

HEIRS OF BELEN DELOS SANTOS, NAMELY: CECILIA D. GUITANG, JOSE LARRY U. DELOS SANTOS, NERISA D. MALINAO, LORNA D. BUSTILLO AND GERALDINE U. DELOS SANTOS, PETITIONERS, VS. HON. RE...

Ponente: DICDICAN, J.

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DICDICAN, J.:

Before us is a Petition for Certiorari[1] filed by herein petitioners Heirs of Belen Delos Santos ("petitioners") pursuant to Rule 65 of the 1997 Revised Rules of Court seeking to annul and set aside the Order[2] that was issued by public respondent Judge Recto A. Calabocal ("public respondent judge") of Branch 41 of the Regional Trial Court of the Fourth (4[th]) Judicial Region in Pinamalayan, Oriental Mindoro ("lower court") dated June 16, 2014 in Civil Case No. 2865-11 which, inter alia, denied the motion for substitution of herein petitioners as plaintiffs in the aforesaid civil case ("first assailed order"). Likewise assailed in the instant petition is the subsequent Order[3] that was issued by the lower court dated July 8, 2014 which denied the motion for reconsideration of its June 16, 2014 Order that was filed by the petitioners in the said case for lack of merit ("second assailed order").

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

The instant case stemmed from a complaint for ejectment that was filed by Belen Delos Santos, represented by one Marilinda Upao "(Upao)", at the Municipal Trial Court of Pinamalayan, Oriental Mindoro (MTC) against herein private respondents. The said complaint for ejectment, however, was subsequently dismissed by the MTC in a decision dated October 14, 2011 for lack of jurisdiction thereof.

Thereafter, Upao filed an appeal to the lower court questioning the October 14, 2011 decision of the MTC. The said appealed case was docketed as Civil Case No. 2865-11. In a Joint Decision[4] dated August 13, 2012, the lower court granted the appeal that was filed by Upao and ordered the private respondents herein to vacate the parcel of land covered by Original Certificate of Title No. P-11979 registered in the name of Belen Delos Santos ("Delos Santos") with an area of Twenty Five Thousand square meters (25,000 sqm) located at Pinamalayan, Oriental Mindoro ("subject property") and surrender the possession thereof in favor of Upao. On December 17, 2012, the lower court issued a writ of execution in the said case after ruling that the August 13, 2012 joint decision of the lower court had already attained finality.

Meanwhile, on February 18, 2012, Delos Santos executed a Salaysay[5] claiming that she did not authorize Upao to file a complaint for ejectment on her behalf against herein private respondents. Thus, on April 26, 2013, Delos Santos filed in the lower court a Motion to Stop Court's Proceedings[6] stating that she was fraudulently misrepresented by Upao and that she did not authorize the filing of the complaint for ejectment against the private respondents. In the aforesaid motion to stop court's proceedings, Delos Santos attached a Revocation of Special Power of Attorney[7] annulling any special power of attorney which she might have previously issued in favor of Upao.

In an Order[8] dated July 1, 2013, the lower court sustained the authority of Upao to represent Delos Santos in the case, stressing that, from the time of the filing of the complaint for ejectment in the MTC up to the time when the lower court rendered a decision on appeal, herein private respondents never questioned the authority of Upao to file the aforesaid case against them. Further, the lower court noted that Delos Santos had earlier entered into a joint venture agreement with herein private respondent Jose Medran Jamilla ("private respondent Jamilla") in order to convert the subject property into a subdivision. Consequently, the lower court directed that the record of the case be remanded to the MTC for the implementation or execution of its decision.

On May 15, 2014, a Writ of Demolition[9] was issued by the lower court ordering the court sheriff to demolish all the improvements that were erected by the private respondents on the subject property. Thereafter, herein petitioners filed an Urgent Manifestation and Motion[10] in the lower court praying that they be recognized and substituted as the legal representatives of Delos Santos in view of the death of the latter on July 28, 2013. Further, the petitioners prayed that the implementation of the writ of execution that was issued by the lower court on December 17, 2012 be suspended, as well as the other ancillary writs or orders in execution.

In the herein first assailed order dated June 16, 2014, the lower court denied the motion for substitution that was filed by the private respondents the decretal portion of which states:

"ACCORDINGLY, the motion to substitute Belen Delos Santos is denied, after all the movants are not left without remedy because they could institute an action if they want.

"SO ORDERED."

Aggrieved by the foregoing disposition of the public respondent judge, herein petitioners filed a motion for reconsideration of the first assailed order dated June 16, 2014. However, in the herein second assailed order dated July 8, 2014, the public respondent judge likewise denied the aforementioned motion for reconsideration that was filed by the petitioners for lack of merit. The dispositive portion of the said order reads:

"ACCORDINGLY, the instant motion for reconsideration is DENIED for lack of merit. Let the Writ of Demolition be implemented as previously ordered.

