



SUPREME COURT OF THE PHILIPPINES
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**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

**RHEMA INTERNATIONAL
LIVELIHOOD FOUNDATION,
INC., ET AL.,**

G.R. Nos. 225353-54

Petitioners,

Present:

- versus -

**BERSAMIN, C.J.,
Chairperson,
PERLAS-BERNABE,
JARDELEZA,
GISMUNDO, and
CARANDANG, JJ.**

**HIBIX, INC., represented by its
Board of Directors, YOSHIMITSU
TAGUCHE, ET AL.,**
Respondents.

Promulgated:

AUG 28 2019

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DECISION

CARANDANG, J.:

Before this Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court (Rules), filed by Rhema International Livelihood Foundation, Inc. (Rhema), assailing the Decision² dated December 21, 2015 and Resolution³ dated June 23, 2016 of the Court of Appeals (CA) in CA-G.R. SP Nos. 133873 and 134084.

Facts of the Case

On September 4, 2008, a complaint for forcible entry was filed by Rhema against Hibix, Inc. (Hibix) and its Board of Directors.⁴

¹ *Rollo*, pp. 3-36.

² Penned by Associate Justice Elihu A. Ybañez, with Associate Justices Magdangal M. De Leon and Victoria Isabel A. Paredes, concurring; *id.* at 38-52.

³ *Id.* at 54-56.

⁴ *Id.* at 81.

Rhema alleged that by virtue of a donation from Marylou Bhalwart, it “became the owner of a large tract of land consisting of 71,409,413 [square] meters with [Transfer Certificate of Title (TCT)] No. 8037 Plan PSD_25211 with Decree No. 160 of March 19, 1905 and was issued [Original Certificate of Title OCT)] 128.”⁵ Rhema averred that it previously enjoyed juridical and physical possession of the property for years when suddenly, on August 29, 2008, Hibix, together with armed men claiming to be members of the special action unit of the National Bureau of Investigation (NBI), forcibly evicted Rhema’s personnel.⁶

Hibix alleged that on September 25, 1990, Philippine Fuji Xerox Corporation (Philippine Fuji) acquired a parcel of land from Executive Realty and Development Corporation. A new title was issued to Philippine Fuji under TCT No. 46374. In 1992, Philippine Fuji constructed its building over said property and occupied the same upon its completion in 1994. On November 3, 1999, Philippine Fuji sold the property, together with its improvements, to Hibix. TCT No. 143048 was issued and registered in the name of Hibix. Since then, Hibix had been in possession of the property until June 25, 2008, when a certain Romeo Prado (Prado), introducing himself as a special sheriff, together with four policemen, six security guards, and a certain Julian Go, claiming to be the owner of the property accompanied by two armed security guards, took over the possession of the property through force, violence, and intimidation.⁷

According to Hibix, Prado told the security guards of Hibix that they were implementing a special writ of execution purportedly issued by the Regional Trial Court of Pasay City, Branch 111 (RTC of Pasay City), with respect to LRC Civil Case No. 3957-P. Hibix, however, found out that as early as June 25, 2002, the CA had already enjoined the enforcement of said order, making the writ of execution that Prado presented bogus.⁸

Hibix lodged a complaint with the NBI relative to the unlawful and forcible take-over of the property. On August 29, 2008, Hibix and the NBI took possession of the property.⁹

On July 20, 2009, the Metropolitan Trial Court of Parañaque City, Branch 78 (MeTC) rendered its Decision¹⁰ finding Hibix to have forcibly entered the property. Hibix was immediately ordered to vacate and to pay Rhema ₱200,000.00 per month as rent from August 29, 2008 until possession of the property is turned over to Rhema.¹¹

⁵ Id. at 82.

⁶ Id.

⁷ Id.

⁸ Id. at 59-60.

⁹ Id. at 60.

¹⁰ Not attached to the *rollo*.

¹¹ *Rollo*, pp. 80-81.

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Hibix appealed to the Regional Trial Court of Parañaque City, Branch 274 (RTC of Parañaque City). In a Decision¹² dated May 17, 2003, the RTC of Parañaque City held that the property in question covered an area of about 6,357 square meters, including improvements.¹³ In affirming the findings of the MeTC, the RTC of Parañaque City ruled that Rhema had prior physical possession of the property for a brief period – or from June 25, 2008 to August 29, 2008.¹⁴ According to the RTC of Parañaque City, since Hibix was in peaceful possession of the property prior to June 25, 2008 when Rhema took over the property through force, Hibix should have filed a complaint for forcible entry against Rhema instead of using force, with the help of the NBI, to recover possession thereof.¹⁵ The RTC of Parañaque City, however, deleted the award of rentals in favor of Rhema.¹⁶

Both parties filed their respective appeals to the CA.

In its Consolidated Decision,¹⁷ the CA reversed the decisions of the RTC of Parañaque City and the MeTC, and dismissed the case for forcible entry against Hibix. The CA ratiocinated that Rhema failed to establish prior physical possession of the property because at the time NBI officers conducted an investigation and verified the complaint filed by Hibix, Rhema abandoned the property. Thus, when Hibix retook possession thereof, Rhema had no prior physical possession over the property.¹⁸

The CA concluded that Hibix did not wrestle possession of the property from Rhema to make out a case of forcible entry through force, intimidation, strategy, threat, or stealth. The arrest effected by the NBI officers and the filing of criminal cases against the officers of Rhema were “not the deprivation of possession x x x contemplated by law”¹⁹ in a forcible entry case.

