CORAZON D. SARMIENTA, JOSE DERAMA, CATES RAMA, JOSIE MIWA, TOTO NOLASCO, JESUS OLIQUINO, NORBERTO LOPEZ, RUBEN ESPOSO, BERNARDO FLORESCA, MARINA DIMATALO, ROBLE DIMANDAKO, RICAR...

G.R. No. 182953. October 11, 2010

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

This petition for review on certiorari seeks to nullify the Decision[1] dated October 19, 2007 and Resolution[2] dated May 21, 2008 of the Court of Appeals (CA) in CA-G.R. SP No. 93050. The CA had affirmed the Decision[3] dated January 10, 2006[4] of the Regional Trial Court (RTC) of Antipolo City, Branch 74, in Civil Case No. 05-485 which reversed the Decision[5] of the Municipal Trial Court in Cities (MTCC) of Antipolo City, Branch 1, in Civil Case No. 104-00.

The case stemmed from a complaint[6] for "Forcible Entry/Unlawful Detainer" filed by respondent Manalite Homeowners Association, Inc. (MAHA) against AMARA W CIGELSALO Association (AMARA) and its members. The complaint was raffled to the MTCC of Antipolo City, Branch 1 and docketed as Civil Case No. 104-00.

MAHA alleged that it is the registered owner of a certain parcel of land covered by Transfer Certificate of Title (TCT) No. 222603[7] with an area of 9,936 square meters situated in Sitio Manalite, Phase I, Barangay Sta. Cruz, Antipolo City.[8] Through force, intimidation, threat, strategy and stealth, petitioners entered the premises and constructed their temporary houses and an office building.[9] Petitioners likewise even filed a civil case to annul MAHA's title on September 2, 1992, but said case was dismissed by the trial court. After said dismissal, MAHA demanded that petitioners vacate the land. Petitioners pleaded that they be given one year within which to look for a place to transfer, to which request MAHA acceded. The said one-year period, however, was repeatedly extended due to the benevolence of MAHA's members. Later on, petitioners came up with a proposal that they become members of MAHA so they can be qualified to acquire portions of the property by sale pursuant to the Community Mortgage Program (CMP).[10] MAHA again agreed and tolerated petitioners' possession, giving them until December 1999 to comply with the requirements to avail of the CMP benefits. Petitioners nonetheless failed to comply with said requirements. Thus, on August 9, 2000, MAHA sent formal demand letters to petitioners to vacate the property. Upon the latter's refusal to heed the demand, MAHA filed the complaint for "Forcible Entry/Unlawful Detainer."

In their Answer with Counterclaims,[11] petitioners denied the said allegations and averred that they are the owners of the subject lot, having been in actual physical possession thereof for more than thirty (30) years before MAHA intruded into the land. They claimed that as the years went by, they established the AMARA and bought the subject property from Julian Tallano. The property later became known as the Tallano Estate and registered under TCT No. 498. They likewise argued that the allegations in the complaint do not confer jurisdiction upon the

court acting as an ejectment court, and that the complaint was irregular and defective because its caption states that it was for "Forcible Entry/Unlawful Detainer." MAHA, additionally, had no legal capacity to sue and was guilty of forum shopping. Its officers were likewise fictitious.

On May 19, 2005, the MTCC of Antipolo City rendered a decision dismissing the case for lack of cause of action. The MTCC held that the complaint filed was one of forcible entry, but MAHA failed to establish the jurisdictional requirement of prior physical possession in its complaint.[12] Also, the trial court held that MAHA's failure to initiate immediate legal action after petitioners unlawfully entered its property and its subsequent declaration of benevolence upon the petitioners cannot be construed as tolerance in accordance with law as to justify the treatment of the case as one for unlawful detainer.[13]

MAHA appealed the decision to the RTC. The RTC rendered a Decision dated January 10, 2006, reversing the decision of the MTCC. The RTC held that the lower court erred in dismissing the case by considering the complaint as one of forcible entry which required prior physical possession. The RTC found that MAHA was able to allege and prove by preponderance of evidence that petitioners' occupation of the property was by mere "tolerance." MAHA tolerated the occupation until all those who wanted to acquire MAHA's rights of ownership could comply with membership obligations and dues.[14] Petitioners, however, failed to comply with said obligations within the given period; thus, their occupation became illegal after MAHA demanded that they vacate the property.[15] The dispositive portion of the RTC decision reads:

