

MANUEL DRILON, PETITIONER, VS. LUIS GAURANA AND HONORABLE VALERIO ROVIRA, AS JUDGE OF THE COURT OF FIRST INSTANCE OF ILOILO, BRANCH IV, RESPONDENTS.

G.R. No. L-35482. April 30, 1987

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review on certiorari of the decision[*] of the then Court of First Instance of Iloilo, dated February 25, 1972 in Civil Case No. 8629 (for certiorari), entitled "MANUEL DRILON, petitioner v. LUIS GAURANA, et al., respondents," which denied said petition on the ground that the Municipal Court of Nueva Valencia, Iloilo, has jurisdiction to try Civil Case No. 126 there being no splitting of a single cause of action.

The undisputed facts of this case are as follows:

A parcel of agricultural land known as Lot 1672, Nueva Valencia Cadastre, located in Sitio Dasan, Barrio Sto. Domingo, Municipality of Nueva Valencia, Iloilo, is covered by Free Patent No. 455943 in the name of Manuel Drilon who was issued Original Certificate of Title No. F-10242 by the Register of Deeds of Iloilo (CFI Decision, Rollo, p. 23).

On September 4, 1970, herein respondent Luis Gaurana filed Civil Case No. 8323 entitled "LUIS GAURANA v. MANUEL DRILON, et al," before the Court of First Instance of Iloilo for "Annulment of Free Patent and/or Reconveyance" involving the above-described land.

Petitioner filed his answer on September 29, 1970, with the special defense, among other things, that Lot 1673 was duly purchased by him from Evangeline Gaurana, wife of respondent Luis Gaurana, sometime in November, 1962, which sale was the basis of his application for free patent (Record on Appeal, pp. 8-11).

On September 14, 1970, respondent filed another civil case, MC Civil Case No. 126, before the Municipal Court of Nueva Valencia, Sub-Province of Guimaras, Iloilo, also against herein petitioner, this time for "Forcible Entry" involving the same parcel of land as in CFI-Civil Case No. 8323, alleging that herein petitioner Manuel Drilon, "by means of stealth, force and strategy," took possession of the South-East portion of said land on July 14, 1970 and since then has retained possession of the premises notwithstanding demands upon him to vacate the same (Ibid., pp. 12-14).

Petitioner Manuel Drilon, on December 7, 1970, filed his Motion to Dismiss the complaint in said Forcible Entry case, MC-Civil Case No. 126, based on two grounds: (a) lack of jurisdiction, since the cause of action of respondent Luis Gaurana was one for recovery of ownership and possession of real property and not merely one of "forcible entry"; and (b) pendency of another action for the same cause, CFI-Civil Case No. 8323 filed on September 4, 1970, which filing is subsequent to the alleged "forcible entry" committed on July 14, 1970, now the subject-matter of the said MC-Civil Case No. 126 (Ibid., pp. 15-17).

On January 7, 1971, the Municipal Court of Nueva Valencia denied the motion to dismiss stating that "plaintiff

did not split his cause of action and the alleged act of dispossession occurred subsequent to the filing of the complaint in Civil Case No. 8323, Court of First Instance of Iloilo and therefore the only issue before him was the question of de facto possession." (Ibid., pp. 18-19).

Petitioner Manuel Drilon was declared in default by the Municipal Court of Nueva Valencia on May 18, 1971. Respondent Luis Gaurana presented his evidence ex-parte and on June 9, 1971, a decision was rendered ejecting herein petitioner from the premises. The dispositive portion of said decision reads:

"IN VIEW OF THE FOREGOING, the motion to dismiss filed by the defendant is hereby DENIED." (Record on Appeal, p. 21).

Subsequently, execution was issued by the Municipal Court of Nueva Valencia on the judgment against herein petitioner.

On May 19, 1971, petitioner filed with the Court of First Instance of Iloilo a "Petition for Certiorari" which was therein docketed as Civil Case No. 8629 praying among other things, that Judge Arturo Alinio be declared without jurisdiction to try MC-Civil Case No. 126 (Forcible Entry) and that said judge be enjoined from proceeding any further with said MC-Civil Case No. 126 (Brief for Petitioner, p. 5).

