

NOMER GAA DEL MUNDO, PETITIONER, VS. THE COUNTRY BANK RURAL BANK OF BONGABONG (ORIENTAL MINDORO), INC., RESPONDENT.

Ponente: BUESER, J.

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BUESER, J.:

Before this Court is a Petition for Review[1] under Rule 43 of the Rules of Court, filed by Nomer Gaa del Mundo (“petitioner”), seeking to annul and set aside the Decision[2] dated March 8, 2012, of the Regional Trial Court, Branch 14, Nasugbu, Batangas (“trial court”) and its Resolution dated July 19, 2013.

The Facts

On September 4, 2001, spouses Nicasio and Zenaida Villajin (“spouses Villajin”) obtained a loan from The Country Bank Rural Bank of Bongabong (Oriental Mindoro) Inc. (“respondent bank”) in the amount of One Million Eight Hundred Sixty Thousand Pesos (P1,860,000.00). Consequently, as way of payment, a contract denominated as Dacion in Payment with Right to Repurchase was duly signed and executed by the said spouses in favor of respondent bank. It covered a parcel of land with Transfer Certificate of Title No. T-74414 registered under the name of spouses Villajin.

Thereafter, spouses Villajin failed to repurchase the subject property within the specified period and respondent bank consolidated its title over the same. TCT No. T-74414 was cancelled and TCT No. T-96508 was issued in the name of respondent bank. At the time of registration and transfer of title, spouses Villajin and petitioner were occupying the subject property. With permission from the new owner, respondent bank, they were allowed to continue their stay.

On January 14, 2008, respondent bank sent a letter to spouses Villajin and petitioner and ordered them to vacate the subject property within thirty (30) days from receipt of the letter. The demand was not heeded and respondent bank was constrained to file the present complaint.

The petitioner contended that the Municipal Trial Court (“MTC”) does not have jurisdiction over the complaint because – (1) respondent bank did not give possession of the subject property to him hence, the former cannot claim that his occupation is by its mere tolerance; and (2) respondent bank does not have possession of the subject property and therefore the consolidation of title under its name is null and void.

The Lower Courts' Decisions

After due proceedings, the MTC rendered its decision on January 4, 2010, in favor of respondent bank. It held -

“Section 1, Rule 70 of the 1997 Rules of Civil Procedure states that:

xxx

The above-mentioned section authorized the institution of an action for unlawful detainer when “possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession

by virtue of any contract, express or implied.”

In unlawful detainer, plaintiff need not have been in prior physical possession of the subject premises.

xxx

xxx Such possession became unlawful after Country Bank, the new owner of the land, terminated his right to hold possession by its letter of demand to vacate dated January 14, 2008.”

Aggrieved, petitioner appealed.

On March 8, 2012, the trial court rendered its assailed Decision and affirmed the decision of the MTC. The trial court ruled that prior physical possession of the subject property is not required in a complaint for unlawful detainer.

Petitioner's subsequent motion for reconsideration was denied in the trial court's Resolution dated July 19, 2013, the dispositive portion reads -

“Wherefore, the motion for reconsideration is hereby denied in the same token that the motion to send this case to the Court Annex Mediator is likewise denied. Upon finality of this resolution, let a writ of execution be issued unless restrained by the Honorable Court of Appeals of the Highest Magistrate of the Land.”

Undaunted, petitioner is before Us.

Issue

The primordial issue to be decided is whether or not the MTC has jurisdiction over the complaint for unlawful detainer.

This Court's Decision

Petitioner argues that respondent bank's title cannot be the basis of its claim of possession. Petitioner was already in possession of the subject property when the title was consolidated under respondent bank's name. Since possession was not physically delivered to respondent bank, the latter did not become the owner of the subject property despite the registration. Furthermore, the MTC has no jurisdiction over the complaint for unlawful detainer because the jurisdictional facts for unlawful detainer was not alleged in the complaint. Besides, the judgment against him is not binding for he is not the Numeriano Del Mundo impleaded in the complaint.

We decide.

The following facts are undisputed -(1) Petitioner is in possession of the subject property as caretaker of spouses Nicasio and Zenaida Villajin; and (2) subject property is registered in the name of respondent bank under TCT No. T-96508.

