

FOURTEENTH DIVISION

[CA–G.R. SP No. 114533, March 12, 2014]

**SPOUSES RUBEN AND JIMENA CALANOC, AMALIA “AGA”
CALANOC^[1] AND CARIDAD GURAN,^[2] PETITIONERS, VS.
LILIBETH AMPONIN, RESPONDENT.**

D E C I S I O N

GALAPATE-LAGUILLES, J:

This *Petition for Review*^[3] seeks to set aside the following Judgment and Order rendered by the Regional Trial Court of Olongapo City, Branch 75, in Civil Case No. 153-0-09:

(1) Judgment^[4] dated March 25, 2010, affirming the decision dated August 13, 2009 of the Municipal Trial Court in Cities, Branch 4, Olongapo City in an action for Unlawful Detainer and Damages, docketed as Civil Case No. 7043; and

(2) Order^[5] dated May 18, 2010, denying the Motion for Reconsideration.

The facts follow.

The present controversy involves the right to material possession over Lot No. 4677-B located in Brgy. Sta. Rita, Olongapo City, with an area of 264 square meters, as well as the house constructed therein.

The subject property was a portion of Lot No. 4677 that was originally claimed and possessed by Esperidion Calanoc, predecessor-in-interest of siblings Ruben and Amalia Calanoc. Upon the death of Esperidion on May 10, 1974, his heirs, namely: Selvestre, Ligaya, Leticia, Maria Luisa, Ruben, Amalia, Bernardo, all surnamed Calanoc, and their mother Catalina Legaspi Vda. Calanoc, executed a notarized Joint Affidavit^[6] dated May 29, 1974, conveying their claim of ownership and right of possession over the said property to Mrs. Rufina Alcantara Castro, the mother of Lilibeth Amponin, private respondent herein. The said notarized document reads in part:

That before the death of our father, he received from Mrs. Rufina Alcantara Castro a sizeable amount that was spend (sic) from (sic) his medical care prior to his death and that we are aware of the fact;

That we are aware that it was the intention of our father to transfer unto said Mrs. Rufina Alcantara Castro the residential land describing (sic) above and the house situated therein;

That in obedience to the wishes of our late father and spouse respectively (sic) in favor of Mrs. Rufina Alcantara Castro.^[7]

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Despite the transfer, however, the Calanocs remained in possession of the said property.

When Rufina died intestate on October 10, 1991, her estate was inherited by her heirs, her husband Dionicio S. Castro and her children Fernando A. Castro, Renato A. Castro, Rodeo A. Castro, Lucita C. Holland, Jose A. Castro, Reynaldo A. Castro, Fresnedie A. Castro, Julita Castro Batol and private respondent Lilibeth Castro Amponin. By virtue of the notarized document denominated as Extra Judicial Settlement of the Estate of Rufina A. Castro⁸ dated July 6, 2004, Lilibeth's co-heirs waived in her favor their rights and interest over Lot 4677-B. Thereafter, Lilibeth applied for title over the said lot and Katibayan ng Orihinal naTitulo Blg. P-13830^[9] was later issued in her name on April 26, 2007.

Meanwhile, on September 19, 2005, spouses Ruben and Jimena Calanoc, herein petitioners, transferred 100-square meter portion of Lot 4677-B in favor of Caridad G. Guban without the knowledge and consent of Lilibeth.^[10]

On June 21, 2007, Lilibeth sent a demand letter,^[11] through registered mail, to spouses Calanoc, Amalia and Caridad directing them to vacate the property within fifteen (15) days from notice, otherwise, a court action shall be filed against them. The demand was unheeded. Thus, on October 4, 2007, Lilibeth, through her Attorney-in-fact Adorable Amponin,^[12] filed before the Municipal Trial Court in Cities (Branch 4) of Olongapo City a Complaint for Unlawful Detainer and Damages^[13] against spouses Calanoc, Amalia and Caridad, contending that she is the registered owner of Lot 4677-B and that she paid real property tax thereon as shown in the Declaration of Real Property Value^[14]. Lilibeth further alleged that she consented and tolerated the Calanocs' continued possession of the property with the condition that they shall vacate the same upon demand, but the Calanocs abused her tolerance when they sold a portion of the subject lot to Caridad without her knowledge and consent. Further, according to her, repeated demands to vacate were sent to the Calanocs and Caridad, the latest of which was the letter dated June 20, 2007,^[15] but despite so, they remained in the property against her will.

In their Answer,^[16] the Calanocs and Caridad denied the material allegations in the Complaint, Lilibeth's claim of ownership over the subject property in particular. The Calanocs averred that they had been occupying and possessing the property in the concept of owners and against the whole world since 1948, or for more than 50 years, as shown in the Miscellaneous Sales Application filed by Ruben, Tax Declaration and tax receipts as well as the Barangay Certification attesting their occupation of the said property. They also assailed the validity of Lilibeth's original certificate of title over the subject property because they had reasons to believe that it was obtained through fraud, deceit and misrepresentation. Furthermore, the defendants contended that the Complaint was premature as it lacked the required barangay conciliation proceeding; and that it was procedurally infirm because Lilibeth did not join her husband as a party-plaintiff. In their position paper, the defendants likewise argued that the litigated property was not identical to the property they are actually occupying.^[17]

On August 13, 2009, the MTCC rendered a Judgment^[18] holding that as between the defendants and Lilibeth, the latter had successfully established her right of material possession over the property as a consequence of her rightful ownership thereof. According to the MTCC, defendants' documentary evidence, e.g. tax declaration and receipts, and claim of acquisitive prescription, did not overcome the indefeasibility of Lilibeth's title. It likewise ruled that the litigated property and the parcel of land occupied by the defendants were identical, viz:

Defendant Ruben Calanoc, has also applied for their Miscellaneous Sales Application of the disputed property, the same, however, had been rejected by the Community Environment and Natural Resources Office (CENRO) per its Order dated February 23, 2006 on the ground that a similar property had already been the subject of plaintiff's application.

