

**YOLANDA PAGULA, LILIA ALDAMEA AND FERDINAND ALANO,
PETITIONERS, VS. RUANTO HOMEOWNERS ASSOCIATION, INC.,
RESPONDENT.**

Ponente: SANTIAGO-LAGMAN, J.

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SANTIAGO-LAGMAN, J.:

This petition for review[1] seeks to reverse and set aside the Joint Decision[2] of the Regional Trial Court, (RTC) Branch 74, Antipolo City in SP Civil Cases Nos. 03-249[3], 03-250[4] and 03-251[5], affirming the Decisions[6] all dated December 4, 2002 of the Municipal Trial Court In Cities (MTCC), Antipolo City, Branch 2. The MTCC's separate decisions ordered the defendants therein (herein Petitioners) and all persons claiming rights under them to vacate the property in controversy, pay reasonable compensation for the use of the same and attorney's fees.

Briefly, this case emanated from the separate Complaints for Ejectment filed by herein private respondent against petitioners Yolanda Pagula, Lilia Aldamea and Ferdinand Alano and all persons claiming rights under them, docketed as Civil Cases Nos. 037-02;[7] 060-02;[8] and 061-02,[9] respectively, before the MTCC of Antipolo City. The said complaints similarly alleged that private respondent is the owner in fee simple of a parcel of land consisting of 30,000 sq. meters situated at Sitio Gumamela II, Brgy Sta. Cruz, Antipolo City covered by TCT No. 354474[10] of the Register of Deeds, Marikina City, which is occupied by petitioners without its express consent, knowledge and authority. Despite the formal demands sent to individual petitioners to vacate the portion they occupied, petitioners refused, prompting the private respondent to engage the services of a counsel.

In their Answer[11] and Position Paper,[12] petitioners denied the material allegations in the complaint and maintain that private respondent has no cause of action against them, considering that the property occupied by them (petitioners) is not covered by the Transfer Certificate of Title issued in favor of the private respondent. In support of this, petitioners presented certificate of titles of the land they occupied issued in favor of PAIC Savings Bank, which is under liquidation by the Philippine Insurance Deposit Corporation (PDIC). Petitioners claim that they are legitimate actual occupants of the subject property, to whom the PDIC offered to sell the said property by way of the Community Mortgage Program.

In the separate Decisions,[13] all dated December 4, 2002, issued by the MTCC in the said ejectment cases, the court found for the private respondent and ordered petitioners to vacate and surrender possession of the subject property to private respondent, the dispositive portion of the said decisions read:

SCA NO. 060-02:

“IN VIEW THEREOF, judgment is hereby rendered ordering the defendants and all persons claiming rights under them to:

- 1) Vacate the subject property and surrender possession thereof to the plaintiff;
- 2) Pay the amount of Five Hundred Pesos (P500.00) a month as reasonable compensation for the use of the

subject property from the date of demand to vacate, March 2002 until defendants and all persons claiming rights under them vacate the subject premises;

3) Pay the amount of Ten Thousand Pesos (P10,000.00) as attorney's fees plus the cost of suit."

SO ORDERED."[14]

SCA NO. 037-02

"IN VIEW THEREOF, judgment is hereby rendered ordering the defendants and all persons claiming rights under them to:

1) Vacate the subject property and surrender possession thereof to the plaintiff;

2) Pay the amount of Five Hundred Pesos (P500.00) a month as reasonable compensation for the use of the subject property from the date of demand to vacate, September 2001 until defendants and all persons claiming rights under them vacate the subject premises;

3) Pay the amount of Ten Thousand Pesos (P10,000.00) as attorney's fees plus the cost of suit."

SO ORDERED."[15]

SCA NO. 061-02

"IN VIEW THEREOF, judgment is hereby rendered ordering the defendants and all persons claiming rights under them to:

1) Vacate the subject property and surrender possession thereof to the plaintiff;

2) Pay the amount of Five Hundred Pesos (P500.00) a month as reasonable compensation for the use of the subject property from the date of demand to vacate, March 2002 until defendants and all persons claiming rights under them vacate the subject premises;

3) Pay the amount of Ten Thousand Pesos (P10,000.00) as attorney's fees plus the cost of suit."

SO ORDERED."[16]

In resolving the controversy, the MTCC cited Section 1, Rule 70 of the Revised Rules of Court, on the findings that the complaint filed by the private respondent was one for forcible entry, and therefore, entitles it to the right of possession of the subject property.

On appeal, [17] the RTC affirmed in toto the findings of the MTCC in the three (3) cases anchored on the premise that private respondent established its right of possession over the subject property.

Meanwhile, in the Memorandum[18] filed by petitioners before the RTC, they challenged the assailed decision on the argument that the lower court did not acquire jurisdiction over the forcible entry case filed against them considering that private respondent failed to show prior physical possession of the subject property nor was it alleged that the latter was deprived of its possession in the manner provided by law.

