

ISAAC BAUTISTA, PETITIONER, VS. RUBEN SAMONTE, RESPONDENT.

Ponente: CARANDANG, J.

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CARANDANG, J.:

This is a petition for review under Rule 42 of the Rules of Court seeking a review of the Decision dated 22 July 2013 of the Regional Trial Court (RTC) Branch 14 of Nasugbu, Batangas in Civil Case No. 1260 which affirmed the Decision dated 26 December 2012 of the Municipal Trial Court (MTC) of Nasugbu, Batangas.

The facts are as follows:

On 14 November 2011, herein respondent Ruben Samonte (respondent) filed a Complaint for unlawful detainer against herein petitioner Isaac Bautista (petitioner) alleging, among others, that:

“3. That the plaintiff is the registered owner of a parcel of land which is more particularly described as follows:
Transfer Certificate of Title No. T-121652

A parcel of land (Lot 51-B) of the subdivision plan Psd-04-214627 being a portion of LOT 51 Blk. I Psd-04-115893 L.R.C. Record No. situated in the Barangay of Calayo, Municipality of Nasugbu, Province of Batangas, Island of Luzon. Xxx xxx xxx containing an area of THREE HUNDRED FORTY (sic) NINE (309) SQUARE METERS.
Xxx xxx xxx;

4. That by mere tolerance, defendant was allowed by the plaintiff to stay and occupy the above-described property, on condition that he will vacate and surrender it upon demand by the owner;

5. That on October 05, 2011 plaintiff thru Atty. Sabrina Jacobo Samonte sent a demand letter to the defendant to vacate the same since the plaintiff needs now the subject property; xxx

6. That the plaintiff brought the matter to the attention of the barangay officials thereat. That however, the parties were not able to settle their differences before the barangay officials.

7. That as a consequence thereof, on November 05 2011, Barangay Chairman Miguel Limeta issued a certification that the parties did not reach any settlement; xxx

8. That defendant's stay in the said premises is temporary and he has no right whatsoever to occupy the subject property;

xxx xxx xxx.”[1]

He thus prayed that the defendant be ordered to vacate the said property and to surrender the possession thereof to the plaintiff and to pay moral and exemplary damages, attorney's fees, litigation expenses and cost of suit.

In his Answer, petitioner argued that the complaint failed to satisfy the jurisdictional requirement of a valid cause of action for unlawful detainer as it failed to describe how and when his possession to the subject property started or continued. He countered that he has been in actual occupation of the subject property for the past 24 years. He alleged that the subject property was a portion of what was donated by the Manila Southcoast Development

Corporation to the Municipal Government of Nasugbu, Batangas, which in turn donated it to the bona fide occupants of Lot 9 of Barangay Calayo, Nasugbu, Batangas, among whom is petitioner. He explained that on 14 November 2007, a complaint for unlawful detainer was filed against him by Spouses Conrado and Rosario Apacible. Eventually, the Spouses Apacible and the petitioner agreed to settle the said case and entered into a compromise agreement wherein herein petitioner agreed to pay the Spouses Apacible the amount of P400,000.00 as compensation for the subject property. However, since petitioner could not come up with the said amount, he asked the help of herein respondent. In return, the respondent would become a co-owner of the subject property. After the respondent paid the Spouses Apacible of the said amount, he purportedly caused the registration of subject property solely under his name without any mention of petitioner's name as a co-owner of the subject property.

On 26 December 2012, the MTC rendered a Decision in favor of the respondent, the dispositive portion of which reads:

“WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. To vacate the premises and surrender possession thereof of the plaintiff;
2. To pay compensation for the use and occupation of the premises in the amount of Five Hundred (P500.00) Pesos from the date of filing of the complaint, until he shall have finally vacated the premises and possession restored to the plaintiff; and
3. To pay attorney's fee in the amount of Ten Thousand (P10,000.00) Pesos.

Cost against the defendant.

SO ORDERED.”[2]

The MTC ruled that in an unlawful detainer case, the only issue to be resolved is the issue of possession. It held that the respondent has a superior right of possession over the subject property because he is the registered owner of the same by virtue of TCT No. 121652. It added that respondent's title cannot be collaterally attacked through the summary action of unlawful detainer.

Aggrieved, petitioner filed on 16 January 2013 a Notice of Appeal before the RTC but it was denied by the latter through its Decision dated 22 July 2013. The dispositive portion of RTC Decision states:

“WHEREFORE, in view of the foregoing, the instant Appeal is DENIED for lack of merit. The Decision of the Court a quo in Civil Case No. 1532 in favor of the plaintiff appellee is hereby AFFIRMED in toto.

SO ORDERED.”[3]

In the assailed Decision, the RTC affirmed the holding of the MTC that the sole issue for resolution in an unlawful detainer case is physical or material possession of the subject property independent of any claim of ownership by any of the parties. The RTC added that as the registered owner of the subject property, the respondent has a right to the possession of the same and to eject any person illegally occupying this property. It also sustained the ruling of the MTC stating that the latter acted within its legal authority not to entertain questions on the validity of the respondent's title as the same is equivalent to a collateral attack.

