

ROSA DELOS REYES, PETITIONER, VS. SPOUSES FRANCISCO ODOES AND ARWENIA ODOES, NOEMI OTALES, AND GREGORIO RAMIREZ, RESPONDENTS.

G.R. No. 178096. March 23, 2011

Ponente: NACHURA, J.

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NACHURA, J.:

This petition for certiorari under Rule 45 of the Rules of Court seeks the reversal of the February 19, 2007 Decision[1] and the May 22, 2007 Resolution[2] of the Court of Appeals (CA), affirming the June 20, 2006 decision[3] of the Regional Trial Court (RTC), Branch 68, Camiling, Tarlac, which in turn set aside the March 28, 2006 decision[4] of the Municipal Trial

Court (MTC) of Camiling, Tarlac, in a complaint for unlawful detainer, disposed as follows:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against defendants, ordering defendants, spouses Arwenia Odoes and Francisco Odoes, their heirs and assigns and all persons acting in their behalves to vacate the premises and to surrender possession thereof to the plaintiff. Defendants are likewise ordered to pay One Thousand (P1,000.00) Pesos as reasonable compensation for the use of the land and Attorney's fees in the amount of Five Thousand (P5,000.00) Pesos.

SO ORDERED.[5]

The Facts

This case emanated from a complaint for Unlawful Detainer with Preliminary Injunction[6] filed by petitioner Rosa delos Reyes (petitioner) against respondents spouses Arwenia and Francisco Odoes, Noemi Otales, and Gregorio Ramirez (respondents) before the MTC of Camiling, Tarlac, on July 12, 2005. The complaint alleged these material facts:

3. That [petitioner] is the owner of a parcel of land covered x x x by Transfer Certificate of Title No. 392430, of the Land Records for the Province of Tarlac, located at Pao, Camiling, Tarlac, x x x.
4. That even before the document upon which the title was based, [petitioner] has long been the owner thereof;
5. That [respondents] are staying on the said property with a house/improvements therein, with the mere tolerance of [petitioner] only without any contract whatsoever and for which there is an implied understanding to vacate upon the demand;
6. That [petitioner] previously demanded verbally upon [respondents] to vacate which they refused and for which a written notice was sent advising them to vacate the said property within fifteen (15) days from receipt of the letter to vacate x x x.
7. That the said letter was sent by registered mail on June 17, 2005, which was duly received x x x.[7]

In their Answer with Counterclaim,[8] respondents claimed that they are the owners of the lot, having purchased

the same by virtue of an Extrajudicial Succession of Estate and Sale[9] dated January 29, 2004, executed by the heirs of Donata Lardizabal, the land's original owner. Respondents denied that their occupancy of the property was by virtue of petitioner's tolerance.[10]

Respondents further argued that the basis of petitioner's Transfer Certificate of Title (TCT), which is a Deed of Absolute Sale dated April 18, 1972,[11] was a forgery because the purported vendors therein, Donata Lardizabal and Francisco Razalan, died on June 30, 1926[12] and June 5, 1971,[13] respectively. Incidentally, the said TCT and Deed of Absolute Sale are the subject of a pending case for annulment of title before the RTC, Branch 68, Camiling, Tarlac.[14]

In a decision dated March 28, 2006, the MTC ruled in favor of petitioner, and ordered respondents to vacate the property and to pay rent for the use and occupation of the same, plus attorney's fees.

Respondents appealed[15] to the RTC, arguing that since the complaint failed to allege how respondents entered the property or when they erected their houses thereon, it is an improper action for unlawful detainer, and the MTC had no jurisdiction over the same.[16]

In its June 20, 2006 decision,[17] the RTC set aside the MTC's judgment and dismissed the complaint. The RTC held that the complaint failed to aver acts constitutive of forcible entry or unlawful detainer since it did not state how entry was effected or how and when the dispossession started. Hence, the remedy should either be accion publiciana or accion reivindicatoria in the proper RTC.

