

**BEATRIZ V. RIVERA AND BENEDICTA RONCESVALLES,  
PETITIONERS, VS. REGIONAL TRIAL COURT OF LAS PIÑAS, BRANCH  
275 AND WONDERLAND HOMES HOMEOWNERS' ASSOCIATION, INC., REPRESENTED BY M...**

Ponente: DICDICAN, J.

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**DICDICAN, J.:**

Before us is a Petition for Review[1] filed by the petitioners Beatriz Rivera and Benedicta Roncesvalles (“petitioners”) pursuant to Rule 42 of the 1997 Revised Rules of Court seeking a review of the Decision[2] dated June 10, 2013 rendered by Branch 275 of the Regional Trial Court (“RTC”) in Las Piñas City, National Capital Judicial Region, in Civil Case No. 12-0087 which affirmed the Decision[3] dated October 5, 2012 of the Metropolitan Trial Court (“MeTC”), Branch 79 in Las Piñas City.

The material and relevant facts of the case, as culled from the record, are as follows:

Private respondent Wonderland Homes Homeowners' Association, Incorporated (“WHHAI”) is a domestic homeowners' association, duly organized and existing under and by virtue of the laws of the Republic of the Philippines with Registration Certificate No. 13776[4] issued by the Housing and Land Use Regulatory Board (“HLURB”).

The WHHAI was formed in line with the Community Mortgage Program. As defined in Section 31, Article VIII of Republic Act No. 7279, otherwise known as “An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanism and for its Implementation and other purposes”, the Community Mortgage Program (CMP) is a mortgage financing program of the National Home Mortgage Finance Corporation which assists legally organized associations of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership. The primary objective of the program is to assist residents of blighted or depressed areas to own the lots they occupy, or where they choose to relocate to, and eventually improve their neighborhood and homes to the extent of their affordability.

Petitioners Beatriz V. Rivera (“Rivera”) and Benedicta Roncesvalles (“Roncesvalles”) were bona-fide members/lot allottees of WHHAI by virtue of an award of an 18-square meter lot to each of them.

Under the CMP, the landowner executes a contract to sell the property in favor of the community association. In turn, the community association executes an agreement with the Social Housing Finance Corporation (“SHFC”) for the collection and remittance of shares in monthly amortization from its member-borrowers, and is under obligation to keep tab of paid and unpaid amortization of its member-borrowers. In the event a member-borrower defaults, the community association has the responsibility to find a qualified substitute who shall assume the obligations of the member-borrower in default.

By reason of their failure and continuous refusal to comply with the conditions of their membership in WHHAI, particularly, the payment of their equity membership dues and monthly amortizations, the petitioners were

expelled from the Association by virtue of a WHHAI Resolution dated November 5, 2010.

Consequently, demands to vacate their respective premises were made upon the petitioners which were, however, ignored by the latter.

On account of their refusal to surrender possession of their respective lots, unlawful detainer cases were filed by WHHAI against Rivera and Roncesvalles with the Metropolitan Trial Court in Las Piñas City, which were docketed as Civil Cases Nos. 7933 and 7935, respectively.

In due course, the petitioners filed their respective Answers which assailed the jurisdiction of the trial court over the cases as the nature of the controversy was allegedly an intra-homeowners association dispute under the HLURB.

They likewise claimed that the private respondent had no cause of action against them as the latter was not the duly registered originator of the Community Mortgage Program.

After the failure of the parties to comply with the Order of the lower court to submit certain documents, specifically an original or certified true copy of the Memorandum of Agreement, Demand Letter with Proof of Receipt and Proof of Default, the MeTC proceeded to resolve the controversy since the case falls under the Rules on Summary Procedure.

On October 5, 2012, the MeTC rendered a Decision[5] on the consolidated cases, pertinent portions of which read as follows:

“The defendants occupy their respective lots by virtue of a written agreement. For failure of the defendants to comply with the provisions of the agreement, including but not limited to the payment of equity, membership dues and monthly amortization, the defendants lost their right to hold possession of their respective lots under the agreement. It is by reason of the agreement that the board issued the resolutions aforequoted which removed the defendants from their respective assigned lots. The plaintiff issued demand letters upon each of the defendants to vacate their respective premises. The action for ejectment was filed on February 21, 2011, well within a year from the Demand to Vacate on December 15, 2010. Premises considered, the Court concludes that the plaintiff by preponderance of evidence, has made a case for ejecting the defendants.

