



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MARIA VICTORIA A. REYES,
Petitioner,

G.R. No. 237201

Present:

- versus -

PERALTA, C.J., Chairperson,
CAGUIOA,
LAZARO-JAVIER,
DELOS SANTOS,* and
GAERLAN,** JJ.

ISABEL MENDOZA MANALO,
CELSO MENDOZA, JOSEPHINE
GONZALES, ISAGANI BLANCO,
and all persons acting for and in
their behalf,

Respondents.

Promulgated:
SEP 22 2020

x-----

DECISION

PERALTA, C.J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to nullify and set aside the Decision¹ dated February 13, 2017 and the Resolution² dated January 11, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 145429, which set aside the July 6, 2015 Decision³ of the Regional Trial Court (RTC) of Pinamalayan, Oriental Mindoro, Branch 41, which, in turn, affirmed the November 10, 2014 Decision⁴ of the Municipal Trial Court (MTC) of Pinamalayan, Oriental Mindoro, that granted the complaint for unlawful detainer filed by petitioner against respondents.

The antecedent facts are as follows.

* Designated additional member in lieu of Associate Justice Mario V. Lopez per Raffle dated August 19, 2020.

** Designated additional member per Special Order No. 2788 dated September 16, 2020.

¹ Penned by Associate Justice Rosmari D. Carandang (now a member of this Court, with Associate Justices Mario V. Lopez (now also a member of this Court) and Myra V. Garcia-Fernandez, concurring; *rollo*, pp. 199-205.

² *Id.* at 208-209.

³ Penned by Presiding Judge Harry D. Jaminola, *id.* at 139-144.

⁴ Penned by Judge Rosalie A. Lui, *id.* at 115-117.

At the heart of the present dispute is a parcel of land with an area of 19,735 square meters, more or less, covered by Transfer Certificate of Title (TCT) No. J-7757 (T-1120), in the name of the spouses Asuncion Mercader and Damian Reyes, and situated in Pinamalayan, Province of Oriental Mindoro. On September 2, 2014, petitioner, Maria Victoria A. Reyes, filed a Complaint⁵ for unlawful detainer as a co-owner of the subject property, granddaughter of the deceased spouses Asuncion and Damian, and daughter of the spouses' son, Rufino Reyes. In the complaint, she alleged that her grandparents owned and possessed the subject property and that during their lifetime, they hired farmworkers and administrators to make the same productive. The property was once a part of a coconut plantation straddling Barangays Zone I, II, and Marfrancisco and used to include the present site of the St. Augustine Church and the Immaculate Heart of Mary Academy. Victoria narrated that her grandmother, Asuncion, died in 1939, her grandfather, Damian, died in 1979, and her father, Rufino, died in 1982. Thereafter, in 1999, Victoria and her co-heirs extrajudicially adjudicated the subject property.⁶

Victoria maintained that, for years her family allowed and tolerated political supporters from Marinduque to occupy and cultivate portions of the property. Throughout the years, Pinamalayan became urbanized making the subject property ideal for residential and commercial purposes. As such, informal settlers, including the respondents Isabel Mendoza Manalo, Celso Mendoza, Josephine Gonzales, Isagani Blanco, also occupied the premises. According to Victoria, her family tolerated the respondents' use and possession thereof with the understanding that in the event that they would need the same, the occupants would vacate peacefully. She added that respondents built structures for residential and commercial purposes without permission from her family's predecessors.⁷

During her inspection of the property in February 2014, she discovered that respondents occupied the same in the following proportions: Isabel Mendoza Manalo and Celso Mendoza with a total of 1,350 square meters, Josephine Gonzales with a total of 350 square meters, and Isagani Blanco with a total of 1,000 square meters. As Victoria and her co-owners now need the property, she demanded that they vacate the premises through letters sent to each of the respondents in April and July 2014. But despite these demands, respondents remained in their respective portions. As a result, Victoria filed the subject complaint before the MTC for unlawful detainer with prayer for the issuance of a temporary restraining order/preliminary injunction and damages. The MTC, however, denied the prayer for the issuance of an injunction.⁸

⁵ *Rollo*, pp. 30-53.

⁶ *Id.* at 200.

⁷ *Id.* at 200-201.

⁸ *Id.* at 201.

