

WILFREDO SILVERIO, ERNESTO DEL CASTILLO, AND HONORATO DEL CASTILLO, JR., PETITIONERS, VS. HON. COURT OF APPEALS AND GELARDA TOLENTINO REPRESENTED BY HER ATTORNEY-IN-FACT MATILDE...*G.R. No. 143395. July 24, 2003*

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-143395/>**CORONA, J.:**

Before us is a petition for review of the resolution[1] dated February 15, 2000 of the Court of Appeals[2] denying the petitioners' appeal from the decision[3] dated November 10, 1999 of the Regional Trial Court (RTC), Branch 146, of Makati City which in turn affirmed the decision dated February 25, 1999 of the Metropolitan Trial Court (MTC), Branch 62, of Makati City.

Petitioners Wilfredo Silverio, Ernesto del Castillo and Honorato del Castillo, Jr. claim that their aunt, Eugenia del Castillo, owned a 355 square-meter lot (evidenced by Transfer Certificate of Title No. 17283 issued by the Register of Deeds of Rizal) and three residential houses erected thereon located at Economia Street, Makati City. When she died in 1983, they, as forced heirs of Eugenia, became the co-owners of the subject lot and so they lived in the houses thereon.

In 1997, petitioners discovered that a certain Manuel del Castillo already owned the subject lot by virtue of a deed of donation executed by Eugenia in favor of Manuel who later had it titled in his name. On March 10, 1997, petitioner Honorato annotated an adverse claim on Manuel's title. Despite the notice, the property was nonetheless transferred to Manuel's wife, Blesilda del Castillo, and their minor children and a new title issued in their name. Blesilda and her minor children then sold the property to herein respondent Gelarda Tolentino. After the sale was judicially approved by the RTC of Quezon City, Transfer Certificate of Title No. 211301 was issued in the name of respondent.

Thereafter, respondent went to the subject premises and verbally asked the petitioners to vacate the premises. When petitioners pleaded to be given sufficient time to leave, respondent granted them until June 15, 1998 to vacate. However, the said period lapsed without the petitioners vacating the subject lot. Respondent's legal counsel then sent a demand letter to the petitioners but the latter refused to receive the same and even threatened to hurt the messenger if he insisted on having the document officially received. Hence, the letter was served by registered mail and a copy of the same was posted at the entrance of the subject property.

On August 25, 1998, petitioners filed a case for reconveyance of property and damages against respondent and the Register of Deeds of Makati City. On September 19, 1998, respondent countered by filing before the MTC of Makati City the subject ejectment case against the petitioners.

On February 25, 1999, the MTC rendered a decision in favor of respondent. Three days after the receipt of the decision, the petitioners filed a notice of appeal and paid the docket fee. Since no supersedeas bond was filed

within the reglementary period, respondent filed a motion for execution pending appeal. The trial court granted the motion and issued a writ of execution.

Thereafter, the RTC of Makati City denied the petitioners' appeal in a decision dated November 10, 1999.

Said decision was appealed to the Court of Appeals. On February 15, 2000, the Court of Appeals denied the appeal on the ground that the petitioners failed to attach (1) a duplicate original or true copy of the decision of the MTC (2) material pleadings and (3) documents to support their petition, in violation of Section 2, Rule 42 of the 1997 Rules of Civil Procedure.[4] The appellate court also denied the petitioners' motion for reconsideration because they did not bother to correct the deficiencies in the petition.[5]

Hence, this petition arguing that the Court of Appeals erred:

I

IN DISMISSING THE PETITION FOR REVIEW IN CA-G.R. NO. SP. 56306 ON MERE TECHNICALITY AND IN DISREGARD OF THE MERITS OF PETITIONERS' CAUSE; and

II

IN NOT GIVING DUE COURSE TO THE PETITION PURSUANT TO AND IN ACCORDANCE WITH ESTABLISHED JURISPRUDENCE LAID DOWN BY THIS HONORABLE COURT ON IDENTICAL CASES.[6]

According to the petitioners, the appellate court erroneously denied the petition on a technical issue without considering its substantial merits. The petitioners also seek the dismissal of the complaint on the ground that respondent did not sufficiently prove that a demand was effected prior to the filing of the ejectment case. The courts a quo likewise erred for its failure to suspend the ejectment proceedings on account of the pendency of the petitioners' civil case for reconveyance and damages against the respondent. Lastly, the petitioners argue that the RTC erred in issuing a writ of execution pending appeal despite the fact that their appeal was filed within the reglementary period.

We deny the petition.

Petitioners argue that the rigid application of procedural rules should be avoided when it frustrates substantial justice. Hence, the appellate court should have disregarded the procedural lapses in their petition, i.e., the absence of a clearly legible duplicate original or true copy of the decision of the MTC, pleadings and other relevant portions of the records, and should have instead looked at the substantial merits of their claims.

Did the Court of Appeals err in denying the petition for the failure of the petitioners to attach a duplicate original or true copy of the decision of the MTC, material pleadings and documents to support their petition? In *Paras vs. Baldado*,[7] this Court, thru then Associate Justice Minerva Gonzaga-Reyes, ruled that a party-litigant should be given the fullest opportunity to establish the merits of his complaint or defense. He ought not to lose life, liberty, honor or property on technicalities. Rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application based on technicalities will only frustrate rather than promote substantial justice. We held that the alleged failure of a party to attach to the petition certified true copies of the impugned RTC orders did not merit the denial of the petition because the records indubitably showed that duplicate original copies of the said RTC orders were in fact attached to one of the seven copies of the petition filed in the Court of Appeals. Moreover, copies of the same orders were submitted by the petitioners in their motion for reconsideration.

