

Factual Antecedents

Petitioner's version

On March 26, 2007, the Iglesia De Jesucristo Jerusalem Nueva of Manila, Philippines, Inc. (petitioner), represented by Francisco Galvez (Galvez), filed before the MeTC of Malabon City a Complaint⁶ for unlawful detainer with damages (Complaint) against respondent Loida Dela Cruz (Dela Cruz), using the name CHURCH OF JESUS CHRIST, "NEW JERUSALEM" and all persons claiming rights under her (collectively, respondents). Docketed as Civil Case No. JL00-891, said Complaint contained the following allegations:

1. [Petitioner] is a [r]eligious [c]orporation x x x with office address at #29 Interior Leono St., Tanong, Malabon City represented by its president, [Galvez]. x x x
2. [Dela Cruz] is of legal age, Filipino[,] with office address at #27 Leono St., Tanong, Malabon City. x x x
3. [Petitioner] is the owner of certain parcels of land consisting of an area of TWO HUNDRED FOUR (204) SQUARE METERS and SEVENTY[-]ONE (71) SQUARE METERS [both] covered by Original Certificate of Title [(OCT)] No. 35266 and [the corresponding] Tax Declaration [(TD)] [No.] 06223 [(subject lot)]. x x x
4. [Galvez], x x x is the nephew of Rosendo Gatchalian (Rosendo), the founder and the leader of [petitioner] way back [in] 1940 who organized the said religious corporation and built a chapel within the [subject lot];
5. Since 1940, Miguela Gatchalian [Miguela], the late mother of [Galvez] and her family used to occupy [and] possess and [likewise] built a house of their own in the concept of an owner [with] uninterrupted, peaceful[,] and physical possession [on a] certain portion of the [subject lot] as they were relatives and [long-time] member[s] of [petitioner] and were allowed by the founder [Rosendo] to occupy the same;
6. During the lifetime of x x x [Rosendo], the chapel[inside the subject lot] was used exclusively by the members of [petitioner] for worship x x x every Sunday;
7. [Dela Cruz] used to be a member of the [petitioner] x x x. However, when [Rosendo] died, x x x the members [became] disorganized x x x. Since then, members who x x x come and visit the chapel were allowed to enter the chapel and conduct their meetings and worship therein;
8. Surprisingly[,] sometime [in] 1998, without the knowledge and consent of all [the] members and officers of [petitioner], [Dela Cruz] x x x formed, organized[,] and created the name of CHURCH OF JESUS CHRIST, "NEW

⁶ Records (Volume 1), pp. 1-6.

JERUSALEM”;

9. The organization formed by [Dela Cruz] was used by her as an instrument in claiming that she is the representative of the said religious organization and had the right over the [subject lot]. x x x

10. The occupation and possession of [Dela Cruz] over the [subject lot] of [petitioner] was merely tolerated because they were former members of [petitioner] x x x

11. On 12 February 2007, a demand was sent to [respondents] to vacate and surrender the peaceful possession of the chapel and to stop using the [subject lot] of [petitioner] but the [respondents] failed and refused x x x to vacate the same x x x. The demand letter was personally served,⁷ but [Dela Cruz] refused to sign [the same]. x x x;

x x x x

13. [Thus, petitioner] was constrained to institute the instant suit

x x x x⁷

In the Position Paper it filed with the MeTC,⁸ petitioner referred to its pieces of evidence, viz. Secretary’s Certificate dated March 27, 2007 signed by Lourdes Co (Co) and Atty. Gerardo Cruz, OCT No. (8257) M-35266, TD No. 06223, Decision in Appealed Case No. 1064-MN dated January 17, 2000 issued by RTC-Branch 169, demand letter dated February 12, 2007 and the corresponding affidavit of Co, its Securities and Exchange Commission (SEC) Certificate of Incorporation dated August 4, 1999 with Articles of Incorporation (AOI), Order in Civil Case No. 1853-98 issued by the MeTC-Branch 55, and Temporary Receipt issued by the MeTC-Branch 55 in Civil Case No. 1853-98.

Respondents’ version

In her Answer,⁹ Dela Cruz countered with the following averments:

1. x x x She is an Officer of Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo “Bagong Jerusalem” Inc.¹⁰ [Her] authority to represent said religious organization before [the MeTC] is embodied in a board resolution and outlined in the Secretary’s Certificate hereto attached x x x;

⁷ Id. at 1-4.

⁸ Records (Volume II), pp. 94-116.

⁹ Records (Volume I), pp. 16-21.

¹⁰ Also referred to as Obispo Representante at Pastor General ng Iglesia ni Jesu Cristo “Bagong Jerusalem” Inc., Obispo Representante at Pastor General ng Iglesia ni Jesu Cristo “Bagong Jerusalem” Inc. and as Obispo Representante at Pastor General ng Iglesia ni Jesu-Kristo “Bagong Jerusalem” Inc. in some parts of the records.

