

HEIRS OF DEMETRIO MELCHOR, REPRESENTED BY CLETO MELCHOR, PETITIONERS, VS. JULIO MELCHOR, RESPONDENT.

G.R. No. 150633. November 12, 2003

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-150633/>

PANGANIBAN, J.:

The Municipal Trial Court would not have jurisdiction over a purported unlawful detainer suit, if the complaint fails to allege jurisdictional facts.

The Case

Before us is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court, seeking to nullify the August 16, 2001 Decision[2] and the October 18, 2001 Resolution[3] of the Court of Appeals (CA) in CA-GR SP No. 63465. The dispositive portion of the assailed Decision is as follows:

"WHEREFORE, premises considered, the present petition is hereby DENIED DUE COURSE and accordingly DISMISSED, for lack of merit. The Joint Decision dated February 5, 2001 of the Regional Trial Court, Branch 20 of Cauayan, Isabela which embodied the assailed judgment in Civil Case No. 20-1125 and affirmed the Decision dated September 1, 2000 of the Municipal Trial Court of Cauayan, Isabela, dismissing the complaint for ejectment of the petitioners in Civil Case No. 2325, entitled ` Heirs of Demetrio Melchor represented by Cleto Melchor v. Julio Melchor, ' is hereby AFFIRMED and REITERATED.

"Costs against the petitioners."[4]

The assailed Resolution denied petitioners' Motion for Reconsideration.

The Facts

The facts of the case are narrated by the CA as follows:

"Petitioners, who are the heirs of DEMETRIO MELCHOR, claim to be the owners, by way of succession, of the subject property allegedly in possession of respondent JULIO MELCHOR. The subject property is a portion of the twenty (20) hectares of land registered in the name of PEDRO MELCHOR, evidenced by Original Certificate of Title No.I-6020 of the Registry of Deeds for Isabela. The said property was purchased by the late DEMETRIO MELCHOR from PEDRO MELCHOR, the deceased father of herein respondent JULIO MELCHOR. During the lifetime of the late DEMETRIO MELCHOR, a request for the approval of the Deed of Sale dated February 14, 1947 between DEMETRIO MELCHOR and PEDRO MELCHOR was made to the Secretary of Agriculture and Natural Resources on September 4, 1953, which was subsequently approved. Since February 14, 1947 up to the present, petitioners further allege that respondent has been occupying the subject property and has been harvesting crops thereon and using it for grassing cows and carabaos.

"A demand letter dated August 21, 1999 was allegedly sent by the petitioners to the respondent, demanding him to vacate and surrender the said property, but the latter refused. The disagreement reached the barangay authorities, which case was not amicably settled, resulting in the issuance of a certification to file action.

"Petitioners filed against respondent a complaint for ejectment before the MTC of Cauayan, Isabela which they subsequently refiled in their Second Amended Complaint, docketed as Civil Case No. 2325 and dated May 31, 2001, to accommodate additional allegations therein.

"For his part, the defendant (now respondent) in Civil Case No. 2325 principally raised the matter of ownership by alleging affirmative/special defenses, among others, that the parcel of land in possession of the defendant is registered in the name of ANTONIA QUITERAS, the deceased mother of the defendant, as per Transfer of Certificate of Title No. T-274828 of the Registry of Deeds for Isabela, and that the same property is now owned by the defendant and his three (3) sisters and one (1) brother, having inherited the same from their late mother, ANTONIA QUITERAS.

"The Decision dated September 1, 2000, which was penned by acting MTC Judge BERNABE B. MENDOZA, was rendered in favor of the respondent, the pertinent portions of which read:

`There is no allegation that plaintiffs have been deprived of the possession of the land by force, intimidation, threat, strategy or stealth.

`The dispossession was made in 1947. As such, ejectment is not the proper remedy.

`WHEREFORE, a judgment is hereby rendered dismissing the case.

`No pronouncement as to costs.

`SO ORDERED.'

"On appeal, the Regional Trial Court, Branch 20 of Cauayan, Isabela, presided over by Executive Judge HENEDINO P. EDUARTE, rendered, together with another related complaint for ejectment, i.e., Civil Case No. 20-1126, the Joint Decision dated February 5, 2001, the decretal portion of which reads:

`WHEREFORE, judgment is hereby rendered:

`1. Affirming the decision in Civil Case No. Br. 20-1126 entitled, `Heirs of Liberato Lumelay, et al. vs. Heirs of Julio Melchor.' Costs against the appellants.

