CLARA ESPIRITU BORLONGAN, DINA BORLONGAN, AND PERCIDA BORLONGAN, PETITIONERS, VS. CONSUELO MADRIDEO AND THE COURT OF APPEALS, RESPONDENTS.

G.R. No. 120267. January 25, 2000

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

Before Us is a petition for review on certiorari of the Decision[1] and the Resolution[2] of the Court of Appeals[3] dated February 23, 1995 and May 19, 1995, respectively, reversing the Regional Trial Court of Manila, Branch 8, in its affirmance[4] of the dismissal[5] by the Metropolitan Trial Court of Manila, Branch 21, of the complaint for unlawful detainer[6] filed by private respondent Consuelo Madrideo against petitioners Clara, Dina and Percida, all surnamed Borlongan.

The facts are:

Ma. Dalisay Tongko-Camacho is the owner of a 3,230.9 square meter parcel of land located in Tondo, Manila.[7]

A portion of this land is the subject of this case. It is a lot consisting of about one hundred (100) square meters, located at No. 605 Penalosa St., Tondo, Manila. On it two (2) houses stand: one built by Leonardo Borlongan and Dominga Sempio[8], who are petitioner Clara Borlongan's grandparents and petitioner Dina and Percida Borlongan's great grandparents, and another built by private respondent[9].

It was Consolacion Sempio, sister of Dominga Sempio, who originally leased the lot from Camacho. Consolacion lived there with and she was taken care of by, Dominga and Leonardo, their son, Hernando, his wife, Clara and their daughters, Percida and Dina, until Consolacion's death in 1974.

Private respondent was a ward of Consolacion. In 1961, she built a house at the back portion of the lot. Private respondent paid rentals[10] therefor to Camacho.

On May 6, 1993, private respondent filed a Complaint[11] for unlawful detainer against petitioners in the Metropolitan Trial Court of Manila. She averred "that without any monetary consideration and out of pure liberality, [she] allowed [petitioners] to continue occupying the portion of the aforesaid parcel of land x x x subject to the condition that upon demand, [they] will vacate and peacefully surrender the possession thereof to [her]" but that they failed to do so upon her verbal demand sometime in December 1992 and even after her letter dated April 5, 1993 directing them to vacate the subject lot.

Petitioners denied being possessors of the subject lot by mere tolerance on the part of private respondent. They offered in evidence an Affidavit[12] dated April 29, 1993, executed by Camacho who declared therein that petitioners, as heirs of Consolacion Sempio, and private respondent were her tenants alike. Camacho appeared at the preliminary conference conducted by the trial court and there confirmed that both petitioners and private respondent were her tenants and that the former are not sublessees of the latter.

On September 29, 1993, the Metropolitan Trial Court rendered a Decision in favor of petitioners. It ruled:

> "[This court], after a careful and conscientious study of the arguments of the parties, as stated in their respective pleadings and the documents submitted, is of the honest opinion that the only person who can eject [petitioners] is no other than the owner, Mrs. Dalisay Tongko-Camacho. The [petitioners] are not in anyway [sic], lessees or sublessees of [private respondent]. In short, she is not the real party in interest. Not even is she a representative party. The affidavit of Ma. Dalisay Tongko-Camacho speaks for itself. This affidavit, in fact, inferentially claim [sic] that [petitioners] are Consolacion Sempio's (the original lessor) predecessor-in-interest and possibly have a better right. x x x."[13]

Private respondent appealed[14] to the Regional Trial Court[15]. She contended that the affidavit of Camacho was negated by her very own testimony during the clarificatory examination that petitioners did not pay rentals for the land.

The Regional Trial Court rejected private respondent's argument. It affirmed in toto the Decision of the Metropolitan Trial Court as it held that:

> "[Private respondent] claims to be the sublessor of the [petitioners]. There is no evidence at all that she presented to it. All she presented were receipts issued by Ma. Dalisay T. Camacho x x x which were attached to the affidavit of [private respondent]. These do not prove the contract between her and [petitioners].
>
> [Petitioners], on the other hand, claims to be not the sublessees of [private respondent] but they are lessees of the owner, Ma. Dalisay T. Camacho. They presented an affidavit of said person x x x.
>
> Based on the foregoing evidence which was not rebutted by [private respondent], the latter cannot have the personality or even the interest to eject [petitioners]. In short, [private respondent] is not the real party in interest x x x .
>
> The evidence of an alleged contract between [private respondent] and [petitioners] is belied by the affidavit of the owner of the land, hence, [private respondent] cannot sue.
>
> x x x
>
> Since the parties hereto are not privies to a contract, then, there can be no relief by one against the other. A real party-in-interest plaintiff has been defined as one who has a legal right while a real party-in-interest defendant is one who has a correlative legal obligation whose act or omission violates the legal right of the former. x x x The evidence does not show any substantial interest of [private respondent] which would entitle him [sic] under the law, to recover if the evidence is sufficient or that he [sic] has a legal title to demand. x x x [S]ince a contract may be violated by the parties thereto, as against each other, in an action upon that contract, the real parties in interest x x x must be parties to said contract. x x x Only the owner had the right to eject [petitioners] under the circumstances."[16]

On March 25, 1994, private respondent filed a petition for review[17] of the foregoing decision in the Court of Appeals.

