



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 14 June 2021 which reads as follows:*

**“G.R. No. 255623 (Jaime Ecaruan\* v. Renato Matias and Rowena Bernardino, represented by Edelyn I. Sumacbay).** - After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the Resolutions<sup>2</sup> dated June 16, 2020 and January 21, 2021 of the Court of Appeals (CA) in CA-G.R. SP No. 164235 for failure of petitioner Jaime Ecaruan (petitioner) to sufficiently show that the CA committed any reversible error in upholding his ejection from the 400 square meters of land located at Purok 6, Lawin Street, New Cabalan, Olongapo City (subject property).

As correctly ruled by the CA, respondents Renato Matias (Renato) and Rowena Bernardino, represented by Edelyn Sumacbay (respondents), were able to prove, by preponderance of evidence, all the elements of unlawful detainer<sup>3</sup> as: (a) petitioner’s possession of the subject property was through Renato’s tolerance, as the former was among those caring for the now-deceased caretaker, Dorothy Senegarally (Dorothy); (b) upon Dorothy’s death, petitioner no longer had any right to possess the subject property; (c) petitioner refused to vacate the subject property despite receipt of respondents’ demand letters asking him to do so; and, (d) the complaint for unlawful detainer was filed within one (1) year from the last demand letter. On the other hand, petitioner failed to support his claim that he and all the persons claiming rights under him have been occupying the subject property in the concept of an owner for more than twenty (20) years. Further, petitioner’s argument that respondents failed to demonstrate how or when petitioner entered the subject property or when consent was given does not deserve consideration.<sup>4</sup> As correctly

\* ‘Ecauran’ in the MTCC Decision.

<sup>1</sup> *Rollo*, pp. 12-26.

<sup>2</sup> *Id.* at 31-40 and 42-44. Penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Victoria Isabel A. Paredes and Walter S. Ong, concurring.

<sup>3</sup> The elements of unlawful detainer are: (1) That initially, the possession of the property by the defendant was by contract with or by tolerance of the plaintiff; (2) That eventually, such possession became illegal upon notice by plaintiff to defendant of the termination of the latter’s right of possession; (3) That thereafter, the defendant remained in possession of the property and deprived the plaintiff of the enjoyment thereof; and (4) That within one year from the last demand on defendant to vacate the property, the plaintiff instituted the complaint for ejection. (*Hidalgo v. Velasco*, 831 Phil. 190, 201 (2018)).

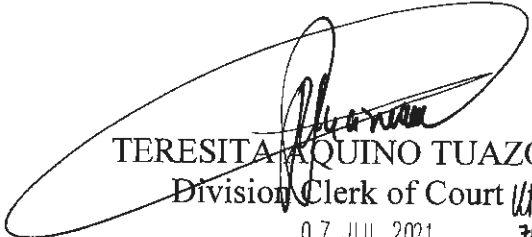
<sup>4</sup> *Rollo*, pp. 19-24.

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stated by the CA, tolerance and possession began when petitioner entered the property for the purpose of taking care of Dorothy.<sup>5</sup> Well-settled is the rule that factual findings of trial courts, especially when affirmed by the appellate court and supported by evidence on record, as in this case, deserve respect and finality by this Court.<sup>6</sup>

**SO ORDERED.**” (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:

  
 TERESITA AQUINO TUAZON  
 Division Clerk of Court *Wth*  
 07 JUL 2021 *7/7*

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HON. PRESIDING JUDGE (reg)  
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 Olongapo City  
 (Civil Case No. 2019-0-92)

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*Please notify the Court of any change in your address.*  
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<sup>5</sup> Id. at 39.

<sup>6</sup> See *Pacific Airways Corporation v. Tondal*, 441 Phil. 156, 161-162 (2002).