2. On April 25, 2007[,] [she,] through a member of their church[,] received a copy of the Complaint and the Summons from [the MeTC] directing [her] to file her Answer x x x;

3. [She] denies the allegation in paragraph 1 of the Complaint for lack of knowledge to form a reasonable belief as to the truth thereof. As per inquiry on-line with the [SEC,] no such corporation or entity exist[s] as [such]. x x x

4. Paragraph 2 of the Complaint is likewise denied by [her] insofar as the allegation that No. 27 Leono St. x x x is being used by her as her office. In truth[,] the said place is the site of the church of Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo "Bagong Jerusalem" Inc.;

5. [She] denies the allegation in paragraph 3 of the [C]omplaint for being false and misleading. [Galvez deviously acquired] a new [title] by declaring the previous one as struck by flood x x x. [OCT] No. 8257 (owner's copy) was never lost [as such and] is still in [the] possession of the Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo "Bagong Jerusalem" Inc. x x x;

6. x x x [T]he TDs of the [subject lot] x x x already bore the name of ["New Jerusalem, New Church of Jesus Christ" as owner thereof, x x x;

7. In [TD] No. B-001-04457[,] [Galvez] declared the improvement (house) in his name x x x. However, the same document on the dorsal portion [thereof showed that the] improvement was described as situated "x x x on the land of New Jerusalem, New Church of Jesus Christ". x x x;

8. [She claims that in] 1914, the [c]hurch was founded [and had] its principal office at 797 Dagupan Ext., Solis, Tondo, Manila. The bishop then was Rev. Idefonso Agulo. The church was known then, as it was now, as the following:

"Church of Jesus Christ New Jerusalem" (English)

"Iglesia ni Jesu-Kristo Bagong Jerusalem" (Tagalog)

"Iglesia De Jesucristo Jerusalem Nueva" (Spanish)

These three (3) nomenclatures were registered at the Department of Instruction, National Library, Manila[,] Philippines.

It can be gleaned from the [OCT] No. 8257 x x x that the owner-organization was incorporated x x x only after September 3, 1955 when it was registered as a corporation sole before the [SEC]. In [its AOI] it was mentioned that Felicisima Pineda (Pineda) is the Bishop Representative and General Pastor of the church known to the public as[:]

"Church of Jesus Christ New Jerusalem" (English)

"Iglesia ni Jesu-Kristo Bagong Jerusalem" (Tagalog)

"Iglesia De Jesucristo Jerusalem Nueva" (Spanish)

... And that it desires to become [a] corporation sole under the name and style: Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo "Bagong Jerusalem" Inc.

Further, it was also stated that said entity shall administer and manage the temporalities of the estates and properties of the church, ["Church of Jesus Christ New Jerusalem", "Iglesia ni Jesu-Kristo Bagong Jerusalem", "Iglesia De Jesucristo Jerusalem Nueva" within the territorial jurisdiction of the Philippines. x x x;

This is the reason why the TDs mentioned earlier x x x [bore] the name of Pineda as Administrator of the subject property;

9. Paragraph 5 of the Complaint is likewise denied. The church in Tanong[,] Malabon was named "Templo Angeles" after one of the bishops[,] Rev. Pedro Angeles[,] who died x x x on March 30, 1930. [Miguela] built a shanty upon tolerance by [Pineda] upon the prodding of one of its member[s,] Feliza Bravo;

10. [Galvez] or any of his relative[s] was not and never became a member of the church. x x x;

11. That [Dela Cruz] remain[ed] an active member of the Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo "Bagong Jerusalem" inc.

12. [She] denies the allegations in paragraph 9 of the Complaint insofar as she allegedly formed the organization as an instrument to claim the [subject lot]. However, she admits filing an ejectment case and the consequent dismissal thereof on appeal. The reason for the dismissal being that [said] ejectment case has become "moot and academic" by [therein defendants', including Galvez's, act of] voluntarily vacating the [subject lot]. Said act of [Galvez] is an indication that he does not have any right over the [subject lot]. In fact[,] during the proceedings before the Lupon Tagapamayapa[,] [Galvez] offered to leave the [subject lot] provided [that] he would be paid a reasonable sum for the house built thereon. x x x

13. Paragraph 10 is likewise denied because respondents have in fact the right over the [subject lot] being the ADMINISTRATOR thereof;

14. x x x There was [neither a] demand that came to her attention [nor] was there an occasion that she refuse[d] to sign [the same]. x x x This is fatal to the cause of [petitioner or Galvez] and warrants the outright dismissal of the [C]omplaint;

15. [Galvez] x x x was using the church premises to gain profit by offering for lease the portion occupied by his house to other persons. [Dela Cruz] with the consent of the church filed a complaint on February 20, 2007 before the Office of the Mayor [of] Malabon City. x x x This is the very reason why [Galvez] filed this case to harass and intimidate [her] and the church she represents;

