

G.R. No. L-9296

[ G.R. No. L-9296. December 27, 1956 ]

**GREGORIO DE LA CRUZ, ET AL., PETITIONERS, VS. NARCISO GUISON, ET AL.,  
RESPONDENT.**

**D E C I S I O N**

**PARAS, C.J.:**

The respondent Narciso Guison filed in the Court of First Instance of Rizal an action against the petitioners Gregorio de la Cruz et al. , praying that the latter be ordered to vacate the land” respectively occupied by them, as set forth in the complaint, and to pay monthly the sum of 20 centavos per square meter to respondent Guison for the use and occupation of said land from such time as the court may fix. On March 1. 1955, a decision was rendered sentencing the petitioners to vacate the land in Question and each to pay monthly to respondent Guison the sum of 30 centavos per square meter from the date of the filing of the complaint, with costs.

Upon motion of respondent Guison, the court issued on April 5, 1955, an order directing the issuance of a writ of execution. The petitioners, who had in the meantime perfected their appeal from the decision of the Court of First Instance of Rizal to the Court of Appeals, instituted in this Court the present petition for certioraris to set aside the order of April 5, 1955, it being contended in the main that action filed against the petitioners by respondent Guison in the Court of First Instance of Rizal was an ordinary civil action to recover possession of land, and not an action for forcible entry and detainer under Rule 72 of the Rules of Court, for the reason that the petitioners have long been in actual possession before respondent Guison purchased the land in question from J.M, Tuason Co., Inc.; that there was no contract whatsoever between the petitioners and respondent Guison with respect to the land; that the justice of the peace or municipal court had exclusive original jurisdiction over forcible entry and detainer cases in accordance with section 1 of Rule 72 of the Rules of Court and section 76 of the Judiciary Act of 1948; and that the issuance of the writ of execution should therefore be governed by section 2 of Rule 39 of the Rules of

Court, and not by section 8 of Rule 72.

Petitioners' contentions are tenable. It is true that justice of the peace courts have exclusive original jurisdiction in all actions of forcible entry and detainer commenced within one year after the illegal entry or detention, and after the expiration of one year, the court of first instance has original jurisdiction (*Ledesma vs. Vercon*, 9 Phil. 618; *Lucido vs. Vita*, 25 Phil. 414; *Cortes vs. Ramos*, 46 Phil. 188). As the petitioners appear to have held possession of the land for more than one year prior to and even after its acquisition by respondent Guison and; as stated in annex "An of the complaint and proved during the trial, said petitioners are mere squatters in or adverse possessors of their respective lots, the action was properly instituted in the Court of First Instance of Rizal. Said action was not, however, of such summary nature as to be governed by Rule 72 of the Rules of Court. This rule contemplates and is applicable only to forcible entry and detainer suits filed in the justice of the peace or municipal court within one year after accrual of the cause of action. With particular reference to the matter of execution pending appeal, sections 8 and 9 of Rule 72 speak of the same requirement for staying execution. It is to be recalled that section 9, regarding appeal to the Court of Appeals or the Supreme Court was not in the old Code because of a law prohibiting appeals from judgments of Courts of First Instance in cases originating from justice of the peace courts, and was inserted in the Rules of Court after the said law had been declared void (*Moran, Comments on the Rules of Court*, 3rd Edition, Vol. II, p. 297); with the logical result that section 9 cannot apply to an action originally brought in the Court of First Instance. The failure of the petitioners to comply with said section 9 did not therefore give legal cause for the issuance of the order complained of.

Wherefore, the petition is hereby granted, the order of April 5, 1955 set aside, and the writ of preliminary injunction heretofore issued in this case made permanent. So ordered with costs against respondent Guison.

*Paras, C.J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Endencia, and Felix, J.J. concur.*

Date created: July 12, 2010