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THIRD DIVISION

[G.R. No. 199448. November 12, 2014]

ROLANDO S. ABADILLA, JR., *petitioner, vs.* **SPOUSES BONIFACIO P. OBRERO and BERNABELA N. OBRERO,** *respondents.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; APPEAL BY *CERTIORARI* TO THE SUPREME COURT; GENERALLY CONFINED ONLY TO ERRORS OF LAW; QUESTIONS OF FACT ARE NOT ENTERTAINED AS THE COURT IS NOT A TRIER OF FACTS.— It is a well-settled rule that in a petition for review on *certiorari* under Rule 45, the scope of the Court's judicial review of decisions of the CA is generally confined only to errors of law; questions of fact are not entertained as the Court is not a trier of facts. Observably, the issues raised by the petitioner involve factual matters which were already evaluated by the courts *a quo* in determining who, between him and the respondents is entitled to the subject land's possession *de facto.* Following the above-cited rule, it is beyond the Court's jurisdiction to re-examine the factual findings of the RTC as affirmed by the CA regarding the veracity and sufficiency of the proofs of ownership and right of possession respectively submitted by the parties. They are issues of fact which cannot be passed upon by the Court as it is not duty-bound to analyze and weigh again the evidence considered in the proceedings below. Even if the Court were to re-examine the records and consider this case as an exceptional circumstance in view of the conflicting conclusion reached by the MTCC, the Court, nevertheless, finds no reversible error in the assailed ruling of the CA.

2. ID.; SPECIAL CIVIL ACTIONS; FORCIBLE ENTRY; JURISDICTION OF THE TRIAL COURT IN EJECTMENT PROCEEDINGS IS LIMITED ONLY TO THE DETERMINATION OF PHYSICAL POSSESSION.— The criminal case filed by Palma against respondent Bonifacio involving the Quitclaim through which the respondents trace

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their ownership is immaterial to the controversy at bar. Questions on the validity of a Torrens title are outside the jurisdiction and competence of the trial court in ejectment proceedings which are limited only to the determination of physical possession. This is in consonance with the settled doctrine that questions relating to the validity of a certificate of title during ejectment proceedings are deemed and proscribed as collateral attack to such title. A Torrens certificate of title cannot be the subject of collateral attack. The title represented by the certificate cannot be changed, altered, modified, enlarged, or diminished except in a direct proceeding. Thus, issues as to the validity of the respondents' title can only be definitively resolved in a direct proceeding for cancellation of title before the RTCs.

3. ID.; ID.; ID.; PETITIONER FAILED TO SHOW ANY COMPETENT AND CONVINCING EVIDENCE OF POSSESSION OR ACT OF DOMINION IN CONTRAST TO RESPONDENTS' OVERWHELMING PROOF OF ACTUAL POSSESSION AND OCCUPATION.— Even disregarding the actual condition of the title to the property, there is preponderance of evidence that the respondents were the party in peaceable, quiet possession of the subject land before the petitioner committed the complained acts of spoliation. As borne by the records, the respondents have erected concrete and bamboo structures (*i.e.*, picnic shades, shower rooms, comfort rooms, lodging rooms, cottages, apartelle) on the subject land, declared the same for taxation purposes and paid the realty taxes thereon before the petitioner and his men entered the same on September 22, 2007. In contrast, the petitioner's claim of possession was based on the unsubstantiated and unreliable affidavits of his supposed caretakers that he had the land fenced in 1996 and thereafter maintained those fences thru repairs. x x x Even if the petitioner were to be believed, his alleged caretakers on the land could not have missed the structures built by the respondents and any report of intrusion the petitioner received should have led him to take more substantial steps instead of just merely having the fences fixed. Indeed, the petitioner failed to show any competent and convincing evidence of possession or act of dominion in contrast to the overwhelming proof of actual possession and occupation proffered by the respondents. Consequently, it is indubitable that the respondents, as

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registered owners, are entitled to and must be restored to the physical possession forcibly wrested from them by the petitioner.

4. CIVIL LAW; LAND REGISTRATION; TORRENS SYSTEM OF TITLE; AS HOLDERS OF THE TORRENS TITLE OVER THE SUBJECT LAND, RESPONDENTS ARE ENTITLED TO ITS POSSESSION.— As between the petitioner's Deed of Absolute Sale and the respondents' TCT No. T-38422, the latter must prevail. A certificate of title is evidence of indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. "[A] title issued under the Torrens system is entitled to all the attributes of property ownership, which necessarily includes possession." Hence, as holders of the Torrens title over the subject land, the respondents are entitled to its possession.

