

## SECOND DIVISION

[ G.R. NO. 164305, November 20, 2007 ]

**JULIANA SUDARIA, PETITIONER, VS. MAXIMILLIANO QUIAMBAO, RESPONDENT.**

### DECISION

**TINGA, J.:**

In this Petition for Review on Certiorari<sup>[1]</sup> under Rule 45 of the 1997 Rules of Civil Procedure, petitioner Juliana Sudaria (petitioner) assails the Decision<sup>[2]</sup> dated 8 March 2004 of the Ninth Division of the Court of Appeals in CA-G.R. SP No. 75560 and its Resolution<sup>[3]</sup> dated 10 June 2004 denying her Motion for Reconsideration.<sup>[4]</sup>

The antecedents follow.

On 11 October 2001, respondent Maximilliano Quiambao filed a Complaint<sup>[5]</sup> for unlawful detainer against petitioner before the Municipal Trial Court (MTC) of San Miguel, Bulacan docketed as Civil Case No. 2557. Respondent stated that he was the owner of a parcel of land with an area of 354 sq m situated in Barrio Sta. Rita, Bata, San Miguel, Bulacan and covered by Transfer Certificate of Title No. T-113925. He also averred that in 1965, by virtue of a *Kasunduan*,<sup>[6]</sup> his predecessor-in-interest, Alfonsa C. Vda. de Viola, leased the said piece of land to petitioner's late husband, Atanacio Sudaria, for a monthly rental of P2.00 which was later increased to P873.00 per annum in 1985. According to respondent, in the same year, petitioner, who took over the lease after her husband's death, stopped paying the rentals on the property. In April 2001, respondent made a demand<sup>[7]</sup> for petitioner to pay the overdue rentals and vacate the premises. However, petitioner refused to leave the premises despite the lapse of the fifteen (15-) day period given by respondent. Because no settlement was reached at the conciliation proceedings before the barangay captain, respondent was constrained to file the ejectment case. <sup>[8]</sup>

In her Answer with Motion to Dismiss,<sup>[9]</sup> petitioner averred that the subject property was previously owned by Alfonsa C. Vda. de Viola and later inherited by Leticia and Asuncion Viola as evidenced by an agricultural leasehold contract. She claimed that she had not been remiss in paying the lease rentals, as the payment for the years between 1980 and 1999 were evidenced by receipts except that the receipts for 1998 and 1999 were withheld by respondent. Petitioner also maintained that she refused to pay the lease rentals to respondent because he was not the registered lessor, and that as *bona fide* tenant-successor of her deceased husband, she was entitled to security of tenure, as well as to the homelot which formed part of the leasehold under agrarian laws. She further contended that the MTC could not have taken cognizance of the case as there had been no prior recourse to the Barangay Agrarian Reform Council as provided for in Section 53 of Republic Act No. 6657. Finally, petitioner asserted that the MTC had no jurisdiction over the case as it

involved an agrarian dispute.<sup>[10]</sup>

In a Decision<sup>[11]</sup> dated 10 May 2002, the MTC held that there existed a tenancy relationship between the parties and that since the subject lot was petitioner's homelot, the instant controversy is an agrarian dispute over which the courts have no jurisdiction.<sup>[12]</sup>

On appeal, the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 9 reversed the decision of the MTC.<sup>[13]</sup> The key portions of said decision read as follows:

To begin with, it bears stressing that the 354-square meter residential lot covered by the *KASUNDUAN* (Exh. B) and the 1.076-hectare parcel of riceland covered by both the Agricultural Leasehold Contract (Exh. 1) and the *Kasunduan Buwisan Sa Sakahan* (Exh. 3) are separate and distinct from one another; they are parcels of realty differently located.

