

PRISCILA V. PADRE AND EDGARDO V. PADRE, PETITIONERS, VS. ELIAS MALABANAN, RESPONDENT.

G.R. NO. 165620. September 08, 2006

Ponente: GARCIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-165620/>

GARCIA, J.:

In this petition for review under Rule 45 of the Rules of Court, petitioners Priscila V. Padre and Edgardo V. Padre seek the annulment and setting aside of the Decision[1] dated March 30, 2004 of the Court of Appeals (CA), as reiterated in its Resolution[2] of October 5, 2004, in CA-G.R. SP No. 76827, reversing an earlier decision of the Regional Trial Court (RTC) of Quezon City, Branch 82, which affirmed that of the Metropolitan Trial Court (MeTC), same city, Branch 32 in an ejectment suit thereat commenced by the petitioners against, among others, the herein respondent, Elias Malabanan.

The facts:

On August 31, 1999, at the MeTC of Quezon City, the petitioners filed a complaint for ejectment against the herein respondent and two (2) others, namely, Felino Casas and Marlon Mediana. Subject of the suit is the 600-square meter lot located on Bonifacio St., Area 1-A, Veterans Village, Barangay Pasong Tamo, Quezon City. The complaint, which was subsequently amended and raffled to Branch 32 of the court, alleged, inter alia, as follows:

xxx xxx xxx

- The plaintiffs [now petitioners] are the co-owners of the following described property located at Quezon City, covered by Transfer Certificate of Title No. 64227 of the Registry of Deeds for Quezon City. x x x
- The plaintiffs, upon their mere tolerance, allowed the defendants to occupy and possess the above-described property, with the understanding that the defendants and all persons claiming rights from them, if any, will vacate the premises upon demand from plaintiffs.
- Starting 1983, the plaintiffs have repeatedly demanded that the defendants vacate the subject premises. The last demand was around July 1998. (Emphasis supplied.)
- Despite such repeated demands, the defendants have failed and/or refused to vacate the subject premises, thereby compelling the plaintiffs to incur expenses in the amount of P20,000.00 as and for attorney's fees, appearance fee of P1,500.00 each, plus litigation expenses of not less than P5,000.00.

xxx xxx xxx

Of the three (3) defendants impleaded in the Amended Complaint, only the respondent filed an Answer, thereunder interposing the following defenses:

xxx xxx xxx

- He denies that plaintiffs are the registered owners of the parcel of land described in Transfer Certificate of

Title No. 674227. Plaintiffs' TCT, even if it may be registered with the Registry of Deeds of Quezon City, is spurious. xxx

- He vehemently denies that his possession/occupation of the land is by mere tolerance of plaintiffs. He does not know and have not seen the plaintiffs since the start of his occupancy and have not entered into any understanding with plaintiffs as to his stay therein.

xxx xxx xxx

- Plaintiffs have not possessed or occupied the land for any single moment. xxx

- He denies that plaintiffs since 1983 repeatedly asked him to vacate the land. xxx

xxx xxx xxx

- The lot owned and occupied by herein defendant was part of the Piedad Estate. Piedad Estate was one of those landed estates known as the "Friar Lands" which became patrimonial property of the government by virtue of Public Land Act No. 1120 x x x. The disposition of portions of the Piedad Estate is limited to actual settlers/occupants. xxx

xxx xxx xxx

- Defendant is the true owner of the land in dispute. He has been in peaceful possession of his homelot continuously, openly and adversely (even against the government) for many years now in the concept of owner. He is a transferee/beneficiary of the World War II Veterans Legionaries of the Philippines, Inc. whose officers and members were the original actual occupants/settlers of the land since 1946, even before the plaintiffs' alleged certificate could come up in 1978.

Thereafter, a pre-trial conference was held between the respondent and the plaintiffs, following which, the parties submitted their respective position papers.

On January 15, 2001, the MeTC, sans trial on the merits, rendered judgment for the plaintiffs, thus:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against defendants Elias Malabanan [now the respondent] the spouses Marlon and Liberty, both surnamed Mediana, as follows:

- Ordering defendants and all persons claiming rights under them to vacate the property located at Bonifacio St., Area 1-A, Veterans Village, Barangay Pasong Tamo, Quezon City per TCT No. 64227, and surrender possession thereof to plaintiff; (sic)

- Ordering defendants to pay jointly and severally the sum of P15,000.00, as and for attorney's fees;

- Ordering defendants to pay jointly and severally the sum of P20,000.00 as reasonable compensation for the use and occupancy of the aforesaid property starting from August 1998 and every month thereafter until possession thereof is restored to plaintiffs.