Aggrieved, petitioner sought recourse with the CA, asseverating that the RTC misappreciated the allegations in the complaint and that respondents were estopped from assailing the MTC's jurisdiction because they did not raise such issue in the proceedings before that court. Petitioner insisted that, as the registered owner of the lot, she has a preferential right of possession over it.[18]

On February 19, 2007, the CA affirmed the judgment of the RTC, adding that, as pronounced in *Go, Jr. v. Court of Appeals*,[19] in order to justify an action for unlawful detainer, the owner's permission or tolerance must be present at the beginning of the possession.[20] Petitioner moved for reconsideration,[21] but the motion was denied in a Resolution dated May 22, 2007.[22] Hence, the instant petition[23] ascribing the following errors to the CA:

THE HON. COURT OF APPEALS ERRED IN APPLYING THE CASE OF *GO, JR. v. COURT OF APPEALS*.

THE HON. COURT OF APPEALS ERRED IN HOLDING THAT THE HON. MUNICIPAL TRIAL COURT OF CAMILING, TARLAC NEVER ACQUIRED JURISDICTION OVER THE CASE.

THE HON. COURT OF APPEALS ERRED IN NOT HOLDING THAT THE RESPONDENTS ARE ALREADY ESTOPPED FROM RAISING THE ISSUE OF JURISDICTION.

THE HON. COURT OF APPEALS ERRED IN NOT APPLYING THE PRINCIPLE OF *STARE DECISIS*. [24]

The petition is meritorious.

Well-settled is the rule that what determines the nature of the action, as well as the court which has jurisdiction over the case, are the allegations in the complaint. In ejectment cases, the complaint should embody such statement of facts as to bring the party clearly within the class of cases for which the statutes provide a remedy, as these proceedings are summary in nature. The complaint must show enough on its face to give the court jurisdiction without resort to parol evidence.[25]

Unlawful detainer is an action to recover possession of real property from one who illegally withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. The possession by the defendant in unlawful detainer is originally legal but became illegal due to the expiration or termination of the right to possess.[26] The proceeding is summary in nature, jurisdiction over which lies with the proper MTC or metropolitan trial court. The action must be brought up within one year from the date of last demand, and the issue in the case must be the right to physical possession.[27]

A complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following:

- initially, possession of property by the defendant was by contract with or by tolerance of the plaintiff;
- eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession;
- thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and
- within one year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejectment.[28]

Contrary to the findings of the RTC and the CA, petitioner's allegations in the complaint clearly makes out a case for unlawful detainer, essential to confer jurisdiction over the subject matter on the MTC. Petitioner alleges that she is the owner of the lot, as shown by TCT No. 392430, issued by the Registry of Deeds of Tarlac; that respondents are occupying the lot by virtue of petitioner's tolerance; and that petitioner sent a letter to respondents on June 17, 2005, demanding that they vacate the property, but they failed and refused to do so. The complaint was filed on July 12, 2005, or within one year from the time the last demand to vacate was made.

Firm is the rule that as long as these allegations demonstrate a cause of action for unlawful detainer, the court acquires jurisdiction over the subject matter.

The CA misapplied the ruling in *Go*[29] that tolerance must be present right from the start of possession, which possession is sought to be recovered. The CA, in affirming the RTC, likewise erroneously applied the rule that jurisdictional facts must appear on the face of the complaint for ejectment, such that when the complaint fails to faithfully aver facts constitutive of unlawful detainer, as where it does not state when and how entry was effected, or how and when dispossession started, the remedy should either be *accion publiciana* or *accion reivindicatoria* in the proper RTC.

The requirement that the complaint should aver, as jurisdictional facts, when and how entry into the property was made by the defendants applies only when the issue is the timeliness of the filing of the complaint before the MTC, and not when the jurisdiction of the MTC is assailed because the case is one for *accion publiciana* cognizable by the RTC.[30] This is because, in forcible entry cases, the prescriptive period is counted from the date of defendants' actual entry into the property; whereas, in unlawful detainer cases, it is counted from the date of the last demand to vacate. Hence, to determine whether the case was filed on time, there is a necessity to ascertain whether the complaint is one for forcible entry or for unlawful detainer; and since the main distinction between the two actions is when and how defendant entered the property, the determinative facts should be alleged in the complaint.[31]

In *Go*, there was evidence that the possession by the defendant was illegal at the inception and not merely tolerated as alleged in the complaint. No such similar finding is extant in this case. Further, one of the factual issues raised in *Go* was whether the action was filed within one (1) year from the date the last demand was made. Here, it is beyond dispute that the complaint for unlawful detainer was filed within one (1) year from the date the

demand letter was sent on June 17, 2005.