16. Prior to the filing of [said] ejectment case [by respondents] against [Galvez,] the latter has been offering for lease the said portion of the [subject lot] and collecting rent [thereon] without the consent of [respondents]. After the decision [in the said ejectment] case on appeal[,] [Galvez] again surreptitiously entered the



premises of the [subject lot] and offered the same for lease anew. x x x¹¹

Respondent Dela Cruz thus prayed that the Complaint be dismissed; that the petitioner's claims for damages and attorney's fees be denied and that judgment be rendered ordering petitioner, represented by Galvez, to vacate the premises and to remove the structures that petitioner thereon erected, and that petitioner be also directed to pay her (respondent Dela Cruz) attorney's fees, monthly rent with legal interest from the time of occupation up to the present, plus exemplary damages.

In the Position Paper that she filed with the MeTC,¹² respondent referred to her pieces of evidence, viz.: Secretary's Certificate dated April 30, 2007 signed by Josie Sengco and notarized by Atty. Mamarii, a copy of OCT No. 8257,¹³ TD No. 16094, TD No. E-001-04457, a copy of SEC Certificate of Registration dated September 3, 1955 with AOI, Minutes of Lupon Proceedings dated June 4, 1998, Complaint filed on February 20, 2007 with the Office of the Malabon City Mayor, and Certification from the then *Punong Barangay* dated February 2, 1999. What is more, Dela Cruz therein emphasized that the reconstituted title granted to Galvez was irregular and invalid because the alleged corporation represented by Galvez was not yet existing when the reconstituted title was issued; and that Galvez moreover did not have any authority to institute the instant proceedings in behalf of the existing corporation, the Obispo Representante at Pastor General ng Iglesia ni JesuKristo "Bagong Jerusalem" Inc.

Ruling of the Metropolitan Trial Court

In its Decision dated November 7, 2008,¹⁴ the MeTC dismissed petitioner's Complaint for lack of evidence.¹⁵ The MeTC held that petitioner had failed to establish by preponderant evidence that it had a better right of possession over the disputed property arising from its claim of ownership.

The MeTC found that petitioner was organized as a religious corporation only on June 15, 1999, and was registered only on August 4, 1999, per its SEC Certificate of Incorporation; that petitioner did not own any real property per the List of Properties that it submitted to the SEC; that petitioner, which was organized only in 1999, made the claim that it lost the owner's copy of OCT No. 8257, which explains why it prayed for the issuance of a new owner's copy; that

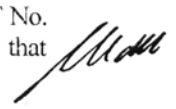
¹¹ Records (Volume I), pp. 16-19.

¹² Id. at 112-117.

¹³ The attached photocopy of OCT No. 8257 is in the name of "Iglesia De Jesucristo Jerusalem Nueva of Manila, Philippines, Inc."; id. at 118-119.

¹⁴ CA *rollo*, pp. 43-48.

¹⁵ Id. at 48.



TD No. B-001-06214 covering the disputed property as shown in OCT No. 8257 in the name of New Jerusalem, New Church of Jesus Christ c/o Pineda of No. 171 Solis St., Tondo, Manila was cancelled by way of correction of name by TD No. B-001-06223 in the name of petitioner, with Galvez as administrator; that Galvez's house was indicated as an improvement in said TD No. B-001-06214; and that TD No. B-001-04457 beginning the year 1994 in Galvez's name indicated that his house is on the property of New Jerusalem, New Church of Jesus Christ with OCT No. 8257. The MeTC also found that TD No. B-001-06223 in the name of petitioner and Galvez as administrator which referred to the disputed property as covered by said OCT No. (8257) M-35266 is a **corrected** one, as regards the owner's name; and that said TD No. B-001-06223 cancelled TD No. B-001-06214 in the name of New Jerusalem, New Church of Jesus Christ c/o Pineda.

Upon the other hand, the MeTC found that Dela Cruz had successfully proven that she was the authorized representative of the Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo "Bagong Jerusalem" Inc.; and that this corporation sole is the owner of the disputed property as shown by OCT No. (8257) M-35266 and TD No. B-001-06214 in the name of New Jerusalem, New Church of Jesus Christ beginning the year 1993.

The MeTC stressed that Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo "Bagong Jerusalem" Inc. was registered with the SEC as a corporation sole on September 3, 1955; that this denomination is also known as "Church of Jesus Christ, New Jerusalem," "Iglesia ni Jesu-Kristo, Bagong Jerusalem," and "Iglesia de Jesucristo, Jerusalem Nueva" per its AOI; that this denomination was established way back in 1914 under a succession of bishops until its incorporation as a corporation sole in 1955. The MeTC further found that the Obispo Representante at Pastor General ng Iglesia ni Jesu Kristo "Bagong Jerusalem" Inc. is in actual possession of the original owner's copy of OCT No. 8257 that was issued in 1940 when the religious denomination was not yet a corporation.

