

FUNDADOR C. VENIEGAS, PETITIONER, VS. MARILYN C. FERNANDEZ, AND HON. JEAN MARIE A. BACORRO-VILLENA, PRESIDING JUDGE OF RTC 28, RESPONDENTS.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

This Petition for Review[1] inveighs against the Decision[2] dated 10 July 2013 and the Resolution[3] dated 1 October 2013 of the Regional Trial Court of Manila (RTC), Branch 28, which reversed on Appeal the Decision[4] dated 22 June 2012 of the Metropolitan Trial Court (MeTC) of Manila, Branch 7, dismissing private respondent's Complaint for Unlawful Detainer, and denied the Motion for Reconsideration thereof, respectively, in Civil Case No. 12-129122.

Stripped of unnecessary verbiage, the antecedents are quite simple.

At the crux of this legal strife is a parcel of land measuring 235.6 square meters, more or less, and situated in Sampaloc, Manila.[5] The property was originally covered by Transfer Certificate of Title (TCT) No. 44108[6] in the name of one Cayetano Fernandez, married to Maria. Upon Cayetano's death, private respondent Marilyn Fernandez, who claimed to be the sole heir of Cayetano, caused the issuance of TCT No. 002-2011000320 in her name.

Private respondent asserted that petitioner Fundador Veniegas occupied the subject lot only by sheer tolerance of Cayetano, her father. She insisted that Cayetano was not married to and merely cohabited with Maria, the mother of petitioner. Upon the death of Cayetano and Maria, she requested petitioner to leave the premises to no avail. On 29 April 2011, private respondent filed a Complaint for Unlawful Detainer[7] before the MeTC of Manila, raffled off to Branch VII.

The records unveil that private respondent sold the disputed realty to one Hilda Empizo (Empizo) a day before filing the suit. Empizo later sold it to a certain Allan Garcia (Garcia) who caused the issuance of TCT No. 002-2011003320[8] in his name.

For his part, petitioner recounted that he was the son of Maria from a previous marriage. Maria later married Cayetano who loved and treated him like his own son. Cayetano and Maria did not have any child during their marriage. Neither did they legally adopt private respondent so that the latter could not claim to be the sole heir. Petitioner avowed that a copy of TCT No. 44108 was entrusted to him by Maria before her death.

Petitioner insisted that he and his family have been occupying the aforesaid land since the 1950s. He was surprised when he learned how private respondent defrauded him by causing the issuance of a new title in her own name.

Calibrating the diverse postulations of the parties, the MeTC rendered a Decision dismissing the Complaint and declaring that it was Garcia, not private respondent, who had the legal personality to file the suit. The MeTC ratiocinated that private respondent was stripped of the right to pursue this suit as she sold the property a day

before filing the Complaint.

Unfazed, private respondent appealed before the RTC which rendered the challenged Decision, disposing—

“WHEREFORE, with the foregoing, the assailed Decision of the court a quo is REVERSED and SET ASIDE. Accordingly, the (petitioner is) ORDERED to:

(1)

VACATE the subject property;

(2)

PAY the (private respondent) and/or her successor- in-interest P5,000 as reasonable compensation for the use of the property from the time of demand to vacate or from 15 February 2011 until the property is actually vacated(;

(3)

PAY the (private respondent) P15,000 as attorney's fees.

SO ORDERED.”[9]

The Motion for Reconsideration thereof merited the same fate as it was denied in the impugned Resolution.

Ensuingly, petitioner now seeks recourse before Us raising the following assigned errors:

I

THE REGIONAL TRIAL COURT AS THE APPEAL COURT ERRED WHEN IT DID NOT TAKE INTO CONSIDERATION THE FACTS OF THE CASE AND ARGUMENTS STATED IN THE PLEADINGS AND POSITION PAPERS IN THE LOWER COURT.

II

THE REGIONAL TRIAL COURT AS THE APPEAL COURT ERRED WHEN IT RULED THAT NO EVIDENCE OF THE ALLEGED FACTS WERE PRESENTED WHEN THESE EVIDENCES (SIC) WERE IN THE VERIFIED ANSWER, POSITION PAPER AND AFFIDAVITS OF FUNDADOR IN THE EJECTMENT CASE.

III

THE REGIONAL TRIAL COURT AS THE APPEAL COURT ERRED IN RULING THAT THE FILING OF THE UNLAWFUL DETAINER CASE IS PROPER HEREIN CONSIDERING THAT FUNDADOR HAS BEEN ADMITTEDLY OCCUPYING THE PREMISES SINCE 1954, AND PLAINTIFF MARILYN OBTAINED TITLE ONLY IN JANUARY 2011.

IV

THE REGIONAL TRIAL COURT AS THE APPEAL COURT ERRED IN FAILING TO RECOGNIZE THE OTHER CASES PENDING IN MANILA CONNECTED WITH THIS CASE WHICH CONCERNS THE VALIDITY OF PLAINTIFF MARILYN'S TITLE OVER THE PROPERTY OCCUPIED BY DEFENDANT AND THE PURJURY CASE FILED INVOLVING THE AFFIDAVIT OF SELF-ADJUDICATION USED TO ACQUIRE MARILYN'S TITLE.