`2. Affirming the decision in Civil Case No. 201-1125, entitled, `Heirs of Demetrio Melchor, et al. vs. Julio Melchor.' Costs against the appellants.

`SO ORDERED.'"[5]

Ruling of the Court of Appeals

Sustaining the Regional Trial Court (RTC), the CA ruled that petitioners had failed to make a case for unlawful detainer. It opined that the MTC had never acquired jurisdiction over the case, because there was no allegation that the parties had entered into a contract -- express or implied -- or that there was possession by tolerance.

Furthermore, the appellate court held that the proper remedy should have been a plenary action for recovery of possession, not a summary action for ejectment.

Hence, this Petition.[6]

The Issue

In their Memorandum,[7] petitioners raised only one alleged error:

"The Court of Appeals committed a grave error when it ruled that the Second Amended Complaint does not allege a sufficient cause of action for x x x unlawful detainer."[8]

The Court's Ruling

The Petition has no merit.

Lone Issue:

Sufficiency of the Complaint for Ejectment

Petitioners filed a summary action for ejectment based on Rule 70 of the Rules of Court. Under Section 1 of the Rule, two separate remedies are available -- one for forcible entry and another for unlawful detainer.[9] Petitioners maintain that while the Complaint does not support a cause of action for forcible entry, the allegations therein certainly indicate one for unlawful detainer. They add that they did not commit any jurisdictional infirmity in failing to allege prior physical possession, because that fact is not an element of unlawful detainer.

We do not agree. Even if petitioners may be correct in saying that prior physical possession by the plaintiff need not be alleged in an action for unlawful detainer,[10] the absence of such possession does not ipso facto make their Complaint sufficient to confer jurisdiction on the MTC.

In ejectment cases, the jurisdiction of the court is determined by the allegations of the complaint.[11] The test for determining the sufficiency of those allegations is whether, admitting the facts alleged, the court can render a valid judgment in accordance with the prayer of the plaintiff.[12]

A review of the Second Amended Complaint of petitioners discloses these pertinent allegations: the absolute owner of the subject land was their father, Demetrio Melchor, who bought it on February 14, 1947 from respondent's father, Pedro Melchor;[13] being the heirs of Demetrio Melchor, petitioners became the owners of the property by reason of succession;[14] as such, they sent a formal demand letter to respondent, who had been using the property since February 14, 1947, for grazing cows and carabaos and for planting crops;[15] and in that letter, they asked him to vacate and surrender the property,[16] but he failed to do so.[17]

Accordingly, petitioners prayed for judgment ordering respondent to vacate the property and to pay P500,000, which represented the income earned from February 14, 1947 to the present, as well the costs of the suit.[18]

It is clear from the foregoing that the allegations in the Complaint failed to constitute a case for either forcible entry or unlawful detainer. These actions, which deal with physical or de facto possession,[19] may be distinguished as follows:

"(1) In an action for forcible entry, the plaintiff must allege and prove that he was in prior physical possession of the premises until deprived thereof, while in illegal detainer, the plaintiff need not have been in prior physical possession; and (2) in forcible entry, the possession by the defendant is unlawful ab initio because he acquires possession by force, intimidation, threat, strategy, or stealth, while in unlawful detainer, possession is originally lawful but becomes illegal by reason of the termination of his right of possession under his contract with the plaintiff. In pleadings filed in courts of special jurisdiction, the special facts giving the court jurisdiction must be specially alleged and set out. Otherwise, the complaint is demurrable." [20]

As correctly held by the appellate court, "[f]orcible entry must be ruled out as there was no allegation that the petitioners were denied possession of the subject property through any of the means stated in Section 1, Rule 70 [of the Rules of Court]." [21]

Neither was unlawful detainer satisfactorily alleged. In determining the sufficiency of a complaint therefor, it is not necessary to employ the terminology of the law.[22] Not averred in this case, however, were certain essential facts such as how entry was effected, or how and when dispossession started.[23] Petitioners merely alleged their ownership of the land, which had supposedly been possessed by respondent since 1947. There was no allegation showing that his possession of it was initially legal -- by virtue of a contract, express or implied -- and that it became illegal after the expiration of his right to possess.

Neither did the Complaint claim as a fact any overt act on the part of petitioners showing that they had permitted or tolerated respondent's occupancy of the subject property.[24] It is a settled rule that in order to justify an action

for unlawful detainer, the owner's permission or tolerance must be present at the beginning of the possession.[25] Furthermore, the complaint must aver the facts showing that the inferior court has jurisdiction to try the case; for example, by describing how defendant's possession started or continued.[26]

The prayer of petitioners contradicts, however, the existence of possession by tolerance. It must be noted that they seek to be paid P500,000 as payment for the use of the property by respondent from 1947 to the present. This allegation implies that they never permitted him to possess the land.

