

### Title:

**Cecilia T. Javelosa vs. Ezequiel Tapus et al.: A Landmark Case on Unlawful Detainer and the Requisite of Tolerance in Philippine Property Law**

### Facts:

The detailed sequence of events leading to the Supreme Court:

1. **Ownership and Occupancy**: Cecilia T. Javelosa is the registered owner of a land in Boracay Island, Aklan, acquired by donation. The respondents, claiming to be the heirs of the land's caretaker, occupied the property.
2. **Initial Action**: Discovering an attempt to sell the property by relatives of the respondents, Javelosa's daughter sought barangay aid, leading to unsuccessful amicable resolution attempts.
3. **Demand Letter and Unlawful Detainer Case**: In October 2003, Javelosa demanded the respondents vacate the land; their refusal led her to file an unlawful detainer case.
4. **Lower Courts' Decisions**: The Municipal Circuit Trial Court (MCTC) ruled in favor of Javelosa, as did the Regional Trial Court (RTC) upon appeal.
5. **Court of Appeals (CA) Reversal**: On appeal, the CA reversed the lower courts' decisions, highlighting the lack of proof of Javelosa's tolerance which is essential for an unlawful detainer action.

### Issues:

1. **Jurisdictional Fact of Tolerance**: Whether the CA erred in finding that Javelosa failed to establish respondents' initial lawful occupation was by her tolerance, an essential element for an unlawful detainer action.
2. **Proper Legal Remedy**: Whether the decision of the CA is in congruence with the legal doctrine surrounding actions to recover possession of real property.

### Court's Decision:

The Supreme Court upheld the CA's decision, emphasizing the necessity of proving essential jurisdictional facts in unlawful detainer cases. The Court reiterated that:

- The owner must prove the defendant's possession was initially lawful—due to contract or tolerance—and later became unlawful.
- Javelosa's failure to clearly demonstrate tolerance in the respondents' occupation was fatal to her claim.
- Possession cannot be wrested from a possessor, even by the legal owner, without following the proper judicial remedy and proving required elements.

- The option chosen by Javelosa, unlawful detainer, required her to prove that the occupation was initially lawful due to her permission or tolerance, which she failed to do.

### ### Doctrine:

The case underlines the doctrine that in unlawful detainer actions, the plaintiff must unequivocally prove that the defendant's initial possession was lawful due to the plaintiff's tolerance. Lacking this, the plaintiff's action fails, reiterating the necessity of choosing the correct legal remedy and establishing all requisites thereof.

### ### Class Notes:

- **Unlawful Detainer Essential Requirements**: Lawful initial possession due to tolerance, notice to vacate, defendant's refusal, filing the action within one year from last demand.
- **Tolerance**: Must be explicit and proven; cannot be presumed from silence or inaction.
- **Choice of Action for Recovery of Possession**: Differentiates between accion interdicial (unlawful detainer/forcible entry), accion publiciana, and accion reivindicatoria.
- Relevant Statutes:
  - **Rule 45 of the Revised Rules of Court**
  - **Property Code** on actions of recovery, their distinctions, and their requirements.

### ### Historical Background:

This case exemplifies the legal intricacies involved in property disputes in the Philippines, particularly in areas with historical claims of indigenous occupancy. It highlights the procedural and evidentiary requirements for the recovery of possession under Philippine law, stressing the significance of proper legal strategy and the limitations of ownership rights against factual possession.