

DAVID ODSIGUE, PETITIONER, VS. COURT OF APPEALS, AND ARMANDO ANGELES, RESPONDENTS.

G.R. No. 111179. July 04, 1994

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-111179/>

MENDOZA, J.:

This is a petition for review on certiorari of the decision of Court of Appeals,[1] affirming the decision of the Regional Trial Court of Morong, Rizal, which in turn had affirmed the decision of the Municipal Trial Court, ordering the ejectment of petitioner.

The subject of this ejectment suit is a parcel of land covered by Original Certificate of Title No. 4050 and situated at Lagundi, Morong, Rizal. Since 1972, petitioner has been in possession of this land by tolerance of the owner, Platon Espiritu Santo. In 1989 Espiritu Santo died and was succeeded by his heirs, among whom was private respondent Armando Angeles.

On January 10, 1991, private respondent Armando Angeles, as co-owner and assignee of the other heirs, sent a letter of demand to petitioner to vacate the premises. The letter was delivered to the petitioner by the Barangay Captain of Lagundi, Fernando Austria, who, in a sworn affidavit, stated that he tried to deliver the letter to petitioner but petitioner had refused to receive it.

On February 8, 1991, private respondent brought this suit for unlawful detainer in the MTC. In his answer, petitioner set forth, inter alia, the following affirmative defenses:

- (a) the jurisdictional requirement of a formal demand has not been complied with;
- (b) the property involved has not been sufficiently identified; and
- (c) the herein petitioner was instituted as a tenant by the assignor's (Felisa Angeles) predecessor, Platon Espiritu Santo, as original owner of the property, therefore [petitioner] is an occupant-tiller within the meaning of existing agrarian reform laws, having planted and cultivated numerous fruit-bearing trees and introduced improvements on the parcel of land in question.

On December 10, 1991, the MTC rendered a decision ordering the petitioner to vacate the premises. On appeal the RTC and, later, the CA, affirmed the decision of the MTC. Petitioner moved for a reconsideration but his motion was denied by the appellate court, which found no new matters which would warrant a reversal of its decision. Hence this petition for review on certiorari.

Without giving due course to the petition, we required respondents to comment.

On November 11, 1993, respondents filed their comment, refuting petitioner's assignment of errors and contending that the petition raises factual issues the determination of which by the appellate court are conclusive on us.

On March 21, 1994, petitioner manifested that he was adopting his petition as reply to the respondents' comment.

Petitioner makes the following assignment of errors:

- (1) THE RESPONDENT COURT ERRED IN HOLDING THAT THERE WAS A VALID SERVICE OF A DEMAND LETTER ON PETITIONER BY PRIVATE RESPONDENT WHICH IS A JURISDICTIONAL REQUIREMENT IN UNLAWFUL DETAINER CASES;
- (2) THE RESPONDENT COURT ERRED IN HOLDING THAT THE PRIVATE RESPONDENT'S PROPERTY HAS BEEN PROPERLY IDENTIFIED IN LINE WITH ART. 424 OF THE NEW CIVIL CODE FOR PURPOSES OF UNLAWFUL DETAINER;
- (3) THE RESPONDENT COURT ERRED IN HOLDING THAT PETITIONER COULD BE SUMMARILY EJECTED FROM THE SUBJECT PROPERTY.

We find the petition to be without merit.

First. In support of the first ground of his petition, petitioner claims that no demand was made upon him to vacate the premises and that there is no proof to show that he received the demand letter sent to him on January 10, 1991.

He contends that the affidavit of Barangay Captain Fernando Austria is not entitled to any weight because no trial on the merits was held in the MTC, as a result of which he was not given the opportunity to cross examine the witness regarding his affidavit. Additionally, he contends that any demand made as alleged by private respondent was not made in accordance with Rule 70, sec. 2, of the Rules of Court.

In his affidavit Fernando Austria stated that private respondent's letters to petitioner, demanding that the latter vacate the premises and surrender possession of the same, were personally handed by him to petitioner but that petitioner refused to receive them. This affidavit is entitled to great respect, in the absence of anything to show the contrary.

Petitioner's contention that the affidavit should be given no evidentiary value because he was not able to cross examine the Barangay Captain has no basis in law. The Rule on Summary Procedure precisely provides for the submission by the parties of affidavits and position papers and enjoins courts to hold hearing only where it is necessary to do so to clarify factual matters. This procedure is in keeping with the objective of the Rule of promoting the expeditious and inexpensive determination of cases.

There is no basis either for petitioner's allegation that "there is nothing in the record to show that the case before said court was in line with Summary Procedure." As the Court of Appeals found:

The case was set for preliminary conference, which resulted in a failure to reach any agreement, hence, they were required to submit their position paper, after which, the case was deemed submitted, resulting, as already stated in the earlier part of this Decision, to a decision by the Municipal Trial Court in favor of the plaintiffs and against the defendants, which on appeal was affirmed by the Regional Trial Court.[2]

Second. Petitioner contends that private respondents have not identified the property sought to be recovered as required by art. 434 of the Civil Code. He alleges that Sitio Aduas, where the land in question is located, is at the boundary of Barangay May-Iba, Teresa, Rizal, and Barangay Lagundi, Morong, Rizal. On the other hand, petitioner maintains, the parcel of land he is occupying is located in Barangay May-Iba. He claims that the technical description in the title does not sufficiently identify the property of private respondent and that a geodetic survey to determine which of his improvements should be demolished should first have been conducted by the private respondent. Petitioner theorizes:

[I]t is a possibility that the questioned property may be within the boundary of Sitio Aduas, both within the territorial jurisdiction of Barangay May-Iba, Teresa, Rizal, or of Barangay Lagundi, Morong Rizal, particularly in the case of the residential house and other structural improvements wherein the place must be relocated so as

to determine the extent of the premises to be subject of vacating or removal.[3]

But private respondent's title (OCT No. 4050) indicates that the property is located in Barangay Lagundi. Likewise, the certification issued by the Municipal Agrarian Reform Officer at Morong, Rizal stated that petitioner was occupying a landholding at Barangay Lagundi.

For our purposes, a survey is not necessary. A certificate of title is conclusive evidence not only of ownership of the land referred but also its location. The subject of these proceedings is the land covered by OCT No. 4050. Accordingly, petitioners will be required to demolish only whatever is constructed within its boundaries.

Third. Petitioner contends that he had been instituted as tenant by the private respondent's predecessor-in-interest nearly twenty years before the present action was brought and as such he is entitled to "certain justiceable and equitable remedies." He does not, however, specify what "equitable remedies" he is entitled to. What is clear is that one whose stay, like that of petitioner, is merely tolerated becomes a deforciant illegally occupying the land the moment he is required to leave.

Nor is there any basis for petitioner's claim that he is an agricultural tenant. One of the essential requisites for the existence of a tenancy relationship is sharing, by the landowner and tenant, of the produce and no proof of this fact has been shown in this case. As we have held:

All these requisites are necessary in order to create tenancy relationship between the parties and the absence of one or more requisites does not make the alleged tenant a de jure tenant as contra-distinguished from a de facto tenant.[4]

WHEREFORE, the decision appealed from is AFFIRMED.

SO ORDERED.

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

[1] Special Former Seventh Division, composed of De la Fuente, J., Chairman, Imperial (ponente) and Garcia, JJ.

[2] Rollo, p. 20.

[3] Rollo, p. 14.

[4] De la Cruz v. Bautista, G.R. No. 39695, June 14, 1990, 186 SCRA 517.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.