



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

ATTY. FE  
SALVADOR,

Q. PALMIANO-  
Petitioner,

G.R. No. 171219

Present:

VELASCO, JR., J., Chairperson,  
PERALTA,  
ABAD,  
PEREZ,\*\* and  
MENDOZA, JJ.

- versus -

CONSTANTINO ANGELES,  
substituted by LUZ G. ANGELES,\*  
Respondent.

Promulgated:

03 September 2012.

X ----- *Attopraxis* ----- X

DECISION

PERALTA, J.:

This resolves the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, praying that the Decision<sup>1</sup> of the Court of Appeals (CA) promulgated on September 16, 2005 dismissing the petition before it, and its Resolution<sup>2</sup> dated January 13, 2006, denying petitioner's Motion for Reconsideration, be reversed and set aside.

\* Respondent Constantino Angeles (deceased) has been substituted by surviving spouse Luz G. Angeles, *per* Resolution dated November 20, 2006 (See *rollo*, p. 172).

\*\* Designated Additional Member, *per* Special Order No. 1299 dated August 28, 2012

<sup>1</sup> Penned by Associate Justice Vicente Q. Roxas, with Associate Justices Portia Aliño-Hormachuelos and Juan Q. Enriquez, Jr., concurring; *rollo*, pp. 14-19.

<sup>2</sup> *Id.* at 35-36.

The records reveal the CA's narration of facts to be accurate, to wit:

x x x x

Respondent-appellee ANGELES is one of the registered owners of a parcel of land located at 1287 Castanos Street, Sampaloc, Manila, evidenced by Transfer Certificate of Title No. 150872. The subject parcel of land was occupied by one Jelly Galiga (GALIGA) from 1979 up to 1993, as a lessee with a lease contract. Subsequently, Fe Salvador (SALVADOR) alleged that she bought on September 7, 1993 the subject parcel of land from GALIGA who represented that he was the owner, being one in possession. Petitioner-appellant SALVADOR remained in possession of said subject property from November 1993 up to the present.

On November 18, 1993, the registered owner, the respondent-appellee ANGELES, sent a letter to petitioner-appellant SALVADOR demanding that the latter vacate the subject property, which was not heeded by petitioner-appellant SALVADOR. Respondent-appellee ANGELES, thru one Rosauro Diaz, Jr. (DIAZ), filed a complaint for ejectment on October 12, 1994 with the Metropolitan Trial Court [MeTC] of Manila, Branch 16, docketed as Civil Case No. 146190-CV.

#### The Assailed Decision of the Trial Courts

The [MeTC] rendered its decision on November 29, 1999 in favor of herein respondent-appellee ANGELES, the dispositive portion of which reads, to wit:

WHEREFORE, judgment is hereby rendered for the plaintiff and against the defendant ordering the latter and all persons claiming under her to:

- 1) vacate the parcel of land located at 1287 Castanos Street, Sampaloc, Manila, and surrender the same to the plaintiff;
- 2) pay the plaintiff the sum of Php1,000.00 monthly as reasonable compensation for her use and occupancy of the above parcel of land beginning November 1993 up to the time she has actually vacated the premises;
- 3) pay the plaintiff the sum of Php5,000.00 as attorney's fees and the cost of suit.

SO ORDERED.

In the appeal filed by petitioner-appellant SALVADOR, she alleged, among others, that DIAZ, who filed the complaint for ejectment, had no authority whatsoever from respondent-appellee ANGELES at the time of filing of the suit. Petitioner-appellant SALVADOR's appeal was denied by the [Regional Trial Court] RTC in a Decision dated March 12, 2003. The Motion for Reconsideration filed by SALVADOR was denied in an Order dated March 16, 2004.<sup>3</sup>

<sup>3</sup>

*Rollo*, pp. 15-16.

Petitioner elevated the case to the CA *via* a petition for review, but in a Decision dated September 16, 2005, said petition was dismissed for lack of merit. The CA affirmed the factual findings of the lower courts that Galiga, the person who supposedly sold the subject premises to petitioner, was a mere lessee of respondent, the registered owner of the land in question. Such being the case, the lower court ruled that Galiga could not have validly transferred ownership of subject property to herein petitioner. It was ruled by the CA that there were no significant facts or circumstances that the trial court overlooked or misinterpreted, thus, it found no reason to overturn the factual findings of the MeTC and the RTC. A motion for reconsideration of said Decision was denied in a Resolution dated January 13, 2006.

