

SECOND DIVISION

[G.R. NO. 156402, February 13, 2006]

**SPS. ALFREDO MENDOZA AND ROSARIO F. MENDOZA,
PETITIONERS, VS. MARIA CORONEL, REPRESENTED BY JUANITO
CORONEL, RESPONDENT.**

DECISION

PUNO, J.:

On appeal are the Court of Appeals' (CA's) May 30, 2002 Decision^[1] in CA-G.R. SP No. 67157 and November 12, 2002 Resolution,^[2] reversing the September 17, 2001 Decision^[3] of the Regional Trial Court (RTC) of Malolos, Bulacan in Civil Case No. 458-M-2001. The RTC of Malolos ruled that the Municipal Trial Court (MTC) of Hagonoy, Bulacan, before which respondent filed the ejectment case against petitioners, had no jurisdiction to decide the case for failure of respondent to implead her co-owners of the disputed property, the latter being indispensable parties to the ejectment suit.

The facts are as follows:

Respondent Maria Coronel is one of the co-owners of Lots 3250 and 3251 located at Sagrada Familia, Hagonoy, Bulacan. Petitioners, spouses Alfredo and Rosario Mendoza, occupied said lots upon tolerance of respondent and her co-owners without paying any rent. When respondent demanded that petitioners vacate the premises, the latter refused. Thus, on December 27, 2000, respondent filed a case before the MTC of Hagonoy, Bulacan for unlawful detainer against petitioners. The MTC ruled in favor of respondent, ordering petitioners to vacate the disputed lots. The dispositive portion of its May 29, 2001 Decision reads as follows:

WHEREFORE, premises considered, judgment is hereby rendered ordering the defendants and all those claiming rights under them:

- (1) to vacate the subject premises (lots 3250 and 3251) and to surrender possession of the same to plaintiff[;]
- (2) to pay plaintiff attorney's fees and litigation expenses in the amount of P10,000.00 and to pay a monthly rental of P500 from receipt of this decision until they shall have vacated the subject premises; and
- (3) to pay the costs of suit.

SO ORDERED.^[4]

Petitioners appealed to the RTC of Malolos, Bulacan which ruled in their favor. It annulled and set aside the appealed decision for want of jurisdiction of the MTC. It held that the co-owners of the subject lot should have been impleaded as indispensable parties.

On appeal to the CA, respondent was successful as the appellate court reversed and set aside the ruling of the RTC and revived the decision of the MTC dated May 29, 2001. Petitioners' Motion for Reconsideration was denied.

Hence, this appeal.^[5]

Petitioners assign the following errors:

- I. The lower court erred in ruling that a co-owner can bring an action in ejectment without impleading his co-owners, relying on an "Errata for pages 38-39 of Volume 280 SCRA," which appears to alter the original tenor of the ruling in *Arcelona vs. CA* that co-owners are indispensable parties.
- II. The lower court erred in not taking into account that the complaint was filed by an attorney-in-fact authorized by only one of the co-owners to file the ejectment suit.
- III. The lower court erred in allowing the petition for review despite the fact that the certification against forum-shopping was executed by an attorney-in-fact, in violation of the requirement that parties must personally sign the same.

The main issue in the case at bar is whether any of the co-owners may bring an action in ejectment.

The CA is correct in overruling the RTC. The latter court held that in **Arcelona v. Court of Appeals**,^[6] we held that a co-owner cannot maintain an action in ejectment without joining all the other co-owners, the latter being indispensable parties.

In reversing the ruling of the RTC, the CA pointed out that the RTC relied on the uncorrected **Arcelona** decision. The RTC overlooked the fact that the decision has been corrected by an "ERRATA for pages 38-39" appearing on the second leaf of volume 280 of the SCRA. Thus, the CA held:

Formerly, Article 487 of the old Civil Code provided that "any one of the co-owners may bring an action in ejectment." It was subsequently held that a co-owner could not maintain an action in ejectment without joining all the other co-owners.

The foregoing statement was deleted and replaced with the following:

In the past, a co-owner could not even maintain an action in ejectment without joining all the other co-owners. . .

While Article 487 of the Civil Code now provides that "any one of the co-owners may bring an action in ejectment," former Chief Justice Moran also stressed that all of them are necessary and proper parties . . .

We reiterate the **Arcelona** ruling that the controlling law is Article 487 of the Civil Code which categorically states:

Any one of the co-owners may bring an action in ejectment. (n)