Despite receipt of summons, respondents failed to file their Answer on time, filing the same 33 days late. Consequently, Victoria moved that judgment be rendered which was, however, opposed by respondents who argued that the case involves documents and transactions which happened almost 70 years ago. As such, it took them several days to find the necessary documents to prove ownership as they had to make a research in the archive of the Clerk of Court and the office of the notary public involved. They also had a hard time looking for their counsel to represent them in the instant case.⁹

The MTC, however, did not give credence to respondents' arguments and instead, granted Victoria's Motion to Render Judgment, eventually rendering a Decision on November 10, 2014 granting Victoria's complaint for unlawful detainer. It disposed of the case as follows:

WHEREFORE, finding the allegations of the plaintiff to be with merit, judgment is hereby rendered in favor of the plaintiff and against the defendants. Defendants, their privies and all persons claiming rights under them are hereby ordered to:

1. Vacate the property and surrender possession thereof to plaintiff.
2. Remove [the] house, improvements, and structures found therein.
3. Pay attorney's fees in the amount of Php10,000.00.
4. Pay the Cost of suit.

SO ORDERED.¹⁰

On July 6, 2015, the RTC rendered a Decision affirming the MTC ruling. It held that the MTC was correct in acting expediently pursuant to the summary nature of the unlawful detainer case, in rendering judgment based on Victoria's complaint, and in disregarding the belatedly-filed Answers of respondents.

In its Decision dated February 13, 2017, however, the CA set aside the rulings of the MTC and the RTC. It found that the controversy involved was not simply an ejectment case wherein the main issue was possession *de facto* since there is a need to resolve the issue of ownership in addition to the issue of possession. As such, it necessitates a full-blown trial on the merits in an *accion reivindicatoria* that is cognizable by the RTC. Consequently, the CA ruled that instead of dismissing the complaint, it is in the interest of substantial justice that the case be remanded to the RTC to conduct further

⁹ *Id.* at 201-202.

¹⁰ *Id.* at 117.



proceedings and try the case as an action for recovery of possession and ownership.¹¹

When the appellate court denied Victoria's motion for reconsideration in its Resolution dated January 11, 2018, she filed the instant petition invoking the following issues:

I.

WHETHER THE HONORABLE COURT OF APPEALS ERRED WHEN IT REVERSED THE MTC AND RTC AND ADMITTED RESPONDENTS' ALLEGATIONS IN THEIR RESPECTIVE ANSWERS WHICH WERE FILED 33 DAYS FROM SERVICE OF SUMMONS.

II.

WHETHER THE HONORABLE COURT OF APPEALS ERRED WHEN IT ADMITTED RESPONDENTS' ANSWER IN VIOLATION OF SECTION 6 OF RULE 70 OF THE RULES OF COURT EVEN IF THE ANSWERS DID NOT CONTAIN ANY EXPLANATION AS TO ITS LATE FILING.

Victoria posits that the reasons cited by the respondents for their failure to file their Answers within the reglementary 10-day period are not cogent reasons to warrant a relaxation of the Rules.¹² Assuming, without admitting, that respondents have documents which they claimed to be 70 years old, then it would not take them 33 days to produce the same. With respect to respondents Isagani Blanco and Josephine Gonzales, Victoria argued that as buyers of the property in 2014, they had the duty to ensure that the property they were buying had complete documents of ownership. As for respondents Isabel Mendoza Manalo and Celso Mendoza, Victoria maintained that if they claimed that they had proof of ownership dating back to 1944, it should not have taken them 33 days to produce the same.

In addition, she pointed out that the purported transactions being mentioned by respondents were not among those annotated on the title TCT No. J-7757 (T-1120) of the subject property. As correctly observed by the CA, the title embraces a large tract of land, which has been subdivided into smaller lots, and which contained annotations of sale, including sale to the Catholic Church way back in 1938 and several other individuals. As such, assuming *arguendo* that there is an issue on who really owns the subject property, Victoria maintained that in an ejectment case such as this, the issue of ownership is resolved only preliminarily to determine the issue of

¹¹ *Id.* at 203-205.

¹² Section 6 of Rule 70 of the 1997 Rules of Court provides:

SECTION 6. *Answer.* — Within ten (10) days from service of summons, the defendant shall file his answer to the complaint and serve a copy thereof on the plaintiff. Affirmative and negative defenses not pleaded therein shall be deemed waived, except lack of jurisdiction over the subject matter. Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred. The answer to counterclaims or cross-claims shall be served and filed within ten (10) days from service of the answer in which they are pleaded.

material possession. At any rate, respondents' Answers with claim of ownership should not divest the MTC of jurisdiction since jurisdiction is not dependent on the allegations in the Answer but on the allegations of the complaint.