On November 26, 2008, petitioner filed its Notice of Appeal to the RTC,¹⁶ which was given due course by the MeTC on November 28, 2008.¹⁷

Ruling of the Regional Trial Court

On January 19, 2011, the RTC rendered its Decision¹⁸ upholding the

¹⁶ Records (Volume I), pp. 172-173.

¹⁷ Id. at 180.

¹⁸ CA *rollo*, pp. 35A-42.



MeTC Decision.¹⁹ The RTC held that the disputed property which is covered by OCT No. (8257) M-35266 is registered in the name of “The Iglesia De Jesucristo Jerusalem Nueva of Manila, Philippines, Inc.”; and that the only issue to be resolved is who as between the parties is authorized to represent the registered owner of the disputed property.

The RTC pointed out that although petitioner claimed that the religious corporation it represented was organized in 1940, the same was allegedly registered only in 1999, as compared to the earlier registration in 1955 of the religious corporation represented by Dela Cruz, and which entity has the words “Bagong Jerusalem” in its name, besides bearing the translated names “New Jerusalem” in English and “Jerusalem Nueva” in Spanish.

The RTC noted that the disputed property was declared in TD No. 06214 dated January 23, 1967 under the name of “New Jerusalem, New [Christ] of Jesus Christ” with Pineda as administrator, and that Galvez’s house was declared therein only as part of the improvements; that Galvez’s house was shown in TD No. B-001-6214 dated October 29, 1993 and in TD No. B-001-6214 dated January 11, 2007, as situated on the land of New Jerusalem, New Church of Jesus Christ; and that it was only on January 30, 2007 that the disputed property was declared in the name of “The Iglesia De Jesucristo Jerusalem Nueva of Manila, Philippines, Inc.” under TD No. B-001-06223 with Galvez as administrator; however, this contained a notation at the back page stating that it was a **correction** of the owner’s name.

Based on the foregoing findings, the RTC concluded that “The Iglesia De Jesucristo Jerusalem Nueva of Manila, Philippines, Inc.” appearing as registered owner of the disputed property, and that respondent, with the registered name of Bagong Jerusalem, also known as New Jerusalem in its English translation, are one and the same, and that Dela Cruz was properly authorized to represent the same as evidenced by a Secretary’s Certificate; that respondent’s pieces of evidence are more preponderant as these are consistent hence, more credible. It further ruled that petitioner’s alleged possession of the original owner’s duplicate of OCT No. (8257) M-35266 was to no avail, because it has been adequately explained that petitioner merely filed a petition for the issuance of the duplicate owner’s copy alleging loss of the original title, but it utterly failed to establish its legal right over the disputed property.

Petitioner thereafter filed a Petition for Review with the CA.²⁰



¹⁹ Id. at 42.

²⁰ Id. at 150.

Ruling of the Court of Appeals

In its Decision²¹ dated January 22, 2013, the CA denied the Petition for Review, viz.:

WHEREFORE, the petition is DENIED. The Decision dated January 19, 2011 of the Regional Trial Court, Branch 74, Malabon City, which affirmed the Decision dated November 7, 2008 of the Metropolitan Trial Court of Malabon City, Branch 56 is AFFIRMED.

SO ORDERED.²²

The CA rejected petitioner's claim that it was the true owner of the disputed property, based on OCT No. (8257) M-35266 and TD No. 06223. It found no merit in petitioner's contention that he had a better right than respondent over the disputed property, upon the ground that the latter had allegedly failed to present the originals of the documents attached to the Answer and merely submitted unreadable photocopies thereof. The CA pointed out that while Dela Cruz failed to present the duplicate original copy of the title which was allegedly still in the possession of the Obispo Representante at Pastor General ng Iglesia ni JesuKristo "Bagong Jerusalem" Inc., the fact nonetheless remained that the title in petitioner's possession was issued only after a petition for the issuance of a new owner's duplicate copy was granted by Branch 170 of the RTC in LRC Case No. 958-MN.

The CA likewise upheld the RTC's finding that the disputed property is clearly registered in the name of "The Iglesia de Jesucristo, Jerusalem Nueva of Manila, Philippines" in 1940; that the only issue to be resolved in the case was who as between Galvez and Dela Cruz was authorized to represent the registered owner of the disputed property; that notwithstanding Dela Cruz's failure to produce the original copy of the subject title, the MeTC's finding, *i.e.* that "The Iglesia de Jesucristo, Jerusalem Nueva of Manila, Philippines" appearing as the registered owner of the disputed property and "Bagong Jerusalem", which is the registered name of the religious corporation of Dela Cruz that is also known as "New Jerusalem" in its English translation, are one and the same organization, was properly based on the totality of evidence presented by the parties, taking into consideration such facts as admissibility, credibility and plausibility, *vis-a-vis* the respective legal theories of the contending parties; that petitioner's failure to explain why the religious denomination was registered with the SEC only in 1999, even though it alleged in its Complaint that it was organized way back in 1940, as compared to the registration in 1955 of the Obispo Representante at Pastor General ng Iglesia ni JesuKristo "Bagong Jerusalem" Inc. with Rev. Pineda as

²¹ *Rollo*, pp. 41-52.

