

PAZ FIRMEZA, PLAINTIFF AND APPELLEE, VS. EVO SANTIAGO DAVID, DEFENDANT AND APPELLANT.

G. R. No. L-5832. February 27, 1953

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0053d0211fcf/>

BENGZON, J.:

February 15, 1949 Paz Firmesa filed in the Court of First Instance of Negros Occidental a complaint to recover from Evo Santiago David a parcel of land with improvements in the municipality of Hinigaran, same province. She alleged ownership thru a registered certificate of title, and possession up to January 7, 1948 when defendant by force and intimidation occupied the premises, and harvested the products thereafter.

The answer ascribed fraud to the acquisition of the certificate, and asserted ownership by defendant thru inheritance from his predecessors and ancestors.

When the case was called for hearing, the defendant orally questioned the jurisdiction of the court, on the ground that, as the allegations of the complaint had made out a case of forcible entry and detainer, the matter should be referred to the corresponding justice of the peace. The Honorable Francisco Arellano, Judge, overruled the objection, observing that the seizure of the land had taken place more than one year before the presentation of the complaint. Later, after hearing the parties he rendered judgment for the plaintiff ordering the delivery of the property to her, and requiring defendant to pay damages. The latter appealed, insisting merely on the issue of jurisdiction.

This appeal may not be sustained. Inasmuch as the forcible occupation of the land began on January 7, 1948, the complaint filed on February 15, 1949 could not be one of forcible entry and detainer for adjudication by the justice of the peace, because more than one year had elapsed from the date of deprivation of possession (Rule 72, section 1). The action was an ordinary one to recover possession (*accion publiciana*) cognizable by the court of first instance. Based on decisions of this court former Chief Justice Moran, explains in his recent Comments on the Rules of Court (1952 ed. Vol. 2, p. 290):

"There are three kinds of actions for the recovery of possession of real property, namely, (1) the summary action for forcible entry or detainer (denominated *accion interdical* under the former law of procedure *Ley de injuiciamiento Civil*), which seeks the recovery of physical possession only and is brought within one year in the justice of the peace court; (2) the *accion publiciana*, which is for the recovery of the right to possess and is a plenary action in an ordinary civil proceeding in a Court of First Instance; and (3) *accion de reivindicacion*, which seeks the recovery of ownership (which of course includes the *jus utendi* and the *jus fruendi*), also brought in the Court of First Instance." [1]

It does not matter that the Judiciary Act of 1948 (Republic Act 296) expressly gives original jurisdiction to justices of the peace over forcible entry and detainer proceedings; because strictly speaking, plaintiff Firmeza's action was not a forcible entry and detainer case, but an ordinary civil action to recover possession and use of a parcel of realty. The trial judge was correct in holding that the 1948 Judiciary Act did not introduce any

modification to the well-established principle that when deprivation of possession has lasted more than one year the action to recover falls within the jurisdiction of the courts of first instance.

There being no other error complained of, the appealed decision is affirmed with costs against appellant. So ordered.

Paras, C. J., Feria, Pablo, Padilla, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

[1] Roman Catholic Bishop, 6 Phil., 286; Lucido vs. Vita, 25 Phil., 414; Quiñones vs. Padrigon, 71 Phil., 138; Baguioro vs. Barrios, 43 Off. Gaz., 2031; 77 Phil., 120.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.