APPEARANCES OF COUNSEL

M.M. Lazaro & Associates for petitioner.
*Lucas C. Carpio, Jr.*for respondents.

D E C I S I O N

REYES, *J.*:

This is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court seeking to annul and set aside the Decision[2] dated February 28, 2011 of the Court of Appeals (CA) in CA-G.R. SP No. 110689 affirming the Decision[3] dated September 9, 2009 of the Regional Trial Court (RTC) of Laoag City, Branch 65, in Civil Case No. 14522-65 ordering Rolando S. Abadilla, Jr. (petitioner) to, *inter alia*, vacate a certain parcel of land in favor of Spouses Bonifacio P. Obrero (Bonifacio) and Bernabela N. Obrero (respondents), and thus reversing the Decision[4] dated

[1] *Rollo*, pp. 8-32.

[2] Penned by Associate Justice Stephen C. Cruz, with Associate Justices Isaias P. Dicdican and Rodil V. Zalameda, concurring; id. at 34-50.

[3] Issued by Judge Manuel L. Argel, Jr.; *id.* at 58-72.

[4] Issued by Judge Jonathan A. Asuncion; *id.* at 73-90.

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October 17, 2008 of the Municipal Trial Court in Cities (MTCC) of Laoag City, Branch 2, in Civil Case No. 3329 which dismissed the respondents' complaint for forcible entry.

The Facts

In their complaint[5] for forcible entry filed before the MTCC on October 1, 2007, the respondents alleged that they are the registered owners of Lot No. 37565, Psd 01-065731, situated at *Barangay* 37, Calayab, Laoag City (subject land) and covered by Transfer Certificate of Title[6] (TCT) No. T-38422 issued on July 3, 2007. Erected on the land are various improvements utilized for residential and business purposes.

On September 22, 2007, the petitioner, with the aid of armed men and hireling, forcibly fenced the perimeter of the said parcel of land with barbed wire. The petitioner and his men also intimidated the respondents and their customers and destroyed some of the improvements on the land.

For the alleged acts of the petitioner, the respondents sought indemnification for attorney's fees as actual damages, moral damages, and exemplary damages. The respondents also sought the issuance of a preliminary mandatory injunction to preserve the last, actual, peaceable status of the parties before the controversy.

In his Answer,[7] the petitioner denied the acts imputed to him. He claimed that he, along with the other legal heirs of his father, Rolando Abadilla, Sr. (Abadilla, Sr.), are the real owners and actual, lawful possessors of the subject land. The respondents conveyed the land to the petitioner's father in 1991 through a Deed of Absolute Sale.[8] On June 13, 1996, Abadilla, Sr. was ambushed and killed. In that same year, the petitioner and his co-heirs fenced the subject land as safety measure

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[5] *Id*. at 91-96.

[6] *Id*. at 97-98.

[7] *Id*. at 105-116.

[8] *Id*. at 163.

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since they all reside in Metro Manila and seldom visit Ilocos Norte where the land is located. They left a caretaker to oversee the subject land and the other properties of Abadilla, Sr. in that province.

Despite knowing that they are no longer the owners of the subject land, the respondents have, many times, maliciously attempted to remove and destroy the fence/enclosures on the subject land. Every time they did so, the petitioner and his co-heirs caused the reconstruction or repair of the fence. The respondents also surreptitiously built a concrete structure on the land and used the same for dwelling purposes.

Sometime in 2007, the petitioner received reports that the respondents have again removed the fence on the subject land and that they were also offering it for sale. The petitioner, thus, decided to replace the ruined enclosure with stronger materials and put up signs declaring that the enclosed property is owned by the heirs of Abadilla, Sr.

The petitioner averred that the complaint failed to state a cause of action because the respondents failed to show that they were deprived of possession through acts amounting to force, intimidation, threat, strategy or stealth. Also, they cannot validly claim to have been dispossessed because they are still actually residing on the subject land. The petitioner also questioned the jurisdiction of the MTCC over the nature of the case arguing that any claim of dispossession should be reckoned from 1996, when the petitioner first fenced the subject land or 12 years before the complaint was actually instituted by the respondents.

The petitioner added that the subject land was formerly the subject of a Homestead Patent Application in the name of one Ernesto Palma (Palma). The respondents, however, through illegal machinations, made Palma sign a quitclaim in their favor. Palma thereafter instituted a criminal case against the respondents for falsifying his signature in the purported quitclaim. To safeguard his and his co-heirs' ownership of the subject land, the petitioner purchased it from the heirs of Palma on October 29, 2007.