On February 23, 1995, the Court of Appeals promulgated a Decision granting said petition for the following reason:

> "The only issue in this case is, who has a better right to physical possession of the questioned premises.
>
> We divert from the view of the court a quo and the respondent court.
>
> Clearly, the whole lot has been leased to [private respondent] who has been religiously paying the rentals. [Petitioners] are staying in the portion of said lot who do not pay a single centavo in consideration thereof. The respondent Court ruled that [private respondent] is not the real party to institute the ejectment case as she is not

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> owner of the land. We rule otherwise. x x x
>
> The contention of [private respondent] that the stay of [petitioners] is by mere tolerance holds water. [Petitioners] do not pay rent, and their continued and unmolested stay in the premises is through the mercy of the [private respondent] who is religiously paying the rent for the whole lot. Inasmuch as it is by mere tolerance that [petitioners] enjoy the use and possession of the portion of the premises, they should vacate the premises and surrender possession thereof to the petitioner upon demand."[18]

Accordingly, the dispositive portion of the foregoing decision of respondent Court of Appeals reads:

> "WHEREFORE, the petition is hereby granted; the decision of the court a quo and the respondent Judge as well as the Order dated February 14, 1994 are hereby set aside and a new one is entered; ordering the private respondents and all persons claiming rights under them to vacate the portion of lot 605 Penalosa Street, Tondo, Manila, which they are occupying and surrender possession thereof to the petitioner; to pay attorney's fees in the amount of P10,000.00 and the cost of suit."[19]

On March 21, 1995, petitioners filed their Motion for Reconsideration of the foregoing Decision. They attached a second affidavit[20] dated March 21, 1995, executed by Camacho where she reiterated that both petitioners, as heirs of Consolacion Sempio, and private respondent, in her own right, were her tenants.

On May 19, 1995, the Court of Appeals issued a Resolution[21] denying petitioner's Motion for Reconsideration.

Hence, the instant petition anchored on the following assigned errors, to wit:

> "A. THE RESPONDENT COURT OF APPEALS GRAVELY ERRED IN DECIDING NOT IN ACCORD WITH LAW AND JURISPRUDENCE WHEN IT DECLARED THAT PRIVATE RESPONDENT, WHO IS ONLY A LESSEE OF A PORTION OF A LAND BELONGING TO ANOTHER, CAN EJECT HER CO-LESSEES, THE PETITIONERS HEREIN, EVEN THOUGH THERE IS AN EXISTING LEASE CONTRACT BETWEEN THE OWNER OF THE LAND AND THE PETITIONERS.
>
> B. THE RESPONDENT COURT OF APPEALS ERRED IN REJECTING THE RECOGNITION OF THE PETITIONERS HEREIN AS LESSEES BY THE OWNER OF THE LAND HERSELF;
>
> C. THE RESPONDENT COURT OF APPEALS ERRED IN CONCLUDING THAT CONSOLACION SEMPIO ASSIGNED THE LEASEHOLD RIGHTS TO PRIVATE RESPONDENT CONSUELO MADRIDEO WHEN NO EVIDENCE APPEARS IN THE RECORDS OF THE CASE;
>
> D. THE RESPONDENT COURT OF APPEALS ERRED IN NOT AFFIRMING THE JUDGMENT OF THE METROPOLITAN TRIAL COURT OF MANILA AND THE REGIONAL TRIAL COURT THAT THE PRIVATE RESPONDENT, WHO IS ONLY A LESSEE IS NOT THE REAL PARTY IN INTEREST."[22]

Findings of fact of the appellate court are generally conclusive on the Supreme Court which is not a trier of facts; and consequently, it is not our function to analyze or weigh evidence all over again. However, this rule is not without exception. If there is a showing that the findings of facts complained of are totally devoid of support in the record or that they are so glaringly erroneous as to constitute grave abuse of discretion, this Court must discard such erroneous finding.[23] We find that the exception applies in the case at bench.

Thus, we grant the petition.

First. In civil cases the burden of proof to be established by preponderance of evidence[24] is on the plaintiff who is the party asserting the affirmative of an issue. He has the burden of presenting evidence required to obtain a favorable judgment,[25] and he, having the burden of proof, will be defeated if no evidence were given on either side.[26]

Private respondent as plaintiff in the unlawful detainer action had the burden to prove her allegations inasmuch as she claims that she has a better right as lessee against petitioners. However, she failed miserably to meet the burden of proof.

Private respondent basically relied on the receipts of her rental payments. At best, those receipts by themselves alone simply confirm that she is a lessee, and not that she is the only lessee of the property. Moreover, the owner of the property, Ma. Dalisay Tongko-Camacho, has been unwavering in her declaration that petitioners are also lessees of her property. When faced with Camacho's undeviating acknowledgment, private respondent's claim turns nil. Private respondent never rebutted Camacho's recognition of the legitimate status of petitioners as lessees. This omission creates an adverse inference that such uncontroverted evidence speaks of the truth.[27] Accordingly, as against the undisputed sworn declaration by the owner of the property who is more knowledgeable of the subsisting contract concerning her land, private respondent's claim lacks buoyancy.

Second. We agree with the Regional Trial Court that private respondent is not the real party in interest. One who has no right or interest to protect cannot invoke the jurisdiction of the court as party-plaintiff in action[28] for it is jurisprudentially ordained that every action must be prosecuted or defended in the name of the real party in interest.[29] A "real party in interest" is one who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.[30] In the instant case, private respondent is not a real party in interest inasmuch as she failed to establish her claim of being the sole lessee of the disputed property or the sublessor of petitioners. Thus, dismissal of the case for lack of cause of action was properly ordered[31] by the Metropolitan Trial Court, as affirmed by the Regional Trial Court on appeal.

WHEREFORE, the instant petition is hereby GRANTED. The Decision and the Resolution of the Court of Appeals dated February 23, 1995 and May 19, 1995, respectively, in CA-GR. SP No. 33446 are hereby REVERSED and SET ASIDE and the Decisions of the Regional Trial Court of Manila, Branch 8, and the Metropolitan Trial Court of Manila, Branch 21, are REINSTATED.

Costs against private respondent.

SO ORDERED. Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

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[1] Penned by Associate Justice Corona Ibay-Somera and concurred in by Associate Justices Celia Lipana-Reyes and Bennie A. Dela Cruz in CA-G.R. SP No. 33446, Annex "A" of the Petition, Rollo, pp. 23-28.

[2] Annex "B" of the Petition, Id., pp. 29-30.

[3] Sixteenth Division.

[4] Decision dated November 22, 1993 and penned by Judge Ed Vincent S. Albano in Civil Case No. 93-6805, Court of Appeals (CA) Rollo, pp. 26-31.

[5] Decision dated September 29, 1993 and penned by Judge Godofredo Ca. Fandialan, CA Rollo, pp. 93-95.

[6] Docketed as Civil Case No. 141615-CV.

[7] Two Affidavits of Ma. Dalisay Tongko-Camacho dated April 29, 1993 and March 21, 1995 attached to the Motion for Reconsideration filed by petitioners before the Court of Appeals, CA Rollo, pp. 137-138.

[8] Decision of the Regional Trial Court, p. 2, CA Rollo, p. 94.

[9] Affidavits, supra.

[10] Copies of Official Receipts dated February 3, 1985 to June 4, 1993, signed by Ma. Dalisay T. Camacho, CA Rollo, pp. 57-81.

[11] Dated May 3, 1993, docketed as Civil Case No. 141615-CV and raffled to Branch 21.

[12] Marked as Annex "J" as Defendants' [Petitioners'] Position Paper, CA Rollo, p. 119.

[13] Decision of the Metropolitan Trial Court of Manila dated September 29, 1993, p. 3, CA Rollo, p. 95.

[14] Docketed as Civil Case No. 93-68005.

[15] Raffled to Branch 8.

[16] Decision of the Regional Trial Court, pp. 4-6, CA Rollo, pp. 29-31.

[17] Docketed as CA-G.R. SP No. 33446.

[18] Decision of the Court of Appeals, pp. 3-5, Rollo, pp. 26-28.

[19] Decision, supra, p. 5, Id., p. 28.

[20] CA Rollo, pp. 137-138.

[21] Rollo, p. 30.

[22] Memorandum for Petitioners, pp. 10-11, Rollo, pp. 59-60.

[23] Alipoon v. Court of Appeals, G.R. No. 127523, March 22, 1999.

[24] New Testament Church of God v. Court of Appeals, 246 SCRA 266, 269 (1996); Republic v. Court of Appeals, 204 SCRA 160, 168 (1991).

[25] Transpacific Supplies, Inc. v. Court of Appeals, 235 SCRA 494, 502 (1994); Geraldez v. Court of Appeals, 230 SCRA 320, 330 (1994); Republic v. Court of Appeals, 182 SCRA 290, 301 (1990).

[26] Summa Insurance Corporation v. Court of Appeals, 253 SCRA 175 (1996).

[27] Manila Bay Club Corporation v. Court of Appeals, 249 SCRA 303, 305, 306 (1995) citing Starkie on Evidence, p. 846, Moore on Facts, Vol. I, p. 544; Somers v. McCready, 96 Md. 437, 53 Atl. Rep. 1117, per Jones, C.J., Moore on Facts, Vol. I, p. 559.

[28] 39 Am Jur 858.

[29] Section 2, Rule 3 of the 1997 Rules of Civil Procedure.

[30] Ibid.

[31] Sustiguer v. Tamayo, 176 SCRA 579, 587 (1989).

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