



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 September 2020** which reads as follows:*

“G.R. No. 252656 (Revelina Limson v. Heirs of Mauricio Layco, Ruben Layco, Josephine Layco, Rosita Layco, Roger Mercedes Diggle, and all persons claiming under them). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the July 25, 2019² and June 11, 2020³ Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 161142 for failure of petitioner Revelina Limson (petitioner) to sufficiently show that the CA committed any reversible error in dismissing her complaint⁴ for unlawful detainer.

As correctly ruled by the CA, there is no reason to disturb the trial court’s findings that petitioner failed to adduce sufficient evidence to establish her allegation of tolerance,⁵ which is necessary for a complaint for unlawful detainer to prosper.⁶ Mere allegation of tolerance does not constitute sufficient proof to maintain petitioner’s cause of action.⁷ Well-settled is the rule that factual findings of trial courts, especially when affirmed by the appellate court and supported by evidence on record, deserve respect and finality by this Court,⁸ as in this case.

¹ Titled “Petition for Review on *Certiorari* (with Manifestation); *rollo*, pp. 33-59.

² Id. at 9-13. Penned by Associate Justice Myra V. Garcia-Fernandez with Associate Justices Ramon M. Bato, Jr. and Perpetua Susana T. Atal-Paño, concurring.

³ Id. at 86.

⁴ See Amended Complaint; id. at 105-109.

⁵ See id. at 12.

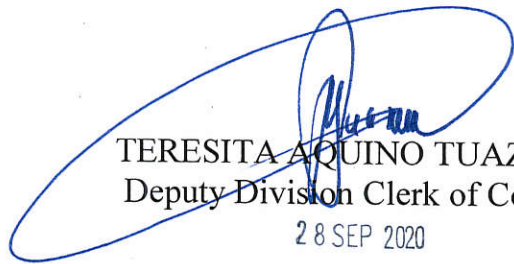
⁶ “A complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following: (1) initially, possession of the property by the defendant was by contract with or by tolerance of the plaintiff; (2) eventually, such possession became illegal upon notice by the plaintiff to the defendant of the termination of the latter’s right of possession; (3) thereafter, the defendant remained in possession of the property, and deprived the plaintiff of the enjoyment thereof; and (4) within one (1) year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejectment.” (See *Zacarias v. Anacay*, 744 Phil. 201, 208-209 [2014].)

⁷ See *Javelosa v. Tapus*, G.R. No. 204361, July 4, 2018.

⁸ See *Pacific Airways Corporation v. Tonda*, 441 Phil. 156, 162 (2002).

SO ORDERED. (Inting, *J.*, on official leave. Baltazar-Padilla, *J.*, on leave.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Whit*
28 SEP 2020 *9/25*

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 25
Tagudin, Ilocos Sur
(Civil Case No. 01758-T)

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Supreme Court, Manila

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GR252656. 09/07/2020(257)URES