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The petitioner attacked the validity of the respondents' TCT and alleged that it was irregularly preceded by an Original Certificate of Title (OCT) in the name of Airways Development Corporation (ADC).

The petitioner also counterclaimed for damages and attorney's fees and opposed the respondents' application for a writ of preliminary injunction on the ground that it will be an inequitable prejudgment of the main case.

Despite notice, the respondents failed to attend the hearings set for their application for a preliminary mandatory injunction. Consequently, their application was declared withdrawn in the MTCC Order dated June 3, 2008.[9] Preliminary conference was forthwith conducted wherein the respondents' counsel admitted that the signature above the typewritten name Bonifacio Obrero in the 1991 Deed of Absolute Sale with Abadilla, Sr. was the signature of herein respondent Bonifacio. Thereafter, the parties submitted their respective position papers and supporting documents.[10]

In their position paper, the respondents clarified that the sale between them and Abadilla, Sr. did not push through. It was never consummated and the 1991 Deed of Absolute Sale was never notarized. To bolster such claim, they attached the affidavit of Engineer Rodolfo Jose, their agent. The respondents claimed that the numerous trees and concrete structures on the subject land are physical evidence of their possession which cannot be overcome by the petitioner's bare allegations.

The respondents further disclosed that they have filed a petition before the RTC praying for the issuance of a writ of preliminary mandatory injunction and for a judgment ordering the petitioner to leave the premises and remove the barbed-wire fence and bamboo posts inside the subject land.[11]

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[9] *Id.* at 78-79.

[10] *Id.* at 80.

[11] *Id.*

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The petitioner pointed out respondent Bonifacio's admission during the preliminary conference and argued that it proves Abadilla Sr.'s earlier possession of the subject land and consequently the cessation of the respondents' ownership and possession upon their sale thereof.[12]

Ruling of the MTCC

In a Decision dated October 17, 2008, the MTCC dismissed the complaint and the counterclaim. In finding the complaint unmeritorious, the MTCC held that respondent Bonifacio's admission confirmed that he and his wife indeed sold the land in December 1991 to Abadilla, Sr. Thus, ownership and possession of the land was transferred to him and then to the petitioner and his co-heirs in 1996. The MTCC further held that the complaint is actually an *accion reivindicatoria* over which it had no jurisdiction. The MTCC judgment was disposed thus:

> **WHEREFORE,** premises considered, the instant case is hereby **DISMISSED**. The counter claim of the [petitioner] is likewise **DISMISSED**.
>
> No pronouncement as to costs.
>
> **SO ORDERED**.[13]

Ruling of the RTC

The respondents appealed to the RTC of Laoag City, Branch 65, which, in a Decision dated September 9, 2009, disagreed with the findings of the MTCC.

After a scrutiny and assessment of the parties' evidence of ownership to support their respective claims of possession, the RTC found the respondents' asseverations more credible.

The 1991 Deed of Absolute Sale between the respondents and Abadilla, Sr. was found of no force and effect for lack of consideration.

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[12] *Id*. at 80-82.

[13] *Id*. at 90.

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The respondents were found to have exercised acts of dominion over the subject land since 1991 by establishing their residence thereon, declaring the same for taxation purposes, paying the corresponding realty taxes, planting trees and building concrete structures.

The damages for which the parties claimed indemnification were denied for being unsubstantiated. Accordingly, dispositive portion of the RTC decision read:

> WHEREFORE, in the light of the foregoing, the Court finds for the [respondents] and against the [petitioner], and hereby renders judgment, granting the appeal, and reversing, setting-aside [sic] the appealed Decision of the court *a quo*, ordering the following:
>
> > Ordering the [petitioner] and his representatives, heirs and assigns, and all who claim title/possession under him, to totally and fully vacate the premises of the subject land; restore possession fully and absolutely to the [respondents] as well as to desist absolutely and perpetually from molesting the possession of the [respondents] over the property until such time that the issue of ownership may have been resolved at the proper forum, and in the event that the [petitioner] prevails thereon; and,
> >
> > Ordering the [petitioner] to remove or demolish the fences that they have constructed on the subject land.
> >
> > Without costs.
> >
> > SO ORDERED.[14]

Ruling of the CA

Feeling aggrieved, the petitioner sought recourse before the CA, which sustained the findings of the RTC and dismissed the petitioner's appeal in a Decision dated February 28, 2011, thus:

> **WHEREFORE,** the petition is **DISMISSED** without prejudice to the filing by either party of an action in the proper forum regarding the ownership of the property involved. The Decision dated 9

[14] *Id*. at 71-72.

