

CLAIRE ANNE CHANSUYCO, RONALD ALLAN CHANSUYCO AND ABRAHAM CHANSUYCO II, PETITIONERS, VS. SPOUSES LOPE AND JOCELYN CERVERA PALTEP, AND ALL PERSONS CLAIMING RIGHTS UNDER THEM, RES...

G.R. Nos. 208733-34. August 19, 2019

Ponente: LAZARO-JAVIER, J.

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LAZARO-JAVIER, J.:

The Case

This petition for review assails the Decision[2] dated June 14, 2013 of the Court of Appeals affirming with modification the dispositions of the Regional Trial Court (RTC)-Branch 126, Caloocan City in Civil Case No. C-22743 entitled "Claire Anne Chansuyco, Ronald Allan Chansuyco, & Abraham Chansuyco II vs. Spouses Lope and Cervera Paltep and all persons claiming rights under them", for unlawful detainer, thus:

WHEREFORE, the petition in CA-G.R. SP No. 124771 is denied for lack of merit.

The petition in CA-G.R. SP No. 125034 is partly granted. Thus, the assailed Decision dated January 3, 2012 and Order dated April 25, 2012 of the RTC are affirmed, subject to the modification that:

(1) The Chansuycos are ordered to refund to spouses Paltep the amount of P251,812.00 (with spouses Paltep retaining possession of the 34 square-meter portion adjudicated in their favor by the RTC); or

(2) In the alternative, the Chansuycos are ordered to refund to spouses Paltep the amount of P375,000.00 and upon receipt of the full amount thereof, spouses Paltep are ordered to vacate the premises.

SO ORDERED.[3]

Proceedings before the Metropolitan Trial Court (MeTC)

Petitioners Claire Anne Chansuyco, Ronald Allan Chansuyco and Abraham Chansuyco II filed the complaint below for unlawful detainer against respondent Spouses Lope and Jocelyn Paltep.[4] The case was raffled to the Metropolitan Trial Court (MeTC)-Branch 52, Caloocan City.

Petitioners' version

In 2000, petitioners' father Abraham Chansuyco acquired a residential lot (138 square meters) located at 1306 Cadena de Amor St., Area A, Barangay Camarin, Caloocan City. It was covered by Transfer of Certificate of Title (TCT) No. C-346197 in the name of Abraham Chansuyco, married to Elvira Rubio.[5]

On November 26, 2002, Abraham Chansuyco died, leaving as heirs his wife Elvira and their children petitioners Claire Ann, Ronald Allan, and Abraham II.[6]

Petitioners claimed that the subject property was their family home. They had been estranged from their mother

Elvira since 2003. They learned that Elvira had turned over the possession of the property to respondents Spouses Lope and Jocelyn Cervera Paltep.[7] Petitioners attempted to take it back but Spouses Paltep refused, asserting Elvira had already sold it to them.[8]

Sometime in 2004, petitioners bought back from respondents 52 square meters of the property through an Absolute Deed of Sale.[9] They did so out of desperation to go back and stay in the only place they called home.[10] Subsequently, petitioners demanded that Spouses Paltep vacate the property. They averred that the property was their parents' conjugal asset. Elvira sold it to Spouses Paltep prior to liquidation of the conjugal partnership allegedly in violation of Article 130[11] of the Family Code. Too, since the property was also their family home, its conveyance, sans their consent infringed Articles 158[12] and 159[13] of the Family Code.[14]

Consequently, petitioners initiated a complaint with the barangay but the parties failed to amicably resolve the matter there. Under letter dated August 4, 2008, petitioners demanded that Spouses Paltep vacate the property.[15] But Spouses Paltep continued to refuse.