Having been originally established in December 1979 (Exh. 1), the agricultural leasehold relation between herein contending parties, specifically with respect to a "home lot," is governed by pertinent provisions of Rep. Act No. 3844 ("Agricultural Land Reform Code") which took effect upon its approval on August 8, 1968, as amended by Rep. Act No. 6389 ("Code of Agrarian Reforms of the Philippines") which took effect upon its approval on September 10, 1971. Having taken effect upon its approval on August 30, 1954, Rep. Act No. 1199 is not applicable to herein parties' leasehold relation (*Bunye v. Aquino*, 342 SCRA 360, 369).

x x x

With the aforecited provisions of prevailing agrarian laws to go by, it becomes all too clear that the 354-square meter residential lot aforementioned, located as it is outside the 1.076-hectare landholding, cannot be considered a "home lot" inasmuch as the same has not yet been expropriated by the Department of Agrarian Reform for "resale at cost" to herein defendant-appellee. By such token, the instant controversy falls under the jurisdiction of civil courts to the exclusion of the Department of Agrarian Reform Adjudication Board.<sup>[14]</sup>

Consequently, petitioner elevated the case to the Court of Appeals in a petition for review under Rule 42 of the 1997 Rules of Civil Procedure.

The Court of Appeals denied the petition and affirmed the decision of the RTC. The denial of the petition was based on petitioner's failure to attach clearly legible copies of the judgments of the lower courts and of the pleadings and documents material to the judicious consideration of the case, in violation of Section 2, Rule 42<sup>[15]</sup> of the 1997 Rules of Civil Procedure.<sup>[16]</sup> Even on the merits, the appellate court held that the petition must be denied as petitioner's occupation of the subject property was in the concept of civil law lease and had no reference at all to agricultural lease.<sup>[17]</sup>

Petitioner filed a motion for reconsideration of the Court of Appeals decision but the

same was denied.<sup>[18]</sup> Hence, this appeal by certiorari, whereby she asserts that the Court of Appeals erred when it affirmed the decision of the RTC and ruled that the civil courts did have jurisdiction over the instant case.<sup>[19]</sup> She insists that since the subject property is her homelot, she is entitled to continue in the exclusive possession and enjoyment thereof.<sup>[20]</sup>

For his part, respondent maintains that petitioner occupied the subject property by virtue of a lease agreement and not by virtue of any tenancy relationship with its previous owner.<sup>[21]</sup>

The petition must fail.

First, the procedural aspects. The Court of Appeals correctly denied the petition for failure to attach clearly legible duplicate originals or photocopies of the MTC judgment and copies of the material portions of the record, specifically the *Kasunduan* dated 21 March 1965 which is integral to the complaint (Annex "B" thereof). The case of *Atillo v. Bombay*<sup>[22]</sup> reiterates the mandatory tenor of Section 2 (d), Rule 42 with respect to the requirement of attaching clearly legible duplicate originals or true copies of the judgments or final orders of the lower courts. As for the phrase "of the pleadings and other material portions of the record as would support the allegations of the petition" in the same provision of law, the *Atillo* case likewise tells us that while this contemplates the exercise of discretion on the part of the petitioner, such discretion in choosing the documents to be attached to the petition is not unbridled, to wit:

The [Court of Appeals] has the duty to check the exercise of this discretion to see to it that the submission of supporting documents is not merely perfunctory. The practical aspect of this duty is to enable the CA to determine at the earliest possible time the existence of *prima facie* merit in the petition. Moreover, Section 3 of Rule 42 of the Rules of Court provides that if petitioner fails to comply with the submission of "documents which should accompany the petition," it "shall be sufficient ground for the dismissal thereof."<sup>[23]</sup>

In any event, petitioner's contentions on the substantive aspect of the case fail to invite judgment in her favor.

It is settled that jurisdiction of the court in ejectment cases is determined by the allegations of the complaint and the character of the relief sought.<sup>[24]</sup>

The Complaint<sup>[25]</sup> filed by petitioner alleged these material facts:

### ***Cause of Action***

3. Plaintiff is the owner of that certain parcel of land situated in Bo. Sta Rita, Bata, San Miguel, Bulacan, with a total area of 354 square meters, more or less, and covered by TCT No. T-113925 of the Registry of Deeds for the Province of Bulacan. A copy of the said title hereto attached is made on (sic) integral part hereof as Annex "A."