²² *Id.* at 51.

Bishop Representative and General Pastor, can only mean that petitioner's evidence lacked credence; and that in fine, Dela Cruz's pieces of evidence were more consistent, more credible, and more trustworthy as compared to the pieces of evidence adduced by petitioner, which were remarkable for their lack of consistency, as well as their utter unreliability.

The CA also highlighted the fact that, notwithstanding petitioner's claim of a better right over the disputed property, Galvez and the latter's sub-lessees had, in fact, vacated the same.

Petitioner moved for reconsideration²³ of the CA's Decision, but this was denied by the CA in its Resolution of July 17, 2013.²⁴

Issues

Before this Court, petitioner instituted the present Petition²⁵ where it raised the following issues:

[WHETHER] THE [CA] SERIOUSLY ERRED IN DISMISSING THE APPEAL DESPITE (1) CLEAR AND CONVINCING EVIDENCE OF THE PETITIONER [; AND] (2) FAILURE OF THE RESPONDENT TO PRESENT EVIDENCE ON THEIR CLAIM THAT PETITIONER AND RESPONDENT RELIGIOUS CORPORATION IS ONE [AND] THE SAME ORGANIZATION[.]

[WHETHER] THE [CA] SERIOUSLY ERRED IN DISMISSING THE APPEAL CONTRARY TO THE WELL[-]SETTLED RULE THAT A VALIDLY ISSUED TORRENS CERTIFICATE OF TITLE CANNOT BE THE SUBJECT OF COLLATERAL ATTACK[.]

[WHETHER] THE [CA] SERIOUSLY ERRED IN ITS CONCLUSION THAT [GALVEZ] (REPRESENTATIVE OF THE PETITIONER) [VOLUNTARILY] VACATED THE [SUBJECT LOT] WHEN RESPONDENT FILED AN EJECTMENT [CASE] X X X²⁶

Petitioner's Arguments

In its Petition,²⁷ Reply,²⁸ and Memorandum,²⁹ petitioner argues that it is the true, absolute, and registered owner of the disputed property which is covered by

²³ CA *rollo*, pp. 201-210.

²⁴ *Rollo*, pp. 53-54.

²⁵ *Id.* at 10-37.

²⁶ *Id.* at 17.

²⁷ *Id.* at 10-37.

²⁸ *Id.* at 133-148.

²⁹ *Id.* at 158-184.



OCT No. (8257) M-35266 and TD No. 06223; that its President, Galvez, is in possession of the owner's duplicate copy of OCT (8257) M-35266; that being the registered owner of the disputed property, it has the right to possess, enjoy, dispose of the same, and to initiate the appropriate action to recover the same under Article 428 of the Civil Code, as in the instant case; that it filed the action for unlawful detainer against respondents in accordance with Sections 1 and 3 of Rule 70 of the Rules of Court; that respondents' right to the possession of the disputed property, was through mere tolerance, and expired upon receipt of its demand for them to vacate the same through a letter dated February 12, 2007; that the date of unlawful deprivation is to be counted from the date of the demand to vacate; that respondents' continued possession of the disputed property has become unlawful, warranting their ejectment therefrom; that Dela Cruz's failure to present the original duplicate copy of the title which she alleged to be in respondents' possession, negated such claim; that Dela Cruz's allegation that petitioner is the same as Obispo Representante at Pastor General ng Iglesia ni JesuKristo "Bagong Jerusalem" Inc. is false, because the latter's SEC Certificate of Incorporation clearly showed that it was another entity; that it could not comprehend why the RTC mentioned that the originals of the SEC Certificate of Incorporation and AOI of Obispo Representante at Pastor General ng Iglesia ni JesuKristo "Bagong Jerusalem" Inc. as well as the original copy of the title in respondents' possession were presented before the MeTC, although these were not in fact presented before the court; and that despite respondents' failure to present the original documents to prove that the Church of Jesus Christ and the Iglesia ni JesuKristo "Bagong Jerusalem" Inc. were one and the same organization, the MeTC, RTC, and CA all still erroneously found that they are one and the same organization.