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“Clearly, the HLURB has jurisdiction over disputes involving compelling the owner/developer of a subdivision to perform its contractual and statutory obligations to its buyers. But that is not the issue in the instant case.

“The issue in these cases involve the disputes between the Association and its members, on the basis of breach or non-compliance with the Agreement by some members. The Court, in this case, has jurisdiction.

“WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff Wonderland Homes Homeowners Association, Inc. AND against the defendants, ordering:

1. In Civil Case No. 7933, Defendant Beatriz V. Rivera and all persons claiming rights under her, to immediately vacate Block 6, Lot 18, Wonderland Homes Homeowners Association, Marcos Alvarez, Talon 1, Las Piñas City AND return possession thereof to Plaintiff;

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2. In Civil Case No. 7935, Defendant Benedicta C. Roncesvalles and all persons claiming rights under her, to immediately vacate Block 6, Lot 16, Wonderland Homes Homeowners Association, Marcos Alvarez, Talon 1, Las Piñas City AND return possession thereof to Plaintiff;

3. Each of the defendants Beatriz V. Rivera, Henry D. Planquero or his estate and Benedicta C. Roncesvalles to pay Php 20,000.00 Attorney's fees;

4. Each of the defendants Beatriz V. Rivera, Henry D. Planquero or his estate and Benedicta C. Roncesvalles to pay the costs of suit.

**“SO ORDERED.”**

Appalled, the petitioners filed a Notice of Appeal[6] with the Regional Trial Court of Las Piñas City dated November 5, 2012.

On June 10, 2013, the RTC rendered the assailed Decision, the dispositive portion of which reads:

“WHEREFORE, premises considered, judgment is hereby rendered AFFIRMING the Decision dated 5 October 2012 of MeTC Branch 79.

“SO ORDERED.”

Unstirred by the foregoing disposition of the RTC, the petitioners filed the instant petition with this Court assigning the following errors purportedly committed by the RTC, to wit:

I.

THE REGIONAL TRIAL COURT GRAVELY ABUSED ITS DISCRETION WHEN IT RULED THAT THE LOWER COURT HAD JURISDICTION OVER THE CASE DESPITE ITS BEING IN THE NATURE OF AN INTRA-HOMEOWNERS ASSOCIATION'S DISPUTE WHICH IS UNDER THE AMBIT OF THE HLURB.

II.

THE REGIONAL TRIAL COURT GRAVELY ABUSED ITS DISCRETION WHEN IT REFUSED TO DISMISS THE CASE DESPITE THE FACT THAT THE PRIVATE RESPONDENT HAD NO CAUSE OF ACTION AGAINST THE PETITIONERS.

In sum, the primordial issue brought before this Court for resolution is whether or not the petitioners were liable for unlawful detainer.

After a careful and judicious scrutiny of the whole matter, together with the applicable laws and jurisprudence in the premises, we find the instant petition to be devoid of merit.

The petitioners claimed that the RTC had no jurisdiction over the case as the nature of the controversy involved an intra-homeowners association's dispute which is under the ambit of the HLURB. According to the petitioners, the allegations by WHHAI in the complaint evinced that the issue was between the homeowners association and its members and not an ordinary unlawful detainer case or recovery of possession over real property.

It is a settled rule that jurisdiction over the subject matter is determined by the allegations in the complaint. It is not affected by the pleas or the theories set up by the defendant in an answer or a motion to dismiss. Otherwise, jurisdiction would become dependent almost entirely upon the whims of the defendant[7]. Also illuminating is the Supreme Court's pronouncement in *Go v. Distinction Properties Development and Construction, Inc.*[8] in this wise:

“Basic as a hornbook principle is that jurisdiction over the subject matter of a case is conferred by law and determined by the allegations in the complaint which comprise a concise statement of the ultimate facts constituting the plaintiff's cause of action. The nature of an action, as well as which court or body has

jurisdiction over it, is determined based on the allegations contained in the complaint of the plaintiff, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein. The averments in the complaint and the character of the relief sought are the ones to be consulted. Once vested by the allegations in the complaint, jurisdiction also remains vested irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.”

As applied in this case, jurisdiction in ejectment cases is determined by the allegations pleaded in the complaint. It cannot be made to depend on the defenses set up in the answer or pleadings filed by the defendant. Neither can it be made to depend on the exclusive characterization of the case by one of the parties. The test for determining the sufficiency of those allegations is whether, admitting the facts alleged, the court can render a valid judgment in accordance with the prayer of the plaintiff[9].