> WHEREFORE, premises considered, the judgment appealed from is hereby REVERSED and SET ASIDE. A new judgment is rendered ordering the defendants; their representatives and all persons acting for and in their behalf; members of their families; their lessees and sub-lessees; or other people whose occupation of the premises are from the authority of defendants, their representatives or members of the defendants' families; and other transferees pendente lite:
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> 1) to vacate the subject premises;
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> 2) to pay jointly and severally the plaintiff the sum of THIRTY FIVE THOUSAND PESOS (P35,000.00) as for attorney's fee[s] and the cost of suit; and,
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> 3) to pay the plaintiff severally the sum of ONE HUNDRED PESOS (P100.00) per month from June 1992 until the premises are actually vacated.
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> SO ORDERED.[16]

Aggrieved, petitioners filed a petition for review with the CA assailing the decision of the RTC. In a Decision dated October 19, 2007, the CA affirmed the decision of the RTC. The CA held that while the complaint in the beginning alleged facts which make out a case for forcible entry, the rest of the averments therein show that the cause of action was actually for unlawful detainer. The CA noted that the complaint alleged supervening events that would show that what was initially forcible entry was later tolerated by MAHA thereby converting its cause of action into one for unlawful detainer. Accordingly, the complaint was filed within the required one-year period counted from the date of last demand. The CA further held that the fact that the complaint was captioned as both for forcible entry and unlawful detainer does not render it defective as the nature of the complaint is determined by the allegations of the complaint. The dispositive portion of the CA decision reads,

> WHEREFORE, premises considered, the petition is DISMISSED for lack of merit. The decision of the Regional Trial Court of Antipolo City, Branch 74 dated January 10, [2006] is hereby AFFIRMED.
>
> SO ORDERED.[17]

Petitioners' motion for reconsideration from the said decision was denied in a Resolution dated May 21, 2008.

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Hence, petitioners are now before this Court raising the following issues:

> - WHETHER OR NOT THE HONORABLE COURT OF APPEALS GRAVELY ERRED WHEN IT AFFIRMED THE DECISION OF THE REGIONAL TRIAL COURT OF ANTIPOLO CITY, BRANCH 74 IN CIVIL CASE NO. 05-485 REVERSING THE DECISION OF THE MUNICIPAL TRIAL COURT [IN CITIES], BRANCH 1, ANTIPOLO CITY THAT DISMISS[ED] THE FORCIBLE ENTRY/UNLAWFUL DETAINER CASE FOR LACK OF CAUSE OF ACTION.
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> - WHETHER OR NOT THE HONORABLE COURT OF APPEALS GRAVELY ERRED WHEN IT RULED THAT THE COURT [A QUO] ACQUIRED JURISDICTION OVER THE SUBJECT MATTER OF THE CASE.
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> - WHETHER OR NOT THE HONORABLE COURT OF APPEALS GRAVELY ERRED WHEN IT RULED THAT THE COMPLAINT BOTH CAPTIONED AS FORCIBLE ENTRY AND UNLAWFUL DETAINER IS NOT DEFECTIVE.
>
> - WHETHER OR NOT THE PETITIONERS [HAVE] A SUPERIOR RIGHT OF POSSESSION OVER THE PROPERTY IN QUESTION.
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> - WHETHER OR NOT THE METROPOLITAN TRIAL COURT IN CITIES, BRANCH 1, ANTIPOLO CITY HAS JURISDICTION.
>
> - WHETHER OR NOT THE METROPOLITAN TRIAL COURT IN CITIES, BRANCH 1, ANTIPOLO CITY HAS JURISDICTION OVER AN EJECTMENT CASE BASED ON FORCIBLE ENTRY AND UNLAWFUL DETAINER.[18]

Essentially, there are two principal issues for our resolution: (1) whether or not the allegations in the complaint are sufficient to make up a case of forcible entry or unlawful detainer; and (2) whether or not the CA was correct in affirming the RTC's decision finding a case of unlawful detainer.

