

SPOUSES JULITO ZAMORA AND LYDIA ZAMORA, PETITIONERS, VS. HONORABLE COURT OF APPEALS (THIRD DIVISION) AND JOSE M. CASTILLO, RESPONDENTS.

G.R. No. 94674. March 13, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

At issue in this case is the correct interpretation of the Rule on Summary Procedure as applied to a complaint for ejectment.

The complaint was filed by Jose M. Castillo, the herein private respondent, against the spouses Julito and Lydia Zamora on the ground of the termination of their lease over the subject premises. In their answer, the defendants questioned the capacity of the plaintiff to file the suit and pointed to the fact that they had leased the said property not from him but from his mother, who was the real owner thereof. After the pre-trial conference and the submission by the plaintiff of his position paper in accordance with the Rule on Summary Procedure, the Metropolitan Trial Court of Manila rendered a decision dismissing the complaint. It held that no transfer of ownership over the property having as yet been effected from his mother to him, the plaintiff had indeed no authority to sue.[1]

On appeal to the Regional Trial Court of Manila, this decision was reversed for the basic reason that ownership is not an issue in an ejectment case. Taking note of the Memorandum of Agreement between the plaintiff and his mother, under which he had made an advance payment of P60,000.00 on the property, and the mother's letter to the defendants that they would henceforth have to "negotiate with my son Atty. Jose M. Castillo regarding the premises that you are presently occupying," Judge Gerardo M.S. Pepito declared that the plaintiff was a real party in interest and therefore had the authority to sue. Hence, the complaint should not have been dismissed.[2]

As the decision merely reversed the judgment of the MTC without making any award, the plaintiff filed a motion to amend the dispositive portion: (1) to order the defendants to vacate the premises; (2) to pay the plaintiff P10,000.00 as reasonable value for the use and occupation of the premises from July 1988 until they finally vacate the place; and (3) to pay to the plaintiff P10,000.00 as attorney's fees.

In an order dated March 13, 1990, the RTC held in part as follows:

This unlawful detainer case was not tried on the merits before the Metropolitan Trial Court of Manila because the Court merely dismissed this case "for want of authority to sue."

Hence, since the decision of this Court dated February 23, 1990 declares that this case is reinstated, what the plaintiff-appellant should do, if he is so minded, is to ask the lower court to set the case for hearing on the merits.

The reliefs above referred to in plaintiff-appellant's motion dated March 7, 1990 have not been passed upon by the lower court. Hence, there is no error as yet to be ruled upon in this appeal.[3]

The order was appealed to the respondent court,[4] which, while in effect affirming the plaintiff's authority to sue, nevertheless disagreed that the case should be remanded to the MTC for a hearing on the merits. Said the Court of Appeals:

x x x the MTC in its pre-trial order limited the issues to whether or not the plaintiff (petitioner) has purchased the leased premises from his mother, and whether or not defendants (private respondents) have recognized the plaintiff's ownership of the premises. This means all other factual issues which private respondents raised in their answer were waived by them. On the basis of the pleadings, affidavits and evidences adduced by the parties on the factual issues, the MTC had the authority to proceed to render judgment, as it did. It did not deem it necessary to hold a hearing to clarify factual matters before rendering judgment as provided in the second paragraph of Section 8. In any event, there is no record of private respondents having asked for a formal hearing, implying that the MTC could validly and adequately render judgment on the basis of the pleadings, affidavits and other evidences already presented.

To remand, therefore, the case to the MTC for formal hearing is uncalled for and is not in keeping with the spirit and purpose of the Rules of Summary Procedure.

We do not agree. The respondent court should have taken a closer look at Section 8 of the Rule on Summary Procedure providing as follows:

Sec. 8. Judgment; Hearing, when ordered. - Should the court find, upon a consideration of the pleadings, the affidavits and other evidences, and position statements submitted by the parties, that a judgment may be rendered thereon without need of a formal hearing, it may proceed to render judgment not later than fifteen (15) days from the submission of the position statements of the parties.

In cases where the judge deems it necessary to hold a hearing to clarify specific factual matters before rendering judgment, he shall set the case for hearing for the purpose. At such hearing, witnesses whose affidavits were previously submitted may be asked clarificatory questions by the proponent and by the court and may be cross-examined by the adverse party.

The order setting the case for hearing shall specify the witnesses who will be called to testify, and the matters on which their examination will deal.

At the pre-trial conference between the parties before the MTC, it was agreed that the issues to be resolved were:

1. Whether or not the plaintiff has purchased the premises in question from Mrs. Salome M. Castillo.
2. Whether or not the defendants have recognized the plaintiff's ownership of the premises in question.

As it has already been determined that the plaintiff has the authority to sue, there is need now to ascertain whether or not he is entitled to the relief he seeks, which is the reason he filed the complaint in the first place. The MTC dismissed the complaint only because it believed that the plaintiff was not a proper party. Now that it has been overruled on this point, it must proceed to resolve the factual issues, which have not been heard at all.

The respondent court observed that the MTC "did not deem it necessary to hold a hearing to clarify factual matters," inferring that these had been considered on the basis of the affidavits and other evidence before it, and that "in any event, there is no record of private respondents having asked for a formal hearing." This was erroneous.

Surely, one cannot expect the defendants to ask for a formal hearing on the factual issues when they were insisting precisely that the plaintiff had no authority to raise them. As for the MTC itself, a careful reading of its decision will show that it confined itself to the legal question of the plaintiff's authority to sue and, having decided this against him, naturally saw no need to pursue the other issues.

The respondent court also ruled that the case should be remanded to the Regional Trial Court, which it said "erred in not adjudicating the rights of the parties in its decision." We disagree. On the contrary, we feel that the RTC was correct in reinstating the case for further proceedings on the merits by the MTC, conformably to BP 129 and specifically to Rule 40, Section 10, of the Rules of Court, providing as follows:

Sec. 10. Appellate powers of Courts of First Instance where action not tried on its merits by inferior court. - Where the action has been disposed of by an inferior court upon a question of law and not after a valid trial upon the merits, the Court of First Instance shall on appeal review the ruling of the inferior court and may affirm or reverse it, as the case may be. In case of reversal, the case shall be remanded for further proceedings.

WHEREFORE, the challenged decision is MODIFIED and Civil Case No. 129172 is REMANDED, not to the Regional Trial Court but to the Metropolitan Trial Court of Manila, for further proceedings.

SO ORDERED.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, pp. 39-40; decided by Judge Sebastian A. Bacud.

[2] Ibid., pp. 42-45.

[3] Id., pp. 55-56.

[4] Justice Santiago M. Kapunan, ponente, with E. Cui and J. Torres, JJ., concurring.

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