

Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

SPS. SALVADOR AND
LEONIDA M. BANGUG and SPS.
VENERANDY ADOLFO* AND
JESUSA ADOLFO,

Petitioners,

- versus -

GEORGE DELA CRUZ,
Respondent.

G.R. No. 259061

Present:

CAGUIOA, J., Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

Promulgated:

August 15, 2022

Mis+DCB+H

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DECISION

CAGUIOA, J.:

Before the Court is the Petition for Review on Certiorari¹ (Petition) under Rule 45 of the Rules of Court filed by petitioners Sps. Salvador and Leonida M. Bangug, and Sps. Venerandy Adolfo and Jesusa Adolfo (collectively, petitioners) assailing the Decision² dated November 5, 2020 and Resolution³ dated February 10, 2022 of the Court of Appeals⁴ in CA-G.R. SP No. 164563. The CA Decision denied the Rule 42 petition for review filed by petitioners and affirmed the Decision⁵ dated November 19, 2019 of the Regional Trial Court⁶ (RTC). The RTC Decision affirmed the Decision dated October 30, 2017 of the Municipal Trial Court in Cities⁷ (MTCC).⁸ The CA Resolution denied petitioners' Motion for Reconsideration (MR).

* Also Venerando Adolfo, Vener Adolfo and Venerandy Adolfo, Sr. in some parts of the *rollo*.

¹ *Rollo*, pp. 11-30, excluding Annexes.

² *Id.* at 32-41. Penned by Associate Justice Apolinario D. Bruselas, Jr., with Associate Justices Marie Christine Azcarraga-Jacob and Tita Marilyn B. Payoyo-Villordon concurring.

³ *Id.* at 42-43.

⁴ Special Seventh Division and Former Special Seventh Division.

⁵ *Id.* at 64-74. In Civil Case No. 1803 (CC No. 1627), penned by Presiding Judge Rodolfo B. Dizon.

⁶ Regional Trial Court of the City of Ilagan, Isabela, Branch 18.

⁷ Municipal Trial Court in Cities of the City of Ilagan, Isabela.

⁸ See *rollo*, pp. 17 and 32. The MTCC Decision was penned by Judge Jeffrey J. Cabasal.

The Facts and Antecedent Proceedings

The CA Decision narrates the antecedents as follows:

The instant case originated from a complaint for recovery of possession filed by respondent George dela Cruz [(George)] against [petitioners] before the MTCC.

Respondent [George], as plaintiff below alleged that he was the registered owner of a 2,172 square-meter parcel of land covered by Transfer Certificate of Title [(TCT)] No. T-388110, situated in Barrio Manaring, Ilagan City, Isabela, with an assessed value of [P]11,140.00. The said property was part of a bigger parcel of land originally owned by his grandmother, Cayetana Guitang⁹ [(Cayetana)]. When Cayetana died [sometime in 1935¹⁰], the land was adjudicated to [respondent George's] father, Severino [d]ela Cruz [(Severino)], by virtue of intestate succession, evidenced by an affidavit of adjudication in 1982.¹¹ In 1983, Severino executed a deed of *reconveyance*,¹² which subdivided the parcel of land into five areas. The portion designated as Lot 1-A was transferred to respondent [George]; the remaining portions were transferred to four others.¹³ During the lifetime of Severino, petitioner Leonida [Bangug (Leonida)] asked permission to temporarily build a house on a vacant portion of the property; petitioner [Venerandy Adolfo (Venerandy)] asked permission to occupy a portion thereof and build a temporary structure for storing corns during harvest season. In 2011, respondent [George] demanded that the petitioners vacate the portions of the property that they occupied, but to no avail.

⁹ Per Judicial Affidavit (JA) of petitioner Leonida dated April 29, 2013, Cayetana was married to Andres dela Cruz. See *rollo*, p. 165.

¹⁰ See *id.* at 87.