It is an age-old rule that the person who has a Torrens Title over a land is entitled to its possession. It has repeatedly been emphasized that when the property is registered under the Torrens system, the registered owner's title to the property is presumed legal and cannot be collaterally attacked. It has even been held that it does not even matter if the party's title to the property is questionable.[3]

The TCT of respondent bank is, therefore, evidence of indefeasible title over the subject property and, as its holder, it is entitled to its possession as a matter of right.

Petitioner cannot collaterally attack the title of respondent bank. Section 48 of P.D. No. 1529 prohibits a collateral attack on a Torrens title.[4] In the case at bar, petitioner's allegation, that the consolidation of title in favor of

respondent bank is null and void, clearly constitutes a collateral attack on a certificate of title.

Going now to the issue of whether or not the MTC has jurisdiction over respondent bank's complaint.

A complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following:

1. initially, possession of property by the defendant was by contract with or by tolerance of the plaintiff;
2. eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession;
3. thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and
4. within one year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejectment.[5]

A careful scrutiny of the amended complaint reveals that respondent bank's cause of action is for unlawful detainer and that the foregoing requisites were met. The pertinent allegations in the complaint are:

xxx xxx xxx

7. Therefore, it was merely upon plaintiff's forbearance or permission that all the defendants continued to withhold or occupy and possess the property and its improvements as their residence considering that the latter were fully aware of the eventual transfer of the registered ownership of the parcel of land from the defendants-spouses to the BANK.

8. Since then, no reasonable monthly rental payment was ever made or given by the defendants, individually or collectively, in favor of the plaintiff. The amount of such monthly rental may be reasonably pegged at five thousand pesos (Php5,000.00) a month.

xxx xxx xxx

9. 14th January 2008 – The BANK, thru counsel, sent the plaintiff's letter demanding them to pay and vacate the parcel of land and its improvements within thirty (30) days from receipt thereof, at the given residential address.

However, the defendant Numeriano Del Mundo who is currently and physically occupying the premises and claiming rights under the spouses-defendants refused, without any justification to receive the same.

xxx xxx xxx

10. That, despite receipt of the BANK's demand (to pay and vacate) and the lapse of the 30-day period, the defendants, including defendant Numeriano Del Mundo, have since unlawfully withheld the occupation and possession of plaintiff's registered property.

11. Hence, the defendants have failed and refused, and up to the present, have continuously failed and refused to heed plaintiff's demand resulting to its grave and irreparable damage or injury.

Based on the foregoing, the MTC validly acquired jurisdiction over the complaint. The fact that the subject property was not physically delivered to respondent bank and the latter is not in possession of the same is of no moment. Prior physical possession is not required in unlawful detainer.

Respondent bank, being the registered owner of the subject property, also has the corresponding right to the recovery and possession of the same. The petitioner who is in physical occupancy of the land belonging to appellee association has no right whatsoever to unjustly withhold the possession of the said land from the latter

and should immediately vacate the same.

Petitioner's claim that he is not the Numeriano Del Mundo who was named as defendant but that he is Nomer Del Mundo deserves no consideration. This is a futile attempt to frustrate respondent bank's right of possession over the subject property. It is noted that petitioner never raised this issue of identity before the MTC but instead actively participated in the proceedings. Furthermore, it has also been held that after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court.[6]

All told, no error was committed by the Regional Trial Court, Branch 14, Nasugbu, Batangas in its Decision dated March 8, 2012 and Resolution dated July 19, 2013.

WHEREFORE, the petition is DISMISSED and the decision of the trial court is AFFIRMED with modification that an interest of 6% per annum is imposed upon the total monetary awards computed upon the finality of this Decision until their satisfaction. Costs against the petitioner.

IT IS SO ORDERED.

Bruselas, Jr., A.D., Chairman and [*]Paredes, V.I., A., JJ., concur.

[*] Acting Junior Member for 15 working days only from February 24, 2015 per Office Order No. 55-15-ABR dated February 23, 2015.

[1] Rollo, p.3.

[2] Id. at

[3] Go vs. Lookyu, G.R. No. 196529, July 10, 2013.

[4] This provision provides:

SECTION 48. Certificate not subject to collateral attack. — A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.

[5] Delos Reyes vs. Odone, G.R. No. 178096, March 23, 2011.

[6] Figueroa vs. People of the Philippines. G.R. No. 147406, July 14, 2008.

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