

SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 6, 2020 which reads as follows:*

**“G.R. No. 225424 – (Heirs of Romulo Balucanag, Jr., represented by Maggy S. Balucanag and Michelle S. Balucanag v. Dole Philippines, Inc.)**

Before us is a petition for review on *certiorari*, assailing the Decision<sup>1</sup> dated July 10, 2015 and Resolution<sup>2</sup> dated April 19, 2016 of the Court of Appeals-Cagayan de Oro (CA) in CA-G.R. SP No. 05355-MIN filed by the Heirs of Romulo Balucanag, Jr. (petitioners).

**Relevant Antecedents**

The case stemmed from a complaint for ejectment filed by Dole Philippines, Inc. (respondent) against Romulo Balucanag, Jr. (Balucanag) and several others before the Municipal Trial Court of Polomolok, South Cotabato (MTC).<sup>3</sup>

Respondent averred that it has been in continuous possession of the parcel of land Lot 2112-C, Csd-010904, a portion of Lot 2112, Pls-209-11 located at Cannery, Polomolok, South Cotabato, registered in the name of Sarangani Resources Corporation, covered by Transfer Certificate of Title (TCT) No. T-110730 (subject property) as lessee since 1996; and it merely tolerated petitioners’ possession thereof. However, when demands to vacate went unheeded, respondent was constrained to file a complaint for ejectment.<sup>4</sup>

<sup>1</sup> Penned by Associate Justice Henri Jean-Paul B. Inting (now a Member of the Court), with Associate Justices Edgardo A. Camello and Rafael Antonio M. Santos, concurring; *rollo*, pp. 21-29  
<sup>2</sup> Id. at 30-31.  
<sup>3</sup> Id. at 22.  
<sup>4</sup> Id. at 21-22.

For his part, Balucanag countered that he has notoriously occupied the subject property since 1974 for commercial and residential purposes; while his co-defendants Iuminada and Abraham Tomenlaco (Tomenlacos) likewise alleged their prior possession of the subject property.<sup>5</sup>

The MTC rendered a Decision<sup>6</sup> dated July 7, 2010, finding that Balucanag and his co-defendants' possession was by mere tolerance of respondent, who has the right of possession thereof. That their possession became unlawful after respondent demanded them to vacate the subject property, but to no avail. The MTC ordered Balucanag and his co-defendants to vacate the subject property and to pay reasonable compensation for the use and occupation of the same. The *fallo* thereof reads:

WHEREFORE, decision is hereby rendered directing answering defendants Romulo Balucanag, Jr., Iuminada Tomenlaco, Abraham Tomenlaco and the non-answering defendants who were duly served with summons, namely: Erlinda Quitana, Tata Gumapac, "Felipe Torre Franca, Ricardo Canillo, Felix Yuson," Engracia Dahuco, Teresita Ablayon, Eddie Revater, Editha Ramirez, Elizabeth Pescacios, Flordeliza Olarte, Sps. Renato and Linda Marfil, Carlos Cervancia, Venancio Murilla, Ching Abalos and Homobono Tomenlaco, to vacate Lot 211C covered under TCT No. T-110730 registered in the name of Sarangani Resources Corporation and surrender possession of the same to plaintiff Dole Philippines, Inc.

The above-mentioned defendants are likewise directed to pay plaintiff One Thousand (P1,000.00) Pesos each as reasonable compensation for their use and occupation of the property since the time they were demanded to vacate the same. All the defendants are also directed to solidarily pay the plaintiff attorney's fees in the amount of P5,000.00 and the costs of suit.

SO ORDERED.<sup>7</sup>

Other defendants filed an appeal before the Regional Trial Court (RTC) while Balucanag filed a motion for reconsideration (MR). However, Balucanag subsequently filed a manifestation before the RTC, for the consideration of his MR before the MTC as his Memorandum on the appeal of the Tomenlacos was timely filed. Balucanag in essence questioned the jurisdiction of the MTC in trying the case as the complaint did not make out a case for unlawful

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<sup>5</sup> Id. at 22.

<sup>6</sup> Id. at 52-58.

<sup>7</sup> Id. At 57.

detainer.<sup>8</sup>

In a Decision<sup>9</sup> dated December 4, 2012, the RTC denied the appeal and found that the complaint spelled out an action for unlawful detainer. The dispositive portion thereof reads:

IN LIGHT OF THE FOREGOING, the APPEAL is hereby DENIED DUE COURSE. The assailed Decision is AFFIRMED in all respect (sic).

Aggrieved, respondent filed an appeal, still questioning the jurisdiction of the MTC over the case.

In the assailed Decision<sup>10</sup> dated July 10, 2015, the CA dismissed the appeal for lack of merit. In ruling so, the CA observed that petitioners have failed to file their appeal on time as they filed an MR before the MTC instead. As MR is a prohibited pleading under the Revised Rules on Summary Procedure, it did not stop the running of the period to file an appeal; hence, the decision of the MTC became final and executory after the lapse of said reglementary period.

Petitioners filed an MR, which was denied in a Resolution<sup>11</sup> dated April 19, 2016.

Hence, this petition.

In the present petition,<sup>12</sup> petitioners harbor its appeal on the lack of jurisdiction of the MTC over the case as the jurisdictional elements of the complaint for unlawful detainer were allegedly lacking. Being so, petitioners insist that the decision of the MTC, being a void decision, cannot attain the status of finality.

In its Comment,<sup>13</sup> respondent insists that essential facts were stated in the complaint for unlawful detainer, vesting the MTC jurisdiction over the case. Moreover, respondent avers that petitioners have *no locus standi* in the case before the CA for failure to timely file their appeal.

In their Reply,<sup>14</sup> petitioners restate their arguments raised in

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<sup>8</sup> Id. at 24-25.

<sup>9</sup> Id. at 59-63.

<sup>10</sup> Supra note 1.

<sup>11</sup> Supra note 2.

<sup>12</sup> Id. at 3-15.

<sup>13</sup> Id. at 68-93.

<sup>14</sup> Id. at 95-101.

their petition.

The petition lacks merit.

Well-settled is the rule that the jurisdiction of this Court in a petition for review on *certiorari* under Rule 45 is limited to reviewing only errors of law, not of fact, unless the factual findings complained of are completely devoid of support from the evidence on record, or the assailed judgment is based on a gross misapprehension of facts,<sup>15</sup> none of which exists in this case.

At any rate, the petition must be denied for failure to show reversible error on the part of the CA.

At the outset, jurisdiction over the subject matter of a case is conferred by law and determined by the allegations in the complaint which comprise a concise statement of the ultimate facts constituting the plaintiff's cause of action.<sup>16</sup>

A complaint sufficiently alleges a cause of action for unlawful detainer if it states the following: (a) the possession of the property by the defendant was by contract with or by tolerance of the plaintiff; (b) such possession became illegal upon notice by the plaintiff to the defendant about the termination of the latter's right of possession; (c) the defendant remained in possession of the property and deprived the plaintiff of its enjoyment; and (d) within one year from the making of the last demand to vacate the property on the defendant, the plaintiff instituted the complaint for ejectment.<sup>17</sup>

In this case, respondent's complaint sufficiently alleged the foregoing. The complaint adequately stated that petitioners and his co-defendants' possession was by mere tolerance; that such possession became illegal when demand to vacate was made by respondent, and the same was disregarded; that petitioners and his co-defendants remained in possession of the subject property; and that the complaint was filed within one year from the date of the last demand. In fact, petitioners admitted these factual narrations in their petition.<sup>18</sup>

As the MTC validly acquired jurisdiction over the subject matter of the case, its decision is valid; and by failure of petitioners' to timely file their appeal before the RTC, the MTC decision became

<sup>15</sup> *Meralco Industrial Engineering Services Corp. v. National Labor Relations Commission*, 572 Phil. 94, 117 (2008).

<sup>16</sup> *De Guzman-Fuerte v. Spouses Estomo*, G.R. No. 223399, April 23, 2018, 862 SCRA 388, 396.

<sup>17</sup> *Id.* at 397, citing *Macaslang v. Spouses Zamora*, 644 Phil. 337, 351 (2011).

<sup>18</sup> *Rollo*, pp. 10-11.

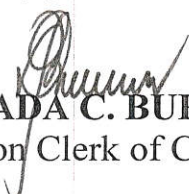
final and immutable. On this note, we emphasize that a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law.<sup>19</sup>

In all, this Court finds no reason to warrant the reversal of the assailed CA Decision and Resolution.

**WHEREFORE**, premises considered, the instant petition is hereby **DENIED**. Accordingly, the Decision dated July 10, 2015 and the Resolution dated April 19, 2016 of the Court of Appeals-Cagayan de Oro in CA-G.R. SP No. 05355-MIN are **AFFIRMED in toto**.

**SO ORDERED.**” *Lopez, J., on official leave.*

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

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The Presiding Judge  
Regional Trial Court, Branch 39  
Polomolok, 9504 South Cotabato  
(Civil Case No. 659-10)

The Presiding Judge  
Municipal Trial Court  
Polomolok, 9504 South Cotabato  
(Civil Case No. 09-683)



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<sup>19</sup> *FGU Insurance Corporation v. Regional Trial Court of Makati*, Branch 66, 659 Phil. 117, 123 (2011).