the [petitioners] x x x in respect of the identity of the property subject of the controversy may not be considered anymore at this point since it was never raised as an issue in their appeal, nay even when the case was heard by the court *a quo*.”<sup>15</sup>

Moreover, the resolution of the issue raised by petitioners requires us to inquire into the evidence presented during trial. It has been consistently held that the Supreme Court is not a trier of facts. Only questions of law may be entertained subject only to certain exceptions, none of which are present in the instant petition. It is the function of trial courts to resolve factual issues whose findings on these matters are accorded respect and considered binding by the Supreme Court especially when there is no conflict in the factual findings of both the trial court and the appellate court. In this case, the MeTC, the RTC and the CA are one in their findings that respondents did not forcibly enter the subject premises. All three tribunals found that respondents’ possession is lawful and legal from the beginning.

The petitioners also want us to reverse the findings of the court *a quo* that their predecessor-in-interest was an employee of Roniro Enterprises.

We find no reason to do so.

It is clear from the facts that when the rights over the subject lot was relinquished in favor of De Guzman, Rogelio Sr. was employed in order to help the respondents run the water distribution system. Hence, it was actually through the respondents that the petitioners’ predecessor-in-interest was able to enter the disputed lot. And although Rogelio Sr. was able to occupy the lot, he was in fact possessing the same in the name of the respondents. Verily, whatever right to possess petitioners have in this case cannot be superior to that of the respondents

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<sup>15</sup> CA *rollo*, p. 184.



since it was from the latter that their predecessor-in-interest derived his claim of possession.

In *Reyes v. Court of Appeals*,<sup>16</sup> we held thus:

Actual possession of land consists in the manifestation of acts of dominion over it of such a nature as those a party would naturally exercise over his own property. It is not necessary that the owner of a parcel of land should himself occupy the property as someone in his name may perform the act. In other words, the owner of real estate has possession, either when he himself is physically in occupation of the property, or when another person who recognizes his rights as owner is in such occupancy. This declaration is [in conformity] with Art. 524 of the Civil Code providing that possession may be exercised in one's own name or in the name [of] another.

The CA therefore correctly cited the case of *Dalida v. Court of Appeals*,<sup>17</sup> where it was held that a mere caretaker of a land has no right of possession over such land.

To conclude and to finally put this case to rest, forcible entry being an ejectment case is summary in nature. When the findings of facts of the trial court have been affirmed by the CA, such are binding and deemed conclusive upon the Supreme Court.

**WHEREFORE**, premises considered, the petition is hereby **DENIED**. The Decision dated June 18, 2003 and Resolution dated March 21, 2006 of the Court of Appeals in CA-G.R. SP No. 74178 are hereby **AFFIRMED**.

**SO ORDERED.**

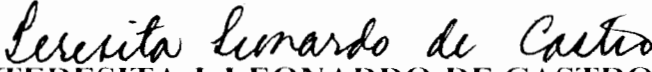


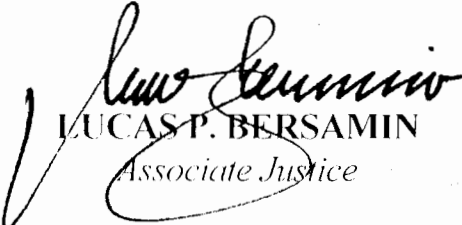
MARIANO C. DEL CASTILLO

*Associate Justice*

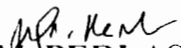
<sup>16</sup> 374 Phil. 236, 242-243 (1999).  
<sup>17</sup> 202 Phil. 804 (1982).

WE CONCUR:

  
TERESITA J. LEONARDO-DE CASTRO  
*Associate Justice*  
*Acting Chairperson*

  
LUCAS P. BERSAMIN  
*Associate Justice*

  
MARTIN S. VILLARAMA, JR.  
*Associate Justice*

  
ESTELA M. PERLAS-BERNABE  
*Associate Justice*

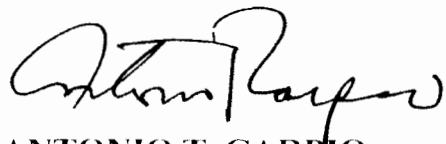
### ATTESTATION

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.

  
TERESITA J. LEONARDO-DE CASTRO  
*Associate Justice*  
*Acting 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.

  
ANTONIO T. CARPIO  
Senior Associate Justice  
(Per Section 12, R.A. 296,  
The Judiciary Act of 1948, as amended)