Petitioner further contends that respondents can be prosecuted for perjury for falsely claiming that the ejectment case was dismissed because Galvez in point of fact voluntarily vacated the disputed property; that Dela Cruz even paid attorney's fees to Galvez pursuant to said judgment; that while it may be true that some of the defendants in the ejectment case vacated the disputed property, Galvez did not vacate the disputed property, and in fact still resides there, hence, the CA's finding that Galvez vacated the disputed property is contrary to the evidence; that petitioner even filed a motion for execution with respect to the award of costs of suit in the amount of ₱10,000.00 and Dela Cruz even paid that award, as evidenced by a temporary receipt; and that what was merely stated in the MeTC Decision in the ejectment case was that the demand letter by registered mail to Galvez was returned to sender "with the notation that the addressee had moved already."

Petitioner moreover insists that as the instant case is only for unlawful detainer, it follows that the only issue to be resolved pertains to who has a better right to the possession of the disputed property, independent of any claim of



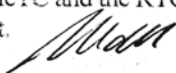
ownership or possession de jure; that in view of the existence of the validly issued title in its name, there is no need to determine the issue of ownership at all; that it is settled that a person who has a Torrens Title over the property is entitled to the possession thereof; that it had complied with all the requirements for the institution of an unlawful detainer case under Section 1, Rule 70 of the Rules of Civil Procedure; that the date of the filing of the Complaint on March 28, 2007 is within one year from the date of the final demand letter dated February 12, 2007; that respondents obstinately refused to surrender the possession of the disputed property, despite its demand; that Galvez was in peaceful possession of the disputed property until Dela Cruz filed the ejectment case, hence he was prompted to "fix" the documentation in 1999; and that he (Galvez) is now 94 years old, and has been residing at the disputed property since birth, hence its late registration should not be adjudged against him (Galvez).

Petitioner likewise argues that Dela Cruz's defense, which was upheld by the CA, that the petitioner and the Obispo Representante at Pastor General ng Iglesia ni JesuKristo "Bagong Jerusalem" Inc. are one and the same organization, is a collateral attack upon the title validly issued to it, which is proscribed by Section 48 of Presidential Decree No. 1529; that respondents did not resort to any legal action to annul or cancel the title issued to it; and that it was error for the CA to conclude that respondents' claim of ownership is better than petitioner's title.

Petitioner thus prays that the CA Decision and Resolution be set aside, and that judgment be rendered ordering Dela Cruz and all persons claiming rights under her to vacate the subject property; to pay petitioner monthly rent of ₱20,000.00 or reasonable compensation therefor as well as ₱50,000.00 in exemplary damages; ₱50,000.00 in attorney's fees plus ₱3,000.00 per hearing; and to pay the costs of suit.

Respondents' Arguments

In her Comment³⁰ and Memorandum,³¹ Dela Cruz counters that the records before the MeTC clearly showed that the original AOI was presented and marked; that if she and her co-respondents indeed failed to present the original AOI of the religious corporation that they belonged to, then petitioner should have made a comment thereon or requested for the correction of the Preliminary Conference Order to reflect such facts; and, that both the MeTC and the RTC made the finding that Dela Cruz presented the original document.



³⁰ Id. at 120-126.

³¹ Id. at 201-205.

More than these, Dela Cruz argues that petitioner's title was obtained only because Dela Cruz filed an action or motion for the issuance of a reconstituted copy allegedly because the original title had been lost although it was not in fact lost; and that above all, the MeTC itself adverted to petitioner's declaration before the SEC that it does not in fact own any real property, whether land or building.

Our Ruling

This Court finds no merit in the present Petition.


We start off with the basic postulate that the present case was a complaint for unlawful detainer and damages by petitioner against respondents. The requirements for such an ejectment suit are fundamental, thus:

x x x Section 1, Rule 70 of the 1997 Rules of Civil Procedure, as amended x x x states:

SECTION 1. *Who may institute proceedings, and when.* — Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.

x x x x

A complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following: (1) the defendant's initial possession of the property was lawful, either by contract with or by tolerance of the plaintiff; (2) eventually, such possession became illegal upon the plaintiff's notice to the defendant of the termination of the latter's right of possession; (3) thereafter, the defendant remained in possession and deprived the plaintiff of the enjoyment of the property; and (4) the plaintiff instituted the complaint for ejectment within one (1) year from the last demand to vacate the property.³²



³² *Diaz v. Punzalan*, G.R. No. 203075, March 16, 2016, 787 SCRA 531, 535-536.