An action for forcible entry or unlawful detainer is governed by Rule 70 of the Rules of Court, Section 1 of which provides:

“SECTION 1. Who may institute proceedings, and when. — Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the 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, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.”

Unlawful detainer is an action to recover possession of real property from one who illegally withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. The possession of the defendant in unlawful detainer is originally legal but became illegal due to the expiration or termination of the right to possess. An unlawful detainer proceeding is summary in nature, jurisdiction of which lies with the proper municipal trial court or metropolitan trial court. The action must be brought within one year from the date of last demand; and the issue in said case is the right to physical possession[10].

Based on the foregoing, the Supreme Court had held that a complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following:

- (1) initially, possession of property by the defendant was by contract with or by tolerance of the plaintiff;
- (2) eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession;
- (3) thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and
- (4) within one year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejectment.[11]

In the case at bench, WHHAI's allegations in the complaint clearly make a case for unlawful detainer, essential to confer jurisdiction on the MeTC over the subject matter. A review of the complaint readily revealed that the lots allocated to the petitioners formed part of the WHHAI's Compound which they received as members/beneficiaries of WHHAI. However, their refusal to pay the monthly amortizations despite demands resulted in their expulsion as members and loss of recognition as beneficiaries of the lots in question. Even when the case was referred to the barangay, no settlement was reached. Petitioners likewise did not heed WHHAI's demand to vacate the premises

and return its possession. As such, WHHAI sought to recover possession of the said lots by filing a case for unlawful detainer within a year after final demand.

Furthermore, the jurisdiction of the HLURB as outlined in Section 20(d) of Republic Act No. 9904 sanctions the filing of actions involving association and/or inter - association controversies and/or conflicts with the regular courts:

“Section 20. Duties and Responsibilities of the HLURB. - In addition to the powers, authorities and responsibilities vested in it by Republic Act No. 8763, Presidential Decree No. 902 - A, Batas Pambansa Big. 68 and Executive Order No. 535, Series of 1981, as amended, the HLURB shall:

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(d) Hear and decide inter - association and/or inter - association controversies and/or conflicts, without prejudice to filing civil and criminal cases by the parties concerned before the regular courts: Provided, That all decisions of the HLURB are appealable directly to the Court of Appeals;” (Emphasis supplied)

As to the petitioners' argument that WHHAI had no cause of action against them, we are not convinced.

A thorough perusal of the complaint would reveal that the allegations clearly constitute a case of unlawful detainer. Herein private respondent WHHAI is a duly registered domestic homeowners' association with Registration Certificate No. 13776[12] issued by the HLURB. The petitioners themselves even admitted that they previously instituted an action against WHHAI which they filed with the HLURB for accounting of books of the association, for the conduct of election of officers and for the imposition of sanctions for culpable violations of the association's by-laws and other rules[13]. Verily, they recognize the existence of WHHAI as a juridical entity of which they were formerly members of.

In sum, we find no grave abuse of discretion, amounting to lack or excess of jurisdiction, on the part of the RTC, which would warrant the reversal and/or modification of the assailed Decision. Also, we find no reversible error in the judgment rendered by the lower court.

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us DENYING the instant petition. The Decision dated June 10, 2013 rendered by Branch 275 of the Regional Trial Court in Las Piñas City, in Civil Case No. 12-0087 is hereby AFFIRMED.

### **SO ORDERED.**

Sorongon[\*] and Paredes, JJ., concur.

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[\*] Acting Senior Member vice J. Elbinias per Raffle dated May 13, 2014.

[1] Rollo, Petition, pp. 3-12.

[2] Ibid, Decision, pp. 13-16.

[3] Ibid, Decision, pp. 53-61.

[4] Ibid, p. 18.

[5] Ibid, Decision, pp. 387-396.

[6] Ibid, p. 62.

[7] *Eristingcol v. Court of Appeals*, G.R. No. 167702, March 20, 2009, 582 SCRA 139, 156, citing *Sta. Clara*

Homeowners' Association v. Sps. Gaston, 425 Phil. 221 (2002).

[8] G.R. No. 194024, April 25, 2012, 671 SCRA 461.

[9] Larano v. Calendacion, G.R. No. 158231, June 19, 2007, 525 SCRA 57, 65.

[10] Canlas v. Tubil, G.R. No. 184285, September 25, 2009, 601 SCRA 147, 156-157.

[11] Cabrera v. Getaruela, G.R. No. 164213, April 21, 2009, 586 SCRA 129, 136-137.

[12] Supra, Note No. 1, p. 18.

[13] Supra, Note No. 1, pp. 44-46.

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