



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2021** which reads as follows:*

“G.R. No. 254055 (Ana Marie A. Zapata v. Henry Pegenia). – After a review of the records, this Court resolves to **DENY** the appeal by *certiorari* for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its November 28, 2019 Decision¹ and October 9, 2020 Resolution² as to warrant the exercise of this Court’s appellate jurisdiction.

As correctly held by the CA, it was premature to dismiss the ejectment case merely because Ana Marie A. Zapata (*petitioner*) took possession of the subject property during the pendency of said case. The filing of the complaint conferred upon the Municipal Trial Court in Cities (*MTCC*) the bounden duty to determine who between the parties had a better right of possession over the subject property. The dismissal of the ejectment case essentially awarded that right to petitioner who, in the first place, violated the status quo by taking possession of the subject property. Indeed, the essence of an ejectment suit is for the rightful possessor to lawfully recover the property through lawful means instead of unlawfully wresting possession of the property from its current occupant.³ Concomitant thereto is the parties’ duty to preserve the *status quo* until one of them sees it fit to invoke the decision of a court of competent jurisdiction upon the question of ownership. The party who first acquired possession should remain in possession pending the decision.⁴

This Court, however, deems it proper to modify the CA decision, specifically, the latter’s remanding of the case to the Regional Trial Court (*RTC*) for determination of the merits. The case should be remanded to the MTCC, not the RTC, since it is the MTCC which has exclusive original

¹ *Rollo*, pp. 38-45; penned by Associate Justice Tita Marilyn Payoyo-Villordon, with Associate Justices Ramon R. Garcia and Victoria Isabel A. Paredes, concurring.

² *Id.* at 47-49.

³ *Province of Camarines Sur v. Bodega Glassware*, 807 Phil. 865, 874-875 (2017).

⁴ *Reyes, Sr. v. Heirs of Deogracias Forlales*, 787 Phil. 541, 558 (2016), citing *Gonzaga v. Court of Appeals*, 570 Phil. 130, 139 (2008).

ps/2

jurisdiction over cases of forcible entry and unlawful detainer.⁵

WHEREFORE, the appeal is **DENIED**. The November 28, 2019 Decision and October 9, 2020 Resolution of the Court of Appeals in CA-G.R. SP No. 149700 are **AFFIRMED with MODIFICATION** in that the case is **REMANDED** to the Municipal Trial Court in Cities, Branch 1, Tagaytay City, for determination of the merits of the case.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court ^{10/3/2}

02 MAR 2021

HON. PRESIDING JUDGE (reg)
Municipal Trial Court in Cities, Branch 1
Tagaytay City
(Civil Case No. 712-2015)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. SP No. 149700

Please notify the Court of any change in your address.
GR254055. 02/03/2021(116)URES

ATTY. PAUL C. LAGUATAN (reg)
Counsel for Petitioner
Unit 2417, Entrata Urban Complex
Filinvest City, Spectrum Midway Extension
Muntinlupa City

ATTYS. ARCANGELITA M. ROMILLA LONTOK &
LUZVIMINDA ZUNIGA (reg)
Counsels for Respondent
c/o Augustinian Abbey School
Gov. Licaros cor. G.D. Sekiat St.
BF Resort Village, Las Piñas City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 18
4120 Tagaytay City
(SCA Case No. TG-16-272)

