



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **June 27, 2022** which reads as follows:

“**G.R. No. 209622 (J.B. Tirol Boracay Properties Corporation v. Expedito Tapuz, Jr.)**. – This Court resolves a Petition for Review on *Certiorari*¹ under Rule 45 of the Revised Rules of Court filed by J.B. Tirol Boracay Properties Corporation (*J.B. Tirol*) against Expedito Tapuz, Jr. (*Expedito*), seeking to reverse and/or set aside the Decision² dated March 25, 2013 and the Resolution³ dated September 5, 2013 of the Court of Appeals (*CA*) in CA-G.R. SP No. 05986.

The present case stemmed from a Complaint for Unlawful Detainer with Damages and Injunction with Preliminary Injunction and Temporary Restraining Order⁴ filed by J.B. Tirol, represented by Aristotle C. Tirol (*Aristotle*), against Expedito, Menard De-Maiwan (*Menard*), and Stephen Oquendo (*Stephen*).

J.B. Tirol alleged that it is a co-owner of two parcels of land located in *Barangay Balabag, Malay, Aklan* covered by Transfer Certificate of Title (*TCT*) Nos. 37874 and 37875. It also claimed that it has been in actual, physical, and continuous possession of both properties since time immemorial until sometime in 2006 when it allowed Expedito, Menard, and Stephen to temporarily stay thereon by mere tolerance, with an understanding that they would vacate the premises when the said properties are already needed. These three occupants were also cautioned not to construct, or introduce any permanent improvements, or plant anything thereon. They were only allowed to construct temporary dwelling places like nipa huts.⁵

* Expedito Tapuz, Jr. is also referred as Expedito Tapuz in some parts of the rollo.

¹ *Rollo*, pp. 11-26.

² Penned by Associate Justice Pampio A. Abarintos, with Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap, concurring; *id.* at 29-39.

³ *Id.* at 51-52.

⁴ *Id.* at 64-70.

⁵ *Id.* at 66.

In September 2007, J.B. Tirol gave Expedito, Menard, and Stephen a month to vacate the properties, as it would be needed for the construction of a resort.⁶

In the first week of October 2007, J.B. Tirol, through its representative, visited the properties to follow up on the demand to vacate but the three occupants refused to leave and claimed that they were the owners thereof.⁷

Consequently, on November 26, 2007, J.B. Tirol, through counsel, sent a demand letter to each of the occupants, but the latter never bothered to reply and refused to vacate. Left with no recourse, J.B. Tirol filed a case for unlawful detainer.⁸

For his part, Expedito denied the allegations of J.B. Tirol, particularly the latter's claim that his continued stay on the subject properties was by mere tolerance. He averred that he had been living in his own house located in Sitio Pinaungon, *Barangay* Balabag, Malay, Aklan for more than 20 years as one of the heirs of the late Antonio Tapuz and Expedito Tapuz, Sr., and not in the land of J.B. Tirol.⁹ He further belied J.B. Tirol's claim of actual possession and claimed that the latter's ownership is based on a spurious Original Certificate of Title (*OCT*) No. 2222. He added that he and his forefathers had been the real physical possessors of the subject properties since time immemorial.¹⁰ As proof thereof, he submitted a survey plan, which was commissioned by his grandfather and Tax Declaration No. 4060, issued in 1953 in the name of his grandfather.¹¹

On the other hand, since Menard and Stephen already vacated the subject properties, the counsel for J.B. Tirol moved in open court for their names to be dropped as party-defendants.¹²

On August 27, 2009, the Fifth Municipal Circuit Trial Court of Buruanga-Malay, Buruanga-Aklan (*MCTC*) rendered a Decision¹³ in favor of J.B. Tirol. The dispositive portion reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. Ordering the defendant Expedito Tapuz, Jr. and all persons claiming rights under him to immediately vacate the lots in question, Lots No.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 67.

⁹ *Id.* at 78.

¹⁰ *Id.* at 31.

¹¹ *Id.*

¹² *Id.*

¹³ Penned by Presiding Judge Raul C. Barrios; *CA rollo*, pp. 256-261.

30-B-11-B, 30-B-11-C, 30-B-11-D and 30-B-11-E as reflected in the Commissioner's Sketch found on page 79 of the records and restore possession thereof to the plaintiffs;

2. Ordering the defendant Expedito Tapuz, Jr. to pay the plaintiffs the amount of [P]2,000.00 a month computed from March 13, 2008 until the possession thereof is completely restored to the plaintiff as reasonable rent;
3. Ordering the defendant Expedito Tapuz, Jr. to pay the plaintiff the sum of [P]20,000.00 as attorney's fees plus the cost of the suit in the amount of [P]29,237.00.

