

THIRD DIVISION

[G.R. No. 202217, April 25, 2018]

**PABLO C. HIDALGO, PETITIONER, V. SONIA VELASCO,
RESPONDENT.**

DECISION

MARTIRES, J.:

THE CASE

Before the Court is a Petition for Review on Certiorari^[1] assailing the Decision^[2] dated 6 March 2012 and the Resolution^[3] dated 31 May 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 120649. In fine, the CA affirmed the ruling of the Regional Trial Court, Branch 22, Narvacan, Ilocos Sur (RTC), in Civil Case No. 3211-N that the Municipal Circuit Trial Court, Narvacan-Nagbukel, Ilocos Sur (MCTC) had no jurisdiction over petitioner Pablo B. Hidalgo's (*petitioner*) Complaint for Unlawful Detainer and Damages, which was filed and docketed in said trial court as Civil Case No. 636-N.

We required^[4] the parties to submit their respective comment^[5] and reply.^[6] They complied.

THE FACTS

At controversy is the possession of a Three Hundred Fifty-Two (352) square meters piece of residential land in Brgy. Santa Lucia, Municipality of Narvacan, Province of Ilocos Sur, denominated as Cadastral Lot No. 77.

Petitioner claims that in year 2000 its previous owner, the late Juana H. Querubin, executed a Deed of Donation in his favor, conveying three (3) parcels of land unto him, including Cadastral Lot No. 77; consequently, Tax Declaration No. 92-001-00987^[7] was issued in his name.

Sometime in January 2005, petitioner visited Cadastral Lot No. 77 and saw, to his surprise, that herein respondent Sonia Velasco (*respondent*) was in possession of the property. He sent several letters demanding that she vacate; the last demand letter was dated 9 January 2006. Respondent replied. In a letter dated 2 February 2006, she informed petitioner that per the instructions of one Josefina Reintegrado Baron, whom she claimed was the property's owner and from whom she derived her rights, she was not to allow petitioner to take its possession.^[8]

The case before the MCTC

On 8 December 2006, petitioner filed before the MCTC, a complaint for Unlawful Detainer with Damages against respondent, docketed as Civil Case No. 636-N. As the averments of this ejectment complaint are the focus of the present review, the

Complaint for Unlawful Detainer with Damages is pertinently reproduced below in full, viz:

COMPLAINT

[Petitioner], through the undersigned counsel and unto this Honorable Court respectfully alleges that:

1. [Petitioner] is of legal age, married, Filipino citizen and a resident of No. 504-A Mabini Street, Caloocan City while [respondent] is also of legal age, married, Filipino Citizen and a resident of Barangay Sta. Lucia Narvacan, Ilocos Sur, where summons and other processes of this Honorable Court may be served;
2. On August 3, 2000 Juana H. Querubin executed a Deed of Donation over three (3) parcels of land in favor of [petitioner] duly acknowledged by Atty. Roman Mario V. Panem, Notary Public, with Document No. 189, Page No. 39, Book No. XIV, Series of 2000 which instrument was registered with the Register of Deeds with Entry No. 1070, Page 68, Volume 73, on December 15, 2000. Copy of the Deed of Donation is hereto attached and marked as Annex "A" and is made an integral part of this Complaint.
3. By virtue of the said Deed of Donation, ownership over the three (3) parcels of land subject of donation have been transferred unto [petitioner] who has all the legal rights to exercise the attributes of ownership provided to him under the law;
4. Sometime on January 2005 when [petitioner] had the occasion to visit one (1) of the three (3) parcels of land which has been donated unto him, more particularly described as follows:

Cadastral Lot No. 77

"A residential land situated at Sta. Lucia, Narvacan, Ilocos Sur, bounded on the North by Rizal Street; on the East by Lot No. 78; on the South by Lot No. 761; And on the West by Lot No. 76 containing an area of THREE HUNDRED FIFTY TWO (352) square meters more or less, with Tax Declaration No. 92-001-00987 in the name of Pablo Hidalgo."

