

THIRD DIVISION

[CA-G.R. SP No. 131317, March 31, 2015]

**ISAAC BAUTISTA, PETITIONER, VS. RUBEN SAMONTE,
RESPONDENT.**

D E C I S I O N

CARANDANG, J.:

This is a petition for review under Rule 42 of the Rules of Court seeking a review of the Decision dated 22 July 2013 of the Regional Trial Court (RTC) Branch 14 of Nasugbu, Batangas in Civil Case No. 1260 which affirmed the Decision dated 26 December 2012 of the Municipal Trial Court (MTC) of Nasugbu, Batangas.

The facts are as follows:

On 14 November 2011, herein respondent Ruben Samonte (respondent) filed a Complaint for unlawful detainer against herein petitioner Isaac Bautista (petitioner) alleging, among others, that:

"3. That the plaintiff is the registered owner of a parcel of land which is more particularly described as follows:

Transfer Certificate of Title No. T-121652

A parcel of land (Lot 51-B) of the subdivision plan Psd-04-214627 being a portion of LOT 51 Blk. I Psd-04-115893 L.R.C. Record No. situated in the Barangay of Calayo, Municipality of Nasugbu, Province of Batangas. Island of Luzon. Xxx xxx xxx containing an area of THREE HUNDRED FORTY (*sic*) NINE (309) SQUARE METERS.

Xxx xxx xxx;

4. That by mere tolerance, defendant was allowed by the plaintiff to stay and occupy the above-described property, on condition that he will vacate and surrender it upon demand by the owner;

5. That on October 05, 2011 plaintiff thru Atty. Sabrina Jacobo Samonte sent a demand letter to the defendant to vacate the same since the plaintiff needs now the subject property; xxx

6. That the plaintiff brought the matter to the attention of the barangay officials thereat. That however, the parties were not able to settle their differences before the barangay officials.

7. That as a consequence thereof, on November 05 2011, Barangay Chairman Miguel Limeta issued a certification that the parties did not

reach any settlement; xxx

8. That defendant's stay in the said premises is temporary and he has no right whatsoever to occupy the subject property;

xxx

xxx

xxx."^[1]

He thus prayed that the defendant be ordered to vacate the said property and to surrender the possession thereof to the plaintiff and to pay moral and exemplary damages, attorney's fees, litigation expenses and cost of suit.

In his Answer, petitioner argued that the complaint failed to satisfy the jurisdictional requirement of a valid cause of action for unlawful detainer as it failed to describe how and when his possession to the subject property started or continued. He countered that he has been in actual occupation of the subject property for the past 24 years. He alleged that the subject property was a portion of what was donated by the Manila Southcoast Development Corporation to the Municipal Government of Nasugbu, Batangas, which in turn donated it to the bona fide occupants of Lot 9 of Barangay Calayo, Nasugbu, Batangas, among whom is petitioner. He explained that on 14 November 2007, a complaint for unlawful detainer was filed against him by Spouses Conrado and Rosario Apacible. Eventually, the Spouses Apacible and the petitioner agreed to settle the said case and entered into a compromise agreement wherein herein petitioner agreed to pay the Spouses Apacible the amount of P400,000.00 as compensation for the subject property. However, since petitioner could not come up with the said amount, he asked the help of herein respondent. In return, the respondent would become a co-owner of the subject property. After the respondent paid the Spouses Apacible of the said amount, he purportedly caused the registration of subject property solely under his name without any mention of petitioner's name as a co-owner of the subject property.

On 26 December 2012, the MTC rendered a Decision in favor of the respondent, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. To vacate the premises and surrender possession thereof of the plaintiff;
2. To pay compensation for the use and occupation of the premises in the amount of Five Hundred (P500.00) Pesos from the date of filing of the complaint, until he shall have finally vacated the premises and possession restored to the plaintiff; and
3. To pay attorney's fee in the amount of Ten Thousand (P10,000.00) Pesos.

Cost against the defendant.

SO ORDERED."^[2]

The MTC ruled that in an unlawful detainer case, the only issue to be resolved is the issue of possession. It held that the respondent has a superior right of possession over the subject property because he is the registered owner of the same by virtue of TCT No. 121652. It added that respondent's title cannot be collaterally attacked through the summary action of unlawful detainer.

Aggrieved, petitioner filed on 16 January 2013 a Notice of Appeal before the RTC but it was denied by the latter through its Decision dated 22 July 2013. The dispositive portion of RTC Decision states:

"WHEREFORE, in view of the foregoing, the instant Appeal is DENIED for lack of merit. The Decision of the Court a quo in Civil Case No. 1532 in favor of the plaintiff appellee is hereby AFFIRMED in toto.

SO ORDERED."^[3]

In the assailed Decision, the RTC affirmed the holding of the MTC that the sole issue for resolution in an unlawful detainer case is physical or material possession of the subject property independent of any claim of ownership by any of the parties. The RTC added that as the registered owner of the subject property, the respondent has a right to the possession of the same and to eject any person illegally occupying this property. It also sustained the ruling of the MTC stating that the latter acted within its legal authority not to entertain questions on the validity of the respondent's title as the same is equivalent to a collateral attack.

Hence, this petition wherein the assigned errors are as follows:

1. THE APPELLATE COURT ERRED IN AFFIRMING *IN TOTO* THE DECISION OF THE LOWER COURT;
2. THE APPELLATE COURT AND THE LOWER COURT ERRED IN RULING THAT THE COMPLAINANT FILED BY RESPONDENT IS ONE FOR UNLAWFUL DETAINER.^[4]

We find no merit in the petition.

Well-settled is the rule that what determines the nature of the action, as well as the court which shall have 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.^[5]

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;