

THIRD DIVISION

[G.R. No. 238640, July 01, 2020]

PROCESO CRUZ, TERESITA CRUZ, HENRY CRUZ, AND SERAFIN CRUZ, PETITIONERS, VS. COURT OF APPEALS, AND JOVITA M. CRUZ, MANUEL M. CRUZ, SUBSTITUTED BY HIS LEGAL HEIRS, NAMELY: KALAYAAN LLANES-CRUZ, CRISPIN LLANES-CRUZ, AND ANGELO LLANES-CRUZ, RESPONDENTS.

D E C I S I O N

Sirs and Mesdames:

Before Us is a Petition for *Certiorari*^[1] under Rule 65 of the Rules of Court assailing the Decision^[2] dated July 10, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 132966 affirming the Decision dated July 16, 2013 of the Regional Trial Court (RTC) of Manila, Branch 173 in Civil Case No. 12-129926, which in turn affirmed the Decision dated February 11, 2013 of the Metropolitan Trial Court (MeTC) of Manila, Branch 29 in Civil Case No. 178543-CV granting the Complaint for Unlawful Detainer^[3] filed by Jovita M. Cruz (Jovita) and Manuel M. Cruz (collectively, respondents).^[4]

Facts of the Case

Respondents claim that they are the registered owners of two parcels of land situated at No. 1236-1240 Antonio Street, Sampaloc, Manila covered by Transfer Certificate of Title (TCT) No. 125110 (Antonio property) and No. 1232 Asturias Street, Sampaloc, Manila covered by TCT No. 125109 (Asturias property).^[5]

Respondents acquired the Antonio property by virtue of a Deed of Conveyance executed by respondents' mother, Maria Mesina. The Antonio property is a three-door apartment as found by the MeTC and adopted in the Decision^[6] of the CA. Unit 1236 was leased to petitioner Serafin Cruz (Serafin) for a monthly rent of P10,000.00. Serafin defaulted on the payment of lease rentals for occupying the Antonio property.^[7]

The Asturias property was formerly owned by Domingo Cruz and Catalina Mesina. Upon their death, the Asturias property was transferred to Leocadia Cruz (Leocadia), Regina M. Cruz (Regina), and Ladislao M. Cruz (Ladislao). Thereafter, Leocadia, Regina, and Ladislao sold the Asturias property to Maria Mesina and the same was covered by TCT No. 97567^[8] registered under the latter's name. In turn, respondents, together with Francisco M. Cruz and Zenaida C. Cruz, acquired the property by virtue of a Deed of Conveyance executed by Maria Mesina in accordance with a Decision^[9] of the Court of First Instance in Civil Case No. 98074.

Respondents alleged that petitioners Proceso Cruz and Henry Cruz possessed the

Asturias property by mere tolerance of respondents and their mother, Maria Mesina.
[10]

Sometime in 2003, respondent Jovita was diagnosed with end stage renal disease. In order to sustain her medical bills and her hemodialysis, respondents decided to sell the Asturias property and demanded petitioners to vacate the Asturias property immediately.^[11] Further, petitioner Serafin defaulted in paying his monthly rent. As such, respondents also demanded Serafin to vacate the Antonio property.^[12] Petitioners, however, refused to vacate the subject properties. Thus, respondents sent a Notice to Vacate^[13] to petitioners Proceso and Henry. For failure of petitioners Proceso and Henry to vacate the Asturias property, respondents filed a Complaint for Unlawful Detainer^[14]. Interestingly, the complaint for unlawful detainer only covers the Asturias property. The allegations of the complaint states as follows:

3. Plaintiffs are the legitimate and surviving compulsory heirs of the late spouses Domingo Cruz and Maria Mesina, who both died intestate on 19 March 1944 and 23 March 1989, respectively, and in whose name, along with their deceased brother and sister, Francisco M. Cruz and Zenaida C. Cruz, a parcel of land with improvements situated at No. 1232 Asturias Street, Sampaloc, Manila is registered under Transfer Certificate of Title No. 125109 issued on 10 March 1977 by the Registry of Deeds for the Metro Manila District No. 1 x x x.

4. The subject property was inherited by Leocadia Cruz, Regina M. Cruz (deceased) and Ladislao M. Cruz (deceased) from their parents, the late spouses Domingo Cruz and Catalina Mesina.

5. During their lifetime, the aforementioned Leocadia Cruz, Regina M. Cruz (deceased) and Ladislao M. Cruz (deceased) sold the subject property to Maria Mesina and was registered in her name under Transfer Certificate of Title No. 97567 x x x.

6. In turn, plaintiffs [herein respondents] acquired the aforescribed property from their deceased mother, Maria Mesina, by virtue of a Deed of Conveyance dated 22 November 1975 in accordance with the Decision rendered by the then Court of First Instance of Manila, Branch XL, in Civil Case No. 98074 entitled "Sps. Dr. Virgilio W. Cabral, et. al., versus Maria Mesina" x x x.