"SO ORDERED."

Hence, the petitioners filed this petition for certiorari wherein the petitioners raised the following acts of grave abuse of discretion that were committed by the public respondent RTC judge:

I.

THE PUBLIC RESPONDENT JUDGE COMMITTED GRAVE ABUSE OF DISCRETION WHEN THE ASSAILED ORDERS SUBSTITUTED PRIVATE RESPONDENT JOSE JAMILLA AS A PLAINTIFF IN THE CASE WITHOUT FACTUAL AND LEGAL BASIS, THEREBY DEPRIVING THE PETITIONERS DUE PROCESS OF LAW.

II.

THE PUBLIC RESPONDENT JUDGE COMMITTED GRAVE ABUSE OF DISCRETION WHEN HE MADE IT APPEAR THAT THE SUBJECT PROPERTY WAS TRANSFERRED TO PRIVATE RESPONDENT JOSE JAMILLA BY VIRTUE OF A JOINT VENTURE AGREEMENT.

III.

THE PUBLIC RESPONDENT JUDGE COMMITTED GRAVE ABUSE OF DISCRETION WHEN HE REFUSED TO RECOGNIZE THE RIGHT OF THE PETITIONERS OVER THE SUBJECT PROPERTY DESPITE THE FACT THAT THEY WERE THE LAWFUL HEIRS OF BELEN DELOS SANTOS.

In sum, the sole issue to be resolved by us in the instant petition is whether or not the public respondent judge

committed grave abuse of discretion when he denied the motion for substitution of heirs that was filed by the petitioners in Civil Case No. 2865-11. 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 impressed with merit.

In the instant petition, the petitioners averred that Upao failed to present and submit proof of her authority to represent Delos Santos in the proceedings before the MTC and in the lower court. While Upao submitted a special power of attorney that was executed in her favor by Delos Santos, the said special power of attorney did not, in any manner, authorize Upao to represent Delos Santos in any civil action involving the subject property. At any rate, the petitioners maintained that the subsequent death of Delos Santos had extinguished any agency which she had established in favor of Upao. Thus, being the legal heirs of Delos Santos, the petitioners had the superior right to represent Delos Santos in Civil Case No. 2865-11.

Moreover, the petitioners contended that the joint venture agreement which was entered into between Delos Santos and private respondent Jamilla did not transfer any real right over the subject property in favor of the latter. They pointed out that the land title covering the subject property contained an express prohibition against the transfer of ownership thereof within a period of five (5) years or from December 8, 2008 until December 8, 2013. Thus, the petitioners insisted that the real rights of Delos Santos over the subject property were not transferred and could not be transferred in favor of private respondent Jamilla.

We agree with the contentions of the petitioners. In ejectment cases, the only issue for resolution is the physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants.[11] Ejectment cases are summary proceedings designed to provide expeditious means to protect actual possession or the right to possession of the property involved. 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.[12]

Corollary thereto, in denying the motion for substitution that was filed by the petitioners, the lower court held:

"Under the circumstances, the movants who want to substitute plaintiff Belen Delos Santos apparently to thwart the implementation of the decision of this case is obviously contrary to the administration of justice as the movants have absolutely no more interest on the land subject of this case for being already bought by Jose M. Jamilla from Belen Delos Santos during her lifetime."

However, the pieces of evidence that were submitted by the parties in the lower court would show that the land title to the subject property was still in the name of Delos Santos. While it appears that Delos Santos, during her lifetime, entered into a Joint Venture Agreement[13] with private respondent Jamilla covering the subject property, the aforesaid agreement did not automatically transfer or convey the ownership or any real right of Delos Santos over the whole subject property in favor of the latter. Private respondent Jamilla even filed a separate petition in the Regional Trial Court of Pinamalayan, Oriental Mindoro, to declare him to have complied with the aforesaid joint venture agreement. However, the said declaration from the trial court did not have the effect of transferring the ownership of the subject property or any real right thereon in favor of the private respondent. The fact remains that the subject property is still in the name of Delos Santos and no document was presented during the hearing of the case below that would prove or show that Delos Santos was already divested of all her rights thereto.

