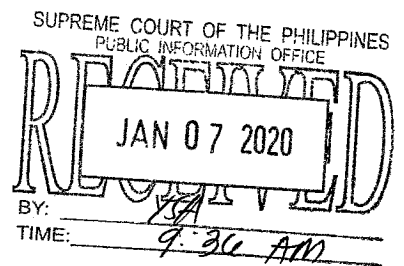




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 December 2019** which reads as follows:

G.R. No. 249619 (Paulito Asumo, Jr. v. Amelia Cunanan Legaspi, Thelma Cunanan Florendo, Eleazar G. Cunanan, Lerma Cunanan Perez, as represented by their Attorney-in-Fact, Jocelyn Cunanan Bargas)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the September 24, 2019 Decision² of the Court of Appeals (CA) in CA-G.R. SP No. 160426 for failure of petitioner Paulito Asumo, Jr. (petitioner) to sufficiently show that the CA committed any reversible error in upholding his ejection from the subject condominium unit, situated at Unit 10, No. 11 Sunrise Drive, Boni Serrano Road, Cubao, Quezon City. Accordingly, all monetary awards due to respondents Amelia Cunanan Legaspi, Thelma Cunanan Florendo, Eleazar G. Cunanan, Lerma Cunanan Perez, as represented by their Attorney-in-Fact, Jocelyn Cunanan Bargas (respondents), shall earn an interest at rate of six (6%) per annum from the date of finality of this Resolution until full payment.³

As correctly ruled by the CA, respondents had established possessory right over the property having pleaded the key jurisdictional elements constitutive of unlawful detainer case, considering that: (a) petitioner's occupation of the subject condominium unit was by mere tolerance of its owner, Leila Cunanan (Leila); (b) after Leila's death, petitioner, as the latter's stay-in-driver, continued to possess the same despite demands to vacate the premises; (c) the formal demand was made on July 11, 2016 but was not heeded; (d) respondents filed the complaint on November 21, 2016, or within the one-year reglementary period.⁴ Also, the CA correctly ruled that petitioner failed to establish co-ownership of the subject condominium unit for lack of proof to show his actual contribution in its purchase. Besides, the Deed of Extrajudicial Settlement⁵ of Leila did not state any renunciation or waiver of rights of Leila's siblings, respondents herein, over the above-mentioned condominium unit.

¹ Rollo, pp. 21-40.

² Id. at 44-52. Penned by Acting Presiding Justice Remedios A. Salazar-Fernando with Associate Justices Samuel H. Gaerlan and Geraldine C. Fiel-Macaraig, concurring.

³ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

⁴ In *Cabrera v. Getaruela* (604 Phil. 59, 66 [2009]), the Court held that a complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following: (a) that initially, the possession of the property by the defendant was by contract with or by tolerance of the plaintiff; (b) that eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter's right of possession; (c) that thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and (d) that within one year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejection.

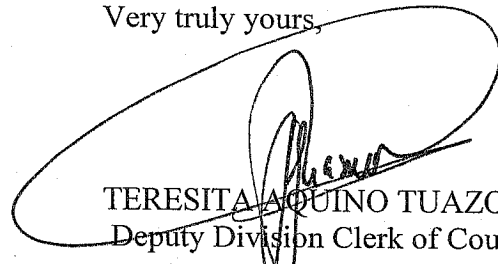
⁵ Rollo, pp. 73-74.

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Settled is the rule that factual findings of the trial court, especially when affirmed by the appellate court and supported by sufficient evidence, deserve respect and finality by this Court,⁶ as in this case.

SO ORDERED."

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
02 JAN 2020

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 80
1100 Quezon City
(Civil Case No. M-QZN-16-12702-SC-R00-00)

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CA-G.R. CV No. 160426

*with copy of CA Decision dated 24 September 2019
Please notify the Court of any change in your address.
GR249619. 12/11/2019B(170)URES

⁶ *Pacific Airways Corporation v. Tonda*, 441 Phil. 156, 162 (2002).