¹¹ The Court notes that per Annex "G" of the Complaint, the Affidavit of Adjudication dated April 7, 1982 stated that Severino is "legitimate son and sole heir of CAYETANA GUITANG," who died intestate "sometime in 1935," and "at the time of her death left certain real property situated at Manaring, Ilagan, Isabela, x x x containing an area of x x x (8,657) square meters." *Rollo*, p. 87. The Court also notes that TCT No. T-120060 was issued over a parcel of land in Manaring, Ilagan with an area of 8,657 square meters in the name of Severino on August 6, 1979; and TCT No. T-120060 originated from Original Certificate of Title No. 3367. *Rollo*, p. 211.

¹² The Deed of Reconveyance (Exh. "B," *rollo* p. 201) stated that Severino had been "HOLDING IN TRUST" the land "for and in behalf of the herein [transferees]:

1. [HEIRS] OF RUFINA DELA CRUZ, REP. by JAIME ALLAUIGAN, married with an area of (1,860) sq.m. – Lot 1-E[;]
2. MARIA DELA CRUZ, married to Filemon Telan with an area of (1,211) sq.m. – Lot 1-D[;]
3. MANUEL DELA CRUZ, married to Juanita Mallanao with an area of (1,385) sq.m. – Lot 1-C[;]
4. JUANITO DELA CRUZ, married to Estelita Pinaroc with an area of (1,179) sq.m. – Lot 1-B[; and]
5. GEORGE DELA CRUZ, married to Teresita Peña Mora with an area of (2,172) sq.m. – Lot 1-A.

x x x x"

¹³ TCT No. T-388111 was registered in the name of Juanito dela Cruz (Exh. "D," *rollo*, p. 203); TCT No. T-388112 was registered in the name of Maria dela Cruz (Exh. "E," *id.* at 204); TCT No. T-388113 was registered in the name of Heirs of Rufina dela Cruz (Exh. "J," *id.* at 209); and TCT No. T-388114 was registered in the name of Manuel dela Cruz (Exh. "C," *id.* at 202). These TCTs together with George's TCT were issued on August 3, 2011.

In their answer, petitioners herein, as defendants below averred that Cayetana had other heirs: namely, Luisa, Hermina,¹⁴ Juana, Rufina, and Juliana.¹⁵ Rufina,¹⁶ the mother of petitioner Leonida, and Juliana,¹⁷ the mother of petitioner [Venerandy], both allowed their children to build their houses on the subject property. Considering that Cayetana had other heirs, the adjudication made by [respondent George's] father, Severino, of the subject property for himself was invalid. Consequently, the deed of *reconveyance* executed by Severino in favor of respondent [George] was invalid as well. As heirs of Cayetana, petitioners have the right to possess the subject property as co-owners thereof. [We¹⁸ must note, this early, that petitioners did not specifically assail the validity of [respondent George's] title and their counterclaim was limited to a prayer for moral and exemplary damages.]

After trial, the MTCC rendered its first Decision, which granted [respondent George's] complaint. It held that petitioners' possession of the portion of the subject property was merely upon the tolerance of respondent [George], the registered owner of the subject property. The petitioners' allegations pertaining to their share in the property, purportedly inherited from Cayetana, and the irregularity of Severino's adjudication thereof constituted indirect or collateral attacks on x x x [respondent George's] title. A certificate of title cannot be subject to such collateral attack. Thus:

“WHEREFORE, premises considered, plaintiff herein, having proven with preponderance of evidence, **JUDGMENT** is hereby rendered in favor of the plaintiff and directing defendants, their assigns and those acting for and in their behalf, to vacate the land and to surrender peacefully the possession thereof to the plaintiff being the owner of the land.”

Petitioners filed a motion for reconsideration and argued that respondent [George] failed to show that the parcels of land that they occupied were part of and covered by [respondent George's] title. They posited that there were inconsistencies between the area indicated in the deed of *reconveyance* and those indicated in [respondent George's] and the four other transferees' titles, raising serious doubts as to the identity of the property claimed by respondent [George].

