

SPS. VICENTE DIONISIO AND ANITA DIONISIO, PETITIONER, VS. WILFREDO LINSANGAN, RESPONDENT.

G.R. No. 178159. March 02, 2011

Ponente: ABAD, J.

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ABAD, J.:

The case is about a) amendments in the complaint that do not alter the cause of action and b) the effect in an unlawful detainer action of the tolerated possessor's assignment of his possession to the defendant.

The Facts and the Case

Gorgonio M. Cruz (Cruz) owned agricultural lands in San Rafael, Bulacan, that his tenant, Romualdo San Mateo (Romualdo) cultivated. Upon Romualdo's death, his widow, Emiliana, got Cruz's permission to stay on the property provided she would vacate it upon demand.

In September 1989 spouses Vicente and Anita Dionisio (the Dionisios) bought the property from Cruz.[1] In April 2002, the Dionisios found out that Emiliana had left the property and that it was already Wilfredo Linsangan (Wilfredo) who occupied it under the strength of a "Kasunduan ng Bilihan ng Karapatan"[2] dated April 7, 1977.

The Dionisios wrote Wilfredo on April 22, 2002, demanding that he vacate the land but the latter declined, prompting the Dionisios to file an eviction suit[3] against him before the Municipal Trial Court (MTC) of San Rafael, Bulacan. Wilfredo filed an answer with counterclaims in which he declared that he had been a tenant of the land as early as 1977.

At the pre-trial, the Dionisios orally asked leave to amend their complaint. Despite initial misgivings over the amended complaint, Wilfredo asked for time to respond to it. The Dionisios filed their amended complaint on August 5, 2003; Wilfredo maintained his original answer.

The MTC issued a pre-trial order[4] specifying the issues. For the plaintiffs: (1) whether or not the defendant can be ejected from the property and (2) whether or not the plaintiffs are entitled to reasonable rent for the use of the property, damages, and attorney's fees. For the defendant: (1) whether or not the MTC has jurisdiction to try this case; (2) whether or not the defendant can be ejected from the questioned property; and (3) whether or not the defendant is entitled to damages and attorney's fees.

On May 3, 2004 the MTC rendered judgment, ordering Wilfredo to vacate the land and remove his house from it. Further, the MTC ordered Wilfredo to pay the Dionisios P3,000.00 a month as reasonable compensation for the use of the land and P20,000.00 as attorney's fees and to pay the cost of suit.

On appeal,[5] the Regional Trial Court (RTC) of Malolos, Bulacan, affirmed the MTC decision, holding that the case was one for forcible entry. On review,[6] however, the Court of Appeals (CA) rendered judgment on July 6, 2006, reversing the decisions of the courts below, and ordering the dismissal of the Dionisios' action. The CA held that, by amending their complaint, the Dionisios effectively changed their cause of action from unlawful detainer

to recovery of possession which fell outside the jurisdiction of the MTC. Further, since the amendment introduced a new cause of action, its filing on August 5, 2003 marked the passage of the one year limit from demand required in ejectment suits. More, since jurisdiction over actions for possession depended on the assessed value of the property and since such assessed value was not alleged, the CA cannot determine what court has jurisdiction over the action.

The Issues Presented

The issues presented in this case are:

1. Whether or not the Dionisios' amendment of their complaint effectively changed their cause of action from one of ejectment to one of recovery of possession; and
2. Whether or not the MTC had jurisdiction over the action before it.

