



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

MR. & MRS. JOSE  
ALCANTARA, MR. & MRS.  
NICOLAS ALCANTARA,  
HENEDINA AMISTAD,  
TEOFILA AMISTAD, MR. &  
MRS. ANTONIO AMORIN,  
MR. & MRS. EMILIANA  
ANINIPOT, SPOUSES  
FORTUNATO ATON, JR.,  
SPOUSES JUN & DELIA  
BADIC, MR. & MRS.  
EDUARDO BANGA, MR. &  
MRS. ROBERTA BAUTISTA,  
SPOUSES RODRIGO & PERLA  
BOSTON, SPOUSES VICENTE  
& CATHY CARTAGENA,  
SPOUSES JOSEPH &  
EVANGELINE DELA CRUZ,  
SPOUSES JOSE & SAYCENA  
DELA TORRE, SPOUSES  
BETO & FLAVIA DIGAO, MR.  
& MRS. ROSALIA GADAT,  
SPOUSES EDGARDO & LOVE  
GASATAN, MR. & MRS.  
JUDITH GASATAN, SPOUSES  
ALLAN & ANNALISA  
GONZALES, SPOUSES  
HARON & SARAPIYA PASOD,  
SPOUSES PEDRO & LILY  
IDPAN, JR., SPOUSES  
LORETO & HELEN  
JANDAYRAN, SR., SPOUSES  
AMELEL & BAILAGA  
JAPLOS, SPOUSES FRED &  
ELENA LANO, MR. & MRS.

G.R. No. 241701

Present:

PERALTA, *J.*, Chairperson,  
CAGUIOA,  
REYES, J. JR.,  
LAZARO-JAVIER,  
LOPEZ, *JJ.*

Promulgated:

SEP 16 2020

JUANITA LIMURAN, MR. &  
MRS. BONIFACIO LUBATON,  
MR. & MRS. ANTONIO  
BELARMINO, MR. & MRS.  
BUENAVENTURA  
MADRIGAL, SPOUSES RUBEN  
& LINDA BACUS  
MANGLICMOT, MR. & MRS.  
ARSENIA MILLENA,  
SPOUSES FELICIANO &  
GRACE NAVALES, SPOUSES  
FRANCISCA ONDOY, MR. &  
MRS. CARLOS ONRAS, MR. &  
MRS. TEODORA PAGAYON,  
SPOUSES DENNIS & ALICIA  
PASCUA, DELFIN PEREZ,  
MAXIMA LUMACAD,  
SPOUSES SEGUNDO &  
HERMOGINA REVILLA, MR.  
& MRS. GRACE  
MALACROTA, SPOUSES  
JESUS & GERTRUDES  
SAGAYNO, ADORACION  
SANIEL, MR. & MRS. ERNING  
PALARDO, SPOUSES  
BINGCONG SIA SU, MONDISA  
RODRIGUEZ, MR. & MRS.  
LETTY SILAO, MR. & MRS.  
HILDA AMADOR, SPOUSES  
ARMAN & LORNA AMADOR,  
SPOUSES ANTONIO &  
LOURDES AMADOR, JR.  
SPOUSES ALBERTO &  
REMEDIOS AMADOR,  
SPOUSES LORENZO & LUISA  
AMPARADO, SPOUSES RAUL  
& VILMA APUSAGA,  
SPOUSES MIGUELA  
BACAISO, SPOUSES JAMES  
BERNASOR, SPOUSES HENRY  
& ADELA BUSTAMANTE,  
SPOUSES LEONARDO &  
LEONESSA CARTAGENA,  
SPOUSES TOTO &  
FRANCISCA CELIS, SPOUSES  
AURELIO & NORA  
DEMATAIS, SPOUSES