The Court of First Instance of Iloilo, through its Branch IV, presided over by the respondent herein, Judge Valerio V. Rovira, denied said petition, stating its findings thus:

"This Court finds and so holds that the respondent Municipal Judge of Nueva Valencia had jurisdiction to try and decide Civil Case No. 126 of his court. The jurisdiction of the Court is based on the allegations of the complaint, not on the allegations in a motion to dismiss, much less in the allegations of the defendant in his answer. (Italic ours)

"This Court also finds and so holds that the respondent Municipal Judge of Nueva Valencia did not abuse his discretion when he denied the motion to dismiss filed by the petitioner in Civil Case No. 126. The respondent Municipal Judge proceeded with the trial of Civil Case No. 126 and rendered judgment which had already become final and ordered executed. The respondent Municipal Judge could have prevented from proceeding with the trial of the case had petitioner asked this Court for the issuance of a preliminary writ of injunction upon the filing of this petition. (Italic ours)

"WHEREFORE, the petition is DENIED, without pronouncement as to costs." (Brief for Respondents, p. 4).

In view of said decision, herein petitioner appealed to this Court by ordinary appeal.

Finding that only questions of law are raised in the appeal and that R.A. No. 5440 is applicable, the Court resolved to require the appellant to file a petition for review on certiorari and serve the same in the form required for petitions for review on certiorari of decisions of the Court of Appeals, within fifteen (15) days from notice (Rollo, p. 6).

Respondent Luis Gaurana moved for the reconsideration of the above Resolution (Rollo, pp. 7-10) but before the Court could act upon it, petitioner Manuel Drilon filed the instant petition (Rollo, pp. 13-21), now in conformity with R.A. No. 5440.

On August 1, 1972, this petition was denied for lack of merit (Rollo, p. 31).

Petitioner prayed to reconsider the Resolution dated August 1, 1972 (Rollo, pp. 39-42) and on September 5, 1972, respondents were required to file Comment (Rollo, p. 44) which was filed on October 11, 1972 (Rollo, pp. 51-57) respondents stating that there is nothing novel nor is there any question of substance in the instant petition and the same should be denied.

The Court reconsidered its Resolution of August 1, 1972 and the petition was given due course on October 17, 1972 (Rollo, p. 69).

The brief for petitioner was filed on April 2, 1973 (Rollo, p. 109) with an additional appendix to brief (Rollo, p. 123) filed on May 17, 1973, while the brief for respondents was filed on May 31, 1973 (Rollo, p. 128). For failure of the petitioner to file a reply brief, the case was considered submitted for decision without petitioner's reply brief (Rollo, p. 140).

Petitioner has assigned the following errors:

I

THE RESPONDENT JUDGE, THE HONORABLE VALERIO V. ROVIRA (MUNICIPAL JUDGE ARTURO ALINIO) ERRED IN HOLDING THAT THERE WAS NO SPLITTING OF A SINGLE CAUSE OF ACTION.

II

THE RESPONDENT JUDGE, THE HONORABLE VALERIO V. ROVIRA ERRED IN HOLDING THAT THE MUNICIPAL COURT OF NUEVA VALENCIA DID NOT ABUSE ITS DISCRETION WHEN IT DENIED THE PETITIONER'S MOTION TO DISMISS.

III

THE RESPONDENT JUDGE ERRED IN HOLDING THAT THE MUNICIPAL COURT OF NUEVA VALENCIA HAD JURISDICTION TO TRY CIVIL CASE NO. 126 FOR FORCIBLE ENTRY. (Brief for Petitioner, pp. 6-7).

The petition is without merit.

It is true that a party may not institute more than one suit for a single cause of action (Rule 2, Sec. 3, Revised Rules of Court) and if two or more complaints are brought for different parts of a single cause of action, the filing of the first may be pleaded in abatement of the other (Rule 2, Sec. 4, Revised Rules of Court). However, a forcible entry or unlawful detainer action has an entirely different subject from that of an action for reconveyance of title. What is involved in a forcible entry case is merely the issue of material possession or possession de facto; whereas in an action for reconveyance, ownership is the issue. So much so that the pendency of an action for reconveyance of title over the same property does not divest the city or municipal court of its jurisdiction to try the forcible entry or unlawful detainer case, nor will it preclude or bar execution of judgment in the ejectment case where the only issue involved is material possession or possession de facto (*De la Cruz v. Court of Appeals*, 133 SCRA 520 [1984]).

