

SECOND DIVISION

[G.R. No. 136449, August 22, 2002]

CARMELITA S. MENDIGORIN, PETITIONER, VS. MARIA CABANTOG, REPRESENTED BY HER SON, RAFAEL CABANTOG, RESPONDENT.

R E S O L U T I O N

QUISUMBING, J.:

This petition for review under rule 45 of the Rules of Court seeks to reverse and set aside the decision promulgated on March 13, 1998 in CA-GR No. SP. No. 42887 of the respondent court, and its subsequent resolution dated November 17, 1998 denying petitioner's motion for reconsideration.

The facts of this case as culled from the records are as follows:

Petitioner Carmelita S. Mendigorin filed a complaint before the Municipal Trial Court (MTC) of Hagonoy, Bulacan for ejectment against Maria Cabantog. The complaint alleged:

3. That plaintiff is a co-owner of the parcel of land situated at San Pascual, Hagonoy, Bulacan covered by Original Certificate of Title No. P-5053 (2161) of the Register of Deeds for the province of Bulacan and more particularly described and bounded as follows:

ORIGINAL CERTIFICATE OF TITLE NO. P-5053 (2161)

Of Bulacan, Book No. RT-26, Page No. 53

Lot NO. 9995, Cad-304-D

Beginning xxx.

Containing an area of THREE HUNDRED AND FOUR (304) SQUARE METERS.

All points xxx.

Bounded on the NE., & SE., along lines 1-2-3 by Lot 9997, Cad-304-D; on the SW., along line 3-4 by Lot 9994, Cad-304-D; along line 4-5 by Lot 9996, Cad-304-D; and on the NW., along line 5-1 by Lot 10259, Cad-304-D (Road Lot).

Bearings true.

This lot xxx.

Note: This lot is covered by F.P.A. NO. (III-6) 4690"

xxx

4. That plaintiff allowed defendant to occupy a portion of their land covered by said O.C.T. No. P-5053 (2161) of Bulacan, with an area of around 100 square meters. On said portion of their land, defendant has a house standing thereon.

5. That defendant does not pay any amount of rental to the plaintiff. The reasonable monthly compensation for defendant's use and occupation of the 100 square meter portion of the parcel of land of plaintiff and her co-owners is in the sum of three Thousand Pesos (P3,000.00), Philippine Currency. And defendant must pay the said monthly compensation beginning March 1, 1996.

6. That plaintiff made oral and written demands upon the defendant to vacate the 100 square meter portion of their parcel of land covered by O.C.T. No. P-5053 (2161) of Bulacan but defendant did not heed plaintiff's demands. On March 30, 1996, plaintiff thru her undersigned counsel made a written demand upon defendant to vacate the 100 square meter portion of their parcel of land covered by O.C.T. No. P-5053 (2161) of Bulacan and to pay the reasonable monthly compensation in the sum of P3,000.00, Philippine Currency, both within 15 days from receipt of the demand letter. Xxx. The said letter was sent by registered mail xxx. The said demand letter was received by defendant as evidenced by the Registry Return Card xxx.

7. That plaintiff complied with the barangay requirement of confrontation and conciliation but there was no agreement reached by the parties before the Barangay. xxx

8. The defendant has no right whatsoever to remain in the said 100 square meter portion of the parcel of land of plaintiff and her co-owners covered by O.C.T. No. P-5053 (2161) of Bulacan, for which reason, defendant must immediately vacate the same.^[1]

She then prayed that the trial court issue a judgment:

(a) ordering defendant and all persons claiming under her to immediately vacate the 100 square meter portion of the parcel of land covered by O.C.T. No. P-5053 (2161) of Bulacan, specially by removing her (defendant's) house from said land;

(b) ordering defendant to pay the reasonable monthly compensation in the sum of P3,000.00 starting March 1, 1996 to plaintiff until defendant and all persons claiming under her shall have vacated the premises; and

(c) ordering defendant to pay to plaintiff reasonable sum of attorney's fees in the amount of P30,000.00 plus appearance fee of P3,000.00 per hearing and expenses of litigation, besides the costs of this suit.

Finally, she prays for such other and further relief to which she may in law and equity be deemed entitled in the premises.^[2]

Cabantog alleged in her answer that the 100 square meters being claimed by Mendigorin belonged to her, and that said portion is part of the 350 sq. meter-lot adjudicated to her and her co-owners. She likewise alleged that Mendigorin used

fraud in order to have the said portion included in the land area registered under her name.^[3]

The MTC dismissed the complaint in its decision dated August 14, 1996. The dispositive portion of the said decision reads:

WHEREFORE, for lack of action (sic), this case is hereby ordered DISMISSED.

In the absence of evidence of bad faith in the filing of the instant complaint, defendant's counterclaim is likewise DISMISSED.

With no pronouncements (sic) as to costs.

SO ORDERED.^[4]

Aggrieved, Mendigorin appealed before the Regional Trial Court (RTC), which reversed the MTC in a decision dated December 6, 1996. The dispositive portion of said RTC decision reads:

WHEREFORE, the judgment appealed from is hereby reversed and a new one rendered herein ordering defendant-appellee and all persons claiming under her:

1. To vacate immediately the subject 100-meter square portion of plaintiff's land covered by O.C.T. No. P-5053 (2161) of the Bulacan Registry of Land;
2. To pay plaintiff reasonable monthly compensation for the use and occupation of said premises in the amount of P3,000.00 reckoned from April 1, 1996, up to the time defendant and all persons claiming under her shall have vacated the same;
3. To pay plaintiff the further amount of P30,000.00 as attorney's fees; and
4. To pay the costs of suit.

JUDGMENT REVERSED.

SO ORDERED.^[5]

The table being turned on her, Cabantog filed a petition before the Court of Appeals (CA) seeking to have the RTC decision reviewed. The CA, in its decision dated March 13, 1998, ruled in favor of Cabantog and reversed the RTC, thereby reinstating the decision of the MTC. The dispositive portion of said decision reads:

WHEREFORE, the assailed decision dated December 6, 1996 issued by the Regional Trial Court (Branch 12) of Malolos, Bulacan is hereby REVERSED and SET ASIDE. The decision dated August 14, 1996, rendered by the Municipal Trial Court of Hagonoy, Bulacan dismissing the complaint is REINSTATED.

Cost against private respondent.

SO ORDERED.^[6]

On April 22, 1998, Mendigorin filed a motion for reconsideration, which was denied by the CA in a resolution dated November 17, 1998.