In its second Decision, the MTCC denied petitioners' motion for reconsideration. It pointed out that an ocular inspection was actually conducted on [August 14, 2015], which verified that the parcels of land occupied by petitioners were inside the property covered by [respondent

¹⁴ Also “Herminia,” “Hermñia,” and “Hermiña” in some parts of the *rollo*.

¹⁵ The petition mentions that Cayetana had four other children, namely: Luisa, Herminia, Juana and Leonarda. See *rollo*, p. 15. However, the JA of petitioner Leonida mentions that Cayetana had seven children: namely, “Luisa dela Cruz Sabuco, Severino dela Cruz, Rufina dela Cruz Maramag, Hermñia dela Cruz Dancel, Juana dela Cruz Domingo, Juliana Aguilar Adolfo, [and] Leonarda Aguilar Calibo” as children of Cayetana. See *id.* at 165; and the JA of petitioner Venerandy dated April 29, 2013 confirms that Cayetana had seven children: namely, “Luisa dela Cruz, Severino dela Cruz, Juana dela Cruz, Herminia dela Cruz, Rufina dela Cruz, Leonarda Aguilar[, and] Juliana Aguilar,” *id.* at 181.

¹⁶ Rufina has passed away. See Answer of petitioners Sps. Salvador and Leonida Bangug dated November 29, 2012, *id.* at 91.

¹⁷ Juliana has also passed away. See Answer of petitioners Sps. Venerandy and Jesusa Adolfo dated November 29, 2012, *id.* at 97; and JA of Venerandy, *id.* at 182.

¹⁸ Meaning the CA.

George's] title. The discrepancy between the area indicated in the deed and that in the transferee's title[s] was also sufficiently explained by the subdivision plan, which showed that the "missing" square meters became part of the national road. The MTCC also noted that this issue was never raised by petitioners in their answer and must be deemed waived. Thus:

"WHEREFORE, premises considered, the motion for reconsideration, filed by counsel for the defendants, to the Decision of the Court dated October 30, 2017, is hereby **DENIED** for lack of merit."

The petitioners appealed the MTCC Decisions to the RTC. They argued that they have [a] better right of possession since they inherited the property *ab intestato* from Cayetana and have been in possession thereof ever since. Severino's adjudication of the property for himself was void considering that there were other heirs entitled to the property. Consequently, the deed of *reconveyance* was equally infirm.

In the assailed Decision, the RTC affirmed the MTCC's findings. It held that petitioners' position in their answer challenged the validity of [respondent George's] title, a collateral attack not allowed by law; [respondent George's] title showed a better right to possess the subject property, as opposed to petitioners' bare claim of co-ownership. Thus:

"WHEREFORE, in the light of all the foregoing discussions, this court affirms the lower court's Decision of October 20, 2017 in toto."¹⁹

The Ruling of the CA

Petitioners appealed the RTC Decision via a petition for review under Rule 42 of the Rules of Court before the CA. The CA in its Decision²⁰ dated November 5, 2020 found the appeal bereft of merit and denied the same, viz.:

WHEREFORE, the petition is **DENIED**. The assailed Decision of the RTC is **AFFIRMED**.

IT IS SO ORDERED.²¹

The CA essentially affirmed that respondent George's preferential right of possession of the subject property was based on the "age-old rule that whoever held a Torrens title in his name is entitled to the possession of the land covered by the title"²² and the "manner of attack against [respondent George's] title constituted a collateral one, which procedure is not allowed by Section 48²³ of Presidential Decree No. [(PD)] 1529 or the x x x Property

¹⁹ *Rollo*, pp. 32-36. Citations omitted.

²⁰ *Supra* note 2.

²¹ *Id.* at 40.

²² *Id.* at 39.

²³ Section 48 of PD 1529 states:



Registration Decree.”²⁴ The CA also stated that in order for petitioners to properly assail the validity of respondent George’s title, they must bring an action for that purpose.²⁵

Petitioners filed an MR which the CA denied in its Resolution²⁶ dated February 10, 2022. Hence, the present Rule 45 Petition.