7. Defendant Teresita Cruz-Carlos no longer occupied the premises and through the mere tolerance of plaintiffs as well as their late mother, defendants Proceso and Henry Cruz and their "families, were allowed to continue occupying the said property temporarily on condition that they would vacate the same upon demand.

x x x x

9. The aforementioned demand to vacate was repeated several times more, the last of which were separate letters of plaintiffs' counsel dated 23 January 2004 x x x.^[15]

After the institution of the ejectment complaint, respondents sold the Asturias and Antonio properties to the spouses Rudy and Modesta Velasco (Spouses Velasco). Thus, presently, the properties are covered by TCT Nos. 268854 and 268853 under the name of the Spouses Velasco.^[16]

Petitioners Proceso, Henry, and Teresita Cruz (Teresita) repudiate the claim of ownership of the respondents. They countered that they are the legitimate heirs of the registered owner of the subject properties. As such, they filed an action for annulment of title and reconveyance.^[17]

On February 11, 2013, the MeTC rendered its Decision in favor of the respondents and ordered petitioners to vacate both the Asturias and Antonio properties,^[18] thus:

WHEREFORE, judgment is hereby rendered ordering the [petitioners] PROCESO CRUZ, TERESITA C. CRUZ, HENRY CRUZ AND SERAFIN CRUZ, and all persons claiming rights under them, to vacate the subject lots situated at No. 1236-1240 Antonio Street, Sampaloc Manila and No. 1232 Asturias Street, Sampaloc Manila and to surrender the possession thereof to [respondents].

Further, [petitioners] are ordered to pay [respondents]:

a. the amount of P10,000.00 per month (insofar as [petitioner] Serafin Cruz) and P20,000.00 per month (jointly and severally insofar as [petitioners] Proceso Cruz, Henry Cruz and Teresita Cruz) as reasonable compensation for their use and occupation of the subject premises from June 2004 (the date of filing of the complaint) until the same is vacated.

b. the amount of P10,000.00 as and for attorney's fees; and

c. the costs of suit.

SO ORDERED.^[19] (Emphasis omitted)

Petitioners appealed the Decision of the MeTC. On July 16, 2013, the RTC rendered a Decision denying the appeal and affirming the Decision of the MeTC.^[20] Thereafter, petitioners filed a Petition for Review under Rule 42 before the CA assailing the MeTC and the RTC Decisions. Petitioners alleged before the CA that the RTC erred in deciding the ejectment case against Serafin since he was not a party to the ejectment case and that the Antonio property was not the subject matter of the ejectment case. On July 10, 2017, the CA denied the petition and affirmed the MeTC and RTC rulings.^[21] Thus, petitioners come before Us through a Petition for *Certiorari*^[22] under Rule 65 of the Rules of Court arguing that the CA committed grave abuse of discretion amounting to lack or excess of jurisdiction in affirming the Decisions of the RTC and MeTC despite the latter's lack of jurisdiction over the Antonio property.

Petitioners' Arguments

Petitioners argued that the subject matter of the complaint for unlawful detainer only refers to one parcel of land, the lot covered by TCT No. 125109 or the Asturias

property, and the Antonio property is not included in the complaint. Thus, the ejectment case only pertains to the possession of the Asturias property. Since the possession of the Antonio property is not an issue, the latter should not be included in the dispositive portion of the Decision. Further, petitioner Serafin was not a party in the ejectment case, however, the Decision of the MeTC mistakenly included him and the Antonio property.^[23]

Therefore, absent any reference to the Antonio property in the complaint for unlawful detainer, the MeTC could not have acquired jurisdiction over the subject property. Any order directing petitioners to vacate the premises of the Antonio property, while the same is not included in the complaint, would be in excess of the court's jurisdiction, hence null and void.^[24]

Respondents' Arguments

Respondents, on the other hand, argue that petitioners availed of the wrong remedy to question the Decision of the CA. Since the petition seeks the review of the Decision of the CA, petitioners should have filed a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court and not a petition under Rule 65. In any case, even if the technical rules are set aside, the petition must be dismissed for lack of merit. Respondents claimed that the arguments of petitioners that the unlawful detainer case did not cover the Antonio property have been rejected by the courts *a quo*. Nevertheless, while the complaint only mentions the Asturias property, it is specifically mentioned that respondents owned and occupied the Antonio property.^[25]

Issue

Whether the MeTC has jurisdiction to include in its disposition the Antonio property which is not mentioned in the Complaint for Unlawful Detainer.

Ruling of the Court

The petition is granted.

At the outset, the propriety of the ejectment of petitioners Proceso, Henry, and Teresita from the Asturias property has already been settled for failure of the petitioners Proceso, Henry, and Teresita to assail their ejectment from the Asturias property. In fact, the petition for *certiorari* only questions the inclusion of the Antonio property as a subject of the unlawful detainer case. As petitioners stated in their petition:

35. On the propriety of the judgment thus rendered by the court *a quo*, the issue must be resolved taking into mind that the Antonio property was not specifically mentioned in the complaint. The fact that the judgment included the said property in its Decision, particularly in the decretal portion of which, **shall not affect the said property and shall not have any bearing whatsoever with respect to the right adjudicated in favor of the [respondents] involving the Asturias property.**^[26] (Emphasis supplied)