SPOUSES RAY ANTONIO SASING AND BEMA M. SASING, PETITIONERS, VS. ANNABELLE N. AMORES AND NELSON CALANDRIA, RESPONDENTS.

Ponente: LLOREN, J.

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LLOREN, J.:

This is a Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure seeking to set aside the April 2, 2012 Judgment[1] and the September 19, 2012 Order[2] of the Regional Trial Court of Misamis Oriental, 10th Judicial Region, Branch 20, in Civil Case No. 2010-331. The said Judgment and Order of the RTC affirmed in toto the October 15, 2010 Decision[3] of the Municipal Trial Court in Cities of Cagayan de Oro in Civil Case no. C9-JUN-111, an action for Ejectment.

The facts as culled from the records:

The subject of the controversy involves a house and lot located in Kauswagan, Cagayan de Oro City.

The property was previously owned by the Nagac family.

One of the members of the Nagac family, Enriqueta Nagac, allowed herein petitioners, spouses Ray Antonio Sasing and Bema M. Sasing (spouses Sasing) to occupy the subject property by virtue of a Contract of Lease.[4]

On July 4, 1994, the Nagac family, thru an Extra-Judicial Settlement with Sale, sold the property in favor of Gregorio Rom.[5]

After the death of Gregorio Rom, his heirs, on May 12, 2009, executed an Extra-Judicial Partition with Deed of Sale and sold the property to herein respondents, Annabelle N. Amores and Nelson Calandria.[6]

In their Complaint, respondents alleged that sometime in May 2009, the heirs of Gregorio Rom asked spouses Sasing to vacate the subject property as it has already been sold. Since the spouses Sasing refused to vacate, the heirs of Gregorio Rom even filed a complaint before the Office of Barangay Kauswagan, Cagayan de Oro City. However, the supposed settlement in the Barangay did not push through as the heirs of Gregorio Rom went back to Manila weeks later.

The respondents eventually lodged an action before the same Barangay Office praying that the spouses Sasing vacate the subject property. In clear defiance to the respondents, spouses Sasing insulted and challenged the former to file a case in court.

It was also alleged that the spouses Sasing failed to pay the rent of the house and lot since the death of Enriqueta Nagac in October 2007.

On their part, spouses Sasing alleged that the MTCC has no jurisdiction over the case; that the case is neither for unlawful detainer nor forcible entry. Spouses Sasing also alleged that not a single demand letter was sent to them to vacate the premises and to pay the rentals; such demand being a necessary element of unlawful detainer. Also,

there was no allegation in the complaint that the plaintiffs (respondents) were in prior physical possession of the property and that they were deprived of the possession by any means provided for in the Rules of Court. Hence, there can be no case for forcible entry.[7]

The MTCC in a Decision[8] dated October 15, 2010 ruled in favor of the respondents. The fallo reads:

> WHEREFORE, finding in favour of the plaintiffs, the Court hereby orders the defendants:

- To forthwith peacefully vacate the lots made subject of the complaint and turn over possession thereof, together with all improvements existing thereon, to the plaintiffs;

- To pay to the plaintiffs monthly rental for the use and enjoyment of the property at the rate of P3,000.00 per month from October 2007 up to the time the defendants shall have vacated the premises;

- To pay attorney's fees in the sum of P20,000.00;

- To reimburse plaintiffs the sum of P3,230.00 for the filing fees;

- To pay litigation expenses in the sum of P10,000.00.

> For lack of substantiation, claims for moral damages are denied.
>
> SO ORDERED.

In ruling for the respondents, the MTCC ratiocinated as follows:

> After closely going over the records and judiciously assessing the presentations, documentary evidences and arguments of the contending parties, the Court finds the position of the plaintiffs (respondents) more in keeping with the facts, the documentary evidence(s) and the laws pertinent to the issues raised. We discerned from the statements of the parties that the plaintiffs have claims of ownership over the property made subject of the case amply supported and evidenced by documentary exhibits. On the other hand, the Court could not find anywhere in the pleadings any evidence of ownership by the defendants who actually never asserted ownership over the property. Most certainly, the evidence(s) of the plaintiffs heavily tilt the resolution of the case in favour of the plaintiff. All throughout the defendants merely harped on the jurisdiction of the Court to hear this case. The matter of jurisdiction has been clearly established by the plaintiff.

Aggrieved, spouses Sasing filed an appeal before the RTC. However, spouses Sasing failed to file the supersedeas bond as required under Section 19, Rule 70 of the Rules of Court. This prompted the respondents to move for the immediate execution of the judgment of the MTCC and the same was granted by the RTC.[9]

On April 2, 2012, the RTC issued a Judgment[10] affirming in toto the Decision of the MTCC.

The RTC ruled that the allegations in the Complaint sufficiently established the jurisdictional facts required in an unlawful detainer case. It also pointed out that spouses Sasing have not shown any proof or evidence that would entitle them to possess the property.

