

SPECIAL NINTH DIVISION

[SP No. 112686, November 26, 2010]

**GREGORIO SANTOS AND MANUEL SANTOS, PETITIONERS, VS.
LUISA SANTOS, RESPONDENT.**

D E C I S I O N

Court of Appeals

Before Us is a Petition for Review with prayer for Temporary Restraining Order and/or Writ of Preliminary Injunction^[1] under Rule 42 of the Rules of Court assailing the Decision^[2] dated December 28, 2009 of the Regional Trial Court (RTC), Branch 161, Pasig City in SCA Case No. 3349 which affirmed the Decision^[3] dated June 30, 2008 of the Metropolitan Trial Court (MeTC), Branch 68, Pasig City, directing herein petitioners Gregorio Santos and Manuel Santos to vacate and surrender possession of the subject property in favor of respondent Luisa Santos, pay the attorney's fees and costs of suit.

THE FACTS

On August 24, 2007, respondent Luisa Santos filed with the Metropolitan Trial Court (MeTC) of Pasig City a complaint^[4] for unlawful detainer against petitioners Gregorio Santos and Manuel Santos. It was alleged that respondent is the registered owner of a parcel of land with an area of 278 square meters, more or less, situated in Brgy. Rosario, Pasig City and covered by Original Certificate of Title (OCT) No. 894^[5] issued on September 30, 1999. Petitioners who are the nephews of respondent occupied a portion of her land by mere tolerance. Prior to the filing of the suit, respondent pleaded for petitioners to voluntarily vacate the subject property but the latter vehemently refused to leave. Respondent had exerted all efforts to settle the case with petitioners since they are close relatives. However, petitioners merely insisted to stay on the land in dispute. Consequently, respondent filed a complaint before the Barangay Lupon for conciliation and mediation. Petitioners failed to appear and participate in the barangay proceedings. Thus, a Certificate to File Action^[6] was issued in favor of respondent. A demand letter^[7] dated July 25, 2007 was then sent by respondent to petitioners reminding them of the nature of their occupation and demanding them to immediately vacate the premises within fifteen (15) days from receipt hereof. The demand was not heeded by petitioners.

Summons, together with a copy of the complaint, was served upon petitioners.^[8] In an *Ex-Parte* Motion for Additional Time to File Answer^[9], petitioners asked for an additional period of ten (10) days within which to file their answer. Respondent filed an Opposition with Motion to Render Judgment as may be Warranted by the Complaint^[10] contending that petitioners' motion was not allowed under the Revised Rules on Summary Procedure.

On September 24, 2007, petitioners filed their Answer with Counterclaims^[11] arguing that the complaint should be dismissed for lack of jurisdiction. Petitioners further alleged that they have been in open, continuous, exclusive and notorious possession, in the concept of an owner, of the subject property. Petitioners never knew that respondent applied for a land title over the said property. The issuance of OCT No. 894 in the name of respondent was also questionable. Respondent falsified the deed of self-adjudication claiming that she was the sole heir of the late Catalino Santos, the original owner of the disputed land.

On March 3, 2008, the MeTC denied petitioners' *Ex-Parte* Motion for Additional Time to File Answer and granted respondent's motion to render judgment.^[12]

In a Decision^[13] dated June 30, 2008, the MeTC directed petitioners to vacate the subject property and surrender the possession thereof to respondent. It ratiocinated that respondent merely tolerated petitioners to occupy the land. While petitioners' possession thereof was lawful in the beginning, the same became unlawful when demands were made upon petitioners to vacate the land but refused to do so. Consequently, respondent was entitled to the award of attorney's fees in the amount of P10,000.00 and the costs of suit. The pertinent portions of the Decision read:

Plaintiff tolerated defendants' occupation of the premises, which at its inception was lawful. However, when plaintiff demanded from the defendants to vacate the premises and the latter refused to do so, it was at that point that defendants' occupation was deemed unlawful, and as such, they must turn over lawful possession of the premises to plaintiff.

Considering the fact that plaintiff was forced to litigate to advance her cause of action, the court finds merit in the award of attorney's fees.

