

IRENE VDA. DE CATCHUELA, PETITIONER, VS. ADALIA FRANCISCO, CARLOS ROBES, PEOPLE'S HOMESITE & HOUSING CORPORATION, QUEZON CITY MUNICIPAL COURT, BRANCH III, AND QUEZON CITY COURT ...

G.R. No. L-31985. June 25, 1980

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is a petition for certiorari filed in June 1970 seeking the following relief:

"WHEREFORE, premises considered, respondent Court of First Instance committed an error in having concluded that petitioner had not acquired
'any right over the lot in question'

and likewise was in error in its conclusion that:

'no right of hers (herein petitioner) could have been violated - thus one of the essential requisites for the existence of a cause of action is lacking.'

AS TO THE INCIDENTAL ISSUE OF THE EJECTMENT CASE;

In the incidental issue anent the ejectment case, it was shown that the 'unlawful entry' was effected and described merely under the general term through 'stealth and strategy', a mere recitation of the language of the Rules of Court, a conclusion of law and/or of fact, without being accompanied with or qualified by a statement as to the ultimate fact of such act, other than that herein petitioner

'took possession of a portion of' (the lot in question) 'where she built her house and to the present she is still in possession thereof'.

for how could such building of a house in a lot so conspicuously situated along E. de los Santos Avenue and the Botocan Lines along Kamias Street just some two hundred meters from the old City Hall of Quezon City, have (been) surreptitious, clandestine, furtive, deceptive and concealed as to be incapable of immediate detection, by respondents, having taken them such long period instead from such indefinite date from

'prior to October 14, 1965'

until said date, when respondent Adalia Francisco wrote the petitioner herein to vacate the premises in question. For sure, the period from February 2, 1966, date of the filing of the complaint of ejectment, should by no means be interpreted to be less than one year from 'prior to October 14, 1965' for purposes of compliance of the term within which the action should have been filed in court, for construction of house in a lot without the consent of its supposed owner and continued possession of the lot, is under any circumstance forcible. The employment of the terms 'stealth and strategy' was merely to lull the unsuspecting into the belief that the case in question falls

under the category of those class of cases as was decided by this court in *Ganancial and PHHC vs. Leonardo Atillo*, G.R. No. L-20830 (June 23, 1965). It would perhaps be different were the petitioner herein accused of having entered a closed and untenanted apartment located in a secluded as it would then be possible that ingress there in could be clandestine and in which case, the owner of the building would surely be permitted to allege the date of the discovery of the entry as the day from which to count the one year period to the date of filing of the complaint but certainly not in the instant case at bar.

PETITION FOR RELIEF

WHEREFORE, premises considered, it is hereby prayed of this Honorable Court that herein petition be granted and to order that records of this case be re-turned for further proceedings, declaring respondent City Court as without jurisdiction of the ejectment case in question and granting herein petitioner such attorney's fees, damages, as it would deem to be just and lawful and granting unto her other reliefs just and equitable and the cost of this suit.

Manila, Philippines, June 1, 1970."[1]

This Court issued a resolution dated June 16, 1970 which reads:

"L-31985 (Irene Vda. de Catchuela vs. Adalia Francisco, et al.). - Let the petition for review on certiorari of the order of dismissal of the Court of First Instance of Quezon City, Branch IX, be given DUE COURSE.

Very truly yours,

CELSO L. MAGSINO
Clerk of Court"[2]

The petitioner assigned the following errors:

"I

THE COURT A QUO ERRED IN DISMISSING THE COMPLAINT AND IN DENYING THE ADMIS-SION OF THE AMENDED COMPLAINT.

II

THE TRIAL COURT ERRED IN FINDING PETITIONER TO HAVE NO RIGHT THAT WAS VIO-LATED BY RESPONDENTS NOR A CAUSE OF ACTION.

III

THE ANSWERS OF RESPONDENTS TO THE PETITION SHOULD HAVE INCLUDED RESPONDENT COURTS.

