

EVANGELINE A. LEONIN AND PEPITO A. LEONIN, PETITIONERS, VS. COURT OF APPEALS AND GERMAINE P. LEONIN, RESPONDENTS.

G.R. NO. 141418. September 27, 2006

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Prospero Leonin (Prospero) and five others were co-owners of a 400-square meter property located at KJ Street, East Kamias, Quezon City whereon was constructed a two-storey house and a three-door apartment identified as No. 1-A, B, and C.

Prospero and his co-owners allowed his siblings, herein petitioners, to occupy Apartment C without paying any rentals.

The owners of the property mortgaged it with the Government Service Insurance System (GSIS) to secure a loan of P48,000.00. They failed to settle the loan, however, hence, GSIS foreclosed the mortgage and the property was sold at public auction to GSIS.

Prospero's brother, Teofilo Leonin (Teofilo), redeemed the property, upon which GSIS executed a Release of Mortgage and turned over to him the owner's duplicate title.

Teofilo later sold the property by Deed of Absolute Sale to his daughter, herein respondent Germaine Leonin, for P48,000.00. She was thereafter issued a new title, Transfer Certificate of Title (TCT) No. 95939.

After her father Teofilo's death, respondent sent a letter to her father's siblings-herein petitioners asking them to vacate Apartment C as their occupation thereof was by mere tolerance and, at any rate, requiring them to execute a contract of lease with her. Petitioners did not heed respondent's letter-request, however.

Respondent later sent another letter to petitioners, asking them to vacate within 30 days from July 3, 1995, failing which she would file a complaint for unlawful detainer. Just the same, petitioners did not heed the demand.

Prospero, et al. subsequently filed a complaint against respondent with the Regional Trial Court (RTC) of Quezon City for annulment of the deed of sale which they claimed was simulated and for a false consideration.

During the pendency of the annulment case, respondent again sent a letter to petitioners dated October 24, 1996 reiterating her claim that they were mere tenants of the apartment by tolerance, and asking them to vacate within 30 days, otherwise she would file an action for ejectment. Petitioners remained obstinate, however, drawing respondent to file on February 25, 1997 a complaint for unlawful detainer against them before the Metropolitan Trial Court (MeTC) of Quezon City.

To the complaint for unlawful detainer, petitioners contended that the trial court had no jurisdiction over the nature of the action, they claiming that their possession of Apartment C was de jure, it having authorized by Prospero, et al. lawful owners of the property; more than one year had elapsed from the demand for them to vacate the property when respondent filed her action; and respondent's action was abated by the pendency of the

annulment case.

In a Decision[1] of November 19, 1997, the Quezon City RTC, Branch 105, nullified the deed of absolute sale executed by Teofilo in favor of his daughter-herein respondent and accordingly ordered her to deliver possession of the property to Prospero, et al.

Respondent assailed the decision in the annulment case with the Court of Appeals. In the meantime, on February 20, 1998, the MeTC rendered a Decision[2] in favor of respondent in the unlawful detainer case, now the subject of the present petition, disposing as follows:

WHEREFORE, premises considered, judgment is rendered in favor of plaintiff and against defendants Evangeline and Pepito A. Leonin, by ordering as follows:

- Defendants and all persons claiming right under them to vacate the premises located at #1-C KJ Street, East Kamias, Quezon City, and surrender possession thereof to plaintiff;
- Defendants to pay plaintiff the sum of P10,000.00 as and for attorney's fees; and
- Defendants to pay the costs of suit.[3]

Petitioners appealed the MeTC decision in the unlawful detainer case to the Quezon City RTC, Branch 42 of which affirmed that of the MeTC.

Undaunted, petitioners appealed to the Court of Appeals which affirmed the decision of the RTC, it holding that the MeTC had jurisdiction over the unlawful detainer case, it having been filed within one year from her October 24, 1996 letter of demand; that respondent acquired title to the property subject of the case to entitle her to possess it; and that the pendency of the annulment case did not deprive the MeTC of jurisdiction over the unlawful detainer case. Thus, the appellate court ratiocinated:

x x x x

. . . On October 24, 1996, the Private Respondent, through counsel, sent another letter of demand of the same tenor to the Petitioners but the Petitioners ignored the same anew. The cause of action of the Private Respondent against the Petitioners thus accrued only when the second demand to vacate was not complied with by the Petitioners. Hence the Private Respondent filed her complaint against the Petitioners, on February 25, 1997, with the Metropolitan Trial Court. Patently, the complaint was filed within the one-year period from the date of the second letter of the Private Respondent. Hence the Metropolitan Trial Court had jurisdiction over the action of the Private Respondent against the Petitioners. . . .

x x x x

. . . Petitioners' right to the possession of the property depended upon the final resolution, by this Court, of CA-G.R. No. 60019(CV). As against the "Deed of Absolute Sale" executed in favor of the Private Respondent and the Transfer Certificate of Title No. 95939, under her name, which entitled her to the possession of the apartment, Petitioners' claim cannot prevail. The Petitioners cannot use Decision of the Regional Trial Court, in Civil Case No. 95-24738, and the pendency of CA-G.R. No. 60019(CV), with this Court, as anchor for their claim that Private Respondent's action with the Metropolitan Trial Court was thereby abated and/or deprived the said Court of its jurisdiction over Private Respondent's action against them. . . . (Underscoring supplied)

x x x x[4]

Hence, the present petition faulting the appellate court to have:

I.