The petition is denied.

Prefatorily, We find that contrary to Victoria's contention, the circumstances of the instant case warrant a relaxation of procedural rules. Time and again, the Court has ruled that litigation is not merely a game of technicalities. The law and jurisprudence grant to courts – in the exercise of their discretion along the lines laid down by this Court – the prerogative to relax compliance with procedural rules, mindful of the duty to reconcile both the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.¹³ Settled is the principle that procedural rules of the most mandatory character may be suspended where “matters of life, liberty, honor or property” warrant its liberal application especially so when attended by the following: (1) special or compelling circumstances, (2) the merits of the case, (3) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (4) a lack of any showing that the review sought is merely frivolous and dilatory, and (5) the other party will not be unjustly prejudiced thereby.”¹⁴ Thus, a liberal application of procedural rules requires that: (1) there is justifiable cause or plausible explanation for non-compliance, and (2) there is compelling reason to convince the court that the outright dismissal would seriously impair or defeat the administration of justice.¹⁵

Here, the Court finds that the ends of justice and fairness would best be served if respondents are given the full opportunity to present their defenses in their belatedly-filed Answers. In the *first* place, the Answers contain meritorious arguments as to why and how respondents have come to possess the subject property. According to them, they have been in possession of the same as early as 1944 through their predecessors-in-interest and have valid and legal documents to show ownership thereof. But since the necessary documents are almost 70 years old, they encountered several delays and setbacks in their search. In addition, they similarly faced challenges in their search for legal representation.

Second, as the respondents pointed out, Victoria presented no evidence to show that the parcels of land belonging to them are still included in her reconstituted TCT. No subdivision plan was submitted. As aptly found by the appellate court, the subject property is a large tract of land totaling an area of 19,735 square meters, more or less. A perusal of the TCT would

¹³ *Spouses Edillo v. Spouses Dulpina*, 624 Phil. 587, 597 (2010).

¹⁴ *Villanueva v. People*, 659 Phil. 418, 430 (2011).

¹⁵ *Pagadora v. Ilao*, 678 Phil. 208, 226 (2011).

show that certain portions of the subject property have been subdivided and even sold to several third persons. Thus, it is not far-fetched that the portions actually being possessed by the respondents were acquired by their predecessors-in-interest by virtue of a sale.

Third, it must be noted that the respondents and their predecessors-in-interest have built their homes on the subject property and have allegedly been residing thereat for decades. Thus, an irreparable and grave injustice would certainly befall upon respondents if the MTC's order to vacate and demolish their houses thereon is summarily executed. Besides, it cannot be said that Victoria would be unjustly prejudiced by a full-blown trial as she is neither stripped of any affirmative defenses nor deprived of due process of law. Indeed, the Court must relax the rigid application of the rules of procedure to afford the parties opportunity to fully ventilate the merits of their cases, in line with the time-honored principle that cases should be decided only after giving all parties the chance to argue their causes and defenses.¹⁶ This is especially since respondents' seemingly meritorious claims would remain unventilated unless We relax our application of the technical requirements under the Rules.

Having resolved the procedural hurdles of the present case, the Court further resolves to deny Victoria's request to reinstate the rulings of the MTC and the RTC which granted her complaint for unlawful detainer. Time and again, the Court has held that a person claiming to be the owner of a piece of real property cannot simply wrest possession thereof from whoever is in actual occupation of the property. To recover possession of real property, said party claiming to be the owner thereof must first resort to the proper judicial remedy, and thereafter, satisfy all the conditions necessary for such action to prosper. Accordingly, the owner may choose among three kinds of actions to recover possession of real property — an *accion interdical*, *accion publiciana* or an *accion reivindicatoria*. Notably, an *accion interdical* is summary in nature, and is cognizable by the proper municipal trial court or metropolitan trial court. It comprises two distinct causes of action, namely, forcible entry (*detentacion*) and unlawful detainer (*desahuico*). In forcible entry, one is deprived of the physical possession of real property by means of force, intimidation, strategy, threats, or stealth, whereas in unlawful detainer, one illegally withholds possession after the expiration or termination of his right to hold possession under any contract, express or implied. Conversely, an *accion publiciana* is the plenary action to recover the right of possession, which should be brought in the proper regional trial court when dispossession has lasted for more than one year. It is an ordinary civil proceeding to determine the better right of possession of realty independently of title. *Finally*, an *accion reivindicatoria* is an action to recover ownership, also brought in the proper RTC in an ordinary civil proceeding.¹⁷ It is a suit which has for its object

¹⁶ *Polanco v. Cruz*, 598 Phil. 952, 960 (2009).