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September 2009 of the Regional Trial Court, Branch 65, Laoag City in Civil Case No. 14522-65 (MTCC Civil Case No. 3329) is **AFFIRMED**. No costs.

SO ORDERED.[15]

When his motion for reconsideration was denied in the CA Resolution[16] dated November 23, 2011, the petitioner interposed the herein petition ascribing the following errors to the CA, to wit:

> THE [CA] COMMITTED REVERSIBLE ERROR IN RULING THAT THE MATTER OF FORUM SHOPPING HAS BEEN MOOTED BY THE DECISION OF THE RTC-BR. 14, LAOAG CITY, DISMISSING CIVIL CASE NO. 14371-14;
>
> THE [CA] COM[M]ITTED REVERSIBLE ERROR IN HOLDING THAT THE UNILATERAL 1991 DEED OF SALE IS INVALID AND INEXISTENT DESPITE THE ACKNOWLEDGMENT OF THE SAME BY THE RESPONDENT VENDOR;
>
> THE [CA] COMMITTED REVERSIBLE ERROR IN DISREGARDING THE IMPORT OF THE FACT THAT RESPONDENT BONIFACIO OBRERO IS ACCUSED OF FALSIFYING THE DEED OF [QUITCLAIM] AND WAIVER IN A CRIMINAL CASE PENDING IN COURT; and
>
> THE [CA] COMMITTED REVERSIBLE ERROR IN CONSCIOUSLY DISREGARDING THE DECISIONS IN CIVIL CASE NOS. 14371-14 (RTC-BR. 14) AND 3367 (MTCC-BR. 01).[17]

Ruling of the Court

The petition is devoid of merit.

Preliminary Considerations

It is a well-settled rule that in a petition for review on *certiorari* under Rule 45, the scope of the Court's judicial review of decisions

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[15] *Id.* at 49.

[16] *Id.* at 51-52.

[17] *Id.* at 18-19.

of the CA is generally confined only to errors of law; questions of fact are not entertained as the Court is not a trier of facts.[18]

Observably, the issues raised by the petitioner involve factual matters which were already evaluated by the courts *a quo* in determining who, between him and the respondents is entitled to the subject land's possession *de facto*. Following the above-cited rule, it is beyond the Court's jurisdiction to re-examine the factual findings of the RTC as affirmed by the CA regarding the veracity and sufficiency of the proofs of ownership and right of possession respectively submitted by the parties. They are issues of fact which cannot be passed upon by the Court as it is not duty-bound to analyze and weigh again the evidence considered in the proceedings below.

Even if the Court were to re-examine the records and consider this case as an exceptional circumstance in view of the conflicting conclusion reached by the MTCC,[19] the Court, nevertheless,

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[18] *NGEI Multi-Purpose Cooperative, Inc. v. Filipinas Palmoil Plantation, Inc.*, G.R. No. 184950, October 11, 2012, 684 SCRA 152, 160-161, citing *Carpio v. Sebastian*, G.R. No. 166108, June 16, 2010, 621 SCRA 1, 8.

[19] By way of exception, the Court may take cognizance of factual issues in a Rule 45 petition under any of the following instances, *viz*:

(1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; **(5) when the findings of facts are conflicting**; (6) when in making its findings the [CA] went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the [CA] manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. *See Sampayan v. Court of Appeals*, 489 Phil. 200, 208 (2005), citing *The Insular Life Assurance Company, Ltd. v. Court of Appeals*, G.R. No. 126850, April 28, 2004, 428 SCRA 79, 86. (Emphasis ours)

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finds no reversible error in the assailed ruling of the CA.

As holders of the disputed land's TCT, the respondents are entitled to its possession.