Respondents' defense

They acquired the property from petitioners' mother Elvira through a Deed of Sale dated February 2, 2004 for a consideration of P500,000.00.[16] Petitioners later questioned their possession and demanded that they vacate the property.[17]

After learning that Elvira had no authority to dispose of the entire property, they voluntarily relinquished 52 square meters of it in favor of petitioners.[18] They and petitioners shared in paying for the segregation expenses.[19] Not long after though petitioners filed a case against them before the barangay.[20] They failed to settle the case there. Petitioners' complaint before the MeTC actually sought to nullify the deed of absolute sale which action fell beyond the MeTC's jurisdiction.[21]

The MeTC Ruling[22]

The MeTC granted the complaint and ordered respondents to vacate the property. It held that petitioners were able to sufficiently prove that as pro indiviso co-owners they had a better right of possession over the property. On the other hand, respondents based their supposed right of possession on a void contract of sale.

Further, the MeTC pronounced that the property was a family home where petitioners' family used to live. It was also a conjugal asset which following the death of petitioners' father, had not been yet liquidated. Elvira's sale of the conjugal asset, sans the required liquidation, contravened Article 130 of the Family Code. The sale also violated Articles 158 and 159 of the same Code prohibiting the sale of the family home without the consent of the majority of its beneficiaries.

The MeTC decreed:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendants. Defendants are ordered to:

1. vacate and peacefully surrender the subject premises to the plaintiffs;
2. pay attorney's fees in the amount of P10,000 and the Costs of Suit.

SO ORDERED.

Proceedings before the RTC

On appeal, respondents faulted the MeTC for: 1) disregarding the deed of absolute sale in their favor; 2) ignoring

that after the sale, they voluntarily gave up a portion of the property in petitioners' favor; and 3) what petitioners actually sought was a decree to nullify the deed of sale which action fell beyond the jurisdiction of the MeTC.

On the other hand, petitioners negated respondents' claim of ownership for being purportedly based on an invalid deed of absolute sale.

The RTC Ruling

By Decision dated January 3, 2018, the RTC partly granted the appeal.[23] It ruled that Claire Anne, Ronald Allan and Abraham II each had a pro indiviso share of 17.25 square meters while Elvira, 86.25 square meters, of the property. The RTC treated Elvira's conveyance or sale of the property as a tacit form of liquidation of both the conjugal partnership and the estate of Abraham Chansuyco. The deed of sale was valid only up to the extent of Elvira's share. The 52 square meters which petitioners bought back from respondents must be deemed to refer to a portion pertaining to Elvira's share which she earlier conveyed to Spouses Paltep. Adding this portion to petitioners' pro indiviso shares, they now owned a total of 103.75 square meters. Finally, the RTC held that petitioners were able to establish the jurisdictional elements of unlawful detainer on the entire 103.75 square meters. The RTC suggested though that the heirs partition the property for them to be able to determine once and for all the metes and bounds of their individual shares as well as the share of their mother Elvira. Thus:

Verily, the assailed Decision is modified. Judgment is hereby rendered in favor of the plaintiffs-appellees but only to the extent of 103.75 square meters and the defendants are directed to:

1. [V]acate the 52 square meters which is the subject matter of the Deed of Sale in 2004 between the plaintiffs and the defendants.
2. Vacate the undivided 51.25 sq. meters which is the share of the plaintiffs as heirs of their father, the late Abraham Chansuyco but the same has not been defined/described by metes and bounds.
3. Pay attorney's fee at P10,000.00 and cost of suit.

Judgment is likewise rendered in favor of the defendants allowing them to occupy an area of 34 sq. meters out of the 138 sq. meters property covered by TCT No. C-346197.

It is suggested that the parties will undergo partition of the properties to define the metes and bounds of the corresponding areas awarded to them by the Court.

SO ORDERED.

Proceedings in the Court of Appeals

Both petitioners and respondents went to the Court of Appeals via Rule 43 of the Rules of Court. They repeated their respective arguments below. In addition, petitioners questioned the RTC for suggesting that they partition the property soon. For their part, respondents assailed as inequitable the RTC ruling insofar as it reduced their right to only 34.25 square meters. Respondents, nonetheless, signified their willingness to vacate the property should petitioners pay them P375,000.00, the amount they paid for the property.

The Court of Appeals' Ruling

By Decision dated June 14, 2013, the Court of Appeals affirmed, with modification, viz:

WHEREFORE, the petition in CA-G.R. SP No. 124771 is denied for lack of merit.