In the case at bar, it was inappropriate for the Court of Appeals to deny the petition on the ground alone that the

petitioner failed to attach to the said petition a duplicate original or true copy of the MTC decision because it was supposed to review the decision not of the MTC but of the RTC, notwithstanding that the latter affirmed in toto the judgment of the MTC. In short, the failure to attach the MTC decision did not adversely affect the sufficiency of the petition because it was, in any event, accompanied by the RTC decision sought to be reviewed.

All this notwithstanding the petition has no merit.

Petitioners pray for the dismissal of the ejectment case due to the failure of the respondent to prove that she made a demand on them to leave the premises prior to the filing of the suit. What prevents a trial court from acquiring jurisdiction in ejectment cases is the failure to allege in the complaint that a demand was made, not the fact that plaintiff failed to prove said allegation. In ejectment cases, the trial court does not assume jurisdiction if the complaint fails to allege that a demand has been made.[8] In case the plaintiff fails to prove said demand despite allegations in the complaint to that effect, the case should be dismissed not because of lack of jurisdiction but because the complainant did not meet the evidentiary requirement (preponderance of evidence) to merit the judicial eviction of a defendant.

In the case at bar, the complaint shows that respondent made an oral and thereafter a written demand on the petitioners to vacate the premises. Paragraph 9 of the complaint reads as follows:

- On 01 September 1998, the undersigned counsel, conformably (sic) to the instruction of plaintiff, effected a demand against defendants to vacate the subject property. Although the intention was to have the aforesaid demand letter personally delivered, this was not effected by reason for (sic) defendants' repeated refusal to receive the same. Hence, resort to service through registered mail was adopted and a copy of the demand letter was consequently posted in the entrance of the Subject Property.[9]

Consequently, the trial court acquired jurisdiction over the case because the complaint expressly alleged that respondent made a demand on petitioners to leave the subject premises. And, based on the records, both the MTC and RTC found that respondent proved that she made oral and written demands on the petitioners. We have no reason to depart from this factual disquisition of the courts a quo in view of the rule that findings of fact of the trial courts are, as a general rule, binding on this Court.[10]

Petitioners also allege that the subject ejectment case should have at least been suspended pending their action for reconveyance and damages filed against respondent. We do not think so. The pendency of an action questioning the ownership of the property does not bar the filing or consideration of an ejectment suit nor the execution of the judgment therein.[11]

Lastly, petitioners question the order granting the writ of execution on the ground that the same was issued despite the perfection of their appeal. The filing of the notice of appeal and the payment of the necessary docket fees should have stayed the execution of the decision. We disagree. In conformity with Section 19, Rule 70 of the 1997 Rules of Civil Procedure, we have consistently ruled that, to stay the immediate execution of a judgment in an ejectment case while appeal is pending, the defendant must: (a) perfect his appeal; (b) file a supersedeas bond; and (c) periodically deposit the rentals which become due during the pendency of the appeal.[12] Because petitioners did not file a supersedeas bond, the trial court, upon motion of the respondent, correctly ordered the execution of the judgment.

WHEREFORE, premises considered, the appeal is hereby DENIED. Costs against the petitioners.

SO ORDERED.

Puno, (Chairman), Panganiban, and Carpio-Morales, JJ., concur.
Sandoval-Gutierrez, J., on official leave.

[1] Penned by Associate Justice Salvador J. Valdez, and concurred in by Associate Justices Angelina S. Gutierrez (now Associate Justice of the Supreme Court) and Andres R. Reyes; Rollo, p. 36.

[2] Fifth Division.

[3] Penned by Judge Salvador Tensuan; Court of Appeals Records, pp. 28-29.

[4] SEC. 2. Forms and contents. The petition shall be filed in seven (7) legible copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full names of the parties to the case, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the specific material dates showing that it was filed on time; (c) set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Regional Trial Court, and the reasons or arguments relied upon for the allowance of the appeal; (d) be accompanied by clearly legible duplicate originals or true copies of the judgments or final orders of both lower courts, certified correct by the clerk of court of the Regional Trial Court, the requisite number of plain copies thereof and of the pleadings and other material portions of the record as would support the allegations of the petition.

The petitioner shall also submit together with the petition a certification under oath that he has not theretofore commenced any other action involving the same issues in the Supreme Court, the Court of Appeals or different divisions thereof, or any other tribunal or agency; if there is such other action or proceeding, he must state the status of the same; and if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different divisions thereof, or any other tribunal or agency, he undertakes to promptly inform the aforesaid courts and other tribunal or agency thereof within five (5) days therefrom.

[5] Rollo, p. 38.

[6] Rollo, p. 12.

[7] 354 SCRA 141, 145 [2001] quoting *Alberto vs. Court of Appeals*, 334 SCRA 756 [2000].

[8] *Casilan vs. Tomassi*, 10 SCRA 260, 264 [1964].

[9] Rollo, p. 68.

[10] *Carticiano vs. Nuval*, 341 SCRA 264 [2000].

[11] *Heirs of Juan and Natividad Germinanda vs. Salvanera*, 323 SCRA 561 [2000].

[12] *Lapena vs. Pamarang*, 325 SCRA 440 [2000].

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.