

APRIL MARTINEZ, FRITZ DANIEL MARTINEZ AND MARIA OLIVIA MARTINEZ, PETITIONERS, VS. RODOLFO G. MARTINEZ, RESPONDENT.

G.R. NO. 162084. June 28, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review on certiorari of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 59420 setting aside and reversing the decision of the Regional Trial Court (RTC) of Manila, Branch 30, in Civil Case No. 00-96962 affirming, on appeal, the decision of the Metropolitan Trial Court (MTC) of Manila in Civil Case No. 164761 (CV) for ejectment.

The Antecedents

The spouses Daniel P. Martinez, Sr. and Natividad de Guzman-Martinez were the owners of a parcel of land identified as Lot 18-B-2 covered by Transfer Certificate of Title (TCT) No. 54334, as well as the house constructed thereon.[2] On March 6, 1993, Daniel, Sr. executed a Last Will and Testament[3] directing the subdivision of the property into three lots, namely, Lots 18-B-2-A, 18-B-2-B and 18-B-2-C. He then bequeathed the three lots to each of his sons, namely, Rodolfo, Manolo and Daniel, Jr.; Manolo was designated as the administrator of the estate.

In May 1995, Daniel, Sr. suffered a stroke which resulted in the paralysis of the right side of his body. Natividad died on October 26, 1996.[4] Daniel, Sr. passed away on October 6, 1997.[5]

On September 16, 1998, Rodolfo found a deed of sale purportedly signed by his father on September 15, 1996, where the latter appears to have sold Lot 18-B-2 to Manolo and his wife Lucila.[6] He also discovered that TCT No. 237936 was issued to the vendees based on the said deed of sale.[7]

Rodolfo filed a complaint[8] for annulment of deed of sale and cancellation of TCT No. 237936 against his brother Manolo and his sister-in-law Lucila before the RTC. He also filed a criminal complaint for estafa through falsification of a public document in the Office of the City Prosecutor against Manolo, which was elevated to the Department of Justice.[9]

On motion of the defendants, the RTC issued an Order[10] on March 29, 1999, dismissing the complaint for annulment of deed of sale on the ground that the trial court had no jurisdiction over the action since there was no allegation in the complaint that the last will of Daniel Martinez, Sr. had been admitted to probate. Rodolfo appealed the order to the CA.[11]

On October 4, 1999, Rodolfo filed a Petition with the RTC of Manila for the probate of the last will of the deceased Daniel Martinez, Sr.[12]

In the meantime, the spouses Manolo and Lucila Martinez wrote Rodolfo, demanding that he vacate the property. Rodolfo ignored the letter and refused to do so. This prompted the said spouses to file a complaint for unlawful detainer against Rodolfo in the MTC of Manila. They alleged that they were the owners of the property covered by TCT No. 237936, and that pursuant to Presidential Decree (P.D.) No. 1508, the matter was referred to the barangay for conciliation and settlement, but none was reached. They appended the certification to file action executed by the barangay chairman to the complaint.

In his Answer[13] to the complaint filed on October 11, 1999, Rodolfo alleged, inter alia, that the complaint failed to state a condition precedent, namely, that earnest efforts for an amicable settlement of the matter between the parties had been exerted, but that none was reached. He also pointed out that the dispute had not been referred to the barangay before the complaint was filed.

On October 20, 1999, the spouses Martinez filed an Amended Complaint in which they alleged that earnest efforts toward a settlement had been made, but that the same proved futile. Rodolfo filed his opposition thereto, on the ground that there was no motion for the admission of the amended complaint. The trial court failed to act on the matter.

The spouses Martinez alleged in their position paper that earnest efforts toward a compromise had been made and/or exerted by them, but that the same proved futile.[14] No amicable settlement was, likewise, reached by the parties during the preliminary conference because of irreconcilable differences. The MTC was, thus, impelled to terminate the conference.[15]

On February 21, 2000, the trial court rendered judgment in favor of the spouses Martinez. The fallo of the decision reads:

WHEREFORE, premises considered, judgment is rendered in favor of plaintiff. The defendant, including any person claiming right under him, is ordered:

- 1) To vacate the subject premises;
- 2) To pay plaintiff the sum of P10,000.00 a month starting July 17, 1999, the date of last demand until he vacates the same;
- 3) To pay the sum of P10,000.00 as and for attorney's fees; and
- 4) Costs of suit.

SO ORDERED.[16]

The trial court declared that the spouses Martinez had substantially complied with Article 151 of the Family Code of the Philippines[17] based on the allegations of the complaint and the appended certification to file action issued by the barangay captain.