IV

RATHER THAN ASSAILING THE FACTS AS RECITED IN THE ORIGINAL AND AMENDED COMPLAINTS AS REPRODUCED AND CONDENSED IN THE PETITION, RESPONDENTS' ANSWERS SHOULD HAVE SUSTAINED THE TRIAL COURT IN ITS ORDER OF DISMISSAL, ASSUMING THE SAID FACTS TO BE TRUE."[3]

Early in 1966, the private respondent, Adalia Francisco, filed a complaint to eject from Lot 9, Block E-148 of the East Avenue Subdivision, Piñahan, Quezon City, the petitioner, Irene Vda. de Catchuela, in the City Court of Quezon City, docketed as Civil Case No. III-13818. A de-cision dated July 19, 1967 was rendered by the respondent City Court ordering the petitioner to vacate the premises in question and to pay the rentals due. The

petitioner then filed a special civil action against the respondents Adalia Francisco, her husband, Carlos Robes, the People's Homesite and Housing Corporation and Hon. Jose C. de Guzman, as Presiding Judge of the Quezon City Court, Branch III, in the Court of First Instance of Rizal at Quezon City, docketed as Civil Case No. Q-11636 for cancellation of title and/or reconveyance of real property with prohibition and preli-minary injunction in November 1967. The respondent, Court of First Instance, ordered the parties particularly the respondents to maintain the status quo. After various incidents, a motion to dismiss was filed by respondent, Adalia Francisco, on January 25, 1968 on the ground that the complaint stated no cause of action. An opposition thereto was filed by the petitioner. Pending the resolu-tion of the motion to dismiss, the petitioner filed a motion to admit an amended complaint on May 25, 1968 which was op-posed by the respondent, Adalia Francisco. On November 11, 1968, the respondent, Court of First Instance, granted the motion to dismiss on the ground of lack of cause of action. The petitioner filed a motion for reconsideration which was denied.[4]

Although the petition was given due course only as to the order of dismissal of the Court of First Instance of Quezon City, Branch IX, the issue raised on the lack of jurisdiction of the City Court of Quezon City to try and decide the ejectment case will be resolved.

It is contended by the petitioner that Civil Case No. 13818 filed by Adalia Francisco against her was not an action for ejectment, hence, should have been filed in the Court of First Instance because the petitioner's pos-session of the land in question was open and had been con-tinued for several years before the filing of the instant case.[5]

The lot in question was applied for by Mariano Diaz with the PHHC on January 28, 1957. The lot was awarded to him as a bona fide and qualified applicant by the PHHC. The award, however, was contested by the petitioner who filed a motion for reconsideration with the Administrative Investigation Committee of the PHHC. Her motion was denied and Mariano Diaz was finally allowed to pay for the lot in question. Upon completion of the payment of all the installments, a deed of sale was executed by the PHHC in favor of Mariano Diaz to whom Transfer Certificate of Title No. 86426 was issued by the Register of Deeds of Quezon City on December 11, 1964. The petitioner requested the Gancayco Committee which had been organized by the President of the Philippines to investigate her claim over the lot in question. The Gancayco Committee sustained the award in favor of Mariano Diaz but suggested that the petitioner be allowed to apply for another lot. The PHHC Board passed Resolution No. 388 approving the recommendation of the Gan-cayco Committee sustaining the award in favor of Mariano Diaz. Subsequently, Mariano Diaz sold the lot in question to the respondent, Adalia Francisco, in whose name Transfer Certificate of Title No. 86593 was issued by the Register of Deeds of Quezon City. After the lot in question was acquired by the respondent, Adalia Francisco, she made verbal demands upon the petitioner to vacate the land but the peti-tioner refused. On November 2, 1965, the respondent made the demand in writing for the petitioner to vacate said premises. Shortly thereafter, a complaint for ejectment was filed by the respondent, Adalia Francisco, against the petitioner, Irene Vda. de Catchuela, with the respondent City Court. The action was docketed as III-13818.

The contention of the petitioner that the City Court of Quezon City had no jurisdiction over the ejectment case because she had been in possession of the lot in question for more than one (1) year prior to the filing of the action for unlawful detainer has no merit. In *Calubayan vs. Pas-cual*,[6] this Court held:

"x x x It may be true that upon their acquisition of the parcels of land in 1957, plaintiffs notified and requested defendant to see them, but despite defendant's failure to heed these requests, plaintiffs did not choose to bring an action in court but suffered the defendant instead to remain in the premises for almost six years. Only on February 2, 1963, did the plaintiffs for the first time notify the defendant that 'they now need the two parcels of land in question' and requested him to vacate the same. In allowing several years to pass without requiring the occupant to vacate the premises nor filing an action to eject him, plaintiffs have acquiesced to de-fendant's possession and use of the premises. It has been held that a person who occupies the land of another at the

latter's tolerance or permission, without any contract between them, is necessarily bound by an implied promise that he will vacate upon demand, failing which a summary action for ejectment is the proper remedy against them. The status of defendant is analogous to that of a lessee or tenant whose term of lease has expired but whose occupancy continued by tolerance of the owner. In such a case, the unlawful deprivation or withholding of possession is to be counted from the date of the demand to vacate."