ROSENDO & DAHLIA  
 DEMATAIS, SPOUSES  
 CHARLIE & LAARNI  
 EMBALZADO, SPOUSES  
 DALTON & ERLINDA  
 ESPINO, SPOUSES ROMEO &  
 ELIZABETH GABINAY,  
 SPOUSES EDGAR & JOSIE  
 GADAT, MR. & MRS.  
 CANDIDA GONZALES,  
 SPOUSES NOLI & ELNA  
 GRADAS, SPOUSES  
 DULCISIMO & ROSITA  
 JAVIER, SPOUSES LEONILA  
 JIMENA, SPOUSES JOSEPH  
 LAUREN, SPOUSES  
 ROLANDO & LUCRETIA  
 LAUREN, SPOUSES ALLAN &  
 SITTIE MACABANTOG,  
 SPOUSES BONIFACIO &  
 ISABELITA MORCILLO,  
 SPOUSES CLEMENTE &  
 TESSIS NOMEN, SPOUSES  
 APOLONIA & JAMIE MUÑEZ,  
 AND MR. & MRS. EPIFANIO  
 PALACIOUS,

Petitioners,

- versus -

DELIA DUMACON-HASSAN,  
 SALAMA DUMACON-  
 MENDOZA, ABDUL  
 DUMACON, BAILYN  
 DUMACON-ABDUL, all  
 represented by DELIA  
 DUMACON-HASSAN as  
 Administrator and Attorney-in-  
 Fact,

Respondents.

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## DECISION

### REYES, J. JR., J.:

Assailed in this Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the 1997 Rules on Civil Procedure are the Decision<sup>2</sup> dated December 7, 2017, and the Resolution<sup>3</sup> dated July 19, 2018, both promulgated by the Court of Appeals Cagayan De Oro City (CA), in CA-G.R. SP No. 06154-MIN entitled “*Mr. & Mrs. Jose Alcantara, Mr. & Mrs. Nicolas Alcantara, Henedina Amistad, Teofila Amistad, Mr. & Mrs. Antonio Amorin, Mr. & Mrs. Emiliana Aninipot, Spouses Fortunato Aton, Jr., Spouses Jun & Delia Badic, Mr. & Mrs. Eduardo Banga, Mr. & Mrs. Roberta Bautista, Spouses Rodrigo & Perla Boston, Spouses Vicente & Cathy Cartagena, Spouses Joseph & Evangeline Dela Cruz, Spouses Jose & Saycena Dela Torre, Spouses Beto & Flavia Digao, Mr. & Mrs. Rosalia Gadat, Spouses Edgardo & Love Gasatan, Mr. & Mrs. Judith Gasatan, Spouses Allan & Annalisa Gonzales, Spouses Haron & Sarapiya Pasod, Spouses Pedro & Lily Idpan, Jr., Spouses Loreto & Helen Jandayran, Sr., Spouses Amelel & Bailaga Japlos, Spouses Fred & Elena Lano, Mr. & Mrs. Juanita Limuran, Mr. & Mrs. Bonifacio Lubaton, Mr. & Mrs. Antonio Belarmino, Mr. & Mrs. Buenaventura Madrigal, Spouses Ruben & Linda Bacus Manglicmot, Mr. & Mrs. Arsenia Millena, Spouses Feliciano & Grace Navales, Spouses Francisca Ondoy, Mr. & Mrs. Carlos Onras, Mr. & Mrs. Teodora Pagayon, Spouses Dennis & Alicia Pascua, Delfin Perez, Maxima Lumacad, Spouses Segundo & Hermogina Revilla, Mr. & Mrs. Grace Malacrota, Spouses Jesus & Gertrudes Sagayno, Adoracion Saniel, Mr. & Mrs. Erning Palardo, Spouses Bingcong Sia Su, Mondisa Rodriguez, Mr. & Mrs. Letty Silao, Mr. & Mrs. Hilda Amador, Spouses Arman & Lorna Amador, Spouses Antonio & Lourdes Amador, Jr. Spouses Alberto & Remedios Amador, Spouses Lorenzo & Luisa Amparado, Spouses Raul & Vilma Apusaga, Spouses Miguela Bacaiso, Spouses James Bernasor, Spouses Henry & Adela Bustamante, Spouses Leonardo & Leonessa Cartagena, Spouses Toto & Francisca Celis, Spouses Aurelio & Nora Dematais, Spouses Rosendo & Dahlia Dematais, Spouses Charlie & Laarni Embalzado, Spouses Dalton & Erlinda Espino, Spouses Romeo & Elizabeth Gabinay, Spouses Edgar & Josie Gadat, Mr. & Mrs. Candida Gonzales, Spouses Noli & Elna Gradadas, Spouses Dulcisimo & Rosita Javier, Spouses Leonila Jimena, Spouses Joseph Lauren, Spouses Rolando & Lucretia Lauren, Spouses Allan & Sittie Macabantog, Spouses Bonifacio & Isabelita Morcillo, Spouses Clemente &*”