The Issue

The Petition states this singular issue: whether petitioners have a better right of possession over the portions of the subject property that they are occupying.

The Court’s Ruling

The Petition is partly meritorious.

Petitioners anchor their submission that they have a better right of possession on two grounds:

First. Contrary to the ruling of the CA, the issue of ownership may be passed upon if the same is necessary to resolve the issue of possession, and such adjudication is not a final and binding determination of the issue of ownership.²⁷ Petitioners contend that they possess the portion they occupy in the concept of an owner as they derived title therein through inheritance by virtue of the corresponding shares of their parents upon the death of its original owner, their grandmother, Cayetana.²⁸ They also contend that respondent George, on the other hand, anchors his claim on the strength of the Deed of Reconveyance executed by his father, Severino, who likewise derived his title from the Affidavit of Adjudication that he executed.²⁹ They further contend that the Deed of Reconveyance is defective because it was not even signed by Severino, and the adjudication of the entire property to himself is dubious given the fact that he is not the sole heir of Cayetana and had other siblings who are likewise heirs of Cayetana.³⁰

Second. Respondent George miserably failed to specifically identify the subject parcel of land allegedly being possessed by petitioners *vis-à-vis*

SEC. 48. *Certificate not subject to collateral attack.* – A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.

²⁴ *Rollo*, p. 40.

²⁵ *Id.*

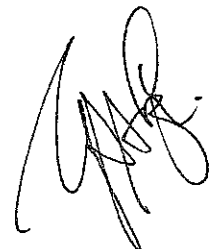
²⁶ *Supra* note 3.

²⁷ *Id.* at 20-21. Citation omitted.

²⁸ *Id.* at 21. Citation omitted.

²⁹ *Id.* Citation omitted.

³⁰ *Id.* Citations omitted.



his purported property given certain discrepancies of the actual areas of the disputed property and the adjoining lots.³¹

As regards the second ground, it has no merit. The findings of fact of the lower courts are uniform as to the identity of the location of the areas being possessed by petitioners. The CA observed:

x x x [T]he MTCC explicitly found that, per the evidence offered by respondent [George] and the ocular inspection conducted by a commissioned court staff (the court interpreter), the portion occupied by petitioners are well within the property covered by [respondent George's] title. This factual finding was likewise affirmed by the RTC. This conclusion binds the [CA], for the trial courts are in the best position to appreciate the evidence, especially the results of the ocular inspection, and assess the witnesses' credibility. x x x³²

The Court is bound by the foregoing factual finding, and the same cannot be reviewed in a Rule 45 petition where only questions of law can generally be raised. Petitioners have not identified any of the exceptions which would merit a review of the said uniform factual finding of the lower courts.

On the issue of whether petitioners can question the certificate of title of respondent George that emanated from the purportedly defective Deed of Reconveyance and Affidavit of Adjudication, which Severino executed, as basis of respondent George's better right of possession in an *accion publiciana* or action for recovery of possession, the Court has previously ruled that the issue of ownership may be provisionally passed upon to determine who between the party-litigants has a better right to possess the property in dispute. In provisionally resolving the issue of ownership, a collateral attack on the Torrens title in question is not triggered.

In the *en banc* case of *Heirs of Alfredo Cullado v. Gutierrez*³³ (*Cullado*) the Court made this clarification:

While there is no express grant in the Rules of Court that the court wherein an *accion publiciana* is lodged can provisionally resolve the issue of ownership, unlike an ordinary ejectment court which is expressly conferred such authority (*albeit* in a limited or provisional manner only, *i.e.*, for purposes of resolving the issue of possession), there is ample jurisprudential support for upholding the power of a court hearing an *accion publiciana* to also rule on the issue of ownership.

In *Supapo v. Sps. de Jesus (Supapo)*, the Court stated:

In the present case, the Spouses Supapo filed an action for the recovery of possession of the subject lot but

³¹ Id. at 22.

³² Id. at 37.