Petitioners assert that the jurisdictional requirement of prior physical possession in actions for forcible entry was not alleged with particularity in the complaint, as it merely alleged that respondent had been deprived of its possession over the property. They also maintained that they were not withholding possession of the property upon the expiration or termination of their right to possess because they never executed any contract, express or implied, in favor of the respondent. Hence, there was also no unlawful detainer.

We deny the petition.

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.[19] In ejectment cases, the complaint should embody such statement of facts as to bring the party clearly within the class of cases under Section 1, Rule 70 of the 1997 Rules of Civil Procedure, as amended. Section 1 provides:

> 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, or other person, 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, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs.

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There are two entirely distinct and different causes of action under the aforequoted rule, to wit: (1) a case for forcible entry, which is an action to recover possession of a property from the defendant whose occupation thereof is illegal from the beginning as he acquired possession by force, intimidation, threat, strategy or stealth; and (2) a case for unlawful detainer, which is an action for recovery of possession from the defendant whose possession of the property was inceptively lawful by virtue of a contract (express or implied) with the plaintiff, but became illegal when he continued his possession despite the termination of his right thereunder.

In forcible entry, the plaintiff must allege in the complaint, and prove, that he was in prior physical possession of the property in dispute until he was deprived thereof by the defendant by any of the means provided in Section 1, Rule 70 of the Rules either by force, intimidation, threat, strategy or stealth.[20] In unlawful detainer, there must be an allegation in the complaint of how the possession of defendant started or continued, that is, by virtue of lease or any contract, and that defendant holds possession of the land or building "after the expiration or termination of the right to hold possession by virtue of any contract, express or implied."

In the present case, a thorough perusal of the complaint would reveal that the allegations clearly constitute a case of unlawful detainer:

> x x x x
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> 3. Plaintiff is the registered owner of that certain parcel of land involved in the instant case covered by TCT No. 222603 containing an area of 9,936 sq.m. situated in Sitio Manalite, Phase I, Baranggay Sta. Cruz, Antipolo City, which property was place under community mortgage program (CMP);
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> 4. Other defendants in the instant case are all member and officers of defendant AMARA who, through force, intimidation, threat, strategy and stealth entered into the premises herein and constructed their temporary houses and office building respectively, pre-empting plaintiff from using the premises thus, depriving the same of its prior possession thereof;
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> 5. On September 2, 1992 as an strategy of the cheapest sort defendants, in conspiracy and collusion with each other, defendants as representative of Heirs of Antonio and Hermogenes Rodriquez, the alleged owner of the property at bar, filed civil case no. 92-2454 against plaintiff, lodge before Branch 73 of the Regional Trial Court of Antipolo City, seeking to annul plaintiff title;
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> 6. Immediately upon final dismissal of such groundless, baseless and malicious suit, plaintiff demanded defendants to vacate the premises, but the latter pleaded with the former to be given a one (1) year period within which to look for a place to transfer, which period, upon pleas of defendants, coupled with plaintiff's benevolence was repeatedly extended by said plaintiffs tolerance of occupancy thereof, but under such terms and conditions. Due to failure to comply with their undertaking despite repeated demands therefor plaintiffs sent a formal demand letter upon defendants;
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> 7. Upon receipt of the above-stated demand, defendants propose to become members of plaintiff, as qualification to acquire portions of the property by sale pursuant to the CMP, to which plaintiff agreed and tolerated defendants possession by giving the same a period until the month of December 1999, to comply with all the requirements pre-requisite to the availing of the CMP benefits but failed and despite repeated demands therefor, thus, the filing of a complaint with the Baranggay and the issuance of the certificate to file action dated February 8, 2000;
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> 8. As time is of the essence, and the fact that the defendants are mere intruders or usurpers who have no possessory right whatsoever over the land illegally occupied by them, trifling technicalities that would tend to defeat the speedy administration of justice formal demand is not necessary thereto, (Republic vs. Cruz C.A. G.R. No. 24910 R Feb. 7, 1964) however, to afford a sufficient period of time within which to vacate the premises peacefully another oral and formal demands were made upon the same to that effect, and demolish

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> the temporary office and houses they constructed on plaintiff's property and instead defendants again, as representative to alleged "Estate of Julian Tallano" filed a complaint for ejectment against plaintiffs former President, Hon. Marcelino Aben which case, is docketed as civil case no. 4119, lodged, before branch 11 of this Honorable court, defendants obstinately refused to peacefully turn over the property they intruded upon in fact they even dared plaintiff to file a case against them boasting that nobody can order them to vacate the premises;
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> 9. Defendants' letter dated August 9, 2000, acknowledged actual receipt of plaintiffs two (2) formal demands letters. Thus, "the issuance of Katibayan Upang Makadulog sa Hukuman" dated September 25, 2000;
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> 10. As a result thereof, plaintiff was compelled to engage the services of the undersigned counsel in order to immediately institute the instant suit for which services plaintiff agreed to pay the amount of P35,000.00 plus P3,500.00 per court appearance;
>
> x x x x[21]

A complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following: (1) initially, possession of property by the defendant was by contract with or by tolerance of the plaintiff; (2) eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession; (3) thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and (4) within one year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejectment.[22]

Likewise, the evidence proves that after MAHA acquired the property, MAHA tolerated petitioners' stay and gave them the option to acquire portions of the property by becoming members of MAHA. Petitioners' continued stay on the premises was subject to the condition that they shall comply with the requirements of the CMP. Thus, when they failed to fulfill their obligations, MAHA had the right to demand for them to vacate the property as their right of possession had already expired or had been terminated. The moment MAHA required petitioners to leave, petitioners became deforciants illegally occupying the land.[23] Well settled is the rule that a person who occupies the land of another at the latter's tolerance or permission, without any contract between them, is necessarily bound by an implied promise that he will vacate upon demand, failing which, a summary action for ejectment is the proper remedy against him.[24] Thus, the RTC and the CA correctly ruled in favor of MAHA.

As to petitioners' argument that MAHA's title is void for having been secured fraudulently, we find that such issue was improperly raised. In an unlawful detainer case, the sole issue for resolution is physical or material possession of the property involved, independent of any claim of ownership by any of the parties.[25] Since the only issue involved is the physical or material possession of the premises, that is possession de facto and not possession de jure, the question of ownership must be threshed out in a separate action.

WHEREFORE, the instant petition for review on certiorari is hereby DENIED for lack of merit. The Decision dated October 19, 2007 and Resolution dated May 21, 2008 of the Court of Appeals in CA-G.R. SP No. 93050 are hereby AFFIRMED.

With costs against petitioners.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Bersamin, and Sereno, JJ., concur.

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[1] Rollo, pp. 30-39. Penned by Associate Justice Amelita G. Tolentino, with Associate Justices Lucenito N.

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Tagle and Ramon R. Garcia concurring.

[2] Id. at 132-133.

[3] Id. at 74-77.

[4] Erroneously dated January 10, 2005.

[5] Rollo, pp. 69-73.

[6] CA rollo, pp. 22-25.

[7] Id. at 307.

[8] Id. at 23.

[9] Id.

[10] Id.

[11] Id. at 27-30.

[12] Rollo, pp. 72-73.

[13] Id.

[14] Id. at 75-76.

[15] Id. at 76.

[16] Id. at 76-77.

[17] Id. at 38-39.

[18] Id. at 173-175.

[19] Canlas v. Tubil, G.R. No. 184285, September 25, 2009, 601 SCRA 147, 156.

[20] Quizon v. Juan, G.R. No. 171442, June 17, 2008, 554 SCRA 601, 609-610.

[21] Rollo, pp. 61-62.

[22] Cabrera v. Getaruela, G.R. No. 164213, April 21, 2009, 586 SCRA 129, 136-137.

[23] See Go, Jr. v. Court of Appeals, G.R. No. 142276, August 14, 2001, 362 SCRA 755, 767.

[24] Acaylar, Jr. v. Harayo, G.R. No. 176995, July 30, 2008, 560 SCRA 624, 644.

[25] See Cabrera v. Getaruela, supra note 22, at 138.

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