<sup>1</sup> *Rollo*, pp. 19-40.

<sup>2</sup> Penned by Associate Justice Edgardo A. Camello, with Associate Justices Ronaldo B. Martin and Associate Justice Tita Marilyn B. Payoyo-Villordon, concurring; *id.* at 43-54.

Penned by Associate Justice Eduardo Carmello, with Associate Justice Tita Marilyn B. Payoyo-Villordon and Walter S. Ong, concurring; *id.* at 183-186.

*Tessis Nomen, Spouses Apolonia & Jamie Muñoz, and Mr. & Mrs. Epifanio Palacios v. Delia Dumacon-Hassan, Salama Dumacon-Mendoza, Abdul Dumacon, Bailyn Dumacon-Abdul, all represented by Delia Dumacon-Hassan as Administrator and Attorney-in-Fact.*”

The facts, as established by the evidence presented by the parties, are as follows:

Respondents alleged that they are the owners of a parcel of land located in Lot 31, Block 24, Pls – 59, situated along the National Highway, Poblacion, Kidapawan City, containing an area of 43,881 square meters and covered by Transfer Certificate of Title (TCT) No. T-92084.<sup>4</sup> Petitioners, on the other hand, are the actual occupants of the subject property who were classified into two groups: 1) *Group A* petitioners who are squatters, occupying the land by mere tolerance of respondents; and, 2) *Group B* petitioners who are lessees of their respective portions of the land on a month to month basis, who failed to pay their rent.

Respondents asseverate that they repeatedly demanded petitioners to vacate the subject property, but to no avail. Thus, respondents endorsed their complaint against herein petitioners with the *Lupong Tagapamayapa of Barangay Poblacion* but no settlement was reached between the parties and certifications to file action were issued thereto.

Thus, respondents filed a complaint for unlawful detainer against the petitioners before the Municipal Trial Court in Cities (MTCC), Kidapawan City.

*Group A* petitioners denied respondents’ allegations and claimed that they are the legal occupants of the respective portion of the subject property they are occupying by virtue of a sale of the same; while *Group B* petitioners denied receiving any notice to vacate or notice to pay rents.

### **Ruling of the MTCC**

On February 10, 2010, the MTCC, Kidapawan City rendered a Decision<sup>5</sup> in Civil Case No. 1307-02, dismissing the complaint against all the petitioners without prejudice to the filing of the proper complaint in the future, to wit:

In light of all the foregoing, this case is ordered **DISMISSED** without prejudice to the filing of appropriate similar action in the future should it is, still, (*sic*) [be] available. Defendants’ counterclaims are likewise dismissed for failure to prove the same by preponderance of evidence.

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<sup>4</sup> Id. at 118-119.

<sup>5</sup> Penned by Assisting Presiding Judge Alexander B. Yarra; id. at 55-63.

**SO ORDERED.**

It ruled that the respondents failed to establish the elements of unlawful detainer since they did not allege and prove that they merely tolerated the occupation of *Group A* petitioners. Since the respondents alleged that they are *squatters* living illegally in the subject property, it had meant that *Group A* petitioners were occupying the same from the beginning. The lower court opined that “[t]o justify an action for unlawful detainer, the permission or tolerance must have been present at the beginning of the possession, for if the possession was unlawful from the start, an action for unlawful detainer would be an improper remedy.”