³³ G.R. No. 212938, July 30, 2019, 911 SCRA 557.



they based their better right of possession on a claim of ownership [based on Transfer Certificate of Title No. C-28441 registered and titled under the Spouses Supapo's names].

This Court has held that the objective of the plaintiffs in *accion publiciana* is to recover possession only, not ownership. However, where the parties raise the issue of ownership, the courts may pass upon the issue to determine who between the parties has the right to possess the property.

This adjudication is not a final determination of the issue of ownership; it is only for the purpose of resolving the issue of possession, where the issue of ownership is inseparably linked to the issue of possession. The adjudication of the issue of ownership, being provisional, is not a bar to an action between the same parties involving title to the property. The adjudication, in short, is not conclusive on the issue of ownership.

x x x x

From the foregoing, the Court thus clarifies here that in an *accion publiciana*, the defense of ownership (*i.e.*, that the defendant, and not the plaintiff, is the rightful owner) will **not** trigger a collateral attack on the plaintiff's Torrens or certificate of title because the resolution of the issue of ownership is done only to determine the issue of possession.

In the present case, the Answer of Cullado raised, as "special and affirmative defenses" to Dominic's *accion publiciana*, the issue of fraud in obtaining Dominic's certificate of title on the ground that "neither he nor his father [had] been in actual possession and cultivation of the [subject parcel of land]" and that Dominic was not qualified as he was then a minor.³⁴

In this regard, the pronouncement of the lower courts, including the CA, that if the issue of ownership involves a determination of the validity of a Torrens title, there is consequently a collateral attack on the said title, which is proscribed under PD 1529 or the Property Registration Decree, is misplaced. The resolution of the issue of ownership in an action for recovery of possession or *accion publiciana* is never final or definitive, but merely provisional; and the Torrens title is never in jeopardy of being altered, modified, or cancelled.

Similar to *Cullado*, petitioners, in their respective Answers, alleged in their Affirmative Defenses and Allegations that they have the right to possess the subject property because their mothers were children of Cayetana, similar to Severino; and Severino, not being the sole heir of Cayetana, could not have validly executed the Affidavit of Adjudication and

³⁴ Id. at 577-579. Citations omitted.

Deed of Reconveyance without impairing their mothers' as well as the other heirs' right to succeed from their grandmother Cayetana.³⁵

With these allegations, petitioners rightfully put in issue the ownership of the subject property. Since the issue of who has a better right of possession is inextricably linked thereto, the first level court where the complaint for recovery of possession was lodged was called upon to resolve the issue of ownership, albeit provisionally. Since it dodged the issue on the belief that such constituted a prohibited collateral attack on respondent George's certificate of title, the MTCC egregiously erred. The same observations hold true with respect to the rulings of the RTC and the CA on this matter.

Given that the issue of ownership has not been resolved by the lower courts, the Court will now rule thereon. Lest it be mistaken, this ruling by the Court is not final, but merely provisional. The issue of ownership can only be resolved with finality and conclusiveness in the appropriate civil action, which any interested party may subsequently institute.

Did the evidence adduce during the trial below prove sole ownership of the subject lot by Severino or co-ownership among the heirs of Cayetana?

Petitioners testified that Cayetana had seven children, namely: Luisa, Severino, Juana, Herminia, Rufina, Leonarda, and Juliana.³⁶ Respondent George did not refute this.

In the Affidavit of Adjudication dated April 7, 1982 (Annex "G" of respondent George's Complaint), Severino claimed that he was "the legitimate son and sole heir" of Cayetana.³⁷ However, in the Deed of Reconveyance dated December 1983 (respondent George's Exh. "B"), it is stated that: "THAT I, SEVERINO DELA CRUZ, x x x, married to Lucia Alejandro x x x the owner of a parcel of land situated at Barrio Manaring, Mun. of Ilagan, Isabela, covered by OCT NO. 3367 x x x with an area of x x x (8,657) SQUARE METERS, more or less x x x have been HOLDING IN TRUST for and in behalf of the herein [transferees]."³⁸ In the Deed of Reconveyance, the heirs of Rufina dela Cruz are indicated as transferees, who were given 1,860 square meters. Rufina was one of the children of Cayetana.