Aggrieved by the said decision, petitioners sought relief before Us, via this petition for review raising the following assignment of errors, to wit:

"I.) THE CASES INSTITUTED BY THE RESPONDENT AGAINST THE HEREIN PETITIONERS DO NOT FALL UNDER THE JURISDICTION OF THE MUNICIPAL TRIAL COURT;

II.) THE MUNICIPAL TRIAL COURT ERRED AND ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION AND/OR WITH GRAVE ABUSED (sic) OF DISCRETION AMOUNTING TO LACK OF

JURISDICTION IN RENDERING THE DECISIONS IN FAVOR OF THE PLAINTIFF AND AGAINST THE DEFENDANTS;

III.) THE REGIONAL TRIAL COURT ERRED AND ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION AND/OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN AFFIRMING THE DECISIONS OF THE MUNICIPAL TRIAL COURT;

IV.) THE MUNICIPAL TRIAL COURT AND THE REGIONAL TRIAL COURT ERRED AND ACTED WITH GRAVE ABUSE OF DISCRETION AS THE ASSAILED DECISIONS ARE NOT SUPPORTED BY EVIDENCE;

V.) THE MUNICIPAL TRIAL COURT ERRED IN THE APPRECIATION OF THE EVIDENCE OR THE LACK OF IT.

VI.) THE MUNICIPAL TRIAL COURT ERRED WHEN IT FAILED TO APPRECIATE THAT THE PLAINTIFF DOES NOT HAVE A CAUSE OF ACTION AGAINST THE HEREIN PETITIONERS;

VII.) THE MUNICIPAL TRIAL COURT ERRED AND ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT SHIFTED THE BURDEN OF PROOF FROM THE PLAINTIFF TO THE DEFENDANTS. [19]

As this Court views the errors raised, the issue essentially boils down to: whether or not the MTCC acquired jurisdiction over the forcible entry case, which was taken cognizance by the court a quo on appeal. If the answer would be in the negative, then, the RTC erroneously affirmed the decision of the MCTC.

At first glance, it is undisputed that this Court is confronted to determine the real nature of the complaint for ejectment filed by the private respondent against the petitioners before the MTCC. To be more specific, was the complaint really for forcible entry, as the MTCC and RTC found?

To answer this query, Section 1, Rule 70 of the Rules of Court provides:

"SECTION 1. Who may institute proceedings, and when. — Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs."

From the above quoted provision, it is clear that forcible entry and unlawful detainer are two separate and distinct forms of ejectment which, though both actions only deal with the sole issue of physical or de facto possession, the two may be differentiated as follows:

First, in forcible entry, the plaintiff must prove that he was in prior physical possession of the premises until he was deprived thereof by the defendant, whereas, in unlawful detainer, the plaintiff need not have been in prior physical possession; second, in forcible entry, the possession of the land by the defendant is unlawful from the beginning as he acquires possession thereof by force, intimidation, threat, strategy or stealth, while in unlawful detainer, the possession of the defendant is inceptively lawful but it becomes illegal by reason of the termination of his right to the possession of the property under his contract with the plaintiff; third, in forcible entry, the law does not require a previous demand for the defendant to vacate the premises, but in unlawful detainer, the plaintiff must first make such demand, which is jurisdictional in nature.”[20]

In the case before Us, as earlier mentioned, the MTCC found that the complaint for ejectment was one for forcible entry. From the applicable law and jurisprudence, however, We do not agree with this conclusion. We lay down our basis.

In the complaint captioned “ejectment”, nowhere can be found that the allegations contained therein sufficiently established the requirements for forcible entry to vest the MTCC of its jurisdiction to decide the case. It is worthy to stress that to constitute an action for forcible entry, two (2) allegations are mandatory for the municipal trial court, in this case the MTCC, to acquire jurisdiction: (1) the plaintiff must allege prior physical possession of the property; (2) he must also allege that he was deprived of his possession by any of the means provided for in Section 1, Rule 70 of the Rules of Court.[21] such that the plaintiff in an action for forcible entry must set up in his complaint facts which show that he had prior physical possession of the property and that he was deprived of such possession by reason of force, intimidation, threat, strategy or stealth. To effect the ejectment of an occupant or deforciant on the land, the complaint should embody such a statement of facts which would bring 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 evidence.[22] Private respondent failed in this regard. The pertinent portion of the complaint against individual petitioners reads, and We quote:

“2. That plaintiff is the owner in fee simple of a parcel of land consisting of 30,000 square meters in Sitio Gumamela II, Brgy. Sta Cruz, Antipolo City, covered by Transfer Certificate of Title No. 354474, Registry of Deeds for Marikina City. -x-x-x.