For *Group B* petitioners, the MTCC declared that the respondents failed to effect notices to vacate and notice to pay rentals to the said group, which is a condition precedent to an action for unlawful detainer. Furthermore, in the notices, *Group B* petitioners were only given ten (10) days to vacate the subject property. The lower court enunciated that based on Section 2 of Rule 70, the lessor can proceed against the lessee only after fifteen (15) days, in case of land, from date of last notice to vacate the subject property.

Aggrieved, respondents filed their appeal before the Regional Trial Court (RTC), Branch 17, Kidapawan City, Cotabato.

**Ruling of the RTC**

On appeal, the RTC rendered a Decision<sup>6</sup> dated July 5, 2010 in Civil Case No. 2010-12, affirming the dismissal of the case against *Group A* petitioners for lack of jurisdiction, while the dismissal of the case against *Group B* petitioners was reversed and set aside. It remanded the case back to the MTCC for reception of evidence to prove the respondents’ cause of action against them, as such:

From the foregoing, the assailed decision is partially affirmed. The dismissal of the case against defendants/appellees who are classified as Group “A” is affirmed for lack of jurisdiction. The dismissal of the case against defendants/appellees classified as Group “B” is reversed. The court a quo is directed to receive evidence from the plaintiffs/appellants to prove their cause of action against the latter group of defendants/appellees.

No pronouncement as to costs.

**SO ORDERED.**

The RTC opined that the case filed against *Group A* petitioners is obviously a complaint for forcible entry, not unlawful detainer, based on the respondents’ allegation that they are squatters over the subject property.

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<sup>6</sup> Penned by Judge Rogelio R. Narisma; id. at 64-67.

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Furthermore, for the MTCC to acquire jurisdiction in an action for forcible entry, it must be instituted within one year from the time of accrual of the cause of action. In the instant case, respondents had not alleged when they withdrew their tolerance of Group A petitioners' possession of the subject property or when these petitioners forcibly entered or squatted the property.

For *Group B* petitioners, the RTC found that the remedy availed of by the respondents partakes the nature of an action for unlawful detainer. The demand to vacate was made well within one year period prior to the filing of the instant case. The RTC stated that the 15-day rule mentioned in Section 2 of Rule 70 does not pertain to the number of days mentioned in the notice to vacate, but to the length of time lessees held their possession of the subject property after receipt of said notice.

Respondents moved for reconsideration of the Decision dated July 5, 2010 arguing that the RTC erred in remanding the case to the MTCC and should have proceeded to render its judgment.<sup>7</sup>

In an Order dated May 27, 2013, the RTC granted the respondents' motion for reconsideration and reversed its earlier ruling. It affirmed the dismissal of the case against *Group B* petitioners on the ground that respondents failed to allege in their complaint the date when the month-to-month lease was terminated. Nonetheless, the RTC found that Section 8, Rule 40 of the Rules of Court is applicable and considered the instant case as an action for recovery of possession. It required the respondents to pay additional docket fees based on the rules on docket fees as a condition precedent before proceeding to render judgment in the instant case.<sup>8</sup>

Respondents moved for reconsideration of the Order dated May 27, 2013.

In its Decision<sup>9</sup> dated October 31, 2013, the RTC ruled that it erred when it required the payment of additional docket fees as a condition before it proceeded to decide the case. The RTC in the instant case is exercising not its original jurisdiction, but its appellate jurisdiction pursuant to Section 22 of Batas Pambansa Blg. 129, as amended by Republic Act No. 7691. As respondent had already paid the docket fees in appealing the decision of the MTCC to the RTC, the latter had already acquired jurisdiction over the case. It also opined that the possession of *Group B* petitioners became illegal when they stopped paying rentals after the expiration of their month-to-month lease contract, after learning that a case was filed by Moises Sibug (Moises), Baldomero Bayawan (Baldomero) and Annaliza Anabieza (Annaliza) against Delia Hassan (Delia). Thus, in treating respondents'

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<sup>7</sup> Id. at 71.

