

## SECOND DIVISION

[ G.R. No. 148305, November 28, 2003 ]

**SPS. ROGELIO & CONCHITA JALIQUE, REPRESENTED BY THEIR ATTORNEY-IN-FACT, ROGELIO JALIQUE, JR., PETITIONERS, VS. SPS. EPIFANIO & JULIETA DANDAN, SPS. RODOLFO & BABY DESTURA, SPS. PAENG & JESSIE MANALO, SPS. REYNALDO & NIDA DELA CRUZ, SPS. ALBERTO & ANITA EMPLEO, SPS. FELIX & SOLEDAD BORLAGDATAN, SPS. RODOLFO & ADELINA CAGUJAS, SPS. SIMPLICIO & NORA ANOVER, SPS. GREGORIO & LUZ ARCOS, SPS. VERMIN & JOSEPHINE BOMBITA, VENANCIA VDA. DE NUESTRO, MARINA VDA. DE GERONIMO, CULASA VDA. DE HERNANDEZ AND FILOMENA VDA. DE DACASIN AND THE HONORABLE COURT OF APPEALS, RESPONDENTS.**

### RESOLUTION

**QUISUMBING, J.:**

For review on *certiorari* is the Decision,<sup>[1]</sup> dated December 27, 2000, of the Court of Appeals in CA-G.R. SP No. 49978, annulling the Decision,<sup>[2]</sup> dated November 23, 1998, of the Regional Trial Court (RTC) of Pasig City, Branch 70, in SCA Case No. 1527. The RTC had affirmed *in toto* the Decision<sup>[3]</sup> of the Metropolitan Trial Court (MeTC) of Pasig City, Branch 70, in Civil Case No. 6303, an unlawful detainer case. The MeTC had rendered a judgment in favor of petitioners for respondents' failure to file an Answer. The Court of Appeals ordered the remand of the case to the MeTC for a trial on the merits. Petitioners also assail the appellate court's Resolution,<sup>[4]</sup> dated May 22, 2001, denying their motion for reconsideration.

The facts, as culled from records, are as follows:

On August 13, 1997, the spouses Rogelio and Conchita Jalique, represented by their attorney-in-fact Rogelio S. Jalique, Jr., filed a Complaint for unlawful detainer against respondents before the MeTC of Pasig City, docketed as Civil Case No. 6303. The Jaliques alleged that they are the registered owners of a 1655 sq. meter lot and its improvements situated at Palatiw, Pasig City and covered by TCT No. PT-93442. The respondents herein are the tenants or lessees of a portion of said property, having been in possession of the same for quite some time, pursuant to month-to-month verbal agreements. Petitioners averred that the respondents had arrogantly refused their offer to formalize their lease agreement. The petitioners had sought the intercession of the *Lupong Tagapamayapa*, but to no avail, thus giving them no choice but to terminate the lease agreement with the respondents. The latter, however, remained in possession and refused to vacate despite demands made by the petitioners.

Respondents did not file an Answer to the complaint, but filed a Joint Counter

Affidavit<sup>[5]</sup> on September 12, 1997, stating that: (a) petitioners were not the owners of the disputed property; (b) some of them were not residing or occupying any portion of said land; (c) petitioners should pay some of them for the improvements made on the realty in question; and (d) petitioners had no right to oust respondents as they had been paying the rentals, albeit without the corresponding receipts from petitioners.

On September 25, 1997, petitioners filed a Motion for Judgment on the Complaint.

On October 31, 1997, the MeTC decided Civil Case No. 6303 as follows:

IN VIEW OF ALL THE ABOVE, judgment is hereby rendered in favor of the plaintiffs and against the defendants, ordering the latter and all persons claiming rights under them or acting in their authority, to:

1) immediately vacate their respective portions of the premises in question and turn over peaceful possession thereof to plaintiffs;

2) pay the plaintiffs the following amounts:

(a) unpaid rentals in arrears and/or for actual use of the premises in question, to be reckoned from October 13, 1997 in the amount of P1,000.00 for each defendant, computed monthly, until the premises is actually vacated and turned over to plaintiffs;

(b) P15,000.00 as and by way of attorney's fees; and

(c) costs of suit.

SO ORDERED.<sup>[6]</sup>

The MeTC found that the respondents herein had failed to file their Answer and rendered judgment on the Complaint, pursuant to Section 6<sup>[7]</sup> of the Revised Rule on Summary Procedure. In other words, the petitioners had preponderantly established their cause of action, while the respondents, given their failure to file an Answer, had failed to present any evidence to the contrary.

Respondents appealed to the RTC of Pasig City. The appeal, docketed as SCA Case No. 1527, raised new issues such as the absence of proof on the petitioners' capacity as lessor and the classification of the subject land for residential purposes.

On November 23, 1998, the RTC rendered judgment in SCA Case No. 1527 in this wise:

WHEREFORE, finding no reversible error, the appealed decision is hereby AFFIRMED *in toto*.

SO ORDERED.<sup>[8]</sup>

In affirming the MeTC decision lock, stock, and barrel, the RTC ruled that petitioners had preponderantly established their cause of action as respondents failed to file

their Answer.

Respondents then elevated the matter to the Court of Appeals in CA-G.R. SP No. 49978 on the following grounds:

1. The Public Respondents committed reversible error in not considering that the Private Respondents are not the proper party in this case, are not the owners or lessors of the land occupied by the Petitioners.<sup>[9]</sup>
2. The Public Respondents committed reversible error in treating this case ordinary (*sic*) Unlawful Detainer Case considering that the Petitioners have practically become the co-owners of the property they are occupying.<sup>[10]</sup>

The Court of Appeals annulled the RTC decision and decreed that the case be remanded to the MeTC for hearing on the merits, thus:

WHEREFORE, premises considered, the decision dated October 31, 1997 of the MeTC and the decision dated November 23, 1998 of the RTC is hereby ANNULLED AND SET ASIDE, and this case is remanded to the MeTC so that the same may be heard on the merits and with immediate dispatch. No costs.

SO ORDERED.<sup>[11]</sup>

The appellate court held that both the MeTC and the RTC erred in ignoring respondents' Joint Counter Affidavit filed within the 10-day reglementary period to file an Answer under Section 5<sup>[12]</sup> of the 1991 Revised Rule on Summary Procedure. The appellate court pointed out that while the Joint Counter Affidavit was poorly crafted, nevertheless, it should have been considered as petitioners' Answer as it sets forth petitioners' defenses and raises issues and counterclaims, which should be considered if justice is to be served. Otherwise put, both the MeTC and RTC erred in giving premium to matters of form.

Petitioners then moved for reconsideration, but the appellate court denied the motion.

Hence, this petition submitting for our resolution, the sole issue of:

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN ANNULING AND SETTING ASIDE THE DECISIONS OF THE METROPOLITAN TRIAL COURT AND THE REGIONAL TRIAL COURT AND ORDERING THAT THIS CASE BE REMANDED TO THE MeTC FOR HEARING ON THE MERITS. <sup>[13]</sup>

Petitioners contend that the court *a quo* erred in reversing and annulling the RTC decision, for in affirming the MeTC, the RTC was merely applying the pertinent provisions of the 1991 Revised Rule on Summary Procedure. The rules on Summary Procedure were promulgated to achieve an expeditious and inexpensive determination of cases especially in unlawful detainer cases because they involve possession of property posing a threat to the peace of our society. Thus, a remand of the case to the MeTC, as decreed by the appellate court, would prejudice them and run contrary to the summary nature of the proceeding.