Since the Complaint did not satisfy the jurisdictional requirements of a valid cause for forcible entry or unlawful detainer, the appellate court was correct in holding that the MTC had no jurisdiction to hear the case.

Verily, the failure of petitioners to properly allege a case for ejectment does not leave them without any other remedy. Under the proper circumstances, what may be filed is a case either for accion publiciana, which is a plenary action intended to recover the better right to possess; or an accion reivindicatoria, a suit to recover ownership of real property.[27] This principle was laid down in *Ong v. Parel* as follows:[28]

"The jurisdictional facts must appear on the face of the complaint. When the complaint fails to aver facts constitutive of forcible entry or unlawful detainer, as where it does not state how entry was effected or how and when dispossession started, as in the case at bar, the remedy should either be an accion publiciana or an accion reivindicatoria in the proper regional trial court.

"If private respondent is indeed the owner of the premises subject of this suit and she was unlawfully deprived of the real right of possession or the ownership thereof, she should present her claim before the regional trial court in an accion publiciana or an accion reivindicatoria, and not before the municipal trial court in a summary proceeding of unlawful detainer or forcible entry. For even if one is the owner of the property, the possession thereof cannot be wrested from another who had been in the physical or material possession of the same for more than one year by resorting to a summary action for ejectment. This is especially true where his possession thereof was not obtained through the means or held under the circumstances contemplated by the rules on summary ejectment."

WHEREFORE, the Petition is DENIED, and the assailed Decision AFFIRMED. Costs against petitioners.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, Corona, and Carpio Morales, JJ., concur.

[1] Rollo, pp. 8-18.

[2] Penned by Justice Martin S. Villarama Jr. and concurred in by Justices Conrado M. Vasquez Jr. (Division chairman) and Eliezer R. de los Santos (member); id., pp. 20-26.

[3] Rollo, p. 27.

[4] CA Decision, p. 7; rollo, p. 26.

[5] Id., pp. 1-3 & 20-22.

[6] The case was deemed submitted for decision on October 22, 2002, upon this Court's receipt of respondent's Memorandum, which was signed by Atty. Diosdado B. Ramirez. Petitioners' Memorandum, filed on October 9, 2002, was signed by Atty. Ernesto S. Carreon.

[7] Rollo, pp. 142-151.

[8] Petitioners' Memorandum, p. 3; rollo, p. 144.

[9] Section 1, Rule 70 of the Rules of Court, provides:

"SECTION 1. Who may institute proceedings, and when. - Subject to the provisions of the next succeeding section, a person deprived of the 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, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs."

[10] Barba v. Court of Appeals, GR No. 126638, February 6, 2002; citing Spouses Benitez v. Court of Appeals, 334 Phil 216, January 16, 1997.

[11] Spouses Tirona v. Hon. Alejo, 419 Phil. 285, October 10, 2001; Hilario v. Court of Appeals, 329 Phil. 202, August 7, 1996.

[12] Feliciano v. Court of Appeals, 350 Phil. 499, March 5, 1998.

[13] Second Amended Complaint, par. 5, p. 2; rollo, p. 29.

[14] Id., par. 9; *ibid*.

[15] *Ibid*.

[16] Id., par. 10; *ibid*.

[17] Id., par. 12, p. 3; *id.*, p. 30.

[18] Id., p. 3; *ibid*.

[19] Amagan v. Marayag, 383 Phil. 486, February 28, 2000.

[20] Spouses Tirona v. Hon. Alejo, *supra*, p. 299, per Quisumbing, J.

[21] CA Decision, pp. 5-6; rollo, pp. 24-25.

[22] Jimenez v. Patricia, Inc., 340 SCRA 525, September 18, 2000.

[23] *Ibid.*; Serdoncillo v. Spouses Benolirao, 358 Phil. 83, October 8, 1998.

[24] Ong v. Parel, 355 SCRA 691, March 28, 2001.

[25] Go Jr. v. Court of Appeals, 415 Phil. 172, August 14, 2001.

[26] Hilario v. Court of Appeals, *supra*.

[27] Heirs of Laurora v. Sterling Technopark III, GR No. 146815, April 9, 2003.

[28] *Supra*, p. 699, per Gonzaga-Reyes, J.; citing Sarmiento v. CA, 320 Phil. 146, 156, November 16, 1995, per Regalado J.

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.