

LORENZA A. LIWANAG, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND PEDRO CASTILLO, RESPONDENTS.

G.R. No. 61425. March 28, 1983

Ponente: PLANA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61425/>

PLANA, J.:

Petitioner Lorenza Liwanag, owner of a house under a verbal lease to private respondent Pedro Castillo with rental payable on a month-to-month basis, filed in 1980 an ejectment suit with the Municipal Court of Mandaluyong, Metro Manila, against the latter on the ground that the leased property was to be used by the lessor's son, Rafael (a physician who was about to be married), as residence and medical clinic. The suit was predicated on Section 5 (c) of Batas Pambansa 25 which allows ejectment based on -

"Need of owner/lessor to repossess his property for his own use or for the use of any immediate member of his family as a residential unit, such owner or immediate member not being the owner of any other available residential unit: Provided, however, That the period of lease has expired: Provided, further, That the lessor has given the lessee notice three months in advance of the lessor's intention to repossess the property: and Provided, finally, That the owner/lessor or immediate member stays in the residential unit for at least one year, except for justifiable cause."

The Municipal Court sustained the plaintiff and ordered ejectment. This was affirmed by the Court of First Instance of Rizal. But the Court of Appeals, on appeal, reversed the decision on the ground that Liwanag had several apartment units, one of which had been vacated by her other son and was therefore available for occupancy by Rafael.

A petition for review was thereafter filed with this Court, with the following assigned errors:

I. The Court of Appeals erred in its finding that private respondent is occupying an apartment unit and that the same is needed as a residence and clinic by petitioner's son.

II. The Court of Appeals erred in the application of Batas Pambansa Blg. 25 (Sec. 5,c) and also erred in its conclusion that since there is another available residential unit for occupancy of petitioner's son, the complaint should be dismissed.

III. The Award of P1,500 for attorney's fees and payment of costs by the petitioner has no basis in fact and in law."

The first assigned error may be disregarded. It raises factual issues. Besides, the Court of Appeals did not say that there could be no ejectment unless the leased premises would be used by the lessor or his immediate relative as residence exclusively.

As to the second assigned error, Batas Pambansa 25 is clear. It does not authorize ejectment even if the lessor offers to make available to the tenant a substitute dwelling under the same terms and conditions of occupancy. Not only is it necessary that the lessor needs the leased premises for his own use or for the use of an immediate

member of his family as a residential unit; it is furthermore required that "such owner or immediate member (is) not . . . the owner of any other available residential unit."

It is not correct to say, as petitioner does, that Batas Pambansa 25, being in derogation of property rights, "should be strictly construed in favor of landowners whose property is affected by its terms." (Petition, p. 14.) Rather, there should be a balancing of conflicting interests, bearing in mind the social justice thrusts of Batas Pambansa 25 which was precisely enacted as a social welfare legislation.

Anent the third assigned error, the award to the private respondent of P1,500.00 as attorney's fees should be deleted. The petitioner was not guilty of bad faith in filing the ejectment suit; nor was it a clearly unfounded legal action. Indeed, the Municipal Court of Mandaluyong and the Court of First Instance of Rizal sustained the complaint. And in the assailed decision of the Court of Appeals, it was conceded:

" . . . we believe that petitioner has failed to establish that private respondent was motivated by bad faith or malice in instituting the action for ejectment; nor can the complaint be considered as oppressive or reckless so as to have caused serious anxiety, wounded feelings, sleepless nights and mental anguish to petitioner. Rather, in instituting the complaint for ejectment, private respondent believed in good faith that she had a good and valid ground for ejecting petitioner from the leased premises." (Rollo, p. 31.)

Nor is there any basis for claiming that it is just and equitable under the circumstances of the case that attorney's fees should be awarded. (See Civil Code, Art. 2208.)

WHEREFORE, subject to the above modification, the May 31, 1982 decision of the Court of Appeals is hereby affirmed.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Vasquez, Relova and Gutierrez, Jr., JJ., concur.

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.