



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 29, 2022 which reads as follows:

“G.R. No. 233622 (Valencia (Bukidnon) Farmers Cooperative Marketing Association, Inc., represented by the Farmers Cooperative Marketing Association (FACOMA) Board of Directors headed by Chairman Edgardo E. Noveno, as Trustees v. Ernesto Jumamil and Manolito Aquino; Lodie Dumandan, Warlito Dumandan, Myrna Bacarisas, Teodoro Encabo, Radsam Senolay, Myrna Fernandez, Maribel Subiri, Mary Jane Monticillo, Macrina Orag, and Rolando Cena; Allen Durias, Anita Micabalo, Ignacio Jacinto, Rey Abalde, Raul Largo, Lorna Baco, Flordeliza Araneta, Sylvia Rosales and Pelagio Noynoy; Annabel Nguho, Rexan Villagans, Veronica Bonghanoy, Helen Poncardas, Rodulfo Javier, Mauricio Lagare and Delilah Muhamad; Elizabeth Baclayon, Gilberth Cantunao, Estrilla Castrodes and Alexander Dulay; Eufrazio Jabinez, Pedro Senolay, Alfredo Alvarez, Helen Lachica, Felina Areola, Emilio Areola, Jr., and Ariel Areola; Nestor Armada, Jocelyn Obsid, Felicidad Encabo, Armada Nessi, Levi Nabli, Samson Comonong, Paulina Omerez, Cesar Omerez, Enrique Esperon, Rudy Gabinete, Wenceslao Omerez, and Nenita Lagare). – Before the Court is a Petition for Review on *Certiorari*¹ filed under Rule 45 of the Rules of Court seeking the reversal of the Decision² dated July 31, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 07332-MIN. The CA affirmed the consolidated judgment of the Regional Trial Court (RTC) dated July 7, 2015.³

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¹ *Rollo*, pp. 9-24.

² *Id.* at 28-36. Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Romulo V. Borja and Ruben Reynaldo G. Roxas.

³ *Id.* at 35.

The Antecedents

Petitioner Valencia (Bukidnon) Farmers Cooperative Marketing Association, Inc., represented by the Farmers Cooperative Marketing Association (FACOMA) Board of Directors, headed by then Chairman Aniceta A. Tejada, as Trustees, filed seven unlawful detainer cases before the Municipal Trial Court in Cities (MTCC) of Valencia City, against herein respondents.⁴

Petitioner sent demand letters to respondents via registered mail dated April 8, 2013 and gave them fifteen (15) days from receipt to vacate the premises.⁵

Due to respondents' refusal to vacate, petitioner sent a second demand letter. This time, petitioner gave respondents five days to comply. Based on the certification of the postmaster of Valencia City, the second batch of letters was delivered to respondent Helen Poncardas (Poncardas), who failed to hand them over to her co-respondents.⁶

The MTCC Ruling

On October 20, 2014, the MTCC issued a consolidated decision which dismissed the seven complaints for unlawful detainer. The MTCC held that the complaints failed to state a cause of action because there was no evidence when the second demand to vacate was received by most of the respondents; thus, the five-day period to vacate indicated in the second demand letter did not run.⁷

The RTC Ruling

The RTC, in its consolidated judgment dated July 7, 2015, sustained the MTCC decision and added that the FACOMA Board of Directors are the real parties-in-interest. Hence, the complaint should have been filed in their names.⁸

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⁴ *Id.* at 30.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

The CA Ruling

Undeterred, petitioner elevated the case to the CA *via* a petition for review under Rule 42.⁹ On July 31, 2017, the CA rendered the herein assailed Decision which affirmed the consolidated judgment of the RTC.¹⁰

The CA noted that the demand letters or copies thereof, which petitioner allegedly sent to respondents, were not attached to the complaints. The copies of the final notice attached to the complaints did not have any proof of service to the defendants. There were also no return cards attached to the complaints.¹¹

The CA further ruled that even if the aforementioned defects were set aside, the petition would still fail because the second batch of demand letters, which is considered as the last demand, was not received by respondents, except for Poncardas. The CA declared that the significance of establishing the service and receipt of final demand is to determine the date upon which to reckon the jurisdictional one-year period within which to file the complaints for unlawful detainer. For the CA, petitioner's act of sending a second batch of demand letters showed an intention to abandon the first demand letters and give respondents another opportunity to vacate the premises.¹²

Finally, the CA held that petitioner is not precluded from refileing the complaints considering that the RTC ordered the dismissal thereof *without prejudice*.¹³

The Issues

Petitioner is now before the Court raising the following issues:

- I. [WHETHER] THE FIRST DEMAND TO VACATE WAS SUFFICIENT TO ESTABLISH A CAUSE OF ACTION, THE SECOND DEMAND TO VACATE NOT HAVING BEEN RECEIVED BY THE DEFENDANTS.

