

MARY ANNE MORA MORIE, AND ALL PERSONS CLAIMING RIGHTS UNDER HER, REPRESENTED BY HER ATTORNEY-IN-FACT, HOMER C. RAZADO, PETITIONER, VS. SPOUSES ANDRE MAURICE GESLANI FAUSTO IV AN...

Ponente: DIAMANTE, J.

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DIAMANTE, J.:

Before Us for resolution is the present Amended Petition For Review under Rule 42 of the 1997 Revised Rules of Civil Procedure filed by the petitioner which seeks to reverse and set aside the January 22, 2014 Decision[1] of the Muntinlupa City Regional Trial Court (RTC), Branch 206, in Civil Case No. 13-333. The dispositive portion of the assailed Decision reads, thus:

"WHEREFORE, the appeal is dismissed for lack of merit. The dispositive portion of the assailed decision is affirmed in toto.

SO ORDERED."[2]

The antecedents, as summarized by the RTC, are as follows:

"On September 18, 2011, the plaintiffs-appellees filed a complaint for unlawful detainer against the defendant-appellant before the MeTC Branch 80, Muntinlupa City, seeking to eject the latter from a property located at 209 Cordillera St., Ayala Alabang Village, Alabang, Muntinlupa City, on the strength of a title over the property showing that it is now registered under their names after she has sold it to them.

In her Answer, the defendant-appellant averred that she remains the true and lawful owner of the subject property because the real transaction that she has entered with plaintiffs-appellees is a contract of loan with mortgage and not a contract of sale. She said that when she obtained a loan from the plaintiffs-appellees in the amount of Php36,000,000.00, the plaintiff demanded that a Deed of Sale of Real Property with a Right of First Refusal to Purchase be executed. However, she argued that said Deed of Sale contains the same terms and conditions as with a loan agreement, to wit: (1) the consideration of the sale is Php36,000,000.00; (2) the right of repurchase shall be exercised within four (4) months which is the maturity of the loan obligation; and (3) the price of the right of repurchase is Php41,040,000.00.

Subsequently, however, she said that the plaintiffs-appellees caused the cancellation of the title to the property on September 2, 2011 and had it transferred to their names without her knowledge. She further averred that verification with the Registry of Deeds of Muntinlupa City revealed that what the plaintiffs-appellees presented to that office in order to effect the transfer is a falsified Deed of Absolute Sale and not the Deed of Sale of Real Property with Right of First Refusal to Purchase that they have executed. According to her, the plaintiffs-appellees had to do it because if they are going to present the document that they, in fact, executed, it could not possibly be registered sans a judicial order issued pursuant to Article 1607 of the Civil Code of the Philippines.

Thus, she argued that the transfer of title to the plaintiffs-appellees' names is null and void and that she possesses the property as the owner thereof and not by mere tolerance as the plaintiffs-appellees allege[d].

The defendant-appellant likewise interposed as a defense that granting without admitting that the plaintiffs-appellees are now the rightful owner[s] of the subject property, the case cannot, nonetheless, prosper because of absence of proper demand to vacate as required by Rule 70, Section 20 of the Rules of Court. She argued that she was given only five (5) days from receipt of the demand within which to vacate the property instead of fifteen (15) days as required by the said provision. This, she contends, is a fatal mistake because compliance therewith is jurisdictional."^[3]

On May 6, 2013, the Muntinlupa City Metropolitan Trial Court (MeTC), Branch 80, issued a Decision in favor of the plaintiffs-appellees (now, the respondents), and disposed the matter in this wise:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiffs-spouses Andre Maurice Gestani Fausto IV and Maria Christina Villaruz Fausto and against defendant Mary Ann Mora Morie ordering said defendant and all persons claiming under her:

1. TO VACATE and peacefully surrender possession of the property covered by Transfer Certificate of Title No. 148179 located at Lot 16, Block 3, 209 Cordillera St., Ayala Alabang Village, Muntinlupa City;
2. TO PAY the amount of Php200,000.00 by way of reasonable monthly compensation for the use and occupation of the subject property starting September of 2011 until said defendant fully vacated the same;
3. TO PAY the amount of Php20,000.00 by way of attorney's fees; and
4. TO PAY the costs of the present suit."^[4]