Hence, the present petition, where one of the important issues for resolution is the effect of Rosauro Diaz's (respondent's representative) failure to present proof of his authority to represent respondent (plaintiff before the MeTC) in filing the complaint. This basic issue has been ignored by the MeTC and the RTC, while the CA absolutely failed to address it, despite petitioner's insistence on it from the very beginning, *i.e.*, in her Answer filed with the MeTC. This is quite unfortunate, because this threshold issue should have been resolved at the outset as it is determinative of the court's jurisdiction over the complaint and the plaintiff.

Note that the complaint before the MeTC was filed in the name of respondent, but it was one Rosauro Diaz who executed the verification and certification dated October 12, 1994, alleging therein that he was respondent's attorney-in-fact. There was, however, no copy of any document attached to the complaint to prove Diaz's allegation regarding the authority supposedly granted to him. This prompted petitioner to raise in her Answer and in her Position Paper, the issue of Diaz's authority to file the

case. On December 11, 1995, more than a year after the complaint was filed, respondent attached to his Reply and/or Comment to Respondent's (herein petitioner) Position Paper,<sup>4</sup> a document entitled Special Power of Attorney (SPA)<sup>5</sup> supposedly executed by respondent in favor of Rosauro Diaz. However, **said SPA was executed only on November 16, 1994, or more than a month after the complaint was filed**, appearing to have been notarized by one Robert F. McGuire of Santa Clara County. Observe, further, that there was no certification from the Philippine Consulate General in San Francisco, California, U.S.A, that said person is indeed a notary public in Santa Clara County, California. Verily, the court cannot give full faith and credit to the official acts of said Robert McGuire, and hence, no evidentiary weight or value can be attached to the document designated as an SPA dated November 16, 1994. Thus, there is nothing on record to show that Diaz had been authorized by respondent to initiate the action against petitioner.

What then, is the effect of a complaint filed by one who has not proven his authority to represent a plaintiff in filing an action? In *Tamondong v. Court of Appeals*,<sup>6</sup> the Court categorically stated that “[i]f a complaint is filed for and in behalf of the plaintiff [by one] who is not authorized to do so, the complaint is not deemed filed. An unauthorized complaint does not produce any legal effect. Hence, the court should dismiss the complaint on the ground that it has no jurisdiction over the complaint and the plaintiff.”<sup>7</sup> This ruling was reiterated in *Cosco Philippines Shipping, Inc. v. Kemper Insurance Company*,<sup>8</sup> where the Court went on to say that “[i]n order for the court to have authority to dispose of the case on the merits, it must acquire jurisdiction over the subject matter and the parties. Courts acquire jurisdiction over the plaintiffs upon the filing

---

<sup>4</sup> Record, pp. 161-171.

<sup>5</sup> *Id.* at 172.

<sup>6</sup> G.R. No. 158397, November 26, 2004, 444 SCRA 509.

<sup>7</sup> *Id.* at 519.

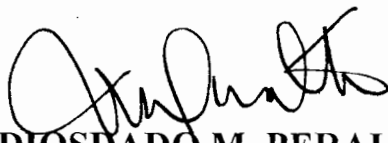
<sup>8</sup> G.R. No. 179488, April 23, 2012.

of the complaint, and to be bound by a decision, a party should first be subjected to the court's jurisdiction. Clearly, since no valid complaint was ever filed with the [MeTC], the same did not acquire jurisdiction over the person of respondent [plaintiff before the lower court].”<sup>9</sup>

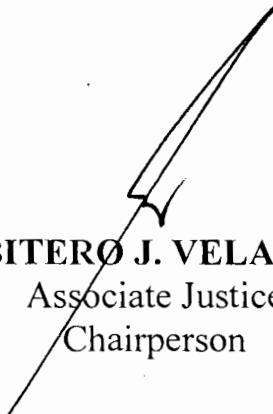
Pursuant to the foregoing rulings, therefore, the MeTC never acquired jurisdiction over this case and all proceedings before it were null and void. The courts could not have delved into the very merits of the case, because legally, there was no complaint to speak of. The court's jurisdiction cannot be deemed to have been invoked at all.


**IN VIEW OF THE FOREGOING**, the Petition is **GRANTED**. The Decision of the Metropolitan Trial Court in Civil Case No. 146190, dated November 29, 1999; the Decision of the Regional Trial Court in Civil Case No. 00-96344, dated March 12, 2003; and the Decision of the Court of Appeals in CA-G.R. SP No. 83467, are **SET ASIDE AND NULLIFIED**. The complaint filed by respondent before the Metropolitan Trial Court is hereby **DISMISSED**.

**SO ORDERED.**

  
**DIOSDADO M. PERALTA**  
Associate Justice

**WE CONCUR:**

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson


  
**ROBERTO A. ABAD**  
Associate Justice

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

  
**JOSE CATRAL MENDOZA**  
Associate Justice


### ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice