

SPOUSES EPIFANIO FIGE AND MARTINA FIGE, PETITIONERS, VS. THE COURT OF APPEALS, HON. MARCELINO E. BAUTISTA, JR., IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT, PARAÑAQUE...

G.R. No. 107951. June 30, 1994

Ponente: PUNO, J.

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PUNO, J.:

The case[1] originated from a simple action for unlawful detainer. Private respondents are the registered co-owners of a 401-square meter parcel of land with some improvements thereon located at 634 Quirino Avenue, Tambo, Parañaque, Metro Manila.[2] Their ownership is evidenced by Transfer Certificate of Title No. 36798.

One of the improvements on the land is a store built in 1972.[3] In September 1984, one of the co-owners, Antonio Camarillo, verbally leased the store in favor of petitioners. The agreed rental was SEVEN HUNDRED PESOS (P700.00) a month.

On February 21, 1989, private respondents wrote to petitioners terminating the verbal lease by the end of the said month.[4] The petitioners were given fifteen (15) days to vacate the store.

In response, petitioners sent a postal money order in the amount of ONE THOUSAND FOUR HUNDRED PESOS (P1,400.00) representing the rental for the months of January and February 1989.

On March 2, 1989, private respondents reiterated their demand of terminating the lease. Conciliation efforts at the barangay level failed, hence a complaint for Unlawful Detainer was filed by private respondents against petitioners before the Metropolitan Trial Court, NCJR, Parañaque, Branch 78.

Petitioners contested the complaint. In their answer, they averred that the lot of private respondents as described in their Transfer Certificate of Title No. 36798 is different from the parcel of land denominated as No. 634 Quirino Avenue, Tambo, Parañaque, Metro Manila upon which the store stood.[5] They further claimed that they bought the latter lot from a certain Elsie Periquet.

After trial, the Metropolitan Trial Court dismissed the case for lack of cause of action.[6] On appeal to the Regional Trial Court, NCJR, Parañaque, Metro Manila, the controverted decision was reversed on February 27, 1992, viz:

"WHEREFORE, judgment is hereby rendered REVERSING the decision appealed from and a new one is entered ordering:

a) defendants-appellees and all persons claiming rights under them to immediately vacate the premises in question and peaceably surrender possession thereof to herein plaintiffs-appellants; and

b) defendants-appellees to pay plaintiffs-appellants the following:

- 1) The sum of P700.00 monthly from March 15, 1989 until they have vacated the premises in question, representing the reasonable value for the use and occupation thereof;
- 2) The sum of P15,000.00 as and for attorney's fees; and
- 3) The costs of suit.

SO ORDERED."[7]

Petitioners appealed to the respondent Court of Appeals. On August 27, 1992, respondent court affirmed the questioned decision but deleted the award of attorney's fees. On November 20, 1992, petitioners' motion for reconsideration was denied for lack of merit.

Hence, this petition faulting the respondent court, as follows:

- (1) In disregarding petitioners' Exhibits "1", "2" to "2-5", "4", "5", and "6" as well as the testimony of Geodetic Engineer Cresencio Supleo despite the weight accorded thereon by the Metropolitan Trial Court who under the law is in a better position to assess the same;
- (2) In its failure to consider that private respondents' complaint states no cause of action; and
- (3) In affirming with modification the decision of the Regional Trial Court of Parañaque.

The petition lacks merit.

