

### Title: **Barber, et al. v. Chua**

### Facts:

1. **Filing of Complaint**: On August 10, 2007, Rolando Chua (respondent) filed a complaint for ejectment, damage to property with moral and exemplary damages, against Diana Barber (Barber), her co-petitioners Rex Jimeno (Jimeno) and Jaquelyn Beado (Beado) before the Municipal Trial Court (MTC) of Cainta, Rizal (Civil Case No. MTC-1259). Chua alleged Barber unlawfully built part of her house over his firewall.
2. **Motion to Dismiss**: Petitioners Barber, Jimeno, and Beado filed a motion to dismiss, arguing that:
  - The MTC lacked jurisdiction over both the subject matter and Barber's person.
  - The complaint was not about material or physical possession but about removing encroaching structures, positing it as a specific performance case under RTC jurisdiction.
  - Summons were improperly served since Barber was a U.S. resident and not present when service was attempted.
3. **MTC Ruling**: On August 4, 2009, the MTC dismissed the complaint, ruling it lacked jurisdiction as the case did not sufficiently allege forcible entry or detainer principles.
4. **RTC Reversal**: On appeal, the Regional Trial Court (RTC) reversed the MTC's order on January 24, 2011, holding the complaint did state a cause of action for forcible entry, and acknowledging a firewall as immovable property subject to ejectment under Article 415 of the Civil Code.
5. **Appeal to CA**: Petitioners appealed to the Court of Appeals (CA), which upheld the RTC's decision, affirming that:
  - The complaint sufficiently alleged a case for ejectment.
  - The MTC properly acquired jurisdiction over Barber via substituted service, as she was temporarily out of the country.
6. **Supreme Court Petition**: Discontent with the CA ruling, petitioners brought the matter before the Supreme Court.

### Issues:

1. **Jurisdiction over Subject Matter**: Whether the MTC has jurisdiction over a complaint concerning a firewall and attached structures.
2. **Jurisdiction over Person**: Whether proper jurisdiction over Barber's person was

established through substituted service, given her permanent residence in the U.S.

### ### Court's Decision:

#### #### \*\*Subject Matter Jurisdiction\*\*:

- **Legal Basis**: The Supreme Court emphasized that the nature of an action is determined by the allegations in the complaint. Section 1, Rule 70 of the Rules of Court covers actions where a party is deprived of possession through stealth.
- **Sufficiency of the Complaint**: The Court found the complaint alleged that respondent was dispossessed of part of his firewall through unauthorized construction by petitioners. The use of the firewall fit into the scope of ejectment cases as it constitutes an integral part of the land which could denote an unlawful intrusion by stealth.
- **Analogy to Case Law**: Citing *Philippine Long Distance Telephone Company v. Citi Appliance M.C. Corporation*, the Court reiterated that landowners have rights above, below, and on their land surface, solidifying ejectment as a viable remedy for the encroachment on the firewall.

#### #### \*\*Personal Jurisdiction via Substituted Service\*\*:

- **Proper Residence**: Despite Barber's claim of being a U.S. resident, the Court agreed with the CA that she maintained a residence in the Philippines, evidenced by her regular visits.
- **Substituted Service Validity**: Adopting precedents such as *Pavlow v. Mendenilla*, the service of summons to Barber's aunt was deemed proper since it ensured reasonable probability of actual notice to Barber, satisfying the requirement of Section 7, Rule 14 of the Rules of Court.

### ### Doctrine:

- **Right to Entire Property**: An owner's rights extend not just to the land surface, but to everything above and below it, supporting actions for ejectment in cases of unauthorized extension into these areas.

### ### Class Notes:

#### 1. **Ejectment**:

- Ejectment cover unlawful dispossession by stealth, force, intimidation, or threat (Section 1, Rule 70, Rules of Court).
- Forcible entry does not need exact statutory language in a complaint as long as dispossession conditions are factually supported.

2. **Substituted Service**:

- Substituted service is valid when personal service is impractical, resonating with jurisdictional principles in cases of temporary absence from residence (Section 7, Rule 14, Rules of Court).

**Historical Background:**

The case arose from urban development tensions common in densely populated regions of the Philippines. It underscores judicial adaptation to evolving spatial disputes and the examination of land rights in the built environment, reflecting societal challenges in land use harmony within residential communities. The Court's reliance on foundational civil law principles and procedural rules reflects continuity in maintaining coherent property rights amidst such disputes.