"Ejectment proceedings are summary proceedings intended to provide an expeditious means of protecting actual possession or right to possession of property. Title is not involved. The sole issue to be resolved is who is entitled to the physical or material possession of the premises or possession *de facto*."[20] "Issues as to the *right* of possession or ownership are not involved in the action; evidence thereon is not admissible, except only for the purpose of determining the issue of possession."[21]

Thus, where the parties to an ejectment case raise the issue of ownership, the courts may pass upon that issue but only to determine who between the parties has the better right to possess the property. As such, any adjudication of the ownership issue is not final and binding; it is only provisional, and not a bar to an action between the same parties involving title to the property.[22]

Here, the right of possession claimed by both parties is anchored on ownership. The respondents posited that they are the registered owners of the subject land by virtue of TCT No. T-38422 issued on July 3, 2007. They further asserted that their ownership actually dates back to August 26, 1991 when the ownership over the subject land was waived in their favor by its previous owner, Palma through an Affidavit of Waiver and Quitclaim. They have occupied and possessed it by residing thereon, building structures for commercial purposes and declaring it for realty tax purposes. Meanwhile, the petitioner contended that he and his co-heirs are the owners of the subject

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[20] *Sudaria v. Quiambao,* 563 Phil. 262, 270 (2007).

[21] *De Grano v. Lacaba,* 607 Phil. 122, 132 (2009).

[22] *Corpuz v. Agustin*, G.R. No. 183822, January 18, 2012, 663 SCRA 350, 358.

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land having inherited it from their father, Abadilla, Sr., who in turn acquired it from the respondents themselves through an unregistered Deed of Absolute Sale executed sometime in 1991.

As between the petitioner's Deed of Absolute Sale and the respondents' TCT No. T-38422, the latter must prevail. A certificate of title is evidence of indefeasible and incontrovertible title to the property in favor of the person whose name appears therein.[23] "[A] title issued under the Torrens system is entitled to all the attributes of property ownership, which necessarily includes possession."[24] Hence, as holders of the Torrens title over the subject land, the respondents are entitled to its possession.

The admission by respondent Bonifacio that it is his signature which appears on the Deed of Absolute Sale in favor of Abadilla, Sr. failed to conclusively establish that the respondents parted with their ownership over the subject land in favor of the petitioner's predecessor-in-interest. The Court agrees with the findings of the RTC, as affirmed by the CA, that no sale was perfected because they failed to agree on the purchase price, thus:

It is now necessary to look into the evidences [sic] mentioned:

The first document — Exhibit "11" – Land Bank of the Philippines Check

> On page 172 of the records, marked as Exhibit "11" is a photocopy of a Land Bank of the Philippines Check, bearing Check No. 06-009267 in the amount of Php228,000.00 which check is supposed to have been executed by the late Col. Abadilla in-favor of the four (4) x x x vendors (respondent Bonifacio and the owners of the adjoining lots), but, contrary to such allegation, on its face, the payee is one RODOLFO JOSE.

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[23] *Heirs of Jose Maligaso, Sr. v. Encinas,* G.R. No. 182716, June 20, 2012, 674 SCRA 215, 221.

[24] *Supra* note 22.

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The second — The supposed computation, found on page 173 of the records – Exhibit "12" and "12-A" which is supposed to have come from the desk of Rolando Abadilla — Vice-Governor, with the written name RUDY JOSE above it, and then some computation then the total, but all such figures have not been labeled or itemized and their meanings or what they stand for cannot be deciphered.

The third — Found on page 315 of the record is the Affidavit of Engr. Rodolfo Jose, informing the late Col. Abadilla, among others, that the would-be vendors did not want to push through with the intended sale anymore and, thereafter, relayed their decision, and that he was free to get the money anytime from him, signed by Engr. [Rodolfo] Jose, duly notarized, but he (Col. Abadilla) did not respond up to his untimely death on June 13, 1996.

By all these referral to other documents mentioned by the [petitioner], the Court could not make a reasonable conclusion that there was indeed a consideration in the subject Deed of Sale considering that the check was in the name of the Engr. Rodolfo Jose and not the supposed vendors, among the other findings above.

The computations do not prove anything, having no sufficient explanations of the figures mentioned therein, and the names of the [respondents] do not even appear on its face.

The letter of Engr. Jose speaks for itself, that the sale did not push through.[25]

Verily then, the petitioner's claim of possession had no sufficient basis and it cannot overthrow the attribute of possession attached to the respondents' certificate of title.

The criminal case filed by Palma against respondent Bonifacio involving the Quitclaim through which the respondents trace their ownership is immaterial to the controversy at bar. Questions on the validity of a Torrens title are outside the jurisdiction and competence of the trial court in ejectment proceedings which are limited only to the determination of physical possession.[26]

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[25] *Rollo*, pp. 68-69.

[26] *Supra* note 23, at 222-223.

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This is in consonance with the settled doctrine that questions relating to the validity of a certificate of title during ejectment proceedings are deemed and proscribed as collateral attack to such title. A Torrens certificate of title cannot be the subject of collateral attack. The title represented by the certificate cannot be changed, altered, modified, enlarged, or diminished except in a direct proceeding.[27] Thus, issues as to the validity of the respondents' title can only be definitively resolved in a direct proceeding for cancellation of title before the RTCs.