At any rate, it is also clear that Mirilinda N. Upao ("Upao") who represented Delos Santos in filing the complaint for ejectment against the private respondents in the MTC was, in fact, not authorized by Delos Santos that the latter even executed a Salaysay disowning the acts of Upao in representing her in the said case. To prove her alleged authority to file the complaint for ejectment on behalf of Delos Santos, Upao presented a Special Power of

Attorney[14] which was executed in her favor by Delos Santos on September 17, 2003. The pertinent portion of the said special power of attorney, however, merely provides:

"To be my legal representative to the Department of Environment and Natural Resources (DENR) Manila, relative to the issuance of the corresponding record and or carpita relative to lot 3389-A, Pls-83, located at Brgy. Mar Francisco, Pinamalayan, Oriental Mindoro xxx"

The special power of attorney that was executed by Delos Santos in favor of Upao was explicit in that it did not grant any authority to Upao to represent Delos Santos in any court proceeding or to initiate any legal action on her behalf. At this point, jurisprudence dictates that an unauthorized complaint does not produce any legal effect. Hence, the court should dismiss the complaint on the ground that it has no jurisdiction over the complaint and the plaintiff.[15]

It must be emphasized that the issue of jurisdiction may be raised at any stage of the proceedings, even on appeal, and is not lost by waiver or by estoppel. As applied in the instant case, the petitioners could very well challenge the authority of Upao to represent their predecessor-in-interest in the case below, especially in that Delos Santos herself denied having authorized Upao to file a complaint for ejectment on her behalf while the latter miserably failed to produce any proof that would show said authority. In this regard, the Supreme Court, in the case of *Cosco Philippines Shipping, Inc. v. Kemper Insurance Company*,[16] enunciated:

"Moreover, the SPA dated May 11, 2000, submitted by respondent allegedly authorizing Atty. Lat to appear on behalf of the corporation, in the pre-trial and all stages of the proceedings, signed by Brent Healy, was fatally defective and had no evidentiary value. It failed to establish Healy's authority to act in behalf of respondent, in view of the absence of a resolution from respondent's board of directors or secretary's certificate proving the same. Like any other corporate act, the power of Healy to name, constitute, and appoint Atty. Lat as respondent's attorney-in-fact, with full powers to represent respondent in the proceedings, should have been evidenced by a board resolution or secretary's certificate.

"Respondent's allegation that petitioner is estopped by laches from raising the defect in respondent's certificate of non-forum shopping does not hold water.

"In *Tamondong v. Court of Appeals*, we held that if a complaint is filed for and in behalf of the plaintiff who is not authorized to do so, the complaint is not deemed filed. An unauthorized complaint does not produce any legal effect. Hence, the court should dismiss the complaint on the ground that it has no jurisdiction over the complaint and the plaintiff. Accordingly, since Atty. Lat was not duly authorized by respondent to file the complaint and sign the verification and certification against forum shopping, the complaint is considered not filed and ineffectual, and, as a necessary consequence, is dismissable due to lack of jurisdiction.

"Jurisdiction is the power with which courts are invested for administering justice; that is, for hearing and deciding cases. In order for the court to have authority to dispose of the case on the merits, it must acquire jurisdiction over the subject matter and the parties. Courts acquire jurisdiction over the plaintiffs upon the filing of the complaint, and to be bound by a decision, a party should first be subjected to the court's jurisdiction. Clearly, since no valid complaint was ever filed with the RTC, Branch 8, Manila, the same did not acquire jurisdiction over the person of respondent.

"Since the court has no jurisdiction over the complaint and respondent, petitioner is not estopped from challenging the trial court's jurisdiction, even at the pre-trial stage of the proceedings. This is so because the issue of jurisdiction may be raised at any stage of the proceedings, even on appeal, and is not lost by waiver or by estoppel."

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us GRANTING the petition filed in this case. The Orders that were issued Branch 41 of the Regional Trial Court of the Fourth (4th) Judicial

Region in Pinamalayan, Oriental Mindoro dated June 16, 2014 and July 8, 2014 in Civil Case No. 2865-11 are hereby ANNULLED and SET ASIDE. The lower court is DIRECTED to let the herein petitioners substitute themselves as plaintiffs in the said case.

SO ORDERED.

[*]Paredes and [**]Corales, JJ., concur.

[*] Acting Senior Member per Office Order No. 461-14-ABR dated Nov. 3, 2014.

[**] Acting Junior Member vice J. Elbinias per Office Order No. 461-14-ABR dated Nov. 3, 2014.

[1] Rollo, pages 3-22.

[2] Ibid, Annex "A", pages 25-26.

[3] Ibid, Annex "B", page 27.

[4] Ibid, Annex "D", pages 29-33.

[5] Ibid, Annex "E", pages 34-35.

[6] Ibid, Annex "F", pages 36-38.

[7] Ibid, Annex "G", page 39.

[8] Ibid, Annex "I", page 43.

[9] Ibid, Annex "K", pages 45-46.

[10] Ibid, Annex "L", pages 47-52.

[11] Malabanan v. Rural Bank of Cabuyao, G.R. No. 163495, May 8, 2009.

[12] Barrientos v. Rapal, G.R. No. 169594, July 20, 2011.

[13] Ibid, Annex "N-9", pages 70-71.

[14] Ibid, Annex "H", page 40.

[15] Tamondong v. Court of Appeals, G.R. No. 158397, November 26, 2004.

[16] G.R. No. 179488, April 23, 2012.

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