he was surprised to know that [respondent] had been occupying the same without his permission to his prejudice. Copy of the Tax Declaration of said lot is hereto attached and marked as Annex "B;"

5. As the lawful owner of the above described property, [petitioner] demanded the [respondent] to vacate the same by sending several demand letters, the most recent of which was on January 9, 2006. Copies of the demand letters are hereto attached and marked as Annexes "C" and "C-1;"
6. All of the said demand letters sent by [petitioner] have been received and acknowledged by the [respondent] as evidenced by

her reply, attached herewith and marked as Annexes "D" and "D-1," where she categorically stated that she will NOT VACATE the property subject of this suit thereby unlawfully and illegally withholding possession of the property of the [petitioner];

7. The refusal and continued refusal of the [respondent] to vacate the premises of the subject property has deprived [petitioner] to hold possession and beneficial use of the property for which [respondent] should be made to pay a monthly rental of Five Thousand Pesos (Php5,000) per month from the year 2005 up to the final determination of this case;
8. Due to the [respondent's] malicious and wanton refusal to vacate the property in suit, [petitioner] was constrained to hire the services of a lawyer to protect his rights and interests for a fee of TWENTY THOUSAND PESOS (Php20,000.00) for which [respondent] should be made answerable to [petitioner];
9. Herein [petitioner] has suffered anxiety, sleepless nights and wounded feelings for having been unlawfully deprived of possession over the subject property for which [respondent] is liable to [petitioner] moral damages in the amount of FIFTY THOUSAND PESOS (Php50,000.00).

PRAYER

WHEREFORE, WITH ALL THE FOREGOING, it is respectfully prayed unto this Honorable Court that judgment be rendered:

1. Ordering the [respondent] to vacate the subject property;
2. Ordering the [respondent] to pay the [petitioner] the amount of Five Thousand Pesos (Php5,000.00) as reasonable compensation for the use of the subject property from January . 2005, until the subject property is vacated and restored to the [petitioner];
3. Ordering the [respondent] to pay [petitioner] the amount of Twenty Thousand Pesos for and as attorney's fees;
4. Ordering the [respondent] to pay [petitioner the amount of] Fifty Thousand Pesos by way of moral damages.
5. Ordering [respondent] to pay the cost of the suit.

Other reliefs just and equitable under the circumstances are likewise prayed for.^[9]

x x x x

In her Answer, respondent contended, in the main, that the MCTC had no jurisdiction over the Complaint for Unlawful Detainer with Damages, and raised the additional defenses, to wit: *first*, that Josefina Reintegrado Baron had not been impleaded as party defendant; *second*, that the ejectment complaint was not

compliant with the one-year filing period for unlawful detainer cases; and, *third*, that petitioner was guilty of laches.^[10]

After a preliminary hearing held for the purpose of dealing with the jurisdictional issue, on 30 July 2008 the MCTC issued an order^[11] upholding its jurisdiction over the ejectment complaint. Trial ensued, during which, incidentally, the parties presented evidence on their respective ownership claims. Petitioner's documentary evidence in this regard includes the Deed of Donation allegedly executed by Juana H. Querubin, Tax Declaration No. 92-001-00987, tax receipts, and a certification issued by the Municipal Assessor on petitioner's payment of the realty taxes on Cadastral Lot No. 77 from 1994 to 2009.^[12] Respondent's documentary submissions include, among others, tax declarations in her name, an affidavit by a certain Atty. Roman Mario Panem alleging that there was a mistake in the Deed of Donation executed by Juana H. Querubin, and a Deed of Quitclaim executed for Josefina Reintegrado Baron.