¹⁷ *Javelosa v. Tapus*, G.R. No. 204361, July 4, 2018.

the recovery of possession over the real property as owner. It involves recovery of ownership and possession based on the said ownership.¹⁸

Here, Victoria elected to file an action for unlawful detainer, claiming to be the owner of the subject property. As such, she bore the correlative burden to sufficiently allege, and thereafter prove by a preponderance of evidence all the jurisdictional facts in the said type of action. Specifically, Victoria was charged with proving the following jurisdictional facts, to wit: (i) initially, possession of property by the defendant was by contract with or by tolerance of the plaintiff; (ii) eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession; (iii) thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and (iv) within one year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejectment.¹⁹

A cursory perusal of Victoria's complaint, however, would show her failure to prove the necessary jurisdictional facts of how and when the respondents entered the subject property, as well as how and when her family tolerated said respondents' possession. In her complaint, Victoria was so elusive in her narration of facts that one cannot possibly determine the details of the element of tolerance. *First*, she stated that her grandparents, *during their lifetime*, "hired *farmworkers and administrators* to make the property productive." Then, she revealed that Asuncion died in 1939, Damian died in 1979, and her father died in 1982. In 1999, she and her co-heirs extra-judicially adjudicated the subject property among themselves. Victoria went on to state that "*for years*, the Reyes clan has allowed and tolerated *political supporters* from Marinduque to occupy and cultivate portions of the subject property. *Through the years*, Pinamalayan became urbanized which made the subject property ideal for residential and commercial uses. *Informal settlers* totally unknown to the Reyes clan *also occupied* the subject property." Thereafter, she narrated that "plaintiff tolerated these settler's possession and use of the subject property with the understanding that in the event that they would need the same, the tolerated occupants would vacate and peacefully turn-over the subject lots to the owners." It was only after the foregoing that Victoria mentioned the respondents, for the first time, in saying that: "in fact, these *tolerated occupants, including the defendants*, built structures for their residential and even commercial uses without the permission from the plaintiff and her predecessors."²⁰

There arises, then, a consequent vagueness on the element of tolerance that was imperative upon Victoria to prove. Unfortunately, no clear allegation was presented as to how the entry of respondents was effected, as

¹⁸ *Tuazon v. Tuazon*, G.R. No. 200115 (Notice), August 1, 2018.

¹⁹ *Javelosa v. Tapus*, *supra* note 17.

²⁰ *Rollo*, pp. 31-33.

well as to how and when the dispossession started and who permitted such alleged entry.²¹ In her complaint, Victoria makes mention of several occupants of the subject property at various, unknown periods of time: (1) “during the lifetime of her grandparents,” farmworkers and administrators to make the property productive; (2) “for years,” political supporters from Marinduque to cultivate the property; and (3) “through the years,” informal settlers totally unknown to the Reyes clan. One can only surmise that respondents fall under this third category of “informal settlers” who “also occupied” certain portions of the 19,735-square-meter property.

Lamentably, the vagueness of the complaint is aggravated by respondents’ assertion that they have been in possession of the subject property as early as 1944 through their predecessors-in-interest, which was not exactly denied by Victoria. Thus, We find no cogent reason to reverse the findings of the appellate court in view of Victoria’s failure to prove the jurisdictional fact that respondents’ initial possession was effected through her permission or tolerance or any of her predecessors-in-interest nor as to when respondents’ possession of the properties became unlawful – a requisite for a valid cause of action in an unlawful detainer case. Victoria simply declared that “these tolerated occupants, including defendants (respondents), built structures... without permission.” Unfortunately for her, however, mere allegation is not evidence and is not equivalent to proof.²²