Even disregarding the actual condition of the title to the property, there is preponderance of evidence that the respondents were the party in peaceable, quiet possession of the subject land before the petitioner committed the complained acts of spoliation.

As borne by the records, the respondents have erected concrete and bamboo structures (*i.e.*, picnic shades, shower rooms, comfort rooms, lodging rooms, cottages, apartelle) on the subject land, declared the same for taxation purposes and paid the realty taxes thereon before the petitioner and his men entered the same on September 22, 2007.[28]

In contrast, the petitioner's claim of possession was based on the unsubstantiated and unreliable affidavits of his supposed caretakers that he had the land fenced in 1996 and thereafter maintained those fences thru repairs. As correctly observed by the RTC and the CA, their affidavits failed to state whether the fences they built and maintained pertained to the land subject of this controversy. Neither were the supposed caretakers able to particularly identify the years when the fences were purportedly repaired and when the respondents allegedly trespassed on the land.[29]

Even if the petitioner were to be believed, his alleged caretakers on the land could not have missed the structures built by the

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[27] *Id.* at 223.

[28] *Rollo,* pp. 45, 70.

[29] *Id.*

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respondents and any report of intrusion the petitioner received should have led him to take more substantial steps instead of just merely having the fences fixed. The nature of the improvements built by the respondents and the admitted fact that they used the same for residential and business purposes should have impelled the petitioner to take legal action or judicial measures as any truthfully disposed landowner should have, but he did not. Certainly, his mere act of building or repairing fences cannot be considered as an act of dominion; it is short of the legal safeguard which a land owner will devote to his property supposedly encroached by trespassers.

The petitioner did not even oppose the proceedings in Cadastral Case No. 15-14 before the RTC of Laoag City, Branch 14, involving the registration of 136,812 square meters of land to which the parcel in the present controversy belongs. In the said case, OCT No. 460-L was issued jointly to the respondents and ADC on September 20, 1999. The land was thereafter partitioned and the respondents obtained their own certificate of title over the herein subject portion on July 3, 2007.[30]

Indeed, the petitioner failed to show any competent and convincing evidence of possession or act of dominion in contrast to the overwhelming proof of actual possession and occupation proffered by the respondents. Consequently, it is indubitable that the respondents, as registered owners, are entitled to and must be restored to the physical possession forcibly wrested from them by the petitioner. It remains undisputed that the petitioner and his men unlawfully entered the land, enclosed it with barbed-wire fence, destroyed the improvements thereon and excluded the respondents therefrom. These actions necessarily imply the use of force[31] which is remedied by the herein proceedings for ejectment.

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[30] *Id.* at 37.

[31] *Antazo v. Doblada*, G.R. No. 178908, February 4, 2010, 611 SCRA 586, 594.

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Finally, the Court deems it proper not to rule on the last two issues raised by the petitioner as they involve other cases which do not appear to have been already finally adjudicated. Records show that Civil Case No. 14371 before the RTC of Laoag City, Branch 14 is still pending appeal before the CA as CA-G.R. SP No. 116714. At any rate, no forum shopping can be inferred therefrom since it was filed on July 18, 2008 or after the herein MTCC deemed as abandoned the respondents' application for the injunctive relief of preliminary mandatory injunction in an Order dated June 3, 2008.[32] More so, in the absence of evidence showing that the issues involved in Civil Case No. 14371 are the same with the issues at bar, the Court cannot give credence to the petitioner's claim of forum shopping.

Meanwhile, any dispositions in Civil Case No. 14371-14 in the RTC of Laoag City, Branch 14 and Civil Case No. 3367 before the MTCC of Laoag City, Branch 1, all involving ejectment complaints filed by the owners of lots adjoining the herein subject land, are irrelevant to the controversy at bar which involves entirely different property and interests.

WHEREFORE, premises considered, the petition is hereby **DENIED**. The Decision dated February 28, 2011 of the Court of Appeals in CA-G.R. SP No. 110689 is **AFFIRMED**.

SO ORDERED.

Velasco, Jr. (Chairperson), Villarama, Jr., Perez,[*] and *Jardeleza, JJ.,* concur.

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[32] *Rollo*, pp. 48-49, 78, 179.

[*] Additional Member per Raffle dated October 22, 2014 *vice* Associate Justice Diosdado M. Peralta.