

CONSTANCIO ESPIRITU, PETITIONER, VS. COURT OF APPEALS, HON. AMADO CALDERON, IN HIS CAPACITY AS PRESIDING JUDGE, RTC – BR. 8, MALOLOS, BULACAN, GIDEON NATIVIDAD AND JOSE CAYSIP, ...

G.R. No. 125473. June 29, 1999

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

This petition for review on certiorari seeks the reversal of the decision of the Court of Appeals in CA-G.R. No. SP 36724 which declared the decision of the Municipal Trial Court of Baliuag, Bulacan, in Civil Case No. 1809, and of the Regional Trial Court, Branch 8, Malolos, Bulacan, in Civil Case No. 586-M-94, null and void for having been rendered without jurisdiction.

On 6 January 1994 petitioner Constancio Espiritu lodged a complaint against private respondents Gideon Natividad and Jose Caysip with the Municipal Trial Court of Baliuag, Bulacan, for unlawful detainer and recovery of reasonable rentals for the use of the land plus attorney's fees and litigation expenses.[1]

The land in controversy has an area of one hundred and one (101) square meters, more or less, located in Bo. Concepcion, Baliuag, Bulacan, covered by TCT No. 31808[2] issued by the Register of Deeds on 6 April 1993 in the name of the heirs of Agustin Espiritu and Apolonia dela Rama, and petitioner claims to be one of the heirs. Petitioner alleged in his complaint that private respondents Gideon Natividad and Jose Caysip had been illegally occupying/squatting on his land by building a chapel thereon although no building permit was ever issued for its construction. He also claimed that notices and demands for the removal of the chapel were made but private respondents failed to comply therewith.

Private respondents, on the other hand, averred in their answer that petitioner had no valid cause of action against them as the property in question was donated to their congregation, the Church of Christ, and thus owned by their church and not by them. They further claimed that the Municipal Trial Court of Baliuag, did not acquire jurisdiction over the case as it did not fall within the meaning of "any action" under Rule 72 (now Rule 70) of the Revised Rules of Court. They maintained that since petitioner failed to allege that he had prior possession of the property, and that he was deprived of possession thereof through any of the means specified in Sec. 1, Rule 72 of the Rules of Court[3] (now Rule 70),[4] petitioner should ventilate his right of possession by way of an action other than unlawful detainer or forcible entry.

On 23 May 1994 the Municipal Trial Court rendered its decision in favor of petitioner and against private respondents. The trial court declared that it had jurisdiction over the case because what determined which court had jurisdiction over the case as well as the nature of the action were the allegations in the complaint.[5] Moreover, a court was not deprived of its jurisdiction over an action for ejectment simply because defendants set up a claim different from that alleged by plaintiff.[6] It upheld the right of petitioner to eject private respondents from the subject property for failure of the latter to substantiate their claim that the property had been donated to

their church or that there was an existing contract of lease between them. Thus, their possession of the subject property was deemed to be one of mere tolerance with an implied understanding that they would vacate the premises upon demand.[7]

Private respondents appealed to the Regional Trial Court which, however, dismissed the complaint without prejudice to its refiling with the proper court. The lower court noted that TCT No. 31808 was issued in the name of the heirs of Agustin Espiritu and Apolonia dela Rama only on 16 April 1993 while the property was in the possession of private respondents since 1954 or for more than forty (40) years. It ruled that it was mandated by Sec. 1, Rule 70, Rules of Court that ejectment cases (forcible entry and unlawful detainer) should be filed within one (1) year from the unlawful deprivation or withholding of possession. Since private respondents had deprived petitioner of possession of subject property for more than one (1) year, the filing of the complaint before the Municipal Trial Court was inappropriate.[8]

Petitioner elevated the case to the Court of Appeals by way of a petition for review under Rule 42 of the Revised Rules of Court.[9] He contended therein that the Regional Trial Court erred in holding that the Municipal Trial Court did not acquire jurisdiction over the complaint as it failed to allege facts constitutive of unlawful detainer or forcible entry. He also claimed that the Regional Trial Court erred in not acting upon his Motion for Execution pending appeal.

In its challenged decision dated 30 January 1996 the Court of Appeals declared the petition devoid of merit based mainly on the ground that the Municipal Trial Court did not acquire jurisdiction over the complaint, which consequently deprived the Regional Trial Court of its appellate jurisdiction.[10] The issue on the Motion for Execution pending appeal was not dealt with considering that the Municipal Trial Court did not acquire jurisdiction over the case in the first place.