<sup>8</sup> Id.

<sup>9</sup> Penned by Presiding Judge Arvin Sadin B. Balagot, CPA; id. at 68-90.

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complaint as an action for recovery of possession, the RTC found that the respondents are entitled to recover the possession of the subject property. Furthermore, the RTC imposed ₱200.00 rental fee per month against petitioners for the use and enjoyment of the portions of the subject property they are currently occupying, respectively.

Petitioners filed a Motion for Reconsideration while respondents filed a motion for the issuance of a writ of execution, both of which were denied by the RTC.<sup>10</sup>

Undaunted, the petitioners seasonably filed their appeal before the CA.

### **Ruling of the CA**

In its Decision dated December 7, 2017, the CA affirmed the latest ruling of the RTC with modifications. It ordered the RTC to determine the proper docket fees to be paid in Civil Case No. 2010-12, which it deemed to be originally filed before the latter.

The CA found that the respondents paid the appeal fees under Rule 40 of the Rules of Court. However, the situation changed when the RTC, *motu proprio*, took cognizance of the case as an original action for recovery of possession and ruled on the merits.

Thus, the CA held that there is a need for respondent to pay additional docket fees to be determined based on the fair market value of the subject property. While non-payment of docket fees may render an original action dismissible, the rule on payment of docket fees may be relaxed whenever the attending circumstance warrants it.

The CA denied petitioners' motion for reconsideration.

Hence, this Petition.

### **The Issues**

THE HONORABLE [CA] ERRED IN AFFIRMING AND MODIFYING THE OCTOBER 31, 2013 DECISION OF THE [RTC] BRANCH 17, KIDAPAWAN CITY AND DID NOT DISMISS THE CASE FOR LACK OF JURISDICTION FOR FAILURE AND REFUSAL TO PAY THE CORRECT DOCKET/FILING FEES IN SPITE [OF] THE FACT THAT RTC-17 CONVERTED THE CASE TO ONE OF RECOVERY OF POSSESSION AND EXERCISING ORIGINAL JURISDICTION AND NOT APPELLATE JURISDICTION.

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<sup>10</sup> Id. at 50.



THE HONORABLE [CA] ERRED IN AFFIRMING AND MODIFYING THE OCTOBER 31, 2013 DECISION OF THE [RTC] BRANCH 17, KIDAPAWAN CITY IN SPITE [OF] KNOWLEDGE THAT RTC-17 DECIDED THE CASE WITHOUT DETERMINING PRIOR POSSESSION OF THE RESPONDENTS CONSIDERING THAT THE CASE IS ONE OF RECOVERY OF POSSESSION.

THE HONORABLE [CA] ERRED IN AFFIRMING AND MODIFYING THE OCTOBER 31, 2013 DECISION OF THE [RTC] BRANCH 17, KIDAPAWAN CITY IN SPITE [OF] THE SUPERVENING EVENTS AND PENDING CASES INVOLVING SAME PROPERTY WHICH GREATLY AFFECT THE CLAIM OF OWNERSHIP OF THE RESPONDENTS.<sup>11</sup>

### **The Court's Ruling**

The petition is without merit.

*Non-payment of the appropriate docket fees does not divest the courts of jurisdiction once it is acquired*

Petitioners contend that the respondents' act of assailing the payment of the correct docket fees is a clear manifestation that they are not willing to pay the docket fees, pursuant to the decision of the CA. Thus, when the RTC rendered its Decision dated October 31, 2013, it did so without jurisdiction, hence it is null and void.

In *Aquino v. Hon. Casabar*,<sup>12</sup> this Court had held that should there be unpaid docket fees, the same should be considered as a lien on the judgment. Thus, even on the assumption that additional docket fees are required, its non-payment will not result in the court's loss of jurisdiction over the case.