The Rulings of the Court

One. An amended complaint that changes the plaintiff's cause of action is technically a new complaint. Consequently, the action is deemed filed on the date of the filing of such amended pleading, not on the date of the filing of its original version. Thus, the statute of limitation resumes its run until it is arrested by the filing of the amended pleading. The Court acknowledges, however, that an amendment which does not alter the cause of action but merely supplements or amplifies the facts previously alleged, does not affect the reckoning date of filing based on the original complaint. The cause of action, unchanged, is not barred by the statute of limitations that expired after the filing of the original complaint.[7]

Here, the original complaint alleges that the Dionisios bought the land from Cruz on September 30, 1989; that Romualdo used to be the land's tenant; that when he died, the Dionisios allowed his widow, Emiliana, to stay under a promise that she would leave the land upon demand; that in April 2002 the Dionisios discovered on visit to the land that Emiliana had left it and that Wilfredo now occupied it under a claim that he bought the right to stay from Emiliana under a "Kasunduan ng Bilihan ng Karapatan;" that the Dionisios did not know of and gave no consent to this sale which had not been annotated on their title; that the Dionisios verbally told Wilfredo to leave the property by April 31, 2002; that their lawyer reiterated such demand in writing on April 22, 2002; that Wilfredo did not heed the demand; that the Dionisios wanted to get possession so they could till the land and demolish Wilfredo's house on it; that Wilfredo did not give the Dionisios' just share in the harvest; and that the Dionisios were compelled to get the services of counsel for P100,000.00.

The amended complaint has essentially identical allegations. The only new ones are that the Dionisios allowed Emiliana, Romualdo's widow to stay "out of their kindness, tolerance, and generosity;" that they went to the land in April 2002, after deciding to occupy it, to tell Emiliana of their plan; that Wilfredo cannot deny that Cruz was the previous registered owner and that he sold the land to the Dionisios; and that a person occupying another's land by the latter's tolerance or permission, without contract, is bound by an implied promise to leave upon demand, failing which a summary action for ejectment is the proper remedy.

To determine if an amendment introduces a different cause of action, the test is whether such amendment now requires the defendant to answer for a liability or obligation which is completely different from that stated in the original complaint.[8] Here, both the original and the amended complaint required Wilfredo to defend his possession based on the allegation that he had stayed on the land after Emiliana left out of the owner's mere tolerance and that the latter had demanded that he leave. Indeed, Wilfredo did not find the need to file a new answer.

Two. Wilfredo points out that the MTC has no jurisdiction to hear and decide the case since it involved tenancy relation which comes under the jurisdiction of the DARAB.[9] But the jurisdiction of the court over the subject matter of the action is determined by the allegations of the complaint.[10] Besides, the records show that Wilfredo failed to substantiate his claim that he was a tenant of the land. The MTC records show that aside from the assertion that he is a tenant, he did not present any evidence to prove the same. To consider evidence presented only during appeal is offensive to the idea of fair play.

The remaining question is the nature of the action based on the allegations of the complaint. The RTC characterized it as an action for forcible entry, Wilfredo having entered the property and taken over from widow Emiliana on the sly. The problem with this characterization is that the complaint contained no allegation that the Dionisios were in possession of the property before Wilfredo occupied it either by force, intimidation, threat, strategy, or stealth, an element of that kind of eviction suit.[11] Nowhere in the recitation of the amended complaint did the Dionisios assert that they were in prior possession of the land and were ousted from such possession by Wilfredo's unlawful occupation of the property.

Is the action one for unlawful detainer? An action is for unlawful detainer if the complaint sufficiently alleges the following: (1) initially, the defendant has possession of property by contract with or by tolerance of the plaintiff; (2) eventually, however, such possession became illegal upon plaintiff's notice to defendant, terminating the latter's right of possession; (3) still, the defendant remains in possession, depriving the plaintiff of the enjoyment of his property; and (4) within a year from plaintiff's last demand that defendant vacate the property, the plaintiff files a complaint for defendant's ejectment.[12] If the defendant had possession of the land upon mere tolerance of the owner, such tolerance must be present at the beginning of defendant's possession.[13]

Here, based on the allegations of the amended complaint, the Dionisios allowed Emiliana, tenant Romualdo's widow, to stay on the land for the meantime and leave when asked to do so. But, without the knowledge or consent of the Dionisios, she sold her "right of tenancy" to Wilfredo. When the Dionisios visited the land in April 2002 and found Wilfredo there, they demanded that he leave the land. They did so in writing on April 22, 2002 but he refused to leave. The Dionisios filed their eviction suit within the year.