Rodolfo appealed the decision to the RTC. On May 31, 2000, the RTC rendered judgment affirming the appealed decision. He then filed a petition for review of the decision with the CA, alleging that:

- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH FOUND WITHOUT MERIT THE DEFENSE OF PETITIONER THAT THERE IS NO ALLEGATION IN THE COMPLAINT THAT PETITIONER HAS UNLAWFULLY WITHHELD POSSESSION OF THE PROPERTY FROM RESPONDENTS – A REQUIREMENT IN [AN] UNLAWFUL DETAINER SUIT.
- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH FOUND THAT PETITIONER'S POSSESSION OF THE PROPERTY IS BY MERE TOLERANCE OF RESPONDENTS.

- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH FOUND THAT THE RESPONDENTS HAVE A CAUSE OF ACTION.
- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH DID NOT RESOLVE THE SIXTH ISSUE, TO WIT, “Whether or not this Court has jurisdiction over this case considering that the allegations in the complaint makes out a case of accion publiciana.”
- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH HAS NO JURISDICTION OVER THE CASE.
- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH FOUND THAT THE MANDATORY REQUIREMENT OF CONCILIATION HAS BEEN COMPLIED WITH.
- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH FOUND THAT THERE WAS SUBSTANTIAL COMPLIANCE WITH THE KATARUNGANG PAMBARANGAY LAW.
- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH FOUND THAT THE PENDENCY OF CIVIL CASE NO. 98-91147 AND SPECIAL PROCEEDINGS NO. 99-95281, INVOLVING THE PETITIONER AND RESPONDENTS AND INVOLVING THE SAME PROPERTY DID NOT DIVEST THE MTC OF AUTHORITY TO DECIDE THE CASE.
- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC WHICH GRANTED THE RELIEF PRAYED FOR BY THE RESPONDENTS.

- THE RTC ERRED IN AFFIRMING THE DECISION OF THE MTC.[18]

On November 27, 2003, the CA rendered judgment granting the petition and reversing the decision of the RTC. The appellate court ruled that the spouses Martinez had failed to comply with Article 151 of the Family code. The CA also held that the defect in their complaint before the MTC was not cured by the filing of an amended complaint because the latter pleading was not admitted by the trial court.

Upon the denial of their motion for reconsideration of the said decision, the spouses Martinez filed the present petition for review on certiorari, in which they raise the following issues:

I.

WHETHER OR NOT THE CERTIFICATION TO FILE ACTION AND THE ALLEGATIONS IN THE COMPLAINT THAT THE CASE PASSED [THROUGH] THE BARANGAY BUT NO SETTLEMENT WAS REACHED, ARE SUFFICIENT COMPLIANCE TO PROVE THAT, INDEED, EARNEST EFFORTS WERE, IN FACT, MADE BUT THE SAME HAVE FAILED PRIOR TO THE FILING OF THE COMPLAINT.

II.

WHETHER OR NOT THE COURT OF APPEALS GRAVELY AND SERIOUSLY ERRED IN FINDING THAT THERE WAS NON-COMPLIANCE WITH THE REQUIREMENT PROVIDED FOR UNDER ARTICLE 151 OF THE FAMILY CODE, CONSIDERING THAT ONE OF THE PARTIES TO A SUIT IN THIS CASE IS NOT A MEMBER OF THE SAME FAMILY.[19]

The petitioners alleged that they substantially complied with Article 151 of the Family Code, since they alleged the following in their original complaint:

2. In compliance with P.D. 1508, otherwise known as the “Katarungang Pambarangay,” this case passed [through] the Barangay and no settlement was forged between plaintiffs and defendant as a result of which Certification to File Action was issued by Barangay 97, Zone 8, District I, Tondo, Manila. xxx” (Underscoring

supplied)[20]

Further, the petitioners averred, they alleged in their position paper that they had exerted earnest efforts towards a compromise which proved futile. They also point out that the MTC resolved to terminate the preliminary conference due to irreconcilable difference between the parties. Besides, even before they filed their original complaint, animosity already existed between them and the respondent due to the latter's filing of civil and criminal cases against them; hence, the objective of an amicable settlement could not have been attained. Moreover, under Article 150 of the Family Code, petitioner Lucila Martinez had no familial relations with the respondent, being a mere sister-in-law. She was a stranger to the respondent; hence, there was no need for the petitioners[21] to comply with Article 151 of the Family Code.

The petition is meritorious.

Article 151 of the Family Code provides:

Art. 151. No suit between members of the same family shall prosper unless it should appear from the verified complaint or petition that earnest efforts toward a compromise have been made, but that the same have failed. If it is shown that no such efforts were, in fact, made, the case must be dismissed.

This rule shall not apply to cases which may not be the subject of compromise under the Civil Code.

The phrase "members of the family" must be construed in relation to Article 150 of the Family Code, to wit:

Art. 150. Family relations include those:

- (1) Between husband and wife;
- (2) Between parents and children;
- (3) Among other ascendants and descendants; and
- (4) Among brothers and sisters, whether of the full or half-blood.