. . . COMMITTED A GRAVE REVERSIBLE ERROR WHEN IT SUSTAINED THE DECISIONS OF THE

METROPOLITAN TRIAL COURT OF METRO MANILA AND THE REGIONAL TRIAL COURT OF QUEZON CITY THAT THE ACTION TO RECOVER THE PROPERTY IN QUESTION IS UNLAWFUL DETAINER NOTWITHSTANDING THE FACT THAT PETITIONERS' ENTRY INTO THE PROPERTY IS NOT IN ANY OF THE MEANS PROVIDED UNDER SECTION 1, RULE 70 OF THE 1997 RULES OF CIVIL PROCEDURE[.]

II.

. . . ERRED IN HOLDING THAT THE AFOREMENTIONED COURTS HAVE JURISDICTION TO HEAR AND DECIDE THE CASE HAVING BEEN FILED WITHIN ONE-YEAR FROM DATE OF DEMAND TO VACATE NOTWITHSTANDING THE FACT THAT THERE WAS NO LEASE CONTRACT EXECUTED BETWEEN PARTIES[.]

III.

. . . ERRED IN HOLDING THAT PRIVATE RESPONDENT HAVE ACQUIRED POSSESSION OF THE PROPERTY IN QUESTION UPON THE EXECUTION OF A DEED OF ABSOLUTE SALE AND THE ISSUANCE OF A TRANSFER CERTIFICATE OF TITLE IN HER FAVOR[.]

IV.

. . . ERRED IN ITS DECISION WHICH IS A DEPARTURE FROM THE APPLICABLE RULINGS OF THIS HONORABLE COURT WHICH ALLOW THE SUSPENSION OF THE PRESENT CASE PENDING THE RESOLUTION OF THE CASE OF OWNERSHIP IN CA-G.R. NO. 60019 (CV) BEFORE ANOTHER DIVISION OF THE COURT OF APPEALS[.] [5] (Underscoring supplied)

The issues, in the main, are 1) whether the MeTC had jurisdiction over the unlawful detainer case, and 2) whether respondent had the right to possess the property upon the execution of a deed of absolute sale and the issuance of a transfer of certificate of title in her favor.

On the issue of jurisdiction, petitioners contend that respondent's complaint failed to allege facts constitutive of either forcible entry or unlawful detainer as there was no allegation that respondent was denied possession of the property in question through any of the means provided in Section 1, Rule 70 of the 1997 Rules of Civil Procedure.

Petitioners further contend that respondent's remedy is accion publiciana because their possession is not de facto, they having been authorized by the true and lawful owners of the property; and that one year had elapsed from respondent's demand given on "July 3, 1995" when the unlawful detainer complaint was filed.

The petition fails.

Contrary to petitioners' contention, the allegations in the complaint make out a case for unlawful detainer. Thus, respondent alleged, inter alia, that she is the registered owner of the property and that petitioners, who are tenants by tolerance, refused to vacate the premises despite the notice to vacate sent to them.

Likewise, contrary to petitioners' contention, the one-year period for filing a complaint for unlawful detainer is reckoned from the date of the last demand, in this case October 24, 1996, the reason being that the lessor has the right to waive his right of action based on previous demands and let the lessee remain meanwhile in the premises.[6] Thus, the filing of the complaint on February 25, 1997 was well within the one year reglementary period.

Respecting the issue of whether respondent has the right to possess the property upon the execution of a deed of absolute sale and the issuance of a transfer of certificate of title in her favor, the same must be resolved in the affirmative.[7]

It bears noting that petitioners' occupation of the property was on the mere tolerance of the former owners. Hence, when they failed to heed respondent's demand to vacate, they had become deforciant occupants.

Finally, the pending action for declaration of nullity of respondent's deed of sale and title does not abate an ejectment case.[8]

WHEREFORE, the instant petition is DENIED for lack of merit.

SO ORDERED

Quisumbing, (Chairperson), Carpio, Tinga, and Velasco, Jr., JJ., concur.

[1] Records, pp. 193-203.

[2] Id. at 211-219.

[3] Id. at 218-219.

[4] Court of Appeals (CA) rollo, pp. 102-105.

[5] Rollo, pp. 12-13.

[6] Cañiza v. CA, 335 Phil. 1107, 1117 (1997); Penas, Jr. v. Court of Appeals, G.R. No. 112734, July 7, 1994, 233 SCRA 744, 747.

[7] Javelosa v. CA,, 333 Phil. 331, 343 (1996).

[8] Ross Rica Sales Center, Inc. v. Ong, G.R. No. 132197, August 16, 2005, 467 SCRA 35, 49.

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