



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 23, 2022, which reads as follows:

“G.R. No. 261332 (Joseph “Sonny” Q. Mate v. Kansolgran, Inc. herein represented by Irene Solis-Marcelo). — Repugned in this Petition for Review on *Certiorari*¹ are the *Decision*² dated 30 September 2021 and the *Resolution*³ dated 23 March 2022 of the Court of Appeals (CA) in CA-G.R. SP No. 11847, which affirmed the *Decision*⁴ dated 26 March 2018 of the Regional Trial Court (RTC) of Tacloban City, Branch 6. The RTC likewise affirmed the *Decision*⁵ dated 9 August 2017 of the Municipal Trial Court in Cities, Branch 2 thereat in an action for forcible entry, docketed as Civil Case No. 2016-05-CV-04.

The Petition is bereft of merit.

Case law instructs that in forcible entry cases, possession means nothing more than physical, actual or material possession or possession *de facto*, and not the one coming out or arising from ownership or possession *de jure*.⁶ It is axiomatic that in forcible entry cases, the issue is only prior physical possession, and not title.⁷ The Court has consistently 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.⁸

¹ *Rollo*, pp. 3-27.

² *Id.* at 30-43. Penned by Associate Justice Roberto P. Quiroz, with Associate Justice Marilyn B. Lagura-Yap and Associate Justice Nancy C. Rivas-Palmones, concurring.

³ *Id.* at 46-47.

⁴ *Id.* at 48-53. Penned by Presiding Judge Alphinor C. Serrano.

⁵ *Id.* at 55-63. Penned by Presiding Judge Manasseh S. Bastes.

⁶ See *David v. Butay*, G.R. No. 220996, 26 April 2022.

⁷ See *Rhema International Livelihood Foundation, Inc. v. Hibix, Inc.*, G.R. Nos. 225353-54, 28 August 2019.

⁸ See *Pajuyo v. Court of Appeals*, 474 Phil. 557, 579 (2004).

The Court finds that the CA correctly ruled that respondent Kansolgran, Inc., herein represented by Irene Solis-Marcelo, proved the elements of forcible entry as it was in actual, physical, and prior possession of the subject realty since 2003; that it was dispossessed of the property when petitioner Joseph “Sonny” Q. Mate forcibly entered the premises by destroying the padlock, removing the chain and replacing it with his own; and that petitioner refused to vacate the premises despite demands to do so. Notably, respondent instituted its complaint for forcible entry within one year from the time petitioner caused the dispossession against him. As aptly ruled by the CA, cases of forcible entry only settle the question of possession *de facto* and not the question of ownership.

The Court finds that the petition has no leg to stand on. *Au fond*, the only issue for the resolution of the Court in an ejectment suit is the right to physical possession.⁹ Regardless of the actual condition of the title to the property, a person in possession cannot be ejected by force, violence or terror, not even by the owners. Assuming *arguendo* that herein petitioner is the real owner of the subject property, he had no right to take the law into his own hands and summarily or forcibly eject respondent from the subject property. His employment of illegal means to eject respondent by force made him liable for forcible entry since prior possession was established by respondent.¹⁰

WHEREFORE, the Petition for Review on *Certiorari* is hereby **DENIED**. The *Decision* dated 30 September 2021 and the *Resolution* dated 23 March 2022 of the Court of Appeals (CA) in CA-G.R. SP No. 11847 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
Misael Domingo C. Battung III
10/26/22

⁹ See *Dayrit v. Norquillas*, 502 Phil. 626-650, 645 (2005).

¹⁰ See *Esperal v. Trompeta-Esperal*, G.R. No. 229076 (16 September 2020).

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 6, 6500 Tacloban City
(Civil Case No. R-TAC-17-01285-CV)

The Presiding Judge
MUNICIPAL TRIAL COURT IN CITIES
Branch 2, 6500 Tacloban City
(Civil Case No. 2016-05-CV-04)

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