Hence, this petition wherein the assigned errors are as follows:

1. THE APPELLATE COURT ERRED IN AFFIRMING IN TOTO THE DECISION OF THE LOWER COURT;
2. THE APPELLATE COURT AND THE LOWER COURT ERRED IN RULING THAT THE

COMPLAINANT FILED BY RESPONDENT IS ONE FOR UNLAWFUL DETAINER.[4]

We find no merit in the petition.

Well-settled is the rule that what determines the nature of the action, as well as the court which shall have jurisdiction over the case, are the allegations in the complaint. In ejectment cases, the complaint should embody such statement of facts as to bring the party clearly within the class of cases for which the statutes provide a remedy, as these proceedings are summary in nature. The complaint must show enough on its face to give the court jurisdiction without resort to parol evidence.[5]

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.[6]

In this case, the allegations in the Complaint are sufficient to vest jurisdiction upon the MTC to hear the unlawful detainer case. First, it alleged that the possession of the subject property by the herein petitioner was by mere tolerance by the respondent. Second, such possession became illegal upon receipt by the petitioner of a notice of termination of his right of possession. Third, petitioner remained on the property despite said notice. Lastly, within one year from the last demand to vacate, the complainant (herein respondent) filed the Complaint a quo.

Petitioner admitted in his Answer that he entered into a compromise agreement with the Apacible spouses in the unlawful detainer case filed by the latter prior to the complaint a quo. In the said compromise agreement, petitioner agreed to pay the Apacible spouses the amount of P400,000.00 "as compensation for the subject property in question." If indeed petitioner believed that his possession of the subject property was lawful, he could not have agreed to pay such a steep price to save him from being evicted from the subject land. Verily, this a clear indication that petitioner did fully recognize the superior right of the Apacible spouses over the subject land and that his stay thereon was by mere tolerance of the Apacible spouses. On the part of the respondent, he stepped into the shoes of the Apacible spouses when he acquired the land from them. By his implied tolerance, respondent has allowed the petitioner to continue to remain therein.

Indeed, the possession by the petitioner of the subject property was by mere tolerance not only of the respondent but also of the latter's predecessors-in-interest. Records show that Manila South Coast Development Corporation is the original owner of the subject land. It donated the land to the municipality of Nasugbu, Batangas which in turn donated the same to the Apacible spouses. Records do not show that petitioner entered the subject property through force, intimidation, threat, strategy or stealth. In the absence of proof that the said entrance was done with any of such attendant circumstances and by any other form of legal possession protected by law, it can be concluded that petitioner's stay on the subject land which he has no right to possess was by mere tolerance of its successive owners.

Ejectment cases—forcible entry and unlawful detainer—are summary proceedings designed to provide expeditious means to protect actual possession or the right to possession of the property involved.[7] The only question that the courts resolve in ejectment proceedings is: who is entitled to the physical possession of the premises, that is, to

the possession de facto and not to the possession de jure. It does not even matter if a party's title to the property is questionable.[8]

In the instant case, the evidence shows that as between the parties, it is the respondent who has the right to possess the subject land because he holds a Torrens Title to it. It is settled that a Torrens Certificate of title is indefeasible and binding upon the whole world unless and until it has been nullified by a court of competent jurisdiction.[9] As the registered owner, the respondent has a right to the possession of the property, which is one of the attributes of his ownership.

Petitioner's contention that respondent had obtained the Torrens title by fraudulent means is unavailing because this is equivalent to a collateral attack on the validity of such title. The unlawful detainer case is not the proper remedy in challenging the validity of certificates of title since the judicial action required is a direct and not a collateral attack.

Under Section 48 of Presidential Decree No. 1529, a certificate of title shall not be subject to collateral attack. It cannot be altered, modified or cancelled, except in a direct proceeding for that purpose in accordance with law. The issue of the validity of the title of the respondents can only be assailed in an action expressly instituted for that purpose. Whether or not the petitioner has the right to claim ownership over the property is beyond the power of the trial court to determine in an action for unlawful detainer.[10]

WHEREFORE, premises considered, the instant petition is DENIED for lack of merit. The Decision dated 22 July 2013 of the Regional Trial Court affirming the 26 December 2012 Decision of the Municipal Trial Court is hereby AFFIRMED.

SO ORDERED.

Barza and Reyes-Carpio, JJ., concur.

[1] Rollo, p. 43-44.

[2] Id., p. 29.

[3] Id., p. 25.

[4] Petition for Review, p. 5.

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

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

[7] Go, Jr. vs. Court of Appeals, G.R. No. 142276, August 14, 2001, 362 SCRA 755.

[8] David vs. Cordova, G.R. No. 152992. July 28, 2005.

[9] Jacinto Co vs. Rizal Militar, et al., G.R. No. 149912, 29 January 2004, 421 SCRA 455.

[10] Soriente, et al. vs. The Estate of the Late Arsenio E. Concepcion, G.R. No. 160239, November 25, 2009 citing Apostol v. Court of Appeals, 476 Phil 403, 414 (2004).

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