So, contrary to the contention of the defendants, Lot 4677-B which had been conveyed to the plaintiff by the predecessor-in-interest of the defendants Calanoc is the same property which is being occupied by the latter and also the subject of defendant's application. It is likewise significant to note that even in the Tax Declaration of the defendants Calanoc, there appears to be an annotation to the effect that the property subject thereof is also declared in [the] name of Rufina Alcantara Castro.^[19]

The *fallo* of the said Judgment reads:

FOR ALL THE FOREGOING, the Court finds that the plaintiff has satisfactorily established her cause of action against the defendants, hence, said defendants and all persons claiming rights over the subject property are hereby ordered:

1. To vacate the subject premises in question and to remove whatever improvements they may have erected thereon;
2. To pay plaintiff:
 - a. Attorney's fees in the amount of Twenty Thousand (P20,000.00) [Pesos]; and
 - b. Cost[s] of the suit in the sum of Three Thousand One Hundred Fifteen (P3,115.00) Pesos.

SO ORDERED.^[20]

Aggrieved, the defendants appealed to the Regional Trial Court of Olongapo City, reiterating the arguments and issues already passed upon by the MTCC. Accordingly, the RTC rendered the assailed Judgment dated March 25, 2010, affirming *in toto* the decision of the MTCC. Defendants sought reconsideration from the adverse decision of the court *a quo* but the same was likewise denied *per* Order dated May 18, 2010. Hence, this recourse under Rule 42 of the Rules of Court which raises the following errors:

I. The Honorable MTCC and the Honorable RTC erred in not resolving the issue that the property being claimed by respondent is NOT the same property owned by petitioners;^[21]

II. The Honorable MTCC and Honorable RTC gravely erred in its non-appreciation of the fact that plaintiff or any member of her family was never at any period in possession/occupation of petitioners' property;^[22]

III. The Honorable MTCC and Honorable RTC gravely erred in not resolving that non-possession of respondent and lack of demand to vacate the property served on all petitioners are fatal to her complaint for unlawful detainer;^[23]

IV. The Honorable MTCC and Honorable RTC gravely erred in not sustaining petitioners' affirmative defense that respondent's claim has already prescribed;^[24]

V. The Honorable MTCC and Honorable RTC erred in not appreciating that respondent is not entitled to an award of attorney's fees and cost of

suits;^[25] and

VI. Respondent's Claim in the Complaint is fatally defective for non-joinder of her husband.^[26]

On October 1, 2010,^[27] this Court dropped Amalia Calanoc as petitioner due to her untimely demise while her heirs showed no interest to the case. Caridad Guban was likewise dropped from the case on March 23, 2011^[28] because she neither personally signed the verification and certification of non-forum shopping attached to the Petition nor authorized her daughter Zenaida Guban to sign the same on her behalf.

The Petition is bereft of merit.

The appeal proffers issues pertaining to both procedural and substantive law. As regards the alleged procedural lapses, petitioners contend that barangay conciliation proceedings is a condition precedent before the filing of the case; and that Lilibeth's husband must be included as party-plaintiff as the subject property is allegedly conjugal. We do not agree.

As a rule, barangay conciliation proceeding is considered as a condition precedent that must be complied with before an action, such as unlawful detainer, may be filed in court. However, barangay conciliation proceeding may be dispensed with as when a dispute involves parties who actually reside in barangays of different cities or municipalities, pursuant to Section 408 (f) of the Local Government Code. In this case, Lilibeth does not reside in the same barangay or city as the petitioners. In several documents on record, such as the Special Power of Attorney appointing Adorable Amponin as Attorney-in-fact, Declaration of Real Property Value, and the Extra-Judicial Settlement of the Estate of Rufina A. Castro, it was shown that Lilibeth is a resident of Tondo, Manila. On the other hand, petitioners are residents of Sta. Rita, Olongapo City. Hence, the local lupon has no jurisdiction over their dispute, and prior referral to it for conciliation is not a pre-condition to its filing in court.^[29]

As to the non-inclusion of Lilibeth's husband as a party-plaintiff, the RTC correctly observed that the same was unnecessary as there was no indication that Lot 4677-B was conjugal in character.

Even assuming that the husband's inclusion is required, Section 9, Rule 3 of the Revised Rules of Civil Procedure does not warrant the dismissal of cases due to the non-joinder of parties. The non-joinder of the husband by a party plaintiff is only a formal requirement that does not affect the jurisdiction of the court.^[30]

Besides, the spouses may validly exercise full power of management of a conjugal property, either singly or jointly, subject to the intervention of the court in proper cases^[31]. They are not always obligated to act jointly except to dispose or encumber property belonging to the conjugal partnership which specifically requires the written consent of the other spouse, or authority of the court.^[32] One spouse, like the wife in this case, can institute actions to protect the conjugal partnership, thus: