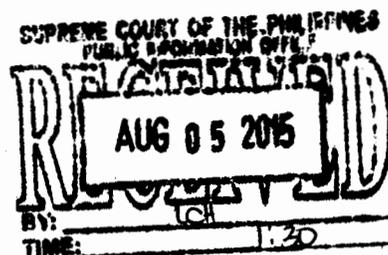




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 29, 2015** which reads as follows:*

“G.R. No. 212554 (Manuel C. Secretaria, represented by his son and sole heir Edwin M. Secretaria v. Dominga Betita and Noel Betita).- After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the May 31, 2012 Decision¹ and March 21, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 02183-MIN for failure of petitioner Edwin M. Secretaria, in representation of the late Manuel C. Secretaria (Manuel), to sufficiently show that the CA committed any reversible error in reversing and setting aside the March 30, 2007 Decision³ of the Regional Trial Court of Davao City, Branch 11, and the July 18, 2005 Decision⁴ of the Municipal Trial Court in Cities of Davao City, Branch 7, which granted the action for unlawful detainer filed by Manuel against respondents Dominga and Noel Betita (respondents).

The CA correctly ruled that the complaint *a quo* did not satisfy the jurisdictional requirement of a valid cause for either unlawful detainer or forcible entry. To justify an action for unlawful detainer, it is essential that the plaintiff's supposed acts of tolerance must have been present right from the start of the possession which is later sought to be recovered. Otherwise, if the possession was unlawful from the start, an action for unlawful detainer would be an improper remedy.⁵ In this case, the complaint merely contained bare allegations that: (1) respondents entered into the subject lot and built their house on the occupied portion; and (2) respondents did so

- over - two (2) pages

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¹ *Rollo*, pp. 41-54-A. Penned by Associate Justice Edgardo A. Camello with Associate Justices Melchor Q.C. Sadang and Marilyn B. Lagura-Yap concurring.

² *Id.* at 56-57. Penned by Associate Justice Edgardo A. Camello with Associate Justices Renato C. Francisco and Edward B. Contreras concurring.

³ *Id.* at 132-135. Penned by Judge Virginia Hofileña-Europa.

⁴ *Id.* at 121-131. Penned by Judge Rufino S. Ferraris, Jr.

⁵ See *Spouses Valdez, Jr. v. CA*, 523 Phil. 39, 47 (2006).

with the understanding that they will pay Manuel the value of the lot the moment he can show his proof of ownership. Nothing was said as to when and under what circumstances respondents entered the lot and how the alleged agreement came about. In ejectment cases, the complaint should embody such statement of facts as to bring the party clearly within the class of cases for which Section 1 of Rule 70 of the Rules of Court provides a summary remedy, and must show enough on its face to give the court jurisdiction without resort to parol evidence.⁶

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court 
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⁶ See *Zacarias v. Anacay*, G.R. No. 202354, September 24, 2014, 736 SCRA 508, 515.