Petitioner filed a Motion for Reconsideration on 20 February 1996 and a Supplemental Motion for Reconsideration on 22 February 1996, but the Court of Appeals denied the motions for lack of merit; hence, this petition.

The sole issue before this Court is whether the appellate court erred in dismissing the petition for alleged jurisdictional infirmities. Petitioner, maintaining that what determines the jurisdiction of the court as well as the nature of the action are the allegations made by the plaintiff in his complaint, argues that the complaint was clearly one for unlawful detainer; consequently, allegation of prior possession of the property need not be made.

Petitioner's contention is devoid of merit. While petitioner is correct in stating that the nature of an action as well as the jurisdiction of a court is determined by the allegations in the complaint, a careful scrutiny of the complaint reveals that petitioner's cause of action is neither for unlawful detainer nor for forcible entry but some other action involving recovery of possession. In forcible entry the deprivation of physical possession of land or building is effected through force, intimidation, threat, strategy or stealth. In unlawful detainer the unlawful withholding of possession is made after the expiration or termination of the right to hold possession under any contract, express or implied. In forcible entry the possession is illegal from the beginning and the issue centers on who was in prior possession de facto. In unlawful detainer the possession was originally lawful but became unlawful upon the expiration or termination of the right to possess the subject property.[11] The pertinent allegations in the complaint are:

(3) That the said defendants have been illegally occupying/squatting on a portion of said plaintiff's land by the erection of their chapel thereon x x x x

(4) That no building permit in fact has ever been issued for the said chapel of the defendants x x x x

(5) That notices and demands for the removal of the said construction/chapel have been made by the plaintiff on the defendants, but the latter failed and refused to comply therewith x x x[12]

Clearly, the complaint failed to aver facts constitutive of either forcible entry or unlawful detainer. Forcible entry must be ruled out as there was no allegation that petitioner was denied possession of the land in question through any of the means stated in Sec. 1, Rule 70, Rules of Court. Neither was the action one for unlawful detainer as there was no lease agreement between the parties, and the demand to vacate by petitioner on private respondents did not make the latter tenants of the former.[13] Petitioner should therefore avail of other remedies provided for by law to recover possession of subject property.

Since the complaint did not satisfy the jurisdictional requirements to constitute a valid cause for forcible entry or unlawful detainer, the Court of Appeals was correct in holding that the Municipal Trial Court as well as the Regional Trial Court were without jurisdiction to hear and decide the case.

The matter of prescription and laches taken up by the Court of Appeals in its assailed decision must be disregarded as they deal with the issue of ownership which cannot be raised in the original complaint before the Municipal Trial Court. All other issues raised in the petition need not be discussed since resolving them would be an exercise in futility considering that, from the inception of the case, the Municipal Trial Court never acquired jurisdiction over it.

WHEREFORE, the petition is DENIED. The decision of the Court of Appeals nullifying the decision of the Municipal Trial Court of Baliuag, Bulacan, in Civil Case No. 1809, and of the Regional Trial Court, Branch 8, Malolos, Bulacan, in Civil Case No. 586-M-94, for lack of jurisdiction is AFFIRMED. Costs against petitioner.

SO ORDERED.

Puno, Mendoza, Quisumbing, and Buena, JJ., concur.

[1] Complaint, 5 November 1993, pp. 1-5; Rollo, pp. 68-72.

[2] Rollo, p. 73.

[3] "x x x a person deprived of possession of any land or building by force, intimidation, threat, strategy or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession by virtue of any contract, express or implied x x x x"

[4] Rollo, pp. 79-83.

[5] *Sumulong v. Court of Appeals*, G.R. No. 108817, 10 May 1994, 232 SCRA 372; *Ching v. Malaya*, G.R. No. 56449, 31 August 1987, 153 SCRA 412.

[6] *Asset Privatization Trust v. Court of Appeals*, G.R. No. 103277, 3 February 1994, 229 SCRA 627.

[7] Rollo, pp. 20-23.

[8] *Id.*, pp. 25-26.

[9] *Id.*, pp. 27-36.

[10] *Id.*, pp. 37-56.

[11] *Sarmiento v. Court of Appeals*, G.R. No. 116192, 16 November 1995, 250 SCRA 108.

[12] Rollo, p. 69.

[13]De la Paz v. Panis, G.R. No. 57023, 22 June 1995, 245 SCRA 242.

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