In this case, the MeTC, the RTC, and the CA ruled for respondents, by uniformly holding that Dela Cruz was able to show by convincing evidence that she is the duly authorized representative of the registered owner of the disputed property. Quoting the RTC, the CA agreed that it is beyond doubt or dispute that the disputed property is registered in the name of "The Iglesia de Jesucristo, Jerusalem Nueva of Manila, Philippines, Inc." and that the sole issue for resolution in the case is which party was authorized to represent the registered owner of the disputed property, viz.:

Indeed, the totality of evidence presented by the parties tilts in favor of [Dela Cruz]. We quote with approval the [RTC's] ratiocinations x x x:

x x x x

There is no question that the subject [lot] is registered in the name of 'Iglesia de Jesucristo, Jerusalem Nueva of Manila, Philippines', ([']Nueva de Manila' for brevity) in 1940, [Galvez] argued that he is the president of 'Nueva de Manila' hence, authorized to represent the same; likewise, [Dela Cruz] as an officer of Church of Jesus Christ, 'New Jerusalem' ('New Jerusalem' for brevity) claims the same representation as 'Nueva de Manila' and 'New Jerusalem' are one and the same entity.

The only issue to be resolved is who as between [Galvez] and [Dela Cruz] is authorized to represent the registered owner of the subject property. x x x

The Court notes that as stated in [Galvez's] [C]omplaint (par. 4) his religious organization, 'Nueva [de] Manila', of which he represents was organized way back in 1940; but why is it that [Galvez] registered it only in 1999? On the other hand[,] 'Bagong Jerusalem' which also bears the name of 'New Jerusalem' in its English [t]ranslation and 'Jerusalem Nueva' in its Spanish translation was registered in 1955 as a corporation sole with Rev. Pineda as the Bishop Representative and General Pastor of the church and not [Rosendo], the founder as [Galvez] claimed x x x. [Galvez] failed to explain this glaring inconsistency, which render[ed] his evidence not worthy of credence.

x x x x

x x x [T]he Court finds that 'Nueva de Manila' appearing as the registered owner of the subject property and 'Bagong Jerusalem', the registered name of the religious organization of [Dela Cruz] which is also known as 'New Jerusalem' in its English translation are one and the same organization; and [Dela Cruz], as evidenced by a Secretary's Certificate x x x was authorized to represent [the same]. The [pieces of] evidence of [Dela Cruz] are found to be more preponderant, the same being consistent and more credible and therefore, more plausible than that of [Galvez's pieces of]

evidence which are inconsistent, doubtful[,] and implausible.³³

It is beyond cavil that the disputed property is registered in the name of “The Iglesia de Jesucristo, Jerusalem Nueva of Manila, Philippines, Inc.” as stated in both the reconstituted title³⁴ attached to the Complaint submitted by petitioner, as represented by Galvez, as well as in the copy of the original title³⁵ thereof attached to the Position Paper filed by Dela Cruz, which as claimed by the latter is in the possession of Obispo Representante at Pastor General ng Iglesia ni JesuKristo “Bagong Jerusalem” Inc. We note that this name is actually the name of petitioner verbatim. Moreover, it is indicated in the dorsal portion of the reconstituted title that Galvez had been authorized to prosecute the action to reconstitute the title, to wit:

Entry No. 77467/OCT (8257)35266-AFFIDAVIT OF LOSS-Executed by [Galvez] in his capacity as the president of the Iglesia De Jesucristo, Jerusalem Nueva of Manila, Philippines, Inc., that the Certificate of Owners [D]uplicate of Title No. 8257 had been lost, misplaced, struck by flood unknown to him.
Date of Instrument: 06-08-06
Date of Inscription: 06-09-06

(SGD) JOSEPHINE H. PONCIANO
Actg. Reg. of Deeds

Entry No. 79998-99/T-No. (8257)M-35266: COURT ORDER ISSUANCE OF NEW OWNERS CERT. OF TITLE:
ISSUING AUTHORITY: Branch 170/City of Malabon
SPECIAL PROCEEDINGS: LRC CASE NO. 958-MN
Date of Instrument: Sept. 30, [2]006
Date of Inscription: Oct. 20, 2006 at 10:45 a.m.
This Cert. of Title is issued in lieu of the lost/destroyed first copy of the same previously declared null and void.

[Illegible Signature]
JOSEPHINE H. PONCIANO
Actg. Reg. of Deeds³⁶

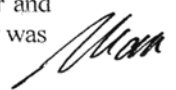
Stock must be taken, too, of Dela Cruz’s insistence that Galvez succeeded in obtaining a new title to the disputed property based on the latter’s untruthful claim that the original thereof was destroyed by a flood, (even though the said original title, OCT No. 8257, was never in fact lost) and was still in the possession of Obispo Representante at Pastor General ng Iglesia ni JesuKristo “Bagong Jerusalem” Inc. Hence, the issuance of the reconstituted title was irregular and improper because the alleged corporation which owned the disputed property was

³³ *Rollo*, pp. 49-51.

³⁴ OCT No. (8257) M-35266 per Records (Volume I), p. 8 (Annex “B” of petitioner’s Complaint).

³⁵ The attached photocopy of OCT No. 8257 is in the name of “Iglesia De Jesucristo Jerusalem Nueva of Manila, Philippines, Inc.”; *id.* at 118-119.