The petition in CA-G.R. SP No. 125034 is partly granted. Thus, the assailed Decision dated January 3, 2012 and Order dated April 25, 2012 of the RTC are affirmed, subject to the modification that:

(1) The Chansuycos are ordered to refund to spouses Paltep the amount of P251,812.00 (with spouses Paltep retaining possession of the 34 square-meter portion adjudicated in their favor by the RTC); or

(2) In the alternative, the Chansuycos are ordered to refund to spouses Paltep the amount of P375,000.00 and upon receipt of the full amount thereof, spouses Paltep are ordered to vacate the premises.

SO ORDERED.

The Present Petition

Petitioners now urge the Court to exercise its discretionary appellate jurisdiction to review and reverse the assailed dispositions of the Court of Appeals. They maintain that Elvira's act of selling the property prior to liquidation of the conjugal asset was void on two counts: 1) it violated certain provisions of the Family Code; and 2) they did not consent to the sale of their family home which stood on the property. They question the Court of Appeals' directive that they refund P251,812.00 or P375,000.00 to respondents.

By Comment dated February 8, 2014, respondents adopt in full the assailed dispositions of the Court of Appeals.

The Threshold Issue

Did the complaint sufficiently allege a cause of action for unlawful detainer?

Ruling

The complaint did not sufficiently allege a case for unlawful detainer.

Unlawful detainer is an action to recover possession of real property from one who unlawfully withholds its possession after the termination of his right of possession under any contract, express or implied. The defendant's possession in unlawful detainer was originally legal but became illegal due to termination of the right to possess.[24]

A complaint sufficiently alleges a cause of action for unlawful detainer if it indicates 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 the plaintiff to the defendant of the termination of the 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 the defendant to vacate the property, the plaintiff instituted the complaint for ejectment.[25]

Accordingly, these aforesaid jurisdictional facts must be alleged in the complaint itself for unlawful detainer. Failure to do so divests the first level court of jurisdiction over the case.[26]

Here, the complaint alleges:

xxx

7. Plaintiffs, who have been estranged from their mother since October 2003, found out that their mother had turned over possession of the Property to her friends, herein defendant spouses Lope and Cervera Paltep without their consent or knowledge;

8. When plaintiffs tried to take possession of the Property, they were refused entry and told by defendants that their mother had already sold the Property to them without the plaintiff's knowledge or consent sometime on or

about 2003 or 2004. Curiously, in spite of their several requests, plaintiffs were never furnished a copy of the alleged deed of sale. Neither was the alleged contract of sale registered with the Register of Deeds of Caloocan City;

9. However, out of desperation to go back and stay at the only place they have called home and due to lack of any knowledge of the legalities of the issues on account of their youth, the plaintiffs "bought" a portion of said Property from defendant spouses sometime in the year 2004. A copy of said Deed of Absolute Sale is attached herewith as Annex "F" and made an integral part;

10. In the meantime, plaintiffs' mother left for parts unknown and have not been in contact with her children from that time up to the present;

11. It is respectfully submitted that the purported contract of sale by and between defendants and plaintiffs' mother is VOID and, hence, without any legal effect. It should be noted that at the time the Property was sold the properties owned by their late father, Abraham Chansuyco, had yet to be settled, judicially or extra-judicially pursuant to the provisions of the Family Code;[27]

One jurisdictional allegation is conspicuously lacking, i.e. defendants' possession of the property was initially lawful or legal; or defendants' possession of the property was by mere tolerance.

In *Zacarias v. Anacay, et al.*[28], the Court declared that the first level court did not acquire jurisdiction over the case for unlawful detainer since the complaint failed to describe defendants' possession of the property as initially lawful, legal or tolerated, viz.:

The above complaint failed to allege a cause of action for unlawful detainer as it does not describe possession by the respondents being initially legal or tolerated by the petitioner and which became illegal upon termination by the petitioner of such lawful possession. Petitioner's insistence that she actually tolerated respondents' continued occupation after her discovery of their entry into the subject premises is incorrect. As she had averred, she discovered respondents' occupation in May 2007. Such possession could not have been legal from the start as it was without her knowledge or consent, much less was it based on any contract, express or implied. We stress that the possession of the defendant in unlawful detainer is originally legal but became illegal due to the expiration or termination of the right to possess.