3. That the defendant and all persons claiming rights under her/him have occupied and are still occupying a portion of the above-mentioned parcel of land of the plaintiff without the consent, permission nor authority of the plaintiff, thus using and enjoying the same to the prejudice of the plaintiff;

4. That the plaintiff sent a notice of eviction to the defendant demanding that the latter vacate, abandon and surrender in favor of the plaintiff the portion of the parcel of land aforementioned but the defendant/s and all persons claiming rights under -x-x-x...

-x -x- x-

Clearly, the mandatory jurisdictional requirements of prior possession and the manner by which private respondent was dispossessed of the property by petitioners through the means provided by law, has never been alleged much less proved. In view of this, We find that the MTCC erred when it assumed jurisdiction and treat the complaint as a case of forcible entry and issued its decisions against the petitioners. As held in the case of *Ong vs. Parel*, [23] the Court has ruled that:

"The jurisdictional facts must appear on the face of the complaint. When the complaint fails to aver facts constitutive of forcible entry or unlawful detainer, as where it does not state how entry was effected or how and when dispossession started, as in the case at bar, the remedy should either be an *accion publiciana* or an *accion reivindicatoria* in the proper regional trial court.

If private respondent is indeed the owner of the premises subject of this suit and she was unlawfully deprived of the real right of possession or the ownership thereof, she should present her claim before the regional trial court in an *accion publiciana* or an *accion reivindicatoria*, and not before the municipal trial court in a summary proceeding of unlawful detainer or forcible entry. For even if one is the owner of the property, the possession thereof cannot be wrested from another who had been in the physical or material possession of the same for more than one year by resorting to a summary action for ejectment. This is especially true where his possession thereof was not obtained through the means or held under the circumstances contemplated by the rules on summary ejectment.

We have held that in giving recognition to the action for forcible entry and unlawful detainer, the purpose of the law is to protect the person who in fact has actual possession, and in case of a controverted proprietary right, the law requires the parties to preserve the status quo until one or the other sees fit to invoke the decision of a court of competent jurisdiction upon the question of ownership." (*Italics supplied*).

It is also in this light that this Court finds that the RTC committed an error when it affirmed the findings of the MTCC.

WHEREFORE, premises considered, the instant petition is GRANTED. The Joint Decision dated June 10, 2004, of the Regional Trial Court of Quezon City, Branch 74, in SP Civil Cases Nos. 03-249, 0-3-250 and 03-251, is ANNULLED and SET ASIDE for lack of jurisdiction. Accordingly, the complaints in SCA Nos. 037-02, 060-02 and 061-02 filed against petitioners, are DISMISSED.

SO ORDERED.

Guevara-Salonga, (Chairman) and Pizarro, JJ., concur.

[1] Under Rule 42 of the 1997 Revised Rules of Civil Procedure.

[2] Annex "A" of the Petition, Rollo, pp. 29-31.

[3] Entitled Ruanto Homeowners Association, Inc., Plaintiff-(Private Respondent) vs. Yolanda Pagula, Defendant -(Petitioner) , All Persons Claiming Rights Under Her."

[4] Entitled " Ruanto Homeowners Association, Inc., Plaintiff-(Private Respondent) vs. Lilia Aldamea, Defendant-(Petitioner) and all persons claiming rights under her."

[5] Entitled Ruanro Homeowners Association Inc., Plaintiff-(Private Respondent) vs. Ferdinand Alano, Defendant-(Petitioner), and all persons claiming rights under him."

[6] Rollo, pp. 75-80.

[7] Annex "B" of the Petition, Rollo, pp. 32-35.

[8] Annex "C" of the Petition, Rollo, pp. 39-40.

[9] Annex "D" of the Petition, Rollo, pp. 45-46

[10] Rollo, pp. 36-37, 42-43, and 47.

[11] Annex "E" of the Petition, Rollo, pp. 50- 53.

[12] Annex "G" of the Petition, Rollo, pp. 55-58.

[13] Annexes "H", "I", "J", Rollo, pp. 75-80.

[14] Rollo p. 76.

[15] Rollo, p. 78.

[16] Rollo, p. 80.

[17] Individual Notices of Appeal, Rollo, pp. 81-83.

[18] Annex "R" of the Petition, Rollo, pp. 87-95.

[19] Rollo, pp. 14-15.

[20] Flaviana Lim Cajayon and Carmelita Lim Constantino vs. Spouses Santiago and Fortunata Batuyong, G.R. No. 149118, February 16, 2006.

[21] Spouses Tirona vs. Alejo, 367 SCRA 17, 30 (October 10, 2001).

[22] Sarmiento vs. Court of Appeals, 250 SCRA 108,116 (November 16, 1995).

[23] 355 SCRA 691, 699 (March 28, 2001), citing Sarmiento vs. Court of Appeals, *supra*.

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