SO ORDERED.¹⁴

In arriving at such disposition, the MCTC held that since both parties are claiming ownership over the subject properties, there is a need to make an initial determination of ownership to determine the party with a better right of possession. As between the parties, the MCTC was convinced that J.B. Tirol is the lawful owner having presented TCT Nos. 37874 and 37875 covering the subject properties registered in its name. On the other hand, Expedito only presented a survey plan, which did not correspond to the properties in question. Further, Expedito presented an old tax declaration, which had no probative value considering that it was not revised despite the several revisions already made by the Assessor's Office. Being the lawful owner of the subject properties, the MCTC held that J.B. Tirol is entitled to the restoration of the physical possession of the premises in question.¹⁵

As for the monetary awards, the MCTC opined that J.B. Tirol was entitled to the reasonable rent for the use and occupation of the premises in a reduced amount of P2,000.00 reckoned from March 13, 2008 until possession is completely restored to J.B. Tirol. The latter was also granted attorney's fees in the amount of P20,000.00 plus cost of the suit.¹⁶

At odds with the ruling, Expedito interposed an appeal before the Regional Trial Court, Branch 6 of Kalibo, Aklan (*RTC*).

On May 28, 2010, the *RTC* rendered a Decision¹⁷ affirming *in toto* the findings of the MCTC. The decretal portion of the Decision reads:

WHEREFORE, finding no reversible error in the Decision dated August 27, 2009 of the 5th MCTC, Buruanga-Malay, the appeal of defendant Expedito Tapuz, Jr. is dismissed and the Decision of the court a quo is AFFIRMED IN TOTO.

¹⁴ *Id.* at 260-261.

¹⁵ *Id.* at 259-260.

¹⁶ *Id.* at 260.

¹⁷ Penned by Assisting Judge Elmo F. Del Rosario; *id.* at 263-266.

SO ORDERED.¹⁸

Similar to the MCTC, the RTC held that in unlawful detainer cases, the only issue to be resolved is physical possession, but if the issue of ownership is raised by the defendant and the question of possession cannot be resolved without deciding the issue of ownership, the same shall be resolved only to determine the issue of possession. Thus, after evaluating the parties' evidence, the RTC gave preference to J.B. Tirol's claim of ownership having presented titles registered in its name as against Expedito's mere allegation that he had been in actual possession of the subject properties since time immemorial and his cancelled tax declaration in the year 1953. Having presented superior proof of ownership, the RTC ruled that J.B. Tirol is the lawful owner and, thus, entitled to the possession of the subject properties.¹⁹

The RTC further opined that Expedito's possession over the subject properties was by mere tolerance. The RTC gave credence to the claim of J.B. Tirol that Expedito constructed a nipa hut on the subject properties despite the instruction not to introduce any permanent improvements thereon. When a demand to vacate was given to Expedito on November 26, 2007, the latter refused to vacate. From the time the demand to vacate was received by Expedito and he refused to do so, his possession over the subject properties had become illegal.²⁰

Dismayed by the unfavorable ruling, Expedito filed a Motion for Reconsideration, but the same was denied by the RTC in its Order²¹ dated May 11, 2011.

Undeterred by the setback, Expedito filed an appeal before the CA.

On March 25, 2013, the CA rendered the assailed Decision²² reversing the findings of the RTC. The dispositive portion reads:

WHEREFORE, in view of the foregoing, the petition is hereby GRANTED and the Decision dated May 28, 2010 of the Regional Trial Court Kalibo, Aklan, Branch 6 affirming the Decision of the Fifth (5th) Municipal Circuit Trial Court of Buruanga and Malay, as well as the Order dated May 11, 2011 of the same RTC are NULLIFIED and SET ASIDE. A new one is entered in its stead declaring respondent's case as DISMISSED.

SO ORDERED.²³

¹⁸ *Id.* at 266.

¹⁹ *Id.* at 264-265

²⁰ *Id.* at 265.

²¹ Penned by Presiding Judge Jemena L. Abellar Arbis; *id.* at 26.

²² *Rollo*, pp. 29-39.

²³ *Id.* at 38.