Based on the foregoing, the MTC validly acquired jurisdiction over the complaint and we agree with its conclusion that petitioner is entitled to the physical possession of the lot, she having been able to prove by preponderance of evidence, through the TCT registered in her name, that she is entitled to possession of the property as owner. The countervailing evidence presented by respondents that sought to dispute the authenticity of petitioner's TCT cannot be given weight in this case. Settled is the rule that the validity of a certificate of title cannot be attacked in an action for ejectment.[32]

This notwithstanding, the determination made herein as regards petitioner's ownership of the lot by virtue of TCT No. 392430 is only prima facie and only for purposes of resolving the issue of physical possession. These pronouncements are without prejudice to the case of annulment of the deed of sale and TCT filed by respondents against petitioner.[33] Lastly, these pronouncements are not binding on respondents Noemi Otales and Gregorio Ramirez over whose persons no jurisdiction was acquired by the MTC.[34]

WHEREFORE, the petition is GRANTED. The February 19, 2007 Decision and the May 22, 2007 Resolution of the Court of Appeals are hereby REVERSED and SET ASIDE. The March 28, 2006 decision of the Municipal Trial Court of Camiling, Tarlac, is REINSTATED and AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion,[*] Peralta, and Abad, JJ., concur.

[*] Additional member in lieu of Associate Justice Jose Catral Mendoza per Special Order No. 975 dated March 21, 2011.

[1] Penned by Associate Justice Jose L. Sabio, Jr., with Associate Justices Jose C. Reyes, Jr. and Myrna Dimaranan Vidal, concurring; rollo, pp. 28-35.

[2] Id. at 38.

[3] Id. at 124-126.

[4] Id. at 85-89.

[5] Id. at 88-89.

[6] Id. at 54-60.

[7] Id. at 54-56.

[8] Id. at 67-70.

[9] Id. at 71-72.

[10] Supra note 8.

[11] Id. at 73.

[12] Id. at 77.

[13] Id. at 78.

[14] Id. at 74-76.

[15] Notice of Appeal; *id.* at 90.

[16] Appeal Memorandum; *id.* at 91-96.

[17] *Supra* note 3.

[18] Petition for Review; *rollo*, pp. 147-175.

[19] G.R. No. 142276, August 14, 2001, 362 SCRA 755.

[20] *Supra* note 1.

[21] *Rollo*, pp. 40-53.

[22] *Supra* note 2.

[23] *Rollo*, pp. 3-26.

[24] Quoted in brevity; *id.* at 10.

[25] *Canlas v. Tubil*, G.R. No. 184285, September 25, 2009, 601 SCRA 147, 156, citing *Domalsin v. Valenciano*, G.R. No. 158687, January 25, 2006, 480 SCRA 114, 133-134.

[26] *Valdez, Jr. v. CA*, G.R. No. 132424, May 4, 2006, 489 SCRA 369, 376.

[27] *Id.*

[28] *Cabrera v. Getaruela*, G.R. No. 164213, April 21, 2009, 586 SCRA 129, 137.

[29] *Supra* note 19.

[30] *Canlas v. Tubil*, *supra* note 25, at 160.

[31] *Id.*, citing *Javelosa v. CA*, 333 Phil. 331, 340 (1996).

[32] *Soriente v. Estate of the Late Arsenio E. Concepcion*, G.R. No. 160239, November 25, 2009, 605 SCRA 315, 330.

[33] *Barias v. Heirs of Bartolome Boneo*, G.R. No. 166941, December 14, 2009, 608 SCRA 169, 175.

[34] *Supra* note 4, at 88.

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