The petition hinges mainly on the allegation by petitioners that the lot they are occupying is different from the lot described in the title of private respondents. This submission, petitioners urge in their first assigned error, is supported by their Exhibits "1", "2", "2-5", "4", "5", and "6" and the testimony of witness Engineer Cresencio Supleo, which allegedly, were misappreciated by the respondent court. As a rule, it is not appropriate to raise factual questions in petitions for certiorari before this tribunal but nonetheless, we have carefully examined the evidence presented in view of the contradictory rulings between the trial court and the appellate courts. We find no reason to reverse the respondent court in its ruling refusing to give probative value to Exhibit "1," Location Plan of Lot 2560; Exhibit "2," Field Notes Cover; Exhibits "2-5," Geodetic Engineer's Certificate, Survey Notification Letter, Technical Description of Lot 2560, Traverse Computation, and Lot Data Computation; Exhibit "4," Sales Application No. 13-1; and Exhibit "6," Survey Verification Report because they were not verified and approved by the Bureau of Lands as required by paragraph 5, Section 28 of Act No. 2259, otherwise known as the "Cadastral Act" as amended by Section 1862 of Act No. 2711. Under the said law, it is the duty of private surveyors to send their original field notes, computations, reports, surveys, maps, and plots of the property to the Bureau of Lands for verification and approval. Since the authenticity of these documents was not established, they cannot be given any consideration.[8] On the other hand, Exhibit "5", is an uncertified xerox copy of the Technical Description of Lot 2560 Cad. 299, Parañaque Cadastre. It was not also authenticated and attested under the seal of the Bureau of Lands. Worse, petitioners submitted an entirely different document from what was marked as Exhibit "5" in the trial court on November 21, 1991. Needless to state, it is inadmissible in evidence.[9]

We also stress that the juridical relation between petitioners and private respondents is that of lessee and lessor. Considering this jural relationship, petitioners cannot claim that they purchased the questioned lot from Elsie Periquet. Well settled is the rule that a tenant cannot, in an action involving the possession of the leased premises, controvert the title of his landlord.[10] Nor can a tenant set up any inconsistent right to change the relation existing between himself and his landlord, without first delivering up to the landlord the premises acquired by virtue of the agreement between themselves.[11]

In an action for unlawful detainer, the question of possession is primordial while the issue of ownership is generally unessential. The long settled rule is that the issue of ownership should be raised by the affected party in an appropriate action^[12] for a certificate of title cannot be the subject of a collateral attack. In this light, the testimony of Engineer Supleo which has hardly any relevance to the issue of possession is of little solace to the petitioners.^[13] Apropos is the ruling in *Tiu vs. Court of Appeals*,^[14] to wit:

"The fact of lease having been admitted by the private respondent as well as the expiration of the term thereof, there can be no question that the issue of ownership is foreign to the action. Indeed, it matters not that private respondent was already an occupant of the leased premises when he executed and signed the contract of lease, because the basis of the ejectment suit is the very contract of lease. Private respondent cannot now be heard to impugn what he had previously admitted, which includes that petitioner is the owner of the premises. Neither can he confuse the issue by raising the question of title to defeat the right of petitioner to the possession of the premises and to eject him therefrom."

The second and third assignment of errors must necessarily fail. As discussed above, petitioners' evidence that the title of private respondents does not include the lot they are occupying is far from convincing. Their charge that private respondents committed fraud and misrepresentation about their ownership of the lot is bereft of competent evidence. Allegations of fraud must be proved by clear and convincing evidence. We are satisfied that private respondents proved their cause of action.

WHEREFORE, the Decision of the respondent Court of Appeals in CA-G.R. SP No. 27760 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Mendoza, JJ., concur.

[1] CA-G.R. SP No. 27760, Special Seventeenth Division, Martinez, Antonio A., J. ponente, Guingona, Serafin V., and Montoya, Salome A., JJ., concurring.

[2] RTC Decision, Rollo, p. 63.

[3] Id.

[4] Id., p. 64.

[5] Id.

[6] Hon. Vivencio G. Lirio, Presiding Judge.

[7] Regional Trial Court, National Capital Judicial Region, Paranaque, Metro Manila; Hon. Marcelino P. Bautista, Jr., Presiding Judge.

[8] *Bunag vs. Court of Appeals*, No. L-39013, February 29, 1988, 158 SCRA 299.

[9] Rules of Court, Rule 132, Section 25.

[10] Civil Code, Article 1456.

[11] *Manuel vs. Court of Appeals*, G.R. No. 95469, July 25, 1991, 199 SCRA 603.

[12] *Supra*.

[13] *Supra*.

[14] No. L-32626, January 28, 1971, 37 SCRA 99.

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