This Court is unconvinced that the RTC did not acquire jurisdiction over the instant case due to the non-payment of the docket fees. The fact that the respondents had raised the issue of the correctness of such ruling of the RTC on appeal neither shows that they are not willing to pay the same nor manifest their intention to defraud the government.

Petitioners take into issue that the respondents did not pay immediately the correct docket fees upon receipt of the Decision dated December 7, 2017. However, it should be noted that the said decision ordered the RTC to determine the proper docket fees in Civil Case No. 2010-12 that would be paid by respondents. There was no showing that the RTC had already complied with the said order of the CA that could be the basis for the payment of docket fees by respondents.

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<sup>11</sup> Id. at 25-26.

<sup>12</sup> 752 Phil. 1, 14 (2015).

Generally, in civil litigations, the party who alleges has the burden to prove his/her affirmative allegations.<sup>13</sup> Petitioners had not shown even an ounce of proof that respondents refused or disregarded the order of the court to pay the deficient docket fees due against them. Even if respondents failed to pay the said docket fees, the fair market value of the subject property was pegged at ₱19,931,608.00 as stated in the tax declaration. Therefore, a lien can be put against the subject property, which is sufficient to satisfy the payment of the deficient docket fees.

*An action for recovery of possession or accion publiciana is a plenary action to determine who has the better right of possession over a real property, and the question of who has prior possession has no relevance thereto*

Petitioners also argue that the RTC should have tried the instant case on its merits as if the case was originally filed with it before rendering its Decision. In fact, the RTC did not touch the issue on possession but rather on jurisdiction. Petitioners insist that the RTC should have determined who has prior possession over the subject property to resolve the issue on who has better right to possess the same.

In *Spouses Valdez, Jr. v. Court of Appeals*,<sup>14</sup> the Court had held that an “[a]ccion publiciana is the plenary action to recover the right of possession which should be brought in the proper regional trial court when dispossession has lasted for more than one year. It is an ordinary civil proceeding to **determine the better right of possession of realty independently of title.**”

Thus, the core issue in an action for the recovery of possession of realty is who has the priority right to the possession of the real property.<sup>15</sup> Prior possession is not relevant nor an issue in *accion publiciana*. Unlike in a complaint against forcible entry, where proof of prior physical possession of the subject property is an essential element for the action to prosper, the same is not required to be alleged nor proved in an action for recovery of possession of real property.

Assuming *arguendo* that prior physical possession is material in an action for recovery of possession of real property, *Group B*'s contention still

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<sup>13</sup> *Republic v. Sereno*, G.R. No. 237428, May 11, 2018.

<sup>14</sup> 523 Phil. 39, 46 (2006).

<sup>15</sup> *Abobon v. Abobon*, 692 Phil. 530, 541-542 (2012).

does not hold water. Possession of a property can be acquired not only by material occupation but also by the fact that a thing is subject to the action of one's will or by the proper acts and legal formalities established for acquiring such right. Thus, possession can be acquired by juridical acts, such as donations, succession, execution, and registration of public instruments, inscription of possessory information titles and the like.<sup>16</sup> It was established in the instant case that TCT No. T-92084 was issued in name of the respondents on October 20, 1997, from their predecessors-in-interest and that *Group B* petitioners subsequently entered possession of their respective portions of the subject property as lessees of Delia. Thus, *Group B* petitioners cannot now claim that they had prior possession over the subject property.

*Group B petitioners' lawful possession of their respective portion in the subject property became illegal when they unjustly refused to pay their rents*

As found by the RTC, while *Group B* petitioners were the lawful tenants of their respective portions over the subject property, their possession became illegal once they unjustly refused to pay their rent after learning that Delia's title was being disputed by Moises, Baldomero, and Annaliza.