³⁶ Dorsal portion of OCT No. (8257) M-35266 per *id.* at 8 (Annex “B” of petitioner’s Complaint).



not yet in existence when the alleged original title was issued.

“When the defendant raises the defense of ownership in [her] pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.”³⁷ In other words, “[w]here the parties to an ejectment case raise the issue of ownership, the courts may pass upon that issue to determine who between the parties has the better right to possess the property. However, where the issue of ownership is inseparably linked to that of possession, adjudication of the ownership issue is not final and binding, but only for the purpose of resolving the issue of possession.”³⁸

We need not repeatedly belabor the issue in an ejectment case:

x x x The principal issue must be possession *de facto*, or actual possession, and ownership is merely ancillary to such issue. The summary character of the proceedings is designed to quicken the determination of possession *de facto* in the interest of preserving the peace of the community, but the summary proceedings may not be proper to resolve ownership of the property. Consequently, any issue on ownership arising in forcible entry or unlawful detainer is resolved only provisionally for the purpose of determining the principal issue of possession. x x x³⁹

“Indeed, a title issued under the Torrens system is entitled to all the attributes of property ownership, which necessarily includes possession.”⁴⁰ Nevertheless, “an ejectment case will not necessarily be decided in favor of one who has presented proof of ownership of the subject property. Key jurisdictional facts constitutive of the particular ejectment case filed must be averred in the complaint and sufficiently proven.”⁴¹

Quite independently of the foregoing, what further strengthens herein respondents’ posture was petitioner’s utter failure to adduce proof that he merely tolerated respondents’ possession of the disputed property. In *Corpuz v. Spouses Agustin*,⁴² this Court recognized that even as the registered owner generally has the right of possession as an attribute of ownership, nevertheless the dismissal of the complaint for unlawful detainer is justified where proof of preponderant evidence of material possession of the disputed premises has not been convincingly adduced —



³⁷ Section 16, Rule 70 of the Rules of Court.

³⁸ *Corpuz v. Spouses Agustin*, 679 Phil. 352, 360 (2012).

³⁹ *Penta Pacific Realty Corporation. v. Ley Construction and Development Corporation*, 747 Phil. 672, 686 (2014).

⁴⁰ *Corpuz v. Spouses Agustin*, supra note 38 at 361.

⁴¹ *Dr. Carbonilla v. Abiera*, 639 Phil. 473, 481 (2010).

⁴² Supra note 38.

x x x Petitioner is correct that as a Torrens title holder over the subject properties, he is the rightful owner and is entitled to possession thereof. However, the lower courts and the appellate court consistently found that possession of the disputed properties by respondents was in the nature of ownership, and not by mere tolerance of the elder Corpuz. In fact, they have been in continuous, open and notorious possession of the property for more than 30 years up to this day.

x x x x

The pronouncement in *Co v. Militar* was later reiterated in *Spouses Pascual v. Spouses Coronel* and in *Spouses Barias v. Heirs of Bartolome Boneo, et al.*, wherein we consistently held the age-old rule ‘that the person who has a Torrens Title over a land is entitled to possession thereof.’

However, we cannot lose sight of the fact that the present petitioner has instituted an unlawful detainer case against respondents. It is an established fact that for more than three decades, the latter have been in continuous possession of the subject property, which, as such, is in the concept of ownership and not by mere tolerance of petitioner’s father. Under these circumstances, petitioner cannot simply oust respondents from possession through the summary procedure of an ejectment proceeding.⁴³

In the case at bench, petitioner miserably failed to substantiate its claim that it merely tolerated respondents’ possession of the disputed property. Indeed, “[w]ith the averment here that the respondent[s]’ possession was by mere tolerance of the petitioner, the acts of tolerance **must be proved**, for bare allegation of tolerance did not suffice. At least, the petitioner should show the overt acts indicative of [its] or [its] predecessor’s tolerance x x x But [it] did not adduce such evidence,”⁴⁴ as in this case. It is thus quite evident from the allegations and evidence presented by petitioner that its claim that it merely tolerated respondents’ entry into and possession of the disputed property, is baseless and unsubstantiated. Furthermore, while possession is a question of fact which is generally not allowed to be raised in a Rule 45 petition, the MeTC, RTC, and CA made no finding in respect to the question of tolerance as discussed above.

WHEREFORE, the instant Petition for Review is **DENIED** for lack of merit.

Without costs.



⁴³ Id. at 361-363.

⁴⁴ *Quijano v. Amante*, 745 Phil. 40, 52 (2014).

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

(On leave)
MARIA LOURDES P. A. SERENO
Chief Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


NOEL GIMENEZ TIJAM
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.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.



ANTONIO T. CARPIO
*Acting Chief Justice**



*Per Special Order No. 2539 dated February 28, 2018.