



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 July 2021** which reads as follows:*

**G.R. No. 256526 (Charlita Balmonte and Alan Golpo v. Minerva S. Marcelo Cruzada, represented by Winston V. Alumisin).**— After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the Resolutions of the Court of Appeals (CA) dated August 17, 2020<sup>2</sup> and May 21, 2021<sup>3</sup> in CA-G.R. SP No. 164715 for failure of petitioners Charlita Balmonte and Alan Golpo (petitioners) to show that the CA committed any reversible error in upholding their ejection from the subject property located at 21 F. Pasco, Brgy. Santolan, Pasig City.

As correctly ruled by the CA, respondent Minerva S. Marcelo Cruzada (respondent) had amply established her possessory right over the property having pleaded the key jurisdictional elements constitutive of an unlawful detainer case, namely: (a) petitioners occupied the subject property as lessees under the Contract of Lease (Contract); (b) petitioners failed to pay rentals despite demands for payment – the Final Demand Letter sent to them was on October 10, 2016; and (c) without legal justification, petitioners refused to pay rentals and vacate the premises. The complaint for unlawful detainer was filed within the one (1)-year period or on November 3, 2016.<sup>4</sup> Further, given the express terms of their Contract, respondent was justified in automatically terminating the same for petitioners' breach thereof in failing to pay rentals for six (6) months despite demands.<sup>5</sup> It bears emphasis that

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<sup>1</sup> *Rollo*, pp. 9-20.

<sup>2</sup> *Id.* at 25-33. Penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Zenaida T. Galapate-Laguilles and Florencio Mallano Mamauag, Jr., concurring.

<sup>3</sup> *Id.* at 35-36. Penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Germano Francisco D. Legaspi and Florencio M. Mamauag, Jr., concurring.

<sup>4</sup> The complaint at bar identifies itself as an unlawful detainer suit. In *Cabrera v. Getaruela* (604 Phil. 59 [2009]), the Court held that a complaint sufficiently alleges a cause of action for unlawful detainer if it recites the following: (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. (See *Hidalgo v. Velasco*, 831 Phil. 190, 201 [2018].)

<sup>5</sup> It is elementary that a contract is the law between the parties and the obligations it carries must be complied with in good faith. (*Pioneer Insurance and Surety Corporation v. APL Co. PTE. LTD.*, 815 Phil. 439, 446 [2017].)

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the only issue for resolution in an unlawful detainer case is physical or material possession of the property involved, independent of any claim of ownership by any of the parties - possession *de facto* and not possession *de jure*.<sup>6</sup> Accordingly, respondent has adequately proven her better right of possession over the subject property.

**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

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *and/or*

09 AUG 2021

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HON. PRESIDING JUDGE (reg)  
Municipal Trial Court, Branch 72  
Pasig City  
(Civil Case No. 1602985-C)

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Supreme Court, Manila

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*Please notify the Court of any change in your address.*  
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<sup>6</sup> See *Heirs of Jose Mariano v. City of Naga*, 827 Phil. 531, 550 (2018).