In siding with Expedito, the CA ratiocinated that while J.B. Tirol has presented proof of ownership, the same does not automatically mean that the latter is entitled to the physical possession of the properties. In unlawful detainer, tolerance must not only be alleged but also be proven. Here, the CA opined that J.B. Tirol failed to establish that Expedito occupied the subject properties by mere tolerance considering the absence of proof on how the permission was sought and how tolerance was exercised. J.B. Tirol also failed to present evidence as to who was authorized by the corporation to give its permission, or if there was a board resolution authorizing such alleged tolerance. Since J.B. Tirol alleged that it is a co-owner, the latter also failed to show that the alleged tolerance was known and with the consent of its co-owner. For the CA, these unresolved issues created an impression of doubt as to the claim of tolerance by J.B. Tirol. Further, there was no proof that J.B. Tirol or its authorized representative has been in actual, physical, and continuous possession of the disputed land at any time before the complaint was instituted. Thus, the CA found it improbable that the alleged tolerance started from the very beginning of possession, rendering the action for unlawful detainer an improper remedy.²⁴

Unconvinced, J.B. Tirol moved for reconsideration, but to no avail as the CA denied the same in its impugned Resolution²⁵ dated September 5, 2013.

Hence, the present Petition.

At the crux of the instant petition is whether the CA erred in dismissing the Complaint for unlawful detainer for failure of petitioner to prove that respondent had been occupying the subject properties by mere tolerance.

In the main, petitioner chiefly asserts that it is entitled to the possession of the subject properties being the registered owner thereof. Petitioner further maintains that respondent was just a caretaker of the said properties, who sought permission from its representative, Aristotle, to stay thereon with an agreement that he will vacate the premises and turn over the possession to the Tirol family upon demand.²⁶ To prove its allegations, petitioner cites the affidavits²⁷ of its witnesses, namely: Ramon Temporaza Tano-an (*Ramon*) and Aristotle.

On the other hand, respondent propounds that the CA did not err when it reversed the findings of the RTC for failure of petitioner to prove that the occupation of the properties was by mere tolerance. More specifically, he

²⁴ *Id.* at 34-37.

²⁵ *Id.* at 51-52.

²⁶ *Id.* at 22-23.

²⁷ *Id.* at 94-98.

harps on the absence of proof that the board of directors of petitioner passed a resolution authorizing the supposed tolerance. There was also no evidence showing that an agent had been authorized by petitioner to give such permission to stay on the subject properties. Given the paucity of evidence attendant to the claim of tolerance, respondent submits that the CA had no alternative but to dismiss the Complaint for unlawful detainer.²⁸

The Petition is impressed with merit.

It is an elementary principle in civil law that “a registered owner has a right of possession over the property as this is one of the attributes of ownership.”²⁹ Nevertheless, jurisprudence cautions that the registered owner cannot simply wrest possession thereof from whoever is in actual occupation of the property. To recover possession, the owners must resort to the proper remedy, and once they choose what action to file, they are required to satisfy the conditions necessary for such action to prosper.³⁰

In our jurisdiction, there are three remedies available to one who has been dispossessed of their property: (1) an action for ejectment to recover possession, whether for unlawful detainer or forcible entry; (2) *accion publiciana* or *accion plenaria de posesion*, or a plenary action to recover the right of possession; and (3) *accion reivindicatoria*, or an action to recover ownership.³¹

In this case, petitioner, who claims to be a co-owner of the subject properties, elected to file a Complaint for unlawful detainer against respondent.

Unlawful detainer: Nature and Purpose.

Jurisprudence defines unlawful detainer as an “action to recover possession of real property from one who illegally withholds possession after the expiration or termination of [their] right to hold possession under any contract, express or implied.”³² “The possession of the defendant in unlawful detainer is originally legal but became illegal due to the expiration or termination of the right to possess.”³³ The proceeding is “summary in nature, jurisdiction of which lies in the proper municipal trial court or metropolitan trial court and the action must be brought within one year from the date of last demand.”³⁴

²⁸ *Id.* at 112.

²⁹ *Eversley Childs Sanitarium v. Spouses Barbarona*, 829 Phil. 111, 131 (2018).

³⁰ *De Guzman-Fuerte v. Spouses Estomo*, 830 Phil. 653, 668 (2018).

³¹ *Supra* note 29, at 136.

³² *Corpuz v. Spouses Agustin*, 679 Phil. 352, 365 (2012).

³³ *Canlas v. Tubil*, 616 Phil. 915, 924 (2009).