It is pointed out that the original complaint did not allege that the Dionisios "tolerated" Emiliana's possession of the land after her husband died, much less did it allege that they "tolerated" Wilfredo's possession after he took over from Emiliana. But the rules do not require the plaintiff in an eviction suit to use the exact language of such rules. The Dionisios alleged that Romualdo used to be the land's tenant and that when he died, the Dionisios allowed his widow, Emiliana, to stay under a promise that she would leave upon demand. These allegations clearly imply the Dionisios' "tolerance" of her stay meantime that they did not yet need the land.

As for Wilfredo, it is clear from the allegations of the complaint that Emiliana assigned to him her right to occupy the property. In fact that assignment was in writing. Consequently, his claim to the land was based on the Dionisios' "tolerance" of the possession of Emiliana and, impliedly, of all persons claiming right under her.

True, the "Kasunduan ng Bilihan ng Karapatan" under which Emiliana transferred her tenancy right to Wilfredo appears to have been executed in 1977, years before Cruz sold the land to the Dionisios, implying that Wilfredo had already been in possession of the property before the sale. But what is controlling in ascertaining the jurisdiction of the court are the allegations of the complaint. The Dionisios alleged in their complaint that they were the ones who allowed Emiliana (and all persons claiming right under her) to stay on the land meantime that they did not need it. The MTC and the RTC gave credence to the Dionisios' version. The Court will respect their judgment on a question of fact.

WHEREFORE, the Court GRANTS the petition, REVERSES and SETS ASIDE the Decision of the Court of

Appeals in CA-G.R. SP 92643 dated July 6, 2006, and REINSTATES the Decision of the Municipal Trial Court of San Rafael, Bulacan, in Civil Case 1160-SRB-2003 dated May 3, 2004.

SO ORDERED.

Carpio, (Chairperson), Velasco, Jr.,[*] Del Castillo,**] and Mendoza, JJ., concur.

[*] Designated as additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Special Order 933 dated January 24, 2011.

**] Designated as additional member in lieu of Associate Justice Diosdado M. Peralta, per Special Order 954 dated February 21, 2011.

[1] Rollo, p. 92.

[2] Id. at 94.

[3] Docketed as Civil Case 1160-SRB-2003.

[4] Rollo, pp. 133-134.

[5] Docketed as Civil Case 381-M0-04.

[6] Docketed as CA-G.R. SP 92643.

[7] Wallem Philippines Shipping, Inc. v. S.R. Farms, Inc., G.R. No. 161849, July 9, 2010.

[8] Regalado, F., Remedial Law Compendium, Vol I, 8th ed., p. 189, citing Rubio v. Mariano, 151 Phil. 418 (1973).

[9] The elements of tenancy agreement are: (1) The parties are the landowner and the tenant or agricultural lessee; (2) The subject matter of the relationship is an agricultural land; (3) There is consent between the parties to the relationship; (4) The purpose of the relationship is to bring about agricultural production; (5) There is personal cultivation on the part of the tenant or agricultural lessee; and (6) The harvest is shared between the landowner and the tenant or agricultural lessee. See Escariz v. Revilleza, G.R. No. 155544, August 24, 2007, 531 SCRA 116, 121.

[10] Encarnacion v. Amigo, G.R. No. 169793, September 15, 2006, 502 SCRA 172, 178.

[11] Dela Cruz v. Court of Appeals, G.R. No. 139442, December 6, 2006, 510 SCRA 103, 115.

[12] Canlas v. Tubil, G.R. No. 184285, September 25, 2009, 601 SCRA 147, 157-158.

[13] Heirs of Melchor v. Melchor, 461 Phil. 437, 445 (2003).

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