Indeed, the Court has always been consistent in emphasizing that the fact of tolerance is of utmost importance in an action for unlawful detainer.²³ This rule is so stringent such that the Court categorically declared that tolerance cannot be presumed from the owner's failure to eject the occupants from the land.²⁴ Rather, “tolerance always carries with it ‘permission’ and not merely silence or inaction for silence or inaction is negligence, not tolerance.”²⁵ Accordingly, when the complaint fails to aver the facts constitutive of forcible entry or unlawful detainer, as where it does not state how entry was effected or how and when dispossession started, the remedy should either be an *accion publiciana* or *accion reivindicatoria*.²⁶

In view of the foregoing, We sustain the findings of the CA that the present controversy is not simply an ejectment case wherein the main issue is possession *de facto*. A review of the records would reveal an undeniable reality that there is a need to resolve the issue of ownership to completely settle the controversy. In fact, it appears that Victoria, herself, has conceded that the issue of the present case is not merely confined to possession but necessarily includes ownership when she argued that as buyers of their respective portions of the subject property, respondents Isagani Blanco and

²¹ *Javelosa v. Tapus*, *supra* note 17, citing *Carbonilla v. Abiera, et al.*, 639 Phil. 473 (2010).

²² *Javelosa v. Tapus*, *supra* note 17.

²³ *Id.*

²⁴ *Id.*, citing *Go, Jr. v. CA*, 415 Phil. 172 (2001).

²⁵ *Id.*, citing *Dr. Carbonilla v. Abiera, et al.*, 639 Phil. 482 (2010).


²⁶ *Id.*, citing *Suarez v. Spouses Emboy*, 729 Phil. 315 (2014).

Josephine Gonzales had the duty to ensure that the same had complete documents of ownership.

Accordingly, We further affirm the CA's view that instead of dismissing the complaint that would merely postpone the ultimate reckoning between the parties, We deem it in the interest of substantial justice to remand the case to the RTC to conduct further proceedings and try it as an action for recovery of possession and ownership. Certainly, justice is better served by a brief continuance, trial on the merits, and a final disposition of cases before the court.²⁷ Contrary to Victoria's assertion though, remand must be made to the RTC and not the MTC. It bears repeating that if, indeed, Victoria is the owner of the subject property, but possession was deprived from her for almost 70 years, now almost 80, case law dictates that she presents her claim before the RTC in an *accion reivindicatoria* and not before the MTC in a summary proceeding of unlawful detainer. For even if she is the owner, possession of the property cannot be wrested from another who had been in possession thereof for a good 70 years through a summary action for ejectment. Conversely, whatever may be the character of respondents' prior possession, if they have in their favor priority in time, they have the security that entitles them to remain on the property until they are lawfully ejected by a person having a better right by an *accion reivindicatoria*.²⁸

WHEREFORE, premises considered, the instant petition is **DENIED** for lack of merit. The Decision dated February 13, 2017 and the Resolution dated January 11, 2018 of the Court of Appeals in CA-G.R. SP No. 145429 is **AFFIRMED**. The instant case is **REMANDED** to the Regional Trial Court of Pinamalayan, Oriental Mindoro, Branch 41, and the latter is **DIRECTED** to conduct further proceedings and try the case as a plenary action for recovery of possession and ownership.

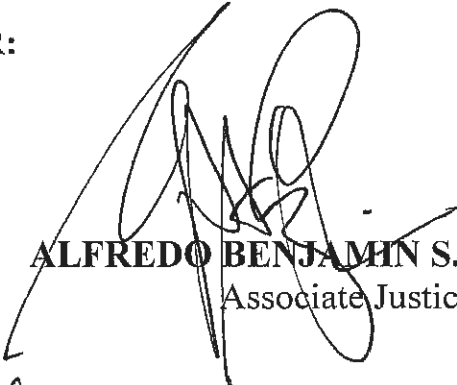
SO ORDERED.


DIOSDADO M. PERALTA
Chief Justice

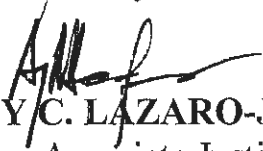
²⁷ *Ramos v. Spouses Alvendia, et al.*, 589 Phil. 226, 236 (2008).

²⁸ *Javelosa v. Tapus*, *supra* note 17, citing *Spouses Muñoz v. Court of Appeals*, 288 Phil. 1001 (1992).

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice