

SPECIAL THIRD DIVISION

[CA-G.R. SP NO. 132019, May 19, 2014]

**MARITES SILVA AND LOURDES MALATE, PETITIONERS, V.
SPOUSES OSCAR JOSEPH B. RAMOS, JR. AND MA. THERESA
RAMOS, RESPONDENTS.**

D E C I S I O N

BUESER, J.:

Before this Court on appeal is the Decision dated 26 April 2013^[1] rendered by the Regional Trial Court of Parañaque, Branch 195 (RTC) in the present complaint for unlawful detainer filed by respondent Spouses Oscar Joseph B. Ramos, Jr. and Ma. Theresa Ramos ("Respondents Spouses") against petitioners Marites Silva ("Petitioner Silva") and Lourdes Malate ("Petitioner Malate").

Affirming the Decision dated 13 June 2012^[2] of the Metropolitan Trial Court of Parañaque, Branch 78 (MeTC), the RTC, in the exercise of its appellate jurisdiction, upheld the right of respondent Spouses to recover the possession of the subject property from petitioners and thus ordered the dismissal of petitioners' appeal, the dispositive portion of which reads in this wise:

"WHEREFORE, the instant appeal is dismissed and the questioned decision affirmed in toto.

SO ORDERED."

Likewise on appeal is the Order 23 August 2013^[3] denying petitioners' motion for reconsideration of the aforesaid RTC Decision.

The Facts

The pertinent facts and antecedent proceedings, as borne by the records, are as follows:

On 2 September 2010, respondent Spouses filed a complaint for unlawful detainer against petitioners. Allegedly, respondent spouses are the registered owners of a parcel of land, located at Block 1, Lot 30, Versailles Street, Don Bosco, Parañaque City and covered by Transfer Certificate of Title No. 010-2010000846,^[4] as well as the residential house built thereon. Being the new owners of the property, they sought to recover possession thereof and accordingly requested petitioner Malate, the then tenant of petitioner Silva, to vacate the premises. However, despite verbal and written demands, petitioners refused to vacate the premises thus prompting respondent Spouses to file the present complaint.^[5]

On 28 November 2011, petitioners filed their Answer with Counterclaim denying the material allegations of the complaint. Petitioner Silva asserted that she is the registered owner of the subject property as evinced by Transfer Certificate of Title

No. 135029.^[6] She denied selling the property to respondent Spouses and maintained that the signature appearing in the Deed of Absolute Sale dated 16 March 2010,^[7] from which respondent Spouses derive their supposed right of ownership, is a forgery. She further asserted that no demand to vacate was made on her and petitioner Malate. As an affirmative defense, petitioners claimed that the complaint fails to state a cause of action considering the failure of respondent Spouses to aver how entry had been effected and how and when dispossession had started.^[8]

In its Decision dated 13 June 2012, the MeTC found merit in the complaint and ruled in favor of respondent Spouses. It was ruled that a pending case seeking the annulment of the disputed deed of sale and certificate of title does not abate ejectment as it proceeds independently of any claim of ownership. The lower court further ruled that respondent Spouses, as registered owners of the subject property, have the legal right to file an unlawful detainer case against petitioners. The dispositive portion of the MeTC Decision reads as follows:

"WHEREFORE, in light of the foregoing, judgment is hereby rendered in favor of the plaintiffs and against the defendants ordering the latter:

- 1. to vacate the subject property, Block 1, Lot 30, Versailles Street, Don Bosco, Parañaque, and to turn over its possession to the herein plaintiffs;*
- 2. to pay the amount of P15,000.00 as and by way of attorney's fees; and*
- 3. to pay the costs of suit.*

IT IS SO ORDERED."

Aggrieved by said pronouncement, petitioners filed an appeal before the RTC and reasserted their argument that the complaint fails to state a cause of action. Petitioners likewise insisted that the disputed deed of sale is a forgery.

Meanwhile, on 28 February 2013, petitioner Silva filed a complaint before the RTC of Parañaque, Branch 258 against respondents Spouses for annulment of title.^[9] In said complaint, petitioner Silva reiterated the assertion that the aforementioned Deed of Absolute Sale dated 16 March 2010 is a forgery and as such, did not convey ownership in favor of private respondents.

In the now assailed Decision dated 26 April 2013, the RTC concurred with the factual and legal findings of the MeTC and ordered the dismissal of petitioners' appeal. The court a quo observed that petitioners no longer have legal justification to remain in possession of the subject property and that their continued use, possession or occupancy thereof constitutes unlawful withholding of possession to the damage of respondent Spouses.

The RTC enunciated that there is no longer any need to prove dispossession in the instant case since petitioners' possession, which is by mere tolerance of the new registered owners, became unlawful after their refusal to accede to the latter's demand to vacate. It was also pointed out that as admitted by petitioners during the pre-trial, a formal demand to vacate was sent by respondent Spouses and duly received by petitioners.

Not content, petitioners moved for the reconsideration of the assailed Decision, which was denied by the RTC in its Order dated 23 August 2013.

Hence, the present legal recourse.

The Issue

The main issue to be resolved in this petition is whether the present unlawful retainer complaint filed by respondent Spouses against petitioners has factual and legal basis.

The Court's Ruling

We find the present petition bereft of merit.

Finding fault in the concurring disquisitions of the MeTC and the RTC, petitioners assert that the MeTC failed to acquire jurisdiction over the subject matter of the instant case for failure of the complaint to allege a cause of action for unlawful detainer. On this note, petitioners posit that there is no allegation in the complaint that their possession of the subject property was by way of contract or mere tolerance. Assuming that the allegations of the complaint sustain a valid cause of action, petitioners insist that there is no proof on record that their possession is by mere tolerance. They emphasize that respondent Spouses were never in physical possession of the subject property.

We are not persuaded.

Well-settled is the rule that in ejectment cases, the jurisdiction of the court is determined by the allegations of the complaint. The test for determining the sufficiency of those allegations is whether, admitting the facts alleged, the court can render a valid judgment in accordance with the prayer of the plaintiff.^[10]

Pertinently, a complaint sufficiently alleges a cause of action for unlawful detainer if it states the following elements: (1) Initially, the possession of the property by the defendant was by contract with or by tolerance of the plaintiff; (2) Eventually, the possession became illegal upon the plaintiff's notice to the 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 latter's enjoyment; and (4) Within one year from the making of the last demand on the defendant to vacate the property, the plaintiff instituted the Complaint for ejectment.^[11]

In the case at bench, these elements are substantially alleged in the complaint *a quo* and thus the lower court was within jurisdiction when it took cognizance of the same. While much is to be desired from the manner by which the respondent Spouses had constructed their complaint, the fact remains that the allegations stated therein sufficiently allege a valid cause of action for unlawful detainer.

Certainly, petitioners may gripe that the complaint fails to comply with the first element, *i.e.*, that their possession of the property was by mere tolerance of respondent Spouses. Still, regardless of how the allegations were made, a perusal of the complaint reveals that as new owners of the subject property, respondent Spouses merely tolerated petitioners' possession over the subject property. It is to note that petitioner Silva was the previous owner of the subject property and that