- II. [WHETHER] THE [CA] ERRED IN FAILING TO APPLY THE DOCTRINE LAID DOWN IN THAT CASE OF *REPUBLIC V. SUNVAR*, G.R. NO. 194880, JUNE 20, 2012, WHICH HELD THAT THE SUBSEQUENT DEMANDS

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⁹ *Id.* at 29.

¹⁰ *Id.* at 35.

¹¹ *Id.* at 31-32.

¹² *Id.* at 33-34.

¹³ *Id.* at 35.

THAT ARE MERELY IN THE NATURE OF REMINDERS OF THE ORIGINAL DEMAND DO NOT OPERATE TO RENEW THE ONE-YEAR PERIOD WITHIN WHICH TO COMMENCE AN EJECTMENT SUIT, CONSIDERING THAT THE PERIOD WILL STILL BE RECKONED FROM THE DATE OF THE ORIGINAL DEMAND. (*RACAZA V. GOZUM*, 523 PHIL 694 (2006) CITING *DESBARATS V. LAUREANO*, 134 PHIL. 704 (1966)).¹⁴ (Emphasis supplied.)

Petitioner asserts that the first demand to vacate dated April 8, 2013 and received on April 24, 2013, sufficiently established a cause of action for unlawful detainer. Petitioner maintains that the final demand to vacate (second demand) created no effect and had become a mere scrap of paper because it was not received by respondents, save for Poncardas.¹⁵

Furthermore, the Rules of Court should be liberally construed in order to promote the objective of securing a just, speedy, and inexpensive disposition of every action and proceeding. To require petitioner to file complaints anew would just be imposing unnecessary burden on the parties. It is not disputed that petitioner is the registered owner of the properties. Respondents, meanwhile, have no other reason for their continued possession thereof except for their bare claim that they did not receive the final demand to vacate.¹⁶

The main issue to be resolved is whether the CA correctly affirmed the RTC judgment and the MTCC decision which held that petitioner failed to state a cause of action as there was no evidence when the final demand to vacate was received by respondents.

Our Ruling

We remand the case to the court of origin for trial on the merits.

The Court is very much aware of the rule enunciated in *Racaza v. Gozum*¹⁷ and *Republic v. Sunvar Realty Development Corp.*¹⁸ that subsequent demands that are merely in the nature of reminders of the original demand do not operate to renew the one-year period within which to commence an ejectment suit, considering that the period will still be reckoned from the date of the original demand.¹⁹

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¹⁴ *Id.* at 15.

¹⁵ *Id.* at 16.

¹⁶ *Id.* at 18 and 20.

¹⁷ 523 Phil. 694 (2006).

¹⁸ 688 Phil. 616 (2012).

¹⁹ *Id.* at 642.

In this case, the MTCC, the RTC, and the CA are all in agreement that the one-year prescriptive period for the filing of petitioner's unlawful detainer case should be reckoned from the second batch of demand letters, and not the first, as they were not merely in the nature of a reminder or reiteration of the original demand made on April 8, 2013.

The issue of whether the second batch of letters of petitioner to respondents is a mere reminder of its original demand, is a question of fact which, as a rule, is beyond the Court's duty to examine.²⁰

Well settled is the principle that factual findings of trial courts, when affirmed by the CA, are generally deemed conclusive and binding by this Court. The Court is not a trier of facts and will not disturb the factual findings of lower courts, unless there are substantial reasons for doing so.²¹

Considering however that the case has already reached the Court, there is more than sufficient basis to deem all the respondents to have been effectively notified.

In the interest of substantial justice, the Court finds it proper to remand the case to the court of origin for trial on the merits, instead of denying the present petition. While procedural lapses would have been sufficient to deny the instant petition outright, the substantial merits of the case compel the Court to exercise its judicial power for purposes of judicial economy.²²

WHEREFORE, the case is **REMANDED** to the Municipal Trial Court in Cities of Valencia City for trial on the merits. The said court is **DIRECTED** to resolve with dispatch the unlawful detainer cases filed by petitioner against herein respondents.

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²⁰ *Rivera-Avante v. Rivera*, G.R. No. 224137, April 3, 2019.

²¹ *Id.*, citing *Spouses Padilla v. Velasco*, 596 Phil. 237, 245 (2009).

²² See *National Power Corp. v. Provincial Government of Bataan*, 806 Phil 688, 699 (2017).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
7/26/11

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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