Eventually, the RTC issued the now-assailed Decision and basically affirmed the MeTC's findings. It clarified that since the present suit is an ejectment case, the only issue to be determined is possession de facto and not possession de jure. Thusly, considering that the respondents are the registered owners of the litigated property, it follows that they are entitled to possession thereof. The court a quo continued to state that the so-called "proper demand to vacate" the property required under Section 20, Rule 70 of the Rules of Court finds no application in the case at bench, considering that the parties herein are the seller and the buyer and not a lessor and a lessee as explicitly stated in the said Rule. The RTC stressed that the sale that took place between the herein parties (wherein the petitioner was the seller), goes to show that she is now possessing the said property by tolerance and must immediately vacate the same upon demand. The court finally declared that, with the petitioner's refusal to vacate the said property, it finds reasonable the MeTC's award of monthly compensation for the property's detention (reckoned from September, 2011 until the defendant has vacated the same).^[5]

Not satisfied with the foregoing, the petitioner is now before this Court for refuge via the present recourse and wanted Us to rule on whether: (1) the allegations in the Complaint sufficiently alleged a cause of action for unlawful detainer in order to confer jurisdiction upon the lower court; (2) the respondents have cause of action against her for unlawful detainer; (3) the unlawful detainer case is the proper action to recover possession of the subject premises; and, (4) the main issue in Civil Case No. 6768 is not just an issue of possession but an issue of ownership and dominion."^[6]

Meantime, We would like to remind the herein parties that in a Resolution^[7] dated July 9, 2014, this Court, without necessarily giving due course to the instant Petition, ordered private respondents, among others, to file their Comment (not a motion to dismiss) within ten (10) days from notice, and for the petitioner to file a Reply within five (5) days from receipt of the Comment, if so minded. In the same Resolution, We explicitly announced that upon submission of the said pleadings or the expiration of the period for filing of the same, the present Petition will be deemed submitted for decision, unless this Court requires the filing of Memoranda from the parties. Considering that the private respondents have submitted their "Comment To Petitioner's Petition For Review"^[8] and the petitioner failed to file her Reply thereto (as evidenced by the verification conducted by the

Court Of Appeals Case Management Information System dated September 25, 2014[9]), the present case is now deemed submitted for decision pursuant to this Court's July 9, 2014 Resolution.

Moving on, the arguments put forward by the petitioner crystallized to one pivotal question, i.e.: Who between the herein parties has a better right to possess the subject property? We deem it best to first determine which court has jurisdiction over the case.

Note that the allegations in the Complaint (Amended Complaint in this case) determine the nature of the action as well as which court will have jurisdiction.[10] The High Court in *Sarmiento v. Court of Appeals*,[11] elucidated, thus:

"[t]o give the court jurisdiction to effect the ejectment of an occupant or deforciant on the land, it is necessary that the complaint should embody such a statement of facts as brings the party clearly within the class of cases for which the statutes provide a remedy, as these proceedings are summary in nature. The complaint must show enough on its face to give the court jurisdiction without resort to parol testimony. The jurisdictional facts must appear on the face of the complaint. xxx."

In fine, considering that ejectment proceedings are summary in nature, the Amended Complaint should contain a statement of facts which would bring the party clearly within the class of cases for which the statutes provide a remedy.[12] The pertinent allegations in the respondents' Amended Complaint are faithfully reproduced below, viz:

"xxx.

3. For and in consideration of the sum of THIRTY SIX MILLION PESOS (P36,000,000.00), on April 30, 2011, defendant Morie sold to plaintiffs her house and lot located at 209 Cordillera St., Ayala Alabang Village, Alabang, Muntinlupa City. Copy of the Deed of Absolute Sale of the said property in favor of plaintiffs notarized on August 22, 2011 is attached as Annex 'B' and made part hereof;

4. Accordingly, on September 2, 2011 title to the property was transferred in the name of plaintiffs. Copy of their title thereto is attached as Annex 'C' and made part hereof;

5. Sold, defendant Morie was allowed to stay in the subject premises until August 30, 2011 by way of accomodation (sic) and/or tolerance by plaintiff;

6. The period of tolerance expired. However, defendant Morie refused to vacate the premises notwithstanding demands the last of which was through counsel sent by LBC giving her a period of five (5) days from receipt thereof within which to vacate the same. Copy of said demand is attached as Annex 'D'. Also attached is the proof of service of the said demand to defendant as Annex 'D-1' and both made part hereof;

7. The five (5) day period given expired but still defendant Morie refused to vacate the premises. Accordingly, she is now a deforciant and under legal obligation to peacefully turn-over its possession to plaintiffs;

xxx."[13]

Undoubtedly, the foregoing averments constitute a cause of action that is based primarily on unlawful deprivation or withholding of possession. The respondents seek the recovery of the possession of the subject property for necessity. Noticeably, the notice or demand to vacate the premises had been properly served upon the petitioner. In fine, her right to remain in possession of the subject property was extinguished upon the expiration of the grace period. It thus becomes petitioner's obligation to turn over the property to the respondents, failing which the latter would have the right to immediately resort to ejectment action to recover possession.

