

SECOND DIVISION

[G.R. No. 178096, March 23, 2011]

ROSA DELOS REYES, PETITIONER, VS. SPOUSES FRANCISCO ODO NES AND ARWENIA ODO NES, NOEMI OTALES, AND GREGORIO RAMIREZ, RESPONDENTS.

D E C I S I O N

NACHURA, J.:

This petition for *certiorari* under Rule 45 of the Rules of Court seeks the reversal of the February 19, 2007 Decision^[1] and the May 22, 2007 Resolution^[2] of the Court of Appeals (CA), affirming the June 20, 2006 decision^[3] of the Regional Trial Court (RTC), Branch 68, Camiling, Tarlac, which in turn set aside the March 28, 2006 decision^[4] of the Municipal Trial

Court (MTC) of Camiling, Tarlac, in a complaint for unlawful detainer, disposed as follows:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against defendants, ordering defendants, spouses Arwenia Odon es and Francisco Odon es, their heirs and assigns and all persons acting in their behalves to vacate the premises and to surrender possession thereof to the plaintiff. Defendants are likewise ordered to pay One Thousand (P1,000.00) Pesos as reasonable compensation for the use of the land and Attorney's fees in the amount of Five Thousand (P5,000.00) Pesos.

SO ORDERED.^[5]

The Facts

This case emanated from a complaint for *Unlawful Detainer with Preliminary Injunction*^[6] filed by petitioner Rosa delos Reyes (petitioner) against respondents spouses Arwenia and Francisco Odon es, Noemi Otales, and Gregorio Ramirez (respondents) before the MTC of Camiling, Tarlac, on July 12, 2005. The complaint alleged these material facts:

3. That [petitioner] is the owner of a parcel of land covered x x x by Transfer Certificate of Title No. 392430, of the Land Records for the Province of Tarlac, located at Pao, Camiling, Tarlac, x x x.
4. That even before the document upon which the title was based, [petitioner] has long been the owner thereof;

5. That [respondents] are staying on the said property with a house/improvements therein, with the mere tolerance of [petitioner] only without any contract whatsoever and for which there is an implied understanding to vacate upon the demand;

6. That [petitioner] previously demanded verbally upon [respondents] to vacate which they refused and for which a written notice was sent advising them to vacate the said property within fifteen (15) days from receipt of the letter to vacate x x x.

7. That the said letter was sent by registered mail on June 17, 2005, which was duly received x x x.^[7]

In their *Answer with Counterclaim*,^[8] respondents claimed that they are the owners of the lot, having purchased the same by virtue of an Extrajudicial Succession of Estate and Sale^[9] dated January 29, 2004, executed by the heirs of Donata Lardizabal, the land's original owner. Respondents denied that their occupancy of the property was by virtue of petitioner's tolerance.^[10]

Respondents further argued that the basis of petitioner's Transfer Certificate of Title (TCT), which is a Deed of Absolute Sale dated April 18, 1972,^[11] was a forgery because the purported vendors therein, Donata Lardizabal and Francisco Razalan, died on June 30, 1926^[12] and June 5, 1971,^[13] respectively. Incidentally, the said TCT and Deed of Absolute Sale are the subject of a pending case for annulment of title before the RTC, Branch 68, Camiling, Tarlac.^[14]

In a decision dated March 28, 2006, the MTC ruled in favor of petitioner, and ordered respondents to vacate the property and to pay rent for the use and occupation of the same, plus attorney's fees.

Respondents appealed^[15] to the RTC, arguing that since the complaint failed to allege how respondents entered the property or when they erected their houses thereon, it is an improper action for unlawful detainer, and the MTC had no jurisdiction over the same.^[16]

In its June 20, 2006 decision,^[17] the RTC set aside the MTC's judgment and dismissed the complaint. The RTC held that the complaint failed to aver acts constitutive of forcible entry or unlawful detainer since it did not state how entry was effected or how and when the dispossession started. Hence, the remedy should either be *accion publiciana* or *accion reivindicatoria* in the proper RTC.

Aggrieved, petitioner sought recourse with the CA, asseverating that the RTC misappreciated the allegations in the complaint and that respondents were estopped from assailing the MTC's jurisdiction because they did not raise such issue in the proceedings before that court. Petitioner insisted that, as the registered owner of the lot, she has a preferential right of possession over it.^[18]

On February 19, 2007, the CA affirmed the judgment of the RTC, adding that, as

pronounced in *Go, Jr. v. Court of Appeals*,^[19] in order to justify an action for unlawful detainer, the owner's permission or tolerance must be present at the beginning of the possession.^[20] Petitioner moved for reconsideration,^[21] but the motion was denied in a Resolution dated May 22, 2007.^[22] Hence, the instant petition^[23] ascribing the following errors to the CA:

THE HON. COURT OF APPEALS ERRED IN APPLYING THE CASE OF *GO, JR. v. COURT OF APPEALS*.

THE HON. COURT OF APPEALS ERRED IN HOLDING THAT THE HON. MUNICIPAL TRIAL COURT OF CAMILING, TARLAC NEVER ACQUIRED JURISDICTION OVER THE CASE.

THE HON. COURT OF APPEALS ERRED IN NOT HOLDING THAT THE RESPONDENTS ARE ALREADY ESTOPPED FROM RAISING THE ISSUE OF JURISDICTION.

THE HON. COURT OF APPEALS ERRED IN NOT APPLYING THE PRINCIPLE OF *STARE DECISIS*.^[24]

The petition is meritorious.

Well-settled is the rule that what determines the nature of the action, as well as the court which has jurisdiction over the case, are the allegations in the complaint. In ejectment cases, the complaint should embody such statement of facts as to bring the party clearly within the class of cases for which the statutes provide a remedy, as these proceedings are summary in nature. The complaint must show enough on its face to give the court jurisdiction without resort to parol evidence.^[25]

Unlawful detainer is an action to recover possession of real property from one who illegally withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. The possession by the defendant in unlawful detainer is originally legal but became illegal due to the expiration or termination of the right to possess.^[26] The proceeding is summary in nature, jurisdiction over which lies with the proper MTC or metropolitan trial court. The action must be brought up within one year from the date of last demand, and the issue in the case must be the right to physical possession.^[27]

A complaint sufficiently alleges a cause of action for unlawful detainer if it recites 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 plaintiff to defendant of the termination of the latter's right of possession;