

NICOLAS LAURENTE, PETITIONER, VS. THE COURT OF APPEALS AND MANOTOK REALTY, INC., RESPONDENTS.

G.R. No. L-37048. November 23, 1988

Ponente: FERNAN, C.J.

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FERNAN, C.J.:

This is a petition for review on certiorari of the decision[1] dated April 12, 1973 of the Court of Appeals in CA-G.R. No. 44324-R, entitled "Manotok Realty, Inc., Plaintiff-Appellees, versus Nicolas Laurente, Defendant-Appellant."

The factual background of the case is as follows:

On February 17, 1967, herein private respondent Manotok Realty, Inc. commenced before the then Court of First Instance of Manila an action for the recovery of possession of a parcel of land and damages against herein petitioner Nicolas Laurente.

The complaint states that private respondent is the owner of a parcel of land situated at 2918 Rizal Avenue Extension, Sta. Cruz, Manila, known as Lot 360, Block I, containing an area of eighty-four (84) square meters, more or less; that the aforementioned land is a portion of the Legarda-Tambunting Subdivision acquired by private respondent on March 20, 1959 with Certificates of Title Nos. 55124, 55125, and 55127 issued to the private respondent; that the petitioner, without any right on his part possess tile said lot and without the knowledge and consent of the private respondent is in the material and physical possession of the abovementioned land for more than one year prior to the filing of the complainant with the Court of First Instance of Manila, depriving the private respondent of its rights to enjoy possession thereof or to dispose of the same as owner, thereby causing private respondent damages in the amount of P168.00 a month for the use and occupancy of said lot at the rate of P1.50 per square meter; that despite notice, the petitioner refuses to surrender to the private respondent possession of the land in question and to pay for its use and occupancy in the amount of P168.00 per month from March 20, 1959 and that private respondent was constrained to engage counsel for a fee of P1,000.00.

Petitioner in his answer filed on March 27, 1967, denied the material allegations of the complaint and averred as special and affirmative defenses that the land claimed by the private respondent is different from the land which has been in the actual and physical possession of the petitioner in good faith and/or in the concept of owner and where his house stands; that whatever right the private respondent acquired over the land in question was secured by it as a purchaser in bad faith, knowing that at the time of its alleged acquisition, the petitioner was already in possession of said land and that petitioner had acquired prior right and interest over the same to the exclusion of the whole world; that the private respondent never gave notice to the petitioner of its alleged acquisition of the land in question and never demanded that the petitioner vacate said parcel of land; that private respondent has no cause of action against the petitioner, and that private respondent is barred by laches, prescription and/or estoppel. As counterclaim, petitioner asked for the value of the improvements he introduced on the land in question as well as for damages and attorney's fees.

Private respondent seasonably filed a reply and answer to the counter-claim. Trial followed. On August 17, 1968, the trial court rendered a decision ordering herein petitioner Nicolas Laurente to vacate the premises in question and to surrender the physical possession thereof to Manotok Realty, Inc. and adjudging petitioner liable to private respondent for monthly rentals in the amount of P168.00 from March 20, 1959 until he vacates the lot and P500.00 attorney's fees.

Petitioner appealed the Court of Appeals, but to no avail. Hence, this petition for review, petitioner setting forth in his brief the following assignment of errors:

- The Court of Appeals erred in holding that the case falls within the jurisdiction of the Court of First Instance simply on the basis of the allegation in the complaint and the petitioner is in the material and physical possession of the land for more than one (1) year prior to the filing of the complaint, ignoring the fact that the action of ejectment was filed within one (1) year from the last notice to vacate;
- Assuming, in gratia argumenti, without admitting that the Court of First Instance has jurisdiction over the case and subject matter thereof, the Court of Appeals erred in holding that the petitioner has not presented any evidence of ownership over the land in question nor may be considered as a possessor in good faith, ignoring the fact of payment, evidenced by Exhibit "1," to the predecessor-in-interest of respondent Manotok Realty, Inc. as well as the improvements that the petitioner has introduced in the premises in the nature of necessary and useful expenses."^[2]

We find no reversible error to have been committed by the appellate court in holding, on the basis of the allegation of the complaint, that the Court of First Instance of Manila had jurisdiction over the action filed by private respondent Manotok Realty, Inc. It is axiomatic that the allegations made by the plaintiff in his complaint are determinative of nature of the action and the court which has jurisdiction over it. "There should be no question by now that what determines the nature of an action -- and correspondingly the court which has jurisdiction over it -- is the allegation made by the plaintiff in his complaint."^[3]

Anent the second assignment of error, it cannot be said that the Court of Appeals ignored Exhibit "1", which is a receipt for the sum of P100.00 paid by petitioner to Don Vicente Legarda. The appellate court considered the same in relation to the other pieces of evidence on record. Thus:

"The totality of the oral and documentary evidence established the identity of the land in question and the ownership thereof by the plaintiff.