Well-settled is the rule that a tenant, in an action involving the possession of the leased premises, can neither controvert the title of his/her landlord, nor assert any rights adverse to that title, or set up any inconsistent right to change the relation existing between himself/herself and his/her landlord.<sup>17</sup> Regardless of whether there is an existing case before the courts questioning Delia's title over the subject property, *Group B* petitioners, as tenants, cannot unilaterally decide to hold their payment of rentals in violation of the terms of their lease contract unless there is a final order from the courts that Delia has no right to collect the same.

Petitioners had sorely misapplied this Court's ruling in the cited case of *David v. Cordova*.<sup>18</sup> In the case of *David*, we held that "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 x x x Thus, a party who can prove prior possession can recover such possession even against the owner himself. Whatever may be the character of his 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." Clearly,

<sup>16</sup> *Mangaser v. Ugay*, 749 Phil. 372, 382 (2014).

<sup>17</sup> *Santos v. NSO*, 662 Phil. 708, 721-722 (2011).

<sup>18</sup> 502 Phil. 626, 645 (2005).

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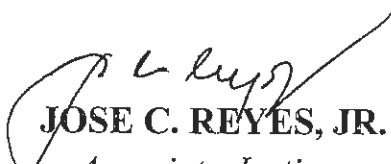
possession of a tenant over a real property by virtue of a lease agreement, does not give him/her an unlimited right to withhold the same from the owner, especially when the former had violated the terms of the said agreement. Payment of rent is an indispensable obligation that a lessee should fulfill in order for a lease agreement to continue to subsist.

Furthermore, in the aforementioned case, David filed a complaint for forcible entry against the Cordovas who illegally and forcibly entered the premises without the consent of the former. Thus, the essential elements of prior possession by David had to be established to determine whether the court had jurisdiction over the subject matter and eventually, who had the better right to the physical possession of the same. Clearly, the instant case does not stand on all fours with the cited case of *David*, considering that *Group B* petitioners merely entered possession of their respective portions of the subject property under a lease agreement and had lost such right to possess the same after unilaterally refusing to pay their rentals to respondents.

Also, *Group B* petitioners are not being forcefully ejected from the subject property by the respondents through violence or intimidation. In fact, respondents had availed themselves of the remedy provided under the law and instituted the instant complaint against herein petitioners before the court in order to be peacefully granted the physical possession of the subject property. Even if we consider that petitioners may have been in prior possession of the subject property, it does not mean that they cannot be ordered to leave the premises and surrender possession of the same to respondents once it is proven that the latter has a better right to the said property.

**WHEREFORE**, the instant petition is **DENIED** due to lack of merit. The Decision dated December 7, 2017, and the Resolution dated July 19, 2018, of the Court of Appeals-Cagayan De Oro City in CA-G.R. SP No. 06154-MIN is hereby **AFFIRMED**.

**SO ORDERED.**

  
**JOSE C. REYES, JR.**  
*Associate Justice*

**WE CONCUR:**



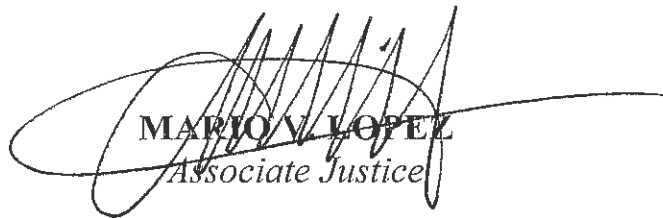
**DIOSDADO M. PERALTA**  
*Chief Justice*  
*Chairperson*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



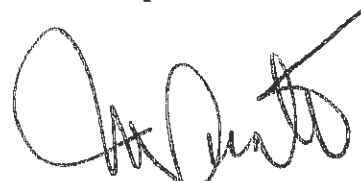
**AMY C. LAZARO-JAVIER**  
*Associate Justice*



**MARIO V. LOPEZ**  
*Associate Justice*

**CERTIFICATION**

Pursuant to Section 13, Article VIII 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.



**DIOSDADO M. PERALTA**  
*Chief Justice*

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