

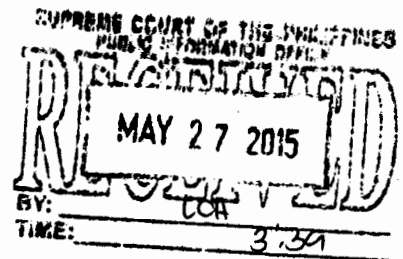
5 P10



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 25, 2015 which reads as follows:

***“G.R. No. 210971 - SPOUSES ARMANDO CORPUZ and AGNES CORPUZ, SPOUSES ELIEZER CORPUZ and GLORIA CORPUZ, ET AL. petitioners vs. GUEVENT INVESTMENTS DEVELOPMENT CORPORATION (in substitution of DOCARA REALTY DEVELOPMENT CORPORATION II), respondent.*”**

This is a petition for review on certiorari assailing the Decision¹ dated April 29, 2013 and Resolution² dated January 16, 2014 of the Court of Appeals (CA), Manila in CA-G.R. CV No. 95111.

The records show that:

The property in question is Lot No. 9, Block 3, containing an area of 241 square meters at 84 Libertad St., Barangay Mauway, Mandaluyong City. In 1965, petitioners Armando Corpuz and Belen Magallanes moved into said lot. With them were Dominga Aisporna, grandmother of petitioner Armando Corpuz and mother-in-law of petitioners Merlita Aisporna, Sps. Genaro and Elisa Corpuz, the parents of petitioners Armand Corpuz, and Numeriano Aisporna, the husband of petitioner Merlita Aisporna.

- over - five (5) pages

¹ Penned by CA Associate Justice Zenaida T. Galapate-Laguilles, with Associate Justices Mariflor P. Punzalan Castillo and Amy C. Lazaro-Javier, concurring, *rollo*, pp. 54-70.
² *Rollo*, pp. 79-81.

In the same year (1965), petitioner Genaro Corpuz built a house on the subject property that was used as the residence of his family.

Petitioners alleged that Eliezer Corpuz, Stephen Corpuz, Sharon Corpuz, Kristine Aisporna, Billy Ray Magallanes, and Noemi Aisporna were all born during the time that their parents were in possession of the land.

Throughout their stay on the subject property, petitioners have held themselves out to the public as owners and that their neighbors have also recognized them as owners of the same property.

Docara Realty filed a complaint for Recovery of Possession and Damages on June 19, 2007 with the Regional Trial court (RTC), National Capital Region, Branch 214, Mandaluyong City, against petitioners claiming that it is the absolute owner of the subject property (Civil Case No. MC-07-3296). Docara Realty claimed that the lot was part of the properties conveyed, transferred and assigned to it by the late spouses Domingo and Carmen Guevarra. The conveyance, transfer and assignment of the subject property were alleged to be for the payment of the subscribed shares of capital stock of spouses Domingo and Carmen Guevarra with the respondent Guevent Investment Corporation. On April 23, 1992, TCT No. 5971 was issued to respondent by the Register of Deeds of Mandaluyong City.

On February 26, 2009, the RTC rendered a Decision ordering petitioners to vacate the subject property. The trial court disposed as follows:³

“WHEREFORE, judgment is hereby rendered ordering:

a) The defendants and all other persons occupying the premises at No. 84 Libertad Street, Barangay Mauway, Mandaluyong City, identified as Lot 9, Block 3 and covered by Transfer Certificate of Title No. 5971 of the Register of Deeds for Mandaluyong City to vacate the said property and remove their respective houses/structures and other improvements standing thereon at their own expense and to deliver the possession thereof to plaintiff;

(b) The defendants to pay plaintiff the sum of One Thousand Pesos (₱1,000.00) a month as reasonable compensation for the use and occupation of the subject property computed from February 2000 when plaintiff made a formal demand to vacate the same; and,

- over -

108

³ *Id.* at 77.

(c) The defendants to pay plaintiff the amount of Seventy Thousand Pesos (P70,000.00) as attorney's fees and expenses of litigation.”