- Ordering defendants to pay the costs of suit.

SO ORDERED.

On respondent's appeal, the RTC of Quezon City, Branch 82, in its decision of March 18, 2003, affirmed in toto that of the MeTC, to wit:

WHEREFORE, premises considered judgment is hereby rendered AFFIRMING in toto the Decision rendered by the MTC (sic), Quezon City, Branch 32 of January 15, 2001.

SO ORDERED.

From the RTC's denial of his motion for reconsideration, the respondent went on appeal to the CA whereat his appellate recourse was docketed as CA-G.R. SP No. 76827. In the herein assailed Decision[3] of March 30, 2004, the CA granted the respondent's appeal; dismissed the petitioners' amended complaint for ejectment; and reversed and set aside the earlier decisions of the RTC and the MeTC, as follows:

WHEREFORE, the instant petition is GRANTED. Accordingly, the assailed Decision of the RTC (Br. 82, Quezon City) dated March 18, 2003 and the Decision of the MeTC (Br. 32, Quezon City) dated January 15, 2001 are REVERSED and SET ASIDE and the complaint of respondents (now petitioners) is hereby DISMISSED.

SO ORDERED.

Partly says the CA in its reversal action:

xxx. We deemed it expedient to just resolve the pivotal issue presented before Us: whether or not an unlawful detainer suit was the proper legal remedy for [petitioners] in the present case and not an accion publiciana or accion reivindicatoria.

xxx xxx xxx

In their Amended Complaint, [petitioners] simply alleged that they are the co-owners of the real property covered by TCT No. 64227 and that upon their mere tolerance, they allowed [respondent] to occupy and possess the real property with the understanding that [respondent] will vacate the premises upon demand. There is nothing in [petitioners'] Amended Complaint showing when and/or the circumstances how [respondent] started possession of the premises and when and under what circumstances, [petitioners] gave their consent to [respondent] to occupy the property and vacate it upon demand. It must be pointed out that there was no clear showing as to when [respondent] had started his possession of Subject Property or when [petitioners] came to learn the possession of [respondent].

Thus, the MeTC and the RTC erred in treating the Amended Complaint as a case of unlawful detainer, since the [petitioners'] Amended Complaint did not allege facts constitutive of unlawful detainer. Well-entrenched is the rule that 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, the action should either be accion publiciana or reivindicatoria in the Court of First Instance (now Regional Trial Court).

In their Amended Complaint, [petitioners] clearly alleged that the last demand to vacate upon the [respondent] was made in July 1998. [Petitioners] further claimed that since the final demand was made in July 1998, the one-year period to file the ejectment suit should be reckoned from that date.

We disagree.

Ejectment cases are summary proceedings intended to provide an expeditious means of protecting actual possession or right of possession of property x x x. Because of its summary nature, under Rule 70, Section 1 of the revised Rules of Civil Procedure, an action for unlawful detainer may be brought before the municipal trial court within one (1) year after such unlawful deprivation or withholding of possession xxx.

xxx xxx xxx

Assuming arguendo that [respondent's] possession of the Subject Property was merely tolerated by the [petitioners] such possession became illegal upon demand to vacate x x x since it is settled that one whose stay is merely tolerated becomes a deforciant illegally occupying the land the moment he is required to leave x x x. It may not be amiss to state that x x x subsequent demands after the initial demand, were merely in the nature

of reminders or reiterations of the original demand, the one-year period to commence suit is counted from the first demand.