xxxx

The complaint in this case is similarly defective as it failed to allege how and when entry was effected. The bare allegation of petitioner that "sometime in May, 2007, she discovered that the defendants have entered the subject property and occupied the same", as correctly found by the MCTC and CA, would show that respondents entered the land and built their houses thereon clandestinely and without petitioner's consent, which facts are constitutive of forcible entry, not unlawful detainer. Consequently, the MCTC has no jurisdiction over the case and the RTC clearly erred in reversing the lower court's ruling and granting reliefs prayed for by the petitioner. (emphases added)

Verily, the complaint for unlawful detainer below should have been dismissed outright in view of its jurisdictional infirmity. Specifically, it lacks the jurisdictional allegation pertaining to respondents' initially legal or tolerated possession of the property. Consequently, the MeTC did not acquire jurisdiction over the case, let alone, the authority to dispose of it on the merits.

ACCORDINGLY, the petition is DENIED. Petitioners Claire Anne Chansuyco, Ronald Allan Chansuyco and Abraham Chansuyco II's complaint for unlawful detainer is DISMISSED for lack of jurisdiction. The assailed Decision dated June 14, 2013 of the Court of Appeals in CA-G.R. SP Nos. 124771 and 125034 is VACATED.

SO ORDERED.

Carpio, Senior Associate Justice, (Chairperson), Caguioa, J. Reyes, Jr., and Zalameda, JJ., concur.

[1] The first name of Jocelyn Cervera Paltep was omitted in the Petition for Review on Certiorari and the Regional Trial Court Decision.

[2] Penned by Associate Justice Fernanda Lampas Peralta, and concurred in by Associate Justices Angelita A. Gacutan and Francisco P. Acosta, Rollo, pp. 36-55.

[3] Rollo, p. 54.

[4] Record, pp. 1-6.

[5] Id.

[6] Id. at 2.

[7] Id.

[8] Id.

[9] Id. at 17-19.

[10] Id. at 2.

[11] Art. 130. Upon the termination of the marriage by death, the conjugal partnership property shall be liquidated in the same proceeding for the settlement of the estate of the deceased.

If no judicial settlement proceeding is instituted, the surviving spouse shall liquidate the conjugal partnership property either judicially or extra-judicially within six months from the death of the deceased spouse. If upon the lapse of the six-month period no liquidation is made, any disposition or encumbrance involving the conjugal partnership property of the terminated marriage shall be void.

Should the surviving spouse contract a subsequent marriage without compliance with the foregoing requirements, a mandatory regime of complete separation of property shall govern the property relations of the subsequent marriage.

[12] Art. 158. The family home may be sold, alienated, donated, assigned or encumbered by the owner or owners thereof with the written consent of the person constituting the same, the latter's spouse, and a majority of the beneficiaries of legal age. In case of conflict, the court shall decide.

[13] Art. 159. The family home shall continue despite the death of one or both spouses or of the unmarried head of the family for a period of ten years or for as long as there is a minor beneficiary, and the heirs cannot partition the same unless the court finds compelling reasons therefor. This rule shall apply regardless of whoever owns the property or constituted the family home.

[14] Record, pp. 3-4.

[15] Id. at 21-22.

[16] Id. at 37.

[17] Id. at 39.

[18] Id. at 39.

[19] Id. at 40.

[20] Id. at 40.

[21] Id. at 40.

[22] Decision dated December 23, 2010, penned by Presiding Judge Arthur O. Malabaguio.

[23] Decision dated January 3, 2018, penned by Presiding Judge Lorenza R. Bordios.

[24] See *Fullido vs. Grilli*, 781 Phil. 840, 851-852 (2016).

[25] *Reyes, Sr. v. Heirs of Forlales*, 787 Phil. 541, 551-552 (2016).

[26] See *Estate of Manantan v. Somera*, 602 Phil. 495, 507 (2009).

[27] *Rollo*, pp. 100-101.

[28] 744 Phil. 201, 210 (2014).

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