V

THE REGIONAL TRIAL COURT AS THE APPEAL COURT ERRED IN NOT DETERMINING THE

ISSUE OF THE VALIDITY OF PLAINTIFF MARILYN'S OWNERSHIP AND TITLE OF THE PROPERTY POSSESSED BY DEFENDANT FUNDADOR IN THIS CASE, IN CONNECTION WITH WHO AMONG THE PARTIES HAVE BETTER RIGHT TO POSSESS.

The Petition is meritorious.

The jugular issue of this controversy revolves around the propriety of the filing of the Complaint for Unlawful Detainer by the real party-in-interest.

Real party-in-interest is defined as “the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.”[10] One who has no right or interest to protect cannot invoke the jurisdiction of the court as party-plaintiff in action for it is jurisprudentially ordained that every action must be prosecuted or defended in the name of the real party in interest.[11]

We are in congruence with the disposition of the MeTC that private respondent is not the real party-in-interest in the unlawful detainer suit. She sold the lot even before she filed the action. The effect of the judgment has no bearing on her as she already disposed of the property. She will not benefit or be injured by the eventual resolution of the case. To date, it is Garcia who is the title holder of the realty and the suit should have been commenced by him or under his name.

We digress from the disquisition of the RTC that private respondent did not lose her personality as real party-in-interest despite the transfer of the lot to Garcia. The reliance of the court a quo on the cases cited in the assailed Decision is misplaced given that private respondent transferred the property, not pending litigation, but before the action was filed.

Along this grain, We hew to the line drawn by the MeTC—

“When (private respondent) filed her Position Paper, she stated that the subject property is already registered under the name of Allan Garcia under TCT 002-2011000320, and that she was requested by Allan Garcia to continue this case “which will benefit his interest.” (Private respondent) alleged therein that she sold the subject property to Allan Garcia and she is prosecuting this case under the authority of Garcia. As proof thereof, she attached an electronic copy of TCT No. 002-2011000320 which shows that the subject property was registered in the name of Allan Garcia on October 27, 2011. (Private respondent) likewise adduced as her evidence a letter purportedly executed by Allan Garcia. The body of the letter reads:

08 February 2012

Ms. Marilyn Fernandez
c/o Mrs. Hilda Empizo

Dear Ms. Fernandez,

Good day!

I was informed that you filed an ejectment case against the present illegal possessor of the Santa Mesa property I bought from Ms. Hilda Empizo. I was informed also that the same is still pending before a Manila Court.

I am writing you to express my agreement, interest and consent in your effort to eject the illegal possessor of the said Santa Mesa property. Please continue the same on my behalf. As I understand, the same is entitled “Marilyn Fernandez vs. Fundador Veniegas, et al.,” with docket no. 187797CV pending before Metropolitan Trial Court of Manila, Branch Seven which involved the same property described in Transfer Certificate of Title No. 44108 issued by the Register of Deeds for the City of Manila.

Meanwhile, I am also attaching herewith a certified true copy of the new title issued to me by the Register of

Deeds for the City of Manila to prove my ownership of the property subject of the case you filed against Fundador Veniegas.

Thank you.

Very truly yours,

(Sgd.)

Allan Garcia

Affixed as Exhibit “F-6 and F-7” were photocopies of the front and dorsal portion of Allan Garcia's identification cards.

It is a settled rule that the person who has a torrens title over real property is entitled to possession thereof. Title to real property is the evidence of the right of the owner or the extent of his interest, by which he can maintain control, and as a rule, assert a right to exclusive possession and enjoyment of the property. Thus, the presumption that the registered owner of the property has the better right to possession thereof now lies in favor of Allan Garcia.

The letter Allan Garcia allegedly wrote to plaintiff states that he is expressing his “agreement, interest and consent” in plaintiff's effort to eject the present possessors of the subject property. Allan Garcia also allegedly wrote therein that he wishes for (private respondent) to continue her effort to eject the possessors in his behalf.

The Court notes that Exhibit “F” is unnotarized and unverified. The plaintiff never showed proof that Allan Garcia ever executed any judicial affidavit in her behalf or that Garcia ever executed any Special Power of Attorney appointing the plaintiff as his Attorney-in-fact to continue the present case. Absent such proof, no presumption of better right of possession lies in favor of (private respondent).”[12]

Invariably, the dismissal of the case ipso facto ensues. We need not pass upon the issue of ownership in light of the pendency of the action for annulment of title lodged by petitioner.

WHEREFORE, the Petition for Review is hereby GRANTED. The Decision dated 10 July 2013 and the Resolution dated 1 October 2013 of the Regional Trial Court of Manila, Branch 28, in Civil Case No. 12-129122, are REVERSED and SET ASIDE. The Decision dated 22 June 2012 of the Metropolitan Trial Court of Manila, Branch 7, in Civil Case No. 187797-CV, is REINSTATED. The Complaint for Unlawful Detainer is ordered DISMISSED.

SO ORDERED.

Ybañez and Sadang, JJ., concur.

[1] Rollo, pp. 3-29.

[2] Id., pp. 30-39.

[3] Id., pp. 40-43.

[4] Id., pp. 140-153.

[5] Rollo, pp. 85-87.

[6] Id., pp. 59-60.

[7] Id., pp. 44-47.

[8] Id., p. 108.

[9] Rollo, pp. 38-39.

[10] Umale v. ASB Realty Corp., 652 SCRA 215, 226 (15 June 2011).

[11] Borlongan v Madrideo, 323 SCRA 248, 256 (25 January 2000).

[12] Rollo, pp. 151-153.

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