³⁴ *Id.*

Furthermore, in unlawful detainer, the only issue to be resolved is physical or material possession of the premises, independent of any claim of ownership by any of the party litigants.³⁵ Possession refers to possession *de facto*, and not possession *de jure*. It does not even matter if a party's title to the property is questionable.³⁶ However, where the issue of ownership is inseparably linked to that of possession, adjudication of the ownership issue is not final and binding, but merely for the purpose of resolving the issue of possession. As this Court held in *Co v. Militar*:³⁷

We have, time and again, held that the only issue for resolution in an unlawful detainer case is physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants. Moreover, an ejectment suit is summary in nature and is not susceptible to circumvention by the simple expedient of asserting ownership over the property.

In forcible entry and unlawful detainer cases, even if the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the lower courts and the Court of Appeals, nonetheless, have the undoubted competence to provisionally resolve the issue of ownership for the sole purpose of determining the issue of possession.

Such decision, however, does not bind the title or affect the ownership of the land nor is conclusive of the facts therein found in a case between the same parties upon a different cause of action involving possession.³⁸

In this case, since both parties anchor their right of physical or material possession based on ownership, it is imperative to provisionally pass upon the issue of ownership for the sole purpose of determining the party with a better right of possession.

Petitioner has proven its better right of possession.

Correlatively, as between the parties, this Court affirms the uniform findings of the MCTC and RTC that petitioner is entitled to a better right of possession having presented TCT Nos. 37874³⁹ and 37875⁴⁰ as incontrovertible proof of ownership over the subject properties. On the other hand, respondent had not presented any convincing proof of ownership except for a Sketch Plan and Tax Declaration for the year 1953, which as pointed out by the MCTC do not correspond to the properties in question.⁴¹

³⁵ *Bunyi v. Factor*, 609 Phil. 134, 140 (2009).

³⁶ *Nabo v. Buenviaje*, G.R. No. 224906, October 7, 2020.

³⁷ 466 Phil. 217 (2004).

³⁸ *Id.* at 223-224.

³⁹ *Rollo*, p. 73

⁴⁰ *Id.* at 75.

⁴¹ *CA rollo*, p. 259.

Indubitably, the evidence adduced by respondent pales in comparison to the Torrens Certificate of Title of petitioner. As the registered owner, petitioner is undeniably entitled to a better right of possession, being one of the attributes of ownership. This is consistent with the old-age rule that “whoever holds a Torrens Title in his name is entitled to the possession of the land covered by the title.”⁴²

Recognizing this legal precept is the case of *Gabriel, Jr. v. Crisologo*,⁴³ where this Court upheld the preferential right of the registered owner to possess the property in dispute, *viz.*:

The respondent’s certificates of title give her the better right to possess the subject parcels of land.

It is settled that a Torrens title is evidence of indefeasible title to property in favor of the person in whose name the title appears. It is conclusive evidence with respect to the ownership of the land described therein. **It is also settled that the titleholder is entitled to all the attributes of ownership of the property, including possession.** Thus, in *Arambulo v. Gungab*, this Court declared that the “age-old rule is that the person who has a Torrens title over a land is entitled to possession thereof.”

The records show that TCT No. T-1393517 and TCT No. T-1393618 bear the name of Carmeling P. Crisologo, as the registered owner. Petitioners do not dispute the fact that she has a Torrens title over the subject parcels of land.⁴⁴

All the jurisdictional facts of unlawful detainer have been sufficiently alleged and proven.

More than being the registered owner, this Court is also convinced that petitioner has sufficiently alleged and proven all the jurisdictional facts constitutive of unlawful detainer.

In *Cabrera v. Getaruela*,⁴⁵ this Court specified the key jurisdictional facts, which the plaintiff must allege and prove to successfully prosecute a case for unlawful detainer, to wit:

1. Initially, possession of property by the defendant was by contract with or by tolerance of the plaintiff;
2. eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter’s right of possession;

⁴² *Abobon v. Abobon*, 692 Phil. 530, 540 (2012).

⁴³ 735 Phil. 673 (2014).

⁴⁴ *Id.* at 685-686. (Emphasis supplied)

⁴⁵ 604 Phil. 59 (2009).

3. thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment of the same; and
4. within one (1) year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejectment.⁴⁶

Contrary to the findings of the CA, there is preponderance of evidence to prove that respondent, along with Menard and Stephen was merely allowed by petitioner to temporarily stay on the subject properties, but with an understanding that they will vacate the same once the properties are already needed. The same was confirmed by Ramon, the security guard of petitioner's properties since 1996. Ramon attested that when he arrived at petitioner's properties in Boracay, respondent was already one of its caretakers. In 2006, petitioner allowed respondent to temporarily stay thereon, but with an understanding that he will vacate the same upon demand. It was then that respondent started possessing a small portion of the subject properties for his *sari-sari* store.⁴⁷ Notably, respondent had not presented any controverting evidence to refute the claims of Ramon. It must be further noted that at the inception of the case, his co-defendants Menard and Stephen already vacated the subject properties and recognized the right of petitioner as the registered owner. It was only the respondent who insisted on staying on the subject properties based on his claim of possession in the concept of an owner for more than 20 years. However, as adverted to earlier, he has failed to adduce any convincing proof of ownership to be entitled to a better right of possession. The pieces of evidence that he had all pertain to a different lot and not the properties subject of the case. Plainly, he had not established any right whatsoever on the subject properties. On the other hand, the totality of the evidence presented preponderates in favor of petitioner showing that the latter, as registered owner, merely tolerated the occupation of respondent over the subject properties.

It is settled that "a person who occupies the land of another at the latter's tolerance or permission, without any contract between them, is necessarily bound by an implied promise to vacate upon demand, failing which, a summary action for ejectment is the proper remedy."⁴⁸ The defendant's status in such case is akin to that of a lessee or tenant whose occupancy continued by tolerance upon the expiration of the lease term.⁴⁹ Under this scenario, the unlawful deprivation or withholding of possession is to be reckoned from the date of the demand to vacate.⁵⁰

Here, records unravel that when petitioner already needed the subject properties for the construction of a resort, the latter sent respondent a formal demand⁵¹ to vacate on November 26, 2007. When the same was left

⁴⁶ *Rollo*, p. 66.

⁴⁷ *Id.* at 94.

⁴⁸ *Quevada v. Court of Appeals*, 533 Phil. 527, 539 (2006).

⁴⁹ *Pro-Guard Security Services Corp. v. Tormil Realty and Dev't Corp.*, 738 Phil. 417, 427 (2014).

⁵⁰ *Dela Cruz v. Hon. Court of Appeals*, 539 Phil 158, 177 (2006).

⁵¹ *Rollo*, p. 75.

unheeded, petitioner filed a Complaint⁵² for unlawful detainer against respondent on March 13, 2008, or well within one year from the last demand to vacate.

Based on the foregoing, it is evident that petitioner has satisfied all the conditions to successfully prosecute a case for unlawful detainer. To reiterate, petitioner has not only proven that it is the registered owner, but the latter has likewise established all the jurisdictional elements for unlawful detainer, particularly, the element of tolerance. Concomitantly, it was erroneous on the part of the CA to reverse the findings of the RTC and dismiss the Complaint for unlawful detainer.

Propriety of the damages awarded.

Pursuant to Section 17,⁵³ Rule 70 of the Revised Rules of Court, the damages recoverable in unlawful detainer cases are: (1) reasonable rent for the use and occupation of the premises; (2) attorney's fees; and (3) cost of the suit.

As to the amount of reasonable rent, the MCTC, as affirmed by the RTC awarded petitioner a reasonable compensation for the use and occupation of the premises in the amount of ₱2,000.00, a month reckoned from the filing of the complaint on March 13, 2008 until full restoration of possession.⁵⁴ However, it bears pointing out that the MCTC failed to tender any explanation as to how the amount was arrived at, or cite any basis for its valuation.

In *Heirs of Spouses Mariano v. City of Naga*,⁵⁵ this Court emphasized that the reasonable compensation for the use and occupation of premises partakes the nature of actual damages. Thus, the court may fix the same, but it must be based on the evidence adduced by the parties. Rental value refers to "the value as ascertained by proof of what the property would rent or by evidence of other facts from which the fair rental value may be determined."⁵⁶ "Reasonable amount of rent in ejectment cases is to be determined not by mere judicial notice but by supporting evidence."⁵⁷

⁵² *Id.* at 64-70.

⁵³ Section 17. *Judgment.* — If after trial court finds that the allegations of the complaint are true, it shall render judgment in favor of the plaintiff for the restitution of the premises, the sum justly due as arrears of rent or as reasonable compensation for the use and occupation of the premises, attorney's fees and costs. If a counterclaim is established, the court shall render judgment for the sum found in arrears from either party and award costs as justice requires.

⁵⁴ *Rollo*, p. 260.

⁵⁵ 827 Phil. 531 (2018).

⁵⁶ *Spouses Booc v. Five Star Marketing Co, Inc.*, 563 Phil. 368, 381 (2007).

⁵⁷ *Materrco, Inc. v. First Landlink Asia Development Corp.*, 564 Phil. 207, 224 (2007).

Thus, in *Josefa v. San Buenaventura*,⁵⁸ this Court enumerated the factors that may be considered in determining the reasonable amount of rent in ejectment cases: (a) the prevailing rates in the vicinity; (b) location of the property; (c) use of the property; (d) inflation rate; and (e) the testimony of one of the private respondents.⁵⁹

In this case, since there is no evidence on record or any document from where this Court could base the amount of reasonable rent, a remand of the case to the MCTC is necessary for its proper determination.

A ruling of the same import is the case of *Carnacete v. Bulaquena*⁶⁰ (*Carnacete*), where this Court could not fix a reasonable amount of compensation for the use and occupation of the property due to lack of evidentiary support on record. A remand of the case to the RTC was ordered for the latter to properly determine the reasonable amount of rent due to the winning party.

Moreover, pursuant to prevailing jurisprudence,⁶¹ the total amount of rent due to petitioner in this case shall earn an interest at the rate of twelve percent (12%) *per annum* from the time of extra judicial demand to vacate on November 26, 2007 up to June 30, 2013, and six percent (6%) interest *per annum* from July 1, 2013 until this Resolution becomes final and executory, and legal interest of six percent (6%) *per annum* thereafter, until full payment.

Finally, for being in accordance with law,⁶² this Court affirms the award of attorney's fees in the amount of ₱20,000.00 plus cost of the suit in the amount of ₱29,237.00.⁶³

FOR THESE REASONS, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated March 25, 2013 and the Resolution dated September 5, 2013 of the Court of Appeals in CA-G.R. SP No. 05986 are hereby **REVERSED** and **SET ASIDE**. A new judgment is hereby rendered as follows:

- 1) ORDERING the respondent Expedito Tapuz, Jr. and all persons claiming rights under him to immediately vacate the subject properties and restore possession thereof to petitioner J.B. Tirol Boracay Properties Corporation;

⁵⁸ 519 Phil. 45 (2006).

⁵⁹ *Id.* at 58-59.

⁶⁰ G.R. No. 225715, August 26, 2020.

⁶¹ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

⁶² *Rollo*, pp. 64-70.

⁶³ *Id.* at 241.

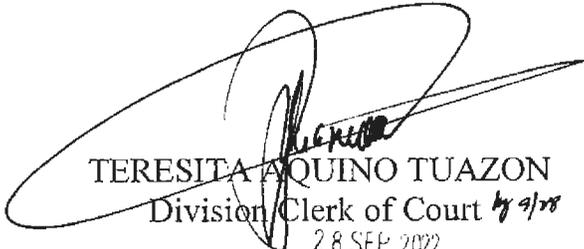
2) REMANDING the case to the Fifth Municipal Circuit Trial Court of Buruanga-Malay, Buruanga-Aklan for the determination of the proper amount of rent, or reasonable compensation for the use of the subject properties due to petitioner J.B. Tirol Boracay Properties Corporation;

3) ORDERING respondent Expedito Tapuz, Jr. to pay petitioner J.B. Tirol Boracay Properties Corporation the reasonable amount of rent, as determined by the Municipal Circuit Trial Court to be computed from November 26, 2007 until the possession of the subject properties is completely restored to petitioner. The total rent due shall earn an interest at the rate of twelve percent (12%) *per annum* from the time of extra judicial demand to vacate on November 26, 2007 up to June 30, 2013, and six percent (6%) interest *per annum* from July 1, 2013 until this Resolution becomes final and executory, and legal interest of six percent (6%) *per annum* thereafter, until full payment.

4) ORDERING respondent Expedito Tapuz, Jr. to pay petitioner J.B. Tirol Boracay Properties Corporation the sum of ₱20,000.00 as attorney's fees plus the cost of the suit in the amount of ₱29,237.00.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *by 9/28*
2.8 SEP 2022

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(Civil Case No. 8715)

HON. PRESIDING JUDGE (reg)
Municipal Circuit Trial Court
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(Civil Case No. 232-M)

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