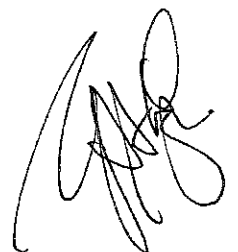
The fact that Cayetana left seven children and the Deed of Reconveyance mentioning that Severino was holding in trust the land left by Cayetana for certain transferees, which included the children of his sibling,

³⁵ See *rollo*, pp. 91 and 97-98.

³⁶ *Supra* note 15.

³⁷ *Rollo*, p. 87.

³⁸ *Id.* at 201.



Rufina, prove, to the mind of the Court, that a co-ownership existed among the seven children of Cayetana.

Under Article 1078 of the Civil Code, “[w]here there are two or more heirs, the whole estate of the decedent is, before its partition, owned in common by such heirs, subject to the payment of debts of the deceased.” As explained by a noted civilist, from the moment of the death of the decedent, and pending actual partition of the estate, the heirs become co-owners of such estate, each one having an undivided interest in the property to the extent of his or her share therein.³⁹

Consequently, when Cayetana died in 1935, the mothers of petitioners, Rufina and Juliana, who were Cayetana’s children, became co-owners, with their other siblings, of the land owned by Cayetana. While it is true that the heirs of Rufina were given a share in the said land by virtue of the Deed of Reconveyance, it appears that the partition thereof is questionable inasmuch as the other siblings of Severino were excluded. Such being the case, the Court finds provisionally that the Affidavit of Adjudication and the Deed of Reconveyance are ineffective to vest sole ownership of the land left by Cayetana in favor of Severino. In the same vein, the Court provisionally finds that respondent George, who benefitted from the defective Deed of Reconveyance, cannot claim exclusive ownership of the subject property.

Since the mothers of petitioners have died, petitioners themselves became co-owners of the land previously owned by Cayetana by virtue of their right to succeed from their mothers. Also, it appears that Severino has passed away.⁴⁰ As a child of Severino, respondent George inherited together with his three siblings⁴¹ whatever share his father inherited from Cayetana. Thus, the Court provisionally finds that petitioners and respondent George are co-owners of the land left by Cayetana; and in the absence of contrary evidence, the share of each of her seven children is equal. Given that the area of the land owned by Cayetana was about 8,657 square meters, each of her children would have inherited around 1,236 square meters, but the share of each is undivided or *pro indiviso*.

Petitioners, being recognized provisionally as co-owners, cannot be ejected from the subject property by respondent George, who is himself a co-owner.

³⁹ Arturo M. Tolentino, COMMENTARIES AND JURISPRUDENCE ON THE CIVIL CODE OF THE PHILIPPINES, Vol. III (1979 Ed.), p. 605.

⁴⁰ In the JA of respondent George dated November 16, 2013, he admitted that his father Severino has passed away:

Q8: Ano po ang pangalan ng tatay ninyo?

A8: Severino Dela Cruz po.

Q9: Nasaan na po siya?

A9: Patay na po siya. *Rollo*, p. 150.

⁴¹ In the said JA, respondent George further admitted that Severino had four children: namely, George, Manuel, Juanito, and Maria. Id.

In *Anzures v. Spouses Ventanilla*,⁴² the Court pronounced that a co-owner of the property cannot be ejected from the co-owned property, viz.:

***Being a co-owner, petitioner cannot
be ordered to vacate the house***

Being a co-owner of the property as heir of Carolina, petitioner cannot be ejected from the subject property. In a co-ownership, the undivided thing or right belong to different persons, with each of them holding the property *pro indiviso* and exercising [his] rights over the whole property. Each co-owner may use and enjoy the property with no other limitation than that he shall not injure the interests of his co-owners. The underlying rationale is that until a division is actually made, the respective share of each cannot be determined, and every co-owner exercises, together with his co-participants, joint ownership of the *pro indiviso* property, in addition to his use and enjoyment of it.