Petitioners elevated an appeal before the Court of Appeals (CA) under Rule 41 of the Rules of Court dated October 7, 2010 challenging the RTC decision dated February 26, 2009.

The CA promulgated a Decision dated April 29, 2013 affirming with modification the Decision dated February 26, 2009 of the RTC of Mandaluyong City. The CA disposed as follows:⁴

“WHEREFORE, in view of the foregoing, the Decision dated February 26, 2009 of Branch 214 of the RTC of Mandaluyong City, in Civil Case No. MC-07-3296, is hereby AFFIRMED with MODIFICATION by directing appellants to pay appellee the amount of Php10,845.00 for every month that they occupied the subject premises, with 6% interest per annum from February 29, 2000 until finality of this Decision and 12% thereafter, until full payment.”

Petitioners filed a Motion for Reconsideration with the CA, but the same was denied.

Hence, the present petition.

ISSUES BEFORE THE COURT:

The petitioners submit that the petition should be granted and a writ of certiorari issue because the CA erred:

(a) In its application of the doctrine in the case of *Victoria Arambulo v. Emerenciana Gungab*,⁵ that the person who has a Torrens title is entitled to possession over a land because there are other circumstances in the instant case different from *Arambulo* and such doctrine;

(b) In not recognizing that the petitioners have a right to possession of the subject property based on extinctive prescription and laches; and

- over -

108

⁴ *Id.* at 69-70.

⁵ 508 Phil. 612, 616 (2005).

(c) In not recognizing that the subject property was purchased in bad faith as petitioners failed to exercise reasonable diligence in ascertaining the title of its predecessors-in-interest.

THE COURT'S RULING

The Court resolves to **DENY** the instant petition for being factual. The factual issues raised have already been fully addressed by the Trial Court and the Court of Appeals.

The first issue raised is whether the petitioner's possession of the subject land is only by mere tolerance of its lawful owners, the respondent. It is already settled that a determination of the nature of the possession of the subject property would definitely require a review and re-assessment of the evidence presented during the trial.

Petitioners question the applicability of the *Arambulo* doctrine upon their allegation that the parties herein are not co-owners of the disputed property and "the possession by the Petitioners is not by the mere tolerance of the opposing party." A closer look into the issue raised reveals that petitioners do not merely question the applicability of *Arambulo* to the instant case. Rather, they question the findings of fact made by the Trial Court, which findings were affirmed by the CA, that the possession is by mere tolerance of the lawful owners of the land.

For emphasis, the very issue of whether or not petitioners' possession is by mere tolerance was already passed upon and settled by the trial court. This finding of fact was affirmed by the CA.

Regional Trial Court of Mandaluyong:

In our present case, when the defendants entered the lot in 1965 it was by sheer tolerance or permission of the previous owner of the said lot, without any contract between them. The status of their possession is analougous to that of a lessee or tenant whose term of lease has expired but whose occupancy continues by tolerance of the owner. x x x.⁶

- over -

108


⁶ *Id.* at 76.

Court of Appeals:

In the case at bar, the evidence of record preponderates in favor of the appellee that it merely tolerated the occupation of the subject land by the appellants. When appellee obtained the Torrens title over the subject property on 23 April 1992 (sic), it already warned the appellants in the same year to be ready at anytime to vacate the said property as soon as it (appellee) sends a formal demand to vacate. Clearly then after the said warning, the nature of appellants' occupation (sic) on the subject property was by mere tolerance of the appellee.⁷

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

108

U.P. OFFICE OF THE LEGAL
AID
Counsel for Petitioners
Ground Flr., Malcolm Hall
University of the Philippines
Diliman 1128 Quezon City

Court of Appeals (x)
Manila
(CA-G.R. CV No. 95111)

SAN PEDRO AND PARTNERS
LAW OFFICES
Counsel for Respondent
17/F, Strata 100 Bldg.
F. Ortigas, Jr. Road
Ortigas Center 1605 Pasig City

The Hon. Presiding Judge
Regional Trial Court, Br. 214
1550 Mandaluyong City
(Civil Case No. MC-07-3296)

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

Judgment Division (x)
Supreme Court

SR