

NER J. LOPEZ, VS. LUCIA Y. MATIAS VDA. DE TINIO AND THE HON. JUDGE GUILLERMO R. CABRERA, OF THE MUNICIPAL COURT OF MANILA, BRANCH III.

G.R. No. L-6005. December 29, 1953

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/05dade582acf/>

PADILLA, J.:

In a detainer action Lucia Y. Matias Vda. de Tinio sought to dispossess Ner J. Lopez of a lot located on Evangelista street, Manila, for failure to pay the stipulated rentals. A motion to dismiss the complaint on the ground that it states no cause of action was denied. Whereupon, the defendant in the detainer case filed in the Court of First Instance a petition for a writ of certiorari with preliminary injunction. The Court denied the petition and from the order denying it he has appealed.

That the Municipal Court of Manila has jurisdiction to try and decide the action for detainer brought by the appellee Lucia Y. Matias Vda. de Tinio against the appellant cannot be disputed. It does not appear that the appellee attached to her complaint the contract of lease, upon which the appellant relies to ask for the dismissal of the complaint. Jurisdiction is conferred by law and whether a court has jurisdiction over an action brought to it is ascertained from and determined upon the ultimate material facts pleaded in the complaint. Matters of defense such as the one raised by the appellant may be pleaded in his answer. After issues have been joined the court must proceed to hear the evidence of both parties and render judgment. It is well-settled in this jurisdiction that a denial of a motion to dismiss a complaint is an interlocutory order and not appealable. As heretofore stated, there is no question that the municipal court of Manila has jurisdiction over an action for detainer, and if the denial of a motion to dismiss cannot be appealed because it is interlocutory, much less would a petition for writ of certiorari lie. After an adverse judgment by the municipal court the defendant may appeal. That is his remedy and not the extraordinary one for a writ of certiorari.

The judgment appealed from is affirmed, with costs against the appellant.

Paras, C. J., Pablo, Bengzon, Tuason, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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.