

ROBERTA DE GUZMAN, PLAINTIFF-APPELLANT, VS. PAQUITO MORENO, DEFENDANT-APPELLEE.

G.R. No. L-257. October 02, 1946

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal from a judgment in a detainer ease rendered in favor of the tenant.

In November, 1944, after the Japanese occupants had vacated apartment No. 1382, Dos Castillas street, Manila, appellee occupied it and paid appellant a monthly rental of P30. In May, 1945, appellant gave appellee notice to vacate it.

There being no agreement as to the term of the lease and the rent being paid monthly, it is understood that it is from month to month. The lease ends upon expiration of the term without necessity of special notice (art. 1581, C. C.; *Estrella v. Sangalang*, G. R. No. L-65, Feb. 6, 1946; *Buhay v. Cobarrubias*, G. R. No. L-43, Feb. 27, 1946; *Co Tiamco v. Diaz, etc., et al.*, 42 Off. Gaz., 1169).

The fact that there was a housing shortage in Manila could not defeat the right of the lessor to recover possession of the leased premises. Social justice applies to both -- landlord and tenant. To provide shelter for a brother, as was appellant's purpose when she brought this action against appellee, is a natural feeling and it cannot certainly be held to constitute a violation of any right or principle that the social-justice clause of the Constitution purports or designs to safeguard.

Judgment is reversed and one will be entered ordering appellee to vacate the leased premises, to pay P30 a month from July, 1945, to the date when he shall have vacated it, with costs against him.

Paras, Pablo, Perfecto, and Hilado, JJ., concur.

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