WHEREFORE, judgment is hereby rendered in favor of plaintiff Luisa Santos and against the defendants Gregorio Santos and Manuel Santos as follows:

- a. ordering the defendant[s] and all persons claiming rights under them to vacate and peacefully surrender the premises subject of this case which is covered by Original Certificate of Title (OCT) No. 894 (Decree No. N-827924) to the plaintiff;
- b. ordering the defendants to pay the plaintiff the sum of ten thousand pesos (Php 10,000.00) as and by way of attorney's fees;
- c. ordering the defendants to pay the costs of suit.

SO ORDERED."^[14]

Aggrieved by the adverse decision, petitioners appealed to the RTC.

In the assailed Decision^[15] dated December 28, 2009, the RTC held that the MeTC correctly assumed jurisdiction over the subject matter of the complaint for unlawful detainer. The said complaint sufficiently alleged the jurisdictional facts that petitioners' possession of the disputed property was by mere tolerance of respondent; that such possession became illegal when petitioners refused to vacate

the same despite notice from respondent; and, that the complaint filed on August 24, 2007 was well within the one (1) year period from the date of last demand, or on July 25, 2007. Further, there was no grave error on the part of the MeTC in not admitting the answer belatedly filed by petitioners. Petitioners failed to establish any sufficient and satisfactory reason that would warrant the relaxation of the mandatory rule. Hence, the MeTC's ruling was sustained. The pertinent portions of the Decision are quoted:

The appeal is not meritorious.

Firstly, Defendants-Appellants argue that the court *a quo* has no jurisdiction over the subject matter of the complaint as plaintiff-appellee failed to state the necessary allegations for unlawful detainer case or that the complaint failed to state a cause of action.

The defendants are incorrect.

In the case of *Valentin Cabrera et al, vs. Elizabeth Getaruela et al.* G.R. No. 164213 April 21, 2009, the Honorable Supreme Court ruled that:

It is settled that a complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following:

* * *

In this case, all of the above-mentioned requisites in sufficiently alleging or stating a cause of action for unlawful detainer are present in this case. It is stated in paragraph 4 of the complaint that the possession of the Defendant of the property is by mere tolerance of the Plaintiff,* * *

* * *

Paragraph 8 and 9 of the complaint sufficiently recite the requisite *demand to vacate and failure to vacate after such demand** * *

* * *

The requisite that the complaint for unlawful detainer must be filed within one (1) year from the date of last demand to vacate was also complied with, considering that the last demand to vacate was made on July 25, 2007 and the complaint of unlawful detainer was filed on August 24, 2007.

Hence, the court *a quo* correctly assumed jurisdiction.

Secondly, defendants alleged as an error the lower court's act of denying admission of their belated answer, relying on the principle of liberal interpretation.

Defendants are incorrect.

* * *

In the same vein, the defendants also failed to establish any sufficient and satisfactory reason to warrant relaxation of the mandatory rule.

Defendants did not provide any exceptionally meritorious instances which warrant the liberal interpretation of the Rules. Their lone argument was that liberal interpretation on the Rules of Court is allowed, nothing more.

* * *

Lastly, defendants argue that plaintiff is not entitled to attorney's fees.

The defendants are incorrect.

In this case, the defendants' act of not leaving the premises, upon demand, compelled the plaintiff to litigate to protect her interest.^[16]

Hence, the instant petition for review in which petitioners raised the following Assignment of Errors^[17], to wit:

I.

THE RTC PALPABLY ERRED IN RULING THAT THE METC HAS CORRECTLY ASSUMED JURISDICTION OVER THE INSTANT COMPLAINT.

II.

THE RTC PALPABLY ERRED IN RULING THAT THE METC CORRECTLY DENIED ADMISSION OF THE BELATED ANSWER.

III.

THE RTC PALPABLY ERRED IN RULING THAT THE METC CORRECTLY AWARDED ATTORNEY'S FEES TO RESPONDENT.

THE ISSUE

The pivotal issue to be resolved is whether or not the RTC gravely erred in affirming the Decision dated June 30, 2008 of the MeTC.

THE RULING

The petition is bereft of merit.

Petitioners contend that the MeTC has no jurisdiction to take cognizance of the case. The complaint for unlawful detainer failed to allege respondent's prior physical possession of the disputed property. It likewise did not specifically state the time when petitioners entered and started to occupy the same. There is thus no reckoning point for the one-year period within which to file the subject complaint. There was also no showing as to how respondent tolerated petitioners' possession of the land in question.