Parenthetically, the respondents' Amended Complaint could thus fall under two kinds of ejectment suits, the first

being for unlawful detainer cognizable by the Metropolitan or Municipal Trial Courts under Rule 70 of the 1997 Rules of Civil Procedure and the second being for accion publiciana cognizable by the Regional Trial Courts.[14] An action for unlawful detainer exists when a person unlawfully withholds possession of any land or building against or from a lessor, vendor, vendee or other persons, after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied.[15] This summary action should be filed with the Municipal Trial Courts within one year after the occurrence of the unlawful deprivation or withholding of possession.[16] Beyond the one-year period, the real right of possession may be recovered through the filing of an accion publiciana with the Regional Trial Courts.[17]

Clearly, We uphold the propriety of the present mode adopted by the respondents to recover possession of their real property. For one, the allegations in the Amended Complaint make out a case for unlawful detainer; and, for another thing, the filing of the Complaint (which was amended thereafter) with the Muntinlupa City MeTC on September 28, 2011[18] was well within the one-year reglementary period.

We shall now address the more decisive question of who has a better right to possess the subject property.

After a careful evaluation of the evidence at hand, We find for the respondents. As We have mentioned earlier, in actions for unlawful detainer, the possession that was originally lawful becomes unlawful upon the expiration or termination of the defendant's right to possess, arising from an express or implied contract.[19] In other words, the respondents' cause of action comes from the expiration or termination of the petitioner's right to continue possession.[20]

The High Court has, time and again, held that the only issue for resolution in an unlawful detainer case, such as this case, is the physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants.[21] Moreover, an ejectment suit is summary in nature and is not susceptible to circumvention by the simple expedient of asserting ownership over the property.[22] In *Drilon v. Gaurana*,[23] the Supreme Court reiterated the basic policy behind the summary actions of forcible entry and unlawful detainer. It held that:

"It must be stated that the purpose of an action of forcible entry and detainer is that, regardless of the actual condition of the title to the property, the party in peaceable quiet possession shall not be turned out by strong hand, violence or terror. In affording this remedy of restitution the object of the statute is to prevent breaches of the peace and criminal disorder which would ensue from the withdrawal of the remedy, and the reasonable hope such withdrawal would create that some advantage must accrue to those persons who, believing, themselves entitled to the possession of property, resort to force to gain possession rather than to some appropriate action in the courts to assert their claims. This is the philosophy at the foundation of all these actions of forcible entry and detainer which are designed to compel the party out of possession to respect and resort to the law alone to obtain what he claims is his."

The petitioner commands Us too to resolve the issue of ownership since, according to her, the present controversy deals, not only with respect to possession, but as regards ownership as well. She wanted this Court to determine the validity of the transfer of the title of the said litigated property to the respondents.

The petitioner's sentiments are baseless. Her pleas apparently takes the form of a collateral attack upon the respondents' certificate of title, which this Court cannot pass upon. It should be borne in mind that Section 48, Presidential Decree No. 1529 (P.D. No. 1529), provides that "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." In *Mallilin, Jr. v. Castillo*,[24] the Supreme Court defined a collateral attack on the title in this wise:

"xxx When is an action an attack on a title? It is when the object of the action or proceeding is to nullify the

title, and thus challenge the judgment pursuant to which the title was decreed. The attack is direct when the object of an action or proceeding is to annul or set aside such judgment, or enjoin its enforcement. On the other hand, the attack is indirect or collateral when, in an action to obtain a different relief, an attack on the judgment is nevertheless made as an incident thereof."

In the case at bench, We are certain that the petitioner attacks the respondents' title over the property in question as a relief being sought. In *Apostol v. Court of Appeals*,^[25] the High Court had the occasion to clarify the matter, viz.:

"xxx Under Section 48 of Presidential Decree No. 1529, a certificate of title shall not be subject to collateral attack. It cannot be altered, modified or cancelled, except in a direct proceeding for that purpose in accordance with law. The issue of the validity of the title of the respondents can only be assailed in an action expressly instituted for that purpose. Whether or not the petitioners have the right to claim ownership over the property is beyond the power of the court a quo to determine in an action for unlawful detainer."