Article 151 of the Family code must be construed strictly, it being an exception to the general rule. Hence, a sister-in-law or brother-in-law is not included in the enumeration.[22]

As pointed out by the Code Commission, it is difficult to imagine a sadder and more tragic spectacle than a litigation between members of the same family. It is necessary that every effort should be made toward a compromise before a litigation is allowed to breed hate and passion in the family and it is known that a lawsuit between close relatives generates deeper bitterness than between strangers.[23]

Thus, a party's failure to comply with Article 151 of the Family Code before filing a complaint against a family member would render such complaint premature.

In this case, the decision of the CA that the petitioners were mandated to comply with Article 151 of the Family code and that they failed to do so is erroneous.

First. Petitioner Lucila Martinez, the respondent's sister-in-law, was one of the plaintiffs in the MTC. The petitioner is not a member of the same family as that of her deceased husband and the respondent:

As regards plaintiff's failure to seek a compromise, as an alleged obstacle to the present case, Art. 222 of our Civil Code provides:

"No suit shall be filed or maintained between members of the same family unless it should appear that earnest efforts toward a compromise have been made, but that the same have failed, subject to the limitations in Article 2035."

It is noteworthy that the impediment arising from this provision applies to suits "filed or maintained between

members of the same family.” This phrase, “members of the same family,” should, however, be construed in the light of Art. 217 of the same Code, pursuant to which:

“Family relations shall include those:

- (1) Between husband and wife;
- (2) Between parent and child;
- (3) Among other ascendants and their descendants;
- (4) Among brothers and sisters.”

Mrs. Gayon is plaintiff’s sister-in-law, whereas her children are his nephews and/or nieces. Inasmuch as none of them is included in the enumeration contained in said Art. 217 – which should be construed strictly, it being an exception to the general rule – and Silvestre Gayon must necessarily be excluded as party in the case at bar, it follows that the same does not come within the purview of Art. 222, and plaintiff’s failure to seek a compromise before filing the complaint does not bar the same.[24]

Second. The petitioners were able to comply with the requirements of Article 151 of the Family Code because they alleged in their complaint that they had initiated a proceeding against the respondent for unlawful detainer in the Katarungang Pambarangay, in compliance with P.D. No. 1508; and that, after due proceedings, no amicable settlement was arrived at, resulting in the barangay chairman’s issuance of a certificate to file action.[25] The Court rules that such allegation in the complaint, as well as the certification to file action by the barangay chairman, is sufficient compliance with article 151 of the Family Code. It bears stressing that under Section 412(a) of Republic Act No. 7160, no complaint involving any matter within the authority of the Lupon shall be instituted or filed directly in court for adjudication unless there has been a confrontation between the parties and no settlement was reached.[26]

IN LIGHT OF ALL THE FOREGOING, the petition is GRANTED. The Decision of the Court of Appeals in CA-G.R. SP No. 59420 is REVERSED AND SET ASIDE. The Decision of the Metropolitan Trial Court of Manila, as affirmed on appeal by the Regional Trial Court of Manila, Branch 30, in Civil Case No. 164761(CV) is REINSTATED. No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Penned by Associate Justice Roberto A. Barrios, with Associate Justices Juan Q. Enriquez, Jr. and Arsenio J. Magpale, concurring.

[2] Rollo, pp. 69-70.

[3] Id. at 71-72.

[4] Id. at 68.

[5] Id. at 67.

[6] Id. at 73-76.

[7] Id. at 77-78.

[8] Id. at 79-84.

[9] Rollo, pp. 93-94.

[10] Id. at 85-90.

[11] Id. at 91.

[12] Id. at 95-98.

[13] Rollo, pp. 60-66.

[14] Id. at 13.

[15] Id.

[16] Rollo, p. 40.

[17] Formerly Article 222 of the New Civil Code.

[18] Rollo, pp. 24-25.

[19] Rollo, p. 12.

[20] Id. at 13.

[21] Petitioner Manolo Martinez died intestate on October 18, 2004 and was survived by petitioner Lucila Martinez and their children, namely, April, Fritz Daniel and Maria Olivia, all surnamed Martinez, who were substituted as parties-petitioners.

[22] See *Gayon v. Gayon*, G.R. No. L-28394, 26 November 1970, 36 SCRA 104.

[23] *Magbaleta v. Gonong*, G.R. No. L-44903, 22 April 1977, 76 SCRA 511.

[24] *Gayon v. Gayon*, *supra*.

[25] Section 399 of Republic Act No. 7160.

[26] SEC. 412. Conciliation. – (a) Pre-condition to filing of complaint in Court. – No complaint, petition, action or proceeding involving any matter within the authority of the lupon shall be filed or instituted directly in court or any other government office for adjudication unless there has been a confrontation between the parties before the lupon chairman or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon or pangkat chairman or unless the settlement has been repudiated by the parties thereto.

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