"The land in question used to be a part of the Tambunting Subdivision and is now covered by Transfer Certificate of Title No. 55125, Registry of Deeds of Manila in the name of the plaintiff. (Exhs. "A", "A-1-" to "A-4") The subdivision was divided into two blocks. The portion occupied by defendant is Lot 260 in Block 1 (Exh. "B", "B-1", "B-3").

"The Tambunting Subdivision was sold at public auction on order of the probate court of Manila. The plaintiff was the highest bidder and the sale to it was confirmed by the courts. (Exhs. "C", "C-1" to "C-8")

"The defendant has not presented any evidence that he has any right of ownership over the land in question. He cannot even be considered as a possessor in good faith.

"The defendant declared that in 1954 he paid Don Vicente Legarda the sum of P100,00 (Exh. "1") as consideration for defendant's occupancy of the lot in question; that defendant spent P3,000.00 for filling the lot because it was very low; that he constructed his house thereon valued at P8,000,00; and that he did not receive any circular about the lot in question from the plaintiff. (t.s.n., pp. 2-8, March 19, 1968)

"It is thus seen that when the defendant constructed his house he knew that he was not the owner of the lot in question. He cannot, therefore, demand payment for the value of the improvements he introduced on the lot in

question. The defendant was at best originally a lessee. As such he cannot invoke Article 418 of the Civil Code of the Philippines (Hunniecutt v. Tiongco, CA-G.R. No. 28733-R, May 23, 1964)."[4]

That the appellate court did not assign to said piece of evidence the weight that petitioner would want it to have, i.e., as an indefeasible proof of his ownership over the disputed lot or as an indicium of good faith, does not per se warrant a reversal of the decision under review. The weight assigned to Exhibit "1" is part of the fact-finding process of the Court of Appeals, which, absent special circumstances,[5] as in the case at bar, is conclusive upon the Supreme Court.[6] Not being a trier of facts, the Supreme Court is not supposed to reweigh evidence.[7] "Factual questions should be resolved by the lower courts and the Supreme Court has no jurisdiction as a rule to reverse the findings of the lower courts x x x." [8]

WHEREFORE, the instant petition for review on certiorari is hereby DENIED. Considering the length of time this case has been pending, this decision is immediately executory. Costs against petitioner.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Cortes, JJ., concur.

[1] Penned by Associate Justice Ramon C. Fernandez, concurred in by Associate Justices Hermogenes Concepcion, Jr. and Emilio A. Gancayco.

[2] p. 92, Rollo.

[3] Ching v. Malaya, 153 SCRA 412; citing Edward J. Neil Co. v. Cubacub, 14 SCRA 419; Time, Inc. v. Hon. Andres Reyes, et al., 39 SCRA 303; Ganadin v. Ramos, 99 SCRA 613.

[4] pp. 37-79, Rollo.

[5] Instances when factual findings of the lower court may be reviewed by the Supreme Court: (1) when the conclusion is a finding grounded entirely on speculation, surmise and conjecture; (2) the inference made is manifestly mistaken; (3) there is grave abuse of discretion; (4) the judgment is based on a misapprehension of facts; (5) the Court of Appeals went beyond the issue of the case and its findings are contrary to the admission of both appellant and appellee; (6) the findings of fact of the Court of Appeals are contrary to those of the trial court; (7) said findings of facts are conclusions without citation or specific evidence on which they are based; (8) the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and, (9) when the findings of fact of the Courts is premised on the absence of evidence and is contradicted by evidence on record (Tolentino v. de Jesus, 56 SCRA 167).

[6] Chan v. Court of Appeals, 33 SCRA 737.

[7] Tolentino v. Court of Appeals, 150 SCRA 26.

[8] Korean Airlines Co., Ltd. v. Court of Appeals, 54 SCRA 211.

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