The Court of First Instance of Quezon City dismissed Civil Case No. Q-11636 filed by the petitioner, Irene Vda. de Catchuela, against Adalia Francisco, her husband, Carlos Robes, the People's Homesite & Housing Corporation and Hon. Jose C. de Guzman, as Presiding Judge of Quezon City Court, Branch III, because:

"In seeking to dismiss the complaint defendants claim that it does not state any cause of action, a ground for dismissal of actions under Rule 8 of the Rules of Court. Cause of action has been defined as 'an act or omission of one party in violation of the legal right or rights of the other, and its essential elements are legal right of the plaintiff, correlative obligation of the defendant, an act or omission of the defendant in violation of said legal right.' (Teves vs. PHHC, G.R. No. L-21498, June 27, 1968).

An examination of the complaint shows that it is an action principally for cancellation of TCT No. 86426-Quezon City issued in the name of one Mariano H. Diaz and subsequently cancelled by TCT No. 86593-Quezon City in the names of defendant Adalia Francisco and Carlos Robes. The pleadings admit that the property in question, originally owned by the PHHC, was awarded to Mariano H. Diaz who in turn sold to defendant Adalia Robes. The plaintiff seeks cancellation of the title and reconveyance of the property to her, solely on the claim that being the actual occupant of the land, she should have been preferred over Diaz in line with the Gancayco Committee's recommendation that plaintiff be relocated in another lot in the same vicinity. In her complaint plaintiff does not pretend to have any basis for her claim to the property except the fact of her long possession and the Gancayco Committee's recommendation that she should be 'relocated in another lot.' Her stand, therefore, is nothing different from that passed upon by the Supreme Court in the following:

'There is no law that assures to an occupant of land belonging to another a preferential right to buy the land. Occupation is not one of the modes of acquisition of real property recognized by law. Assuming that plaintiff did file an application to purchase, this fact did not vest in him the right to purchase. The plaintiff did not secure or obtain the consent of the PHHC to occupy the land. x x x The plaintiff is in the category of a mere squatter, and as such has acquired no rights over the land.' (Baguio vs. PHHC, et al., CA--G.R. No. 3286-R, October 9, 1964 and Leona Layson vs. PHHC, et al., CA-G.R. No. L-29957, June 2, 1966.)

Plaintiff not having acquired any right over the lot in question, no right of hers could have been violated - thus, one of the essential requisites for the existence of a cause of action is lacking."[7]

The facts of record are that the petitioner, Irene Vda. de Catchuela, was a mere squatter on the land in question and her continued occupancy thereof was merely upon tolerance of the respondent, Adalia Francisco.

The petitioner did not acquire any right over the lot in question. Not being the owner thereof, she has no cause of action for its reconveyance to her. Neither has she any right to continue in the possession of the lot in question. It is clear that the Court of First Instance of Quezon City did not commit an error in dismissing the complaint of the petitioner in Civil Case No. Q-11636 on the ground of lack of cause of action.

WHEREFORE, the petition for certiorari is hereby DISMISSED, without pronouncement as to costs.

SO ORDERED.

Makasiar, De Castro, and Melencio-Herrera, JJ., concur.

Teehankee (Chairman), J., in the result.

Guerrero, J., took no part.

[1] Rollo, pp. 18-19.

[2] Rollo, p. 60.

[3] Brief for the Petitioners, p. 2, Rollo, p. 102.

[4] Brief for Defendants-Respondents, pp. 1-3, Rollo, p. 112.

[5] Petition, pp. 10-11, Rollo, pp. 18-19.

[6] 21 SCRA 146, 148.

[7] Exhibit "A", Petition, Rollo, pp. 21-22.

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