With almost the same reason stated above, the Supreme Court ruled in *Ybañez v. Intermediate Appellate Court*,^[26] that:

"It was erroneous for petitioners to question the Torrens Original Certificate of Title issued to private respondent over Lot No. 986 in Civil Case No. 671, an ordinary civil action for recovery of possession filed by the registered owner of the said lot, by invoking as affirmative defense in their answer the Order of the Bureau of Lands, dated July 19, 1978, issued pursuant to the investigatory power of the Director of Lands under Section 91 of Public Land Law (C.A. 141 as amended). Such a defense partakes of the nature of a collateral attack against a certificate of title brought under the operation of the Torrens system of registration pursuant to Section 122 of the Land Registration Act, now Section 103 of P.D. 1259. The case law on the matter does not allow collateral attack on the Torrens certificate of title on the ground of actual fraud. The rule now finds expression in section 48 of P.D. 1529 otherwise known as the Property Registration Decree."

As the immediately-quoted discussion shows, We entertain no doubt that the claim of the petitioner has no legal leg to stand on. Accordingly, the respondents have a right and duty to get possession of, and exercise control over the questioned property, it being a recognized principle that, "(e)very possessor has a right to be respected in his possession; and should he be disturbed therein he shall be protected in or restored to said possession by the means established by the laws and the Rules of Court. xxx."^[27]

In any event, the petitioner's submissions are typical examples of the arguments advanced by defendants in ejectment cases in their attempt to prolong their occupancy of premises over which they ceased to have a valid ground to possess, by keeping alive the litigation involving their ejectment therefrom. The records of our courts will reveal that a considerable percentage of the cases pending in them are actions for forcible entry and detainer. Ordained by law to be commenced in the courts at the municipal or city level, they pass thru all the other grades of courts in the judicial system up to the Highest Court of the land. It is ironic that a forcible entry or detainer case which is intended to be disposed of in summary fashion has oftentimes proved to be the most cumbersome and difficult to terminate. It has become a truism that, if a landlord would like to eject a tenant in the shortest possible time, the worst thing that he could do is to file an ejectment case. It is, indeed, about time that this situation be remedied if only to contribute to the solution of the worsening problem of court congestion, by refusing to edify these cases by giving them a full-blown treatment in all courts in the judicial structure, and thereby save the courts the expenditure of precious time and energy which could otherwise be devoted to more significant and vital litigations.^[28]

Finally, the petitioner ought to be reminded that this Court adheres to the well-established rule that factual findings of the trial court will not be disturbed on appeal absent evidence that the trial court ignored, misapplied

or misconstrued facts and circumstances of substance which, if considered, would alter the outcome of the case.[29] Inasmuch as none of the said exceptions is attendant in the present case, We find no compelling reason to reverse the trial court's assailed Decision.

WHEREFORE, the present Petition is hereby DENIED. The Court AFFIRMS in toto the assailed January 22, 2014 Decision of the Muntinlupa City Regional Trial Court, Branch 206, in Civil Case No. 13-333. Costs against the petitioner.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Sadang, JJ., concur.

[1] Rollo, pages 154-159

[2] RTC's Decision, page 5; Rollo, page 158

[3] RTC's Decision, pages 1-2; Rollo, pages 154-155

[4] MeTC's Decision, page 12; Id. at 171

[5] RTC's Decision, pages 4-5; Rollo, pages 157-158

[6] Petition, page 8; Id. at 139

[7] Rollo, page 252

[8] Rollo, pages 263-269

[9] Id. at 274

[10] Sumulong v. Court of Appeals, et al., G.R. No. 108817, May 10, 1994

[11] G.R. No. 116192, November 15, 1995

[12] Racaza, et al. v. Gozum, G.R. No. 148759, June 08, 2006

[13] Amended Complaint, unnumbered; Rollo, page 84

[14] Lopez v. David, G.R. No. 152145, March 30, 2004

[15] Section 1, Rule 70 of the 1997 Rules of Civil Procedure

[16] De La Paz v. Panis, G.R. No. 57023, June 22, 1995

[17] Cruz v. Torres, G.R. No. 121939, October 4, 1999

[18] Rollo, pages 81-83

[19] Varona v. Court of Appeals, G.R. No. 124148, May 20, 2004

[20] Sarmiento v. Court of Appeals, supra

[21] Heirs of Hernandez, et al. v. Vergara, Jr., G.R. No. 166975, September 15, 2006

[22] Balanon-Anicete v. Balanon, G.R. Nos. 150820-21, April 30, 2003

[23] No. L-35482, April 30, 1987

[24] G.R. No. 136803, June 16, 2000

[25] G.R. No. 125375, June 17, 2004

[26] G.R. No. 68291, March 16, 1991

[27] Article 539, Civil Code

[28] Mabalot, et al. v. Judge Madela, Jr., et al., G.R. No. L-56700, March 28, 1983

[29] Ereña v. Querrer-Kauffman, G.R. No. 165853, June 22, 2006

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