Aggrieved, Rhema filed the instant Petition for Review on *Certiorari*.²⁰ Hibix filed its Comment,²¹ moving to dismiss the petition for failure to comply with the requirements under Rule 45 of the Rules. Herein petitioners filed its Reply.²²

Issue

The sole issue in this case is whether the elements of forcible entry are present.

¹² Penned by Presiding Judge Fortunito L. Madrona; id. at 80-86.

¹³ Id. at 82.

¹⁴ Id. at 83-85.

¹⁵ Id. at 83-84.

¹⁶ Id. at 85.

¹⁷ Id. at 38-52.

¹⁸ Id. at 50.

¹⁹ Id.

²⁰ Id. at 3-36.

²¹ Id. at 89-94.

²² Id. at 99-102.



The Court's ruling

Rhema has prior physical possession over the property.

Section 1, Rule 70 of the Rules provides the basis for the institution of forcible entry and unlawful detainer cases, to wit:

Sec. 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.

The elements of forcible entry are: (1) prior physical possession of the property; and (2) unlawful deprivation of it by the defendant through force, intimidation, strategy, threat or stealth.²³

Possession in forcible entry cases means nothing more than physical possession or possession *de facto*; not legal possession. Only prior physical possession, not title, is the issue.²⁴

For forcible entry to prosper, an appreciable length of time of prior physical possession is not required. However short it is, for as long as prior physical possession is established, recovery of possession under Rule 70 of the Rules may be granted.

In this case, it was shown that Hibix enjoyed possession of the property until June 25, 2008, when Rhema wrestled possession of the property from Hibix. However, Hibix did not file a case for forcible entry against Rhema. It was proven that on August 29, 2008, Hibix, aided by the NBI and without any court order, retook possession of the property. Hence, Rhema had prior physical possession of the property from June 25, 2008 to August 29, 2008.

In *Pajuyo v. Court of Appeals*,²⁵ the Court held that:

²³ *Nenita Quality Foods Corp. v. Galabo, et al.*, 702 Phil. 506, 519 (2013).

²⁴ *Rivera-Calingan, et al. v. Rivera, et al.*, 709 Phil. 583, 597 (2013).

²⁵ 474 Phil. 557 (2004).

The underlying philosophy behind ejectment suits is to prevent breach of the peace and criminal disorder and to compel the party out of possession to respect and resort to the law alone to obtain what he claims is his. The party deprived of possession must not take the law into his own hands. Ejectment proceedings are summary in nature so the authorities can settle speedily actions to recover possession because of the overriding need to quell social disturbances.²⁶

Undeniably, it was Rhema who first used violence in order to deprive Hibix possession over the property. The remedy, which the latter should have resorted to, is to file a case for forcible entry against Rhema. Instead, Hibix went to the NBI to lodge a complaint and sought their aid to wrestle possession back from Rhema. This is tantamount to putting the law into one's hands, which is the evil sought to be avoided by the special civil action of forcible entry.

In *Drilon v. Guarana*,²⁷ the Court stated that, to wit:

It must be stated that the purpose of an action for forcible entry is that, regardless of the actual condition of the title to the property, the party in peaceable quiet possession shall not be turned out by strong hand, violence or terror. In affording this remedy of restitution, the object of the statute is to prevent breaches of the peace and criminal disorder which would ensue from the withdrawal of the remedy, and the reasonable hope such withdrawal would create that some advantage must accrue to those persons who, believing themselves entitled to the possession of property, resort to force to gain possession rather than to some appropriate action in the courts to assert their claims. This is the philosophy at the foundation of all these actions of forcible entry and detainer which are designed to compel the party out of possession to respect and resort to the law alone to obtain what he claims is his.²⁸

As to the award of rent, the RTC of Parañaque City held that Rhema was not able to substantiate its claim for actual damages. Not being a trier of facts, We defer to the findings of the RTC of Parañaque City.

WHEREFORE, the instant petition is **GRANTED**. The Decision dated December 21, 2015 and Resolution dated June 23, 2016 of the Court of Appeals in CA-G.R. SP Nos. 133873 and 134084 are **REVERSED** and **SET ASIDE**. The Decision dated May 17, 2013 of the Regional Trial Court of Parañaque City, Branch 274 in Civil Case No. 11-0037 is **REINSTATED**.

²⁶ Id. at 580-581.

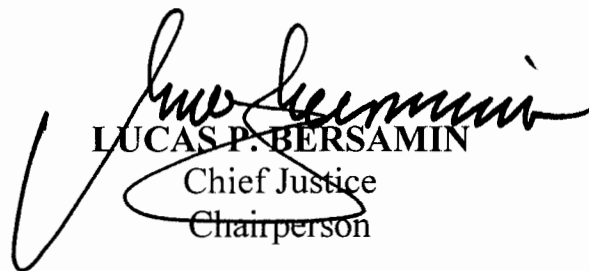
²⁷ 233 Phil. 350 (1987).


²⁸ Id. at 356.

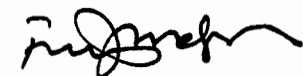
SO ORDERED.

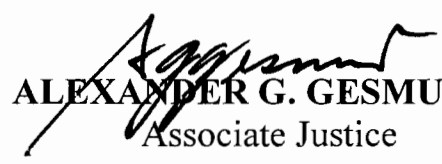

ROSALIND D. CARANDANG
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
Chief Justice
Chairperson


ESTELA M. PERLAS-BERNABE
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



LUCAS P. BERSAMIN
Chief Justice