Spouses filed a motion for reconsideration[11] but the same was denied by the RTC in an Order[12] dated September 19, 2012.

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Undaunted, spouses Sasing interposed the present petition with the following lone assignment of error:

> THE PUBLIC RESPONDENT REGIONAL TRIAL COURT, 10th JUDICIAL REGION, BRANCH 20, CAGAYAN DE ORO CITY ERRED IN AFFIRMING IN TOTO THE DECISION OF THE MTCC-5 AND OF DENYING THE MOTION FOR RECONSIDERATION.[13]

Spouses Sasing aver that the ejectment case filed by the respondents before the MTCC was neither a case for forcible entry nor unlawful detainer and accordingly the said Court had no jurisdiction over the case.

Spouses Sasing posit that the respondents failed to present any documentary evidence that a demand letter was sent to them (spouses Sasing) to vacate the premises and to pay the rentals. On this score alone, spouses Sasing surmise, that the case before the MTCC should have been dismissed as the complaint did not state a cause of action.

Also, the case is not a forcible entry case because respondents failed to allege that they were in prior physical possession of the property and that they were deprived of their possession by any of the means provided for in the Rules of Court.

We are not persuaded.

The Complaint filed by the respondents was for unlawful detainer.

The jurisdictional elements needed to be alleged in a Complaint for unlawful detainer are the following: (1) the plaintiff is a vendor, vendee, or other person from whom 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; (2) the defendant is the person unlawfully withholding the same from the plaintiff after the expiration or termination of the right to hold possession, by virtue of any contract express or implied; (3) the plaintiff issued a demand for the defendant to comply with the contract or vacate the said premises; and (4) the action is commenced within one year from the demand.[14]

In the instant case, respondents' allegations in the complaint[15] clearly make a case for an unlawful detainer, essential to confer jurisdiction on the MTCC over the subject matter. Respondents alleged that they bought the house and lot from its previous owner; that sometime in May 2009, the previous owner notified spouses Sasing to vacate the house as it was already sold to the respondents; that both the previous owner and herein respondents have exerted efforts for spouses Sasing to peacefully vacate the land. Several conciliation meetings at the Office of the Barangay Chairman at Kauswagan, Cagayan de Oro City were held for the petitioners to vacate the lot. Despite such efforts, spouses Sasing remained in the subject lot, leading to the filing of the complaint in June 23, 2009.

The complaint of the respondents thus adequately stated that the withholding of possession and the refusal to vacate on the part of spouses Sasing have become unlawful. The complaint need not employ the exact terminology of the law, an allegation that the defendant is illegally withholding possession from the plaintiff is sufficient.[16]

Contrary to the contentions of the petitioners, the Rules do not exclusively require that a written demand must be made; an oral demand will suffice. What is important is that a notice was made by the respondents to spouses Sasing that the latter's right of possession over the contested property was already terminated.[17]

With the exception of their sole allegation that the MTCC has no jurisdiction over the case, spouses Sasing failed to adduce a scintilla of evidence that would show their entitlement to continue possessing the house and lot. The respondents, on the other hand, clearly unveiled before the courts as to how the house and lot passed on to them. It

should be noted that all throughout the course of the trial, spouses Sasing never refuted the ownership of the respondents over the said property. As a rule, the right of ownership carries with it the right of possession.[18]

In the end, We agree with the ruling and conclusions made by the RTC in its assailed Judgment affirming the ruling of the MTCC. Conclusions and findings of fact by the lower courts are entitled to great weight and respect on appeal and will not be disturbed except for strong and cogent reasons.[19]

WHEREFORE, premises considered, the petition is hereby DENIED and the April 2, 2012 Judgment of the Regional Trial Court of Misamis Oriental, 10[th] Judicial Region, Branch 20, in Civil Case No. 2010-331 is hereby affirmed in toto.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Lloren, Chairman and Azcarraga-Jacob, JJ., concur.

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[1]Rollo, pp. 6 – 9, penned by Hon. Judge Bonifacio M. Macabaya

[2] Id, p. 35

[3]Id, pp. 10 – 27, penned by Hon. Judge Isabelo E. Sabanal

[4]Rollo, p. 16

[5]Id, p. 11

[6]Id, p. 11

[7]Id, pp. 24 - 26

[8] Id, pp. 10 – 27

[9] Rollo, p. 7

[10] Id, pp. 6 – 9

[11] Rollo, pp. 28 - 32

[12] Id, p. 35

[13] Id, p. 42

[14] IEMELIF, Inc. vs. Juane, G.R. No. 172447, September 18, 2009

[15] Rollo, pp. 7 - 8

[16] Macasaet vs. Macasaet, G.R. Nos. 154391-92, September 30, 2004

[17] Cabrera vs. Getaruela, G.R. No. 164213, April 21, 2009

[18] Macasaet vs. Macasaet, G.R. Nos. 154391-92, September 30, 2004

[19] Sps. Bernales vs. Heirs of Julian Sambaan, G.R. No. 163271, January 15, 2010

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