Proceeding therefrom, since the initial demand to vacate was made in 1983, as per allegation of [petitioners] in their Amended Complaint, about 16 years already elapsed when [petitioners] filed the unlawful detainer suit. Thus, the proper course of action would have been for [petitioners] to file an accion publiciana or accion reivindicatoria before the Regional Trial Court. xxx

xxx xxx xxx

Granting also that the one-year period to file the unlawful detainer suit should be counted from the last letter of demand to vacate x x x, the Court could not find convincing proofs that, indeed, the final demand to vacate was made in July 1998. (Words in brackets supplied)

Their motion for reconsideration of the aforesaid decision having been denied by the CA in its Resolution[4] of October 5, 2004, the petitioners are now with this Court via the instant petition on their submission that the CA erred -

- xxx in ruling that the action should have been dismissed for failure of the complaint to aver facts constitutive of either forcible entry or unlawful detainer.
- xxx in ruling that the proper remedy of the petitioners is not an ejectment suit but an accion publiciana since they failed to allege the manner by which the respondent deprived them of possession over the subject property.
- xxx in ruling that the one-year period to bring an action for unlawful detainer is counted from accrual of the cause of action.
- xxx in ruling that there was no convincing proof that a final demand to vacate was made in July 1998.
- xxx in faulting the petitioners' inaction to eject for 16 years from first demand to vacate, and in ignoring respondent's inaction to cancel title/reconveyance for almost 50 years.

We DENY.

In the main, it is the petitioners' posture that simply because their amended complaint avers tolerance on their part for the respondent's possession and occupancy of the premises in dispute, said allegation alone vests jurisdiction upon the MeTC to act on their complaint and to render judgment in their favor.

To the mind of the Court, while jurisdiction indeed attaches to the MeTC to entertain the petitioners' amended complaint, as in fact the action is one for ejectment and the allegations of tolerance are made thereunder, it is error to conclude that said court, on the basis alone that the Amended Complaint alleges tolerance, could order the respondent's ejectment from the premises in dispute.

As it were, practically all the allegations in the Amended Complaint are denied by the respondent. Judging from the respondent's Answer, the petitioners were never at all in physical possession of the premises from the time he started occupying it and continuously up to the present. For sure, the petitioners merely derived their alleged prior physical possession only on the basis of their Transfer Certificate of Title (TCT), arguing that the issuance of said title presupposes their having been in possession of the property at one time or another.

To stress, the respondent very much placed in issue the alleged tolerance of the petitioners, including the question of whether or not the latter were ever in possession at all of the subject premises. In the law of evidence, allegations are not proofs,[5] more so when, as here, the other party very much denied those allegations. The fatal error committed by the MeTC and perpetuated on appeal by the RTC is that both courts mistook allegations as

proofs, ignoring the fact that those allegations were all denied by the respondent.

As correctly observed by the CA, evidence is totally wanting as to when and under what circumstances was the alleged tolerance came about. In fact, judging from the records, the respondent was already on the property even before the petitioners obtained their TCT.

Moreover, a complaint for unlawful detainer should be filed within one (1) year after such unlawful deprivation or withholding of possession occurs,[6] which, as admitted by the petitioners themselves in their Amended Complaint, occurred in 1983.[7] The filing of the complaint for unlawful detainer in this case on August 31, 1999 is way beyond the prescribed one-year period. It is very evident from the allegations in the Amended Complaint, therefore, that the MeTC has no jurisdiction over the case, which must have been filed in the RTC via an accion publiciana.

We are, therefore, in full accord with the CA in dismissing the petitioners' Amended Complaint and in reversing and setting aside the decisions of the two (2) courts below it.

With the view we take of this case, we need not address the other superficial issues raised by the petitioners. The CA has already delved thereon and its disposition thereof, being very much in accord with law and jurisprudence, calls for affirmance.

WHEREFORE, the instant petition is DENIED and the assailed CA Decision dated March 30, 2004 and Resolution dated October 5, 2004 are hereby AFFIRMED.

Costs against the petitioners.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

[1] Penned by Associate Justice Edgardo F. Sundiam, with former Associate Justice (now deceased) Eubulo G. Verzola and Associate Justice Remedios Salazar-Fernando, concurring, Rollo, pp. 26-32.

[2] Id. at 44.

[3] Supra note 1.

[4] Supra note 2.

[5] *Manzano vs. Perez*, 414 Phil. 728 (2001); *International Finance Corp. vs. Imperial Textile Inc.*, G.R. No. 160324, November 15, 2005, 475 SCRA 149.

[6] *Panganiban vs. Pilipinas Shell Petroleum Corp.*, 443 Phil. 753 (2003).

[7] Complaint, par. 5, see p. 2, supra.

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.