On 21 June 2010, and after the filing of position papers,^[13] the MCTC issued a ruling. It resolved the ejectment suit in petitioner's favor.^[14] The MCTC disclosed that it had conducted a preliminary inquiry into the ownership of Cadastral Lot No. 77 and found that it was petitioner's evidence, not respondent's, that was preponderant.^[15] The court took pains to emphasize that its ruling in this regard was merely provisional, and that the matter of the ownership of Cadastral Lot No. 77 should best be ventilated and resolved in a separate action, where ownership was specifically placed at issue.^[16] The MCTC further ruled that Josefina Reintegrado Baron was not an indispensable party in the present case as the issue to be resolved therein, being an ejectment case, was who between the parties had the better right to possess Cadastral Lot No. 77.^[17] The court then stated that the running of the one-year period for the filing of an unlawful detainer suit was to be reckoned from the date of the last demand.^[18] Finally, the MCTC held that petitioner could not be held guilty of laches as there was no reason to presume that he had decided to abandon his ownership rights over Cadastral Lot No. 77. ^[19] The dispositive of the MCTC Decision reads:

WHEREFORE, premises considered, the [respondent], including any person claiming rights under her, is ordered to:

- (1) Vacate the subject premises;
- (2) Pay the [petitioner] at the rate of Php2,000.000 per month from January 9, 2006 up to the time she actually vacates from the subject premises or the amount of Php108,000.00 from January 9, 2006 to June 9, 2010 plus such amount as may be determined thereafter based on the above-stated rate;
- (3) Attorney's Fees of Ten Thousand Pesos (Php10,000.00); and
- (4) Cost of suit.^[20]

The case before the RTC

Respondent filed an appeal with the RTC, which was docketed as Civil Case No. 3211-N.

Incidentally, petitioner filed Motion for Immediate Execution of Judgment Pending Appeal before the same court,^[21] bemoaning that he had filed a similar motion before the MCTC and that respondent had failed to post a supersedeas bond to stay the same. He demanded the immediate execution of the MCTC's judgment in his favor, following Section 19 of Rule 70 of the Rules of Court.^[22]

On 15 April 2011, the RTC rendered a decision^[23] in respondent's favor. It observed that petitioner had failed to aver in the Complaint for Unlawful Detainer with Damages certain jurisdictional elements as to qualify the complaint as an unlawful detainer suit. For instance, he failed to aver that respondent had held possession of Cadastral Lot No. 77 by virtue of an express or implied contract that later expired or terminated.^[24] On this basis, the RTC dismissed the complaint for its failure to state a cause of action for unlawful detainer. Incidentally, it also ruled that it could not entertain the same complaint as a suit for forcible entry.^[25]

Petitioner filed a Motion for Reconsideration.^[26] The motion was denied.^[27]

The Ruling of the CA

Aggrieved, petitioner filed a Petition for Review before the CA, which was docketed as C.A.-G.R. SP No. 120649.

As already noted, the appellate court affirmed the dismissal of the subject Complaint for Unlawful Detainer with Damages. In fine, the CA agreed with the RTC that the MCTC had no jurisdiction over the complaint. We quote the appellate court's discussion and dispositive portion in this regard, in order that the ruling under our review may speak for itself:

[T]he allegations in the complaint failed to make out a case for unlawful detainer. It clearly did not contain any averment of fact that would substantiate petitioner's claim **that he permitted or tolerated the occupation of the property by the respondent**. The complaint made out by the petitioner is for forcible entry which the MCTC cannot duly take cognizance of because there is no statement in the complaint as to when the respondent entered into the premises of the land.

Furthermore, and as the record of the case would bear out, it is worthy to note that **no express contract admittedly existed between the parties. Neither could we appropriately conclude that an implied one exists as petitioner failed to support his claim as to the presence of tolerance.**

This failure of petitioner to allege the key jurisdictional facts constitutive of unlawful detainer is fatal. Since the complaint did not satisfy the jurisdictional requirement of a valid cause for unlawful detainer, the municipal trial court had no jurisdiction over the case.

It is in this light that this Court finds that the Regional Trial Court correctly found that the Municipal Circuit Trial Court had no jurisdiction over the complaint.

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us **DENYING** the instant petition. The Decision dated April