

**SPS. ALFREDO MENDOZA AND ROSARIO F. MENDOZA, PETITIONERS,
VS. MARIA CORONEL, REPRESENTED BY JUANITO CORONEL,
RESPONDENT.**

G.R. NO. 156402. February 13, 2006

Ponente: PUNO, J.

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PUNO, J.:

On appeal are the Court of Appeals' (CA's) May 30, 2002 Decision[1] in CA-G.R. SP No. 67157 and November 12, 2002 Resolution,[2] reversing the September 17, 2001 Decision[3] of the Regional Trial Court (RTC) of Malolos, Bulacan in Civil Case No. 458-M-2001. The RTC of Malolos ruled that the Municipal Trial Court (MTC) of Hagonoy, Bulacan, before which respondent filed the ejectment case against petitioners, had no jurisdiction to decide the case for failure of respondent to implead her co-owners of the disputed property, the latter being indispensable parties to the ejectment suit.

The facts are as follows:

Respondent Maria Coronel is one of the co-owners of Lots 3250 and 3251 located at Sagrada Familia, Hagonoy, Bulacan. Petitioners, spouses Alfredo and Rosario Mendoza, occupied said lots upon tolerance of respondent and her co-owners without paying any rent. When respondent demanded that petitioners vacate the premises, the latter refused. Thus, on December 27, 2000, respondent filed a case before the MTC of Hagonoy, Bulacan for unlawful detainer against petitioners. The MTC ruled in favor of respondent, ordering petitioners to vacate the disputed lots. The dispositive portion of its May 29, 2001 Decision reads as follows:

WHEREFORE, premises considered, judgment is hereby rendered ordering the defendants and all those claiming rights under them:

- (1) to vacate the subject premises (lots 3250 and 3251) and to surrender possession of the same to plaintiff[;]
- (2) to pay plaintiff attorney's fees and litigation expenses in the amount of P10,000.00 and to pay a monthly rental of P500 from receipt of this decision until they shall have vacated the subject premises; and
- (3) to pay the costs of suit.

SO ORDERED.[4]

Petitioners appealed to the RTC of Malolos, Bulacan which ruled in their favor. It annulled and set aside the appealed decision for want of jurisdiction of the MTC. It held that the co-owners of the subject lot should have been impleaded as indispensable parties.

On appeal to the CA, respondent was successful as the appellate court reversed and set aside the ruling of the RTC and revived the decision of the MTC dated May 29, 2001. Petitioners' Motion for Reconsideration was denied.

Hence, this appeal.[5]

Petitioners assign the following errors:

- The lower court erred in ruling that a co-owner can bring an action in ejectment without impleading his co-owners, relying on an “Errata for pages 38-39 of Volume 280 SCRA,” which appears to alter the original tenor of the ruling in *Arcelona vs. CA* that co-owners are indispensable parties.
- The lower court erred in not taking into account that the complaint was filed by an attorney-in-fact authorized by only one of the co-owners to file the ejectment suit.
- The lower court erred in allowing the petition for review despite the fact that the certification against forum-shopping was executed by an attorney-in-fact, in violation of the requirement that parties must personally sign the same.

The main issue in the case at bar is whether any of the co-owners may bring an action in ejectment.

The CA is correct in overruling the RTC. The latter court held that in *Arcelona v. Court of Appeals*,^[6] we held that a co-owner cannot maintain an action in ejectment without joining all the other co-owners, the latter being indispensable parties.

In reversing the ruling of the RTC, the CA pointed out that the RTC relied on the uncorrected *Arcelona* decision. The RTC overlooked the fact that the decision has been corrected by an “ERRATA for pages 38-39” appearing on the second leaf of volume 280 of the SCRA. Thus, the CA held:

Formerly, Article 487 of the old Civil Code provided that “any one of the co-owners may bring an action in ejectment.” It was subsequently held that a co-owner could not maintain an action in ejectment without joining all the other co-owners.

The foregoing statement was deleted and replaced with the following:

In the past, a co-owner could not even maintain an action in ejectment without joining all the other co-owners.
..

While Article 487 of the Civil Code now provides that “any one of the co-owners may bring an action in ejectment,” former Chief Justice Moran also stressed that all of them are necessary and proper parties . . .

We reiterate the *Arcelona* ruling that the controlling law is Article 487 of the Civil Code which categorically states:

Any one of the co-owners may bring an action in ejectment. (n)

Article 487 is a departure from the rule laid down in the case of *Palarca v. Baguisi*^[7] which held that an action for ejectment must be brought by all the co-owners. As explained by Tolentino, the law now allows a co-owner to bring an action for ejectment, which covers all kinds of actions for the recovery of possession, including forcible entry and unlawful detainer, without the necessity of joining all the other co-owners as co-plaintiffs, because the suit is deemed to be instituted for the benefit of all.^[8]

We also reject petitioners’ second and third assignment of errors. Petitioners claim that Juanito Coronel, attorney-in-fact of Maria Coronel, one of the co-owners of the lots in dispute is not authorized to file the ejectment suit. They insist that he should have obtained the authority and consent of all the co-owners. But since Article 487 of the Civil Code authorizes any one of the co-owners to bring an action for ejectment and the suit is deemed to be instituted for the benefit of all, without the other co-owners actually giving consent to the suit, it follows that an attorney-in-fact of the plaintiff co-owner does not need authority from all the co-owners. He needs authority only from the co-owner instituting the ejectment suit.

We likewise hold that the execution of the certification against forum shopping by the attorney-in-fact in the case at bar is not a violation of the requirement that the parties must personally sign the same. The attorney-in-fact, who has authority to file, and who actually filed the complaint as the representative of the plaintiff co-owner, pursuant to a Special Power of Attorney, is a party to the ejectment suit. In fact, Section 1, Rule 70 of the Rules of Court[9] includes the representative of the owner in an ejectment suit as one of the parties authorized to institute the proceedings.

IN VIEW WHEREOF, petitioners' appeal is DENIED. The Court of Appeals' May 30, 2002 Decision in CA-G.R. SP No. 67157 and November 12, 2002 Resolution, reversing the September 17, 2001 Decision of the Regional Trial Court of Malolos, Bulacan in Civil Case No. 458-M-2001 and reviving the May 29, 2001 Decision of the Municipal Trial Court of Hagonoy, Bulacan in Civil Case No. 1308, are AFFIRMED.

SO ORDERED.

Garcia and Azcuna, JJ., concur.

Sandoval-Gutierrez, J., on sick leave.

Corona, J., on leave.

[1]Rollo, pp. 27-33.

[2] Id. at 34.

[3]Id. at 43-46.

[4]Id. at 42

[5] Id. at 10-23.

[6] 280 SCRA 20 (1997).

[7] 38 Phil. 177 (1918).

[8] Tolentino, Arturo M., Commentaries and Jurisprudence on the Civil Code of the Philippines, vol. II, 1992, citing Sering v. Plazo, 166 SCRA 84, 85.

[9]Rule 70, Forcible Entry and Unlawful Detainer. 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, . . . 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, . . . for the restitution of such possession, . . . (Emphasis supplied.)

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