Ultimately, respondents do not have a cause of action to eject petitioner based on tolerance because the latter is also entitled to possess and enjoy the subject property. Corollarily, neither of the parties can assert exclusive ownership and possession of the same prior to any partition. If at all, the action for unlawful detainer only resulted in the recognition of co-ownership between the parties over the residential house.⁴³

As described under Article 484 of the Civil Code, there is co-ownership whenever the ownership of an undivided thing or right belongs to different persons. Articles 485, 486 and 493 of the same Code state the basic rights of each co-owner, to wit:

ART. 485. The share of the co-owners, in the benefits as well as in the charges, shall be proportional to their respective interests. Any stipulation in a contract to the contrary shall be void.

The portions belonging to the co-owners in the co-ownership shall be presumed equal, unless the contrary is proved. (393a)

ART. 486. Each co-owner may use the thing owned in common, provided he does so in accordance with the purpose for which it is intended and in such a way as not to injure the interest of the co-ownership or prevent the other co-owners from using it according to their rights. The purpose of the co-ownership may be changed by agreement, express or implied. (394a)

x x x x

ART. 493. Each co-owner shall have the full ownership of his part and of the fruits and benefits pertaining thereto, and he may therefore alienate, assign or mortgage it, and even substitute another person in its enjoyment, except when personal rights are involved. But the effect of the alienation or the mortgage, with respect to the co-owners, shall be limited

⁴² 835 Phil. 946 (2018).

⁴³ Id. at 963. Citation omitted.



to the portion which may be allotted to him in the division upon the termination of the co-ownership. (399)


The foregoing provisions confirm the co-owners to have a *pro indiviso, pro rata, pari passu* right in the co-ownership. In other words, a co-owner's right is proportional to his or her share or interest in the undivided co-owned property that is on equal footing with the other co-owners. Such being the nature of a co-owner's right, petitioners have no right to possess the subject property better than that of respondent George.

In conclusion, petitioners, as co-owners, should be allowed to use the thing owned in common to the extent that they do not injure the interest of the co-ownership or prevent the other co-owners from using it according to their rights. Until the land previously owned by Cayetana is correctly partitioned, they cannot be ejected therefrom.

As a final note, the Court reiterates that the findings herein on the issue of ownership of the subject property are merely PROVISIONAL. The issue of ownership can ONLY be settled with FINALITY in the appropriate civil action that any interested party may subsequently file.

WHEREFORE, the Petition is hereby **GRANTED**. Accordingly, the Decision dated November 5, 2020 and Resolution dated February 10, 2022 of the Court of Appeals in CA-G.R. SP No. 164563 are **REVERSED** and **SET ASIDE**. The Complaint filed by respondent George dela Cruz against petitioners Sps. Salvador and Leonida M. Bangug and Sps. Venerandy Adolfo and Jesusa Adolfo in Civil Case No. 1627 before the Municipal Trial Court in Cities, Ilagan City, Isabela is hereby **DISMISSED** for lack of cause of action.

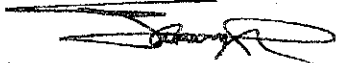
SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:


HENRI JEAN PAUL B. INTING
Associate Justice

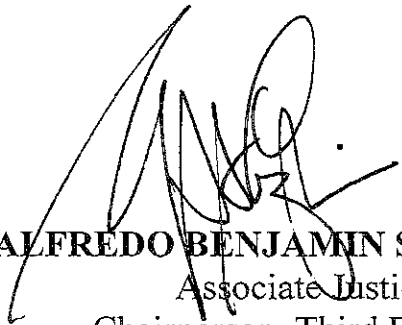

SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

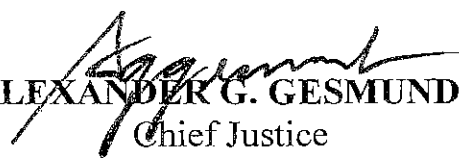
ATTESTATION

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.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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