It must be stated that the purpose of an action of forcible entry and detainer is that, regardless of the actual condition of the title to the property, the party in peaceable quiet possession shall not be turned out by strong hand, violence or terror. In affording this remedy of restitution the object of the statute is to prevent breaches of the peace and criminal disorder which would ensue from the withdrawal of the remedy, and the reasonable hope such withdrawal would create that some advantage must accrue to those persons who, believing themselves entitled to the possession of property, resort to force to gain possession rather than to some appropriate action in the courts to assert their claims. This is the philosophy at the foundation of all these actions of forcible entry and detainer which are designed to compel the party out of possession to respect and resort to the law alone to obtain what he claims is his (*Supia and Batioco v. Quintero and Ayala*, 59 Phil 312 [1933]); *Pitargus v. Sorilla*, 92 Phil 5 [1952]).

With respect to the second assignment of error, one of the grounds for a motion to dismiss under Rule 16 of the Rules of Court is the pendency of another action between the same parties for the same cause.

In order that this ground may be availed of there must be, between the action under consideration and the other action, (1) identity of parties or at least such as representing the same interest in both actions; (2) identity of rights asserted and prayed for, the relief being founded on the same facts; and (3) the identity in both cases is such that the judgment which may be rendered in the pending case, regardless of which party is successful, would amount to *res judicata* in the other case (*Arceo v. Oliveros*, 134 SCRA 308).

While there may be identity of parties and subject matter in the forcible entry case and Civil Case No. 8323, for annulment of free patent and/or reconveyance, the rights asserted and the relief prayed for in the said cases are not the same. In the former case, the legal right claimed is possession, while in the latter case, the legal right asserted is ownership.

As held in the case of *Quimpo v. De la Victoria*, 46 SCRA 139, 147 [1972]), wherein a motion to dismiss the forcible entry case was filed in view of the pendency of an action for quieting of title and recovery of possession involving the same parcel of land, this Court stated:

"We cannot assent to the proposition that the motion to dismiss should have been granted by the Municipal Court of origin, and sustained on appeal by the Court of First Instance, for the reason that the question of ownership was necessarily involved in the action of forcible entry (nor for unlawful detainer), as is proved by the admitted pendency of the prior suit for quieting of title in the Court of First Instance. While the fact that triggered both actions was appellant Quimpo's forcible invasion of respondent's titled property in March of 1968, on the pretext that the part of respondent's land forcibly entered and occupied by him was part of the area covered by his pasture permit from the Bureau of Forestry, still the causes of action in the two cases are distinct from each other. In the action to quiet title the question involved is whether the pasture permit could include property for which O.C.T. No. P-2385 of the Registry of Deeds of Davao province had been previously issued to appellees de la Victoria. But in the forcible entry case, the issue is whether assuming that Quimpo's pasture permit were valid, he had the right to forcibly eject the prior occupants, who were appellees de la Victoria, even destroying their improvements. In other words, in the quieting of title case, the Court must decide who had the better right. In the Municipal court, the issue was, in effect, whether an owner can take the law in his own hands. That he can not do so seems incontestable; it is not so much a question of possession as it is one of law and order. To require appellees de la Victoria to acquiesce to the high-handed conduct of appellant Quimpo, and to submit to his *tour de force*, until the superiority of their Torrens Title is finally adjudged, after God knows how many years, is undoubtedly against all justice and equity."

On the third assignment of error, it cannot be argued that the Municipal Court has no jurisdiction to try the forcible entry case because herein respondent sets up a claim of ownership over the property. Well-settled is the rule that inferior courts may not be divested of their jurisdiction over ejectment cases simply because the defendant sets up a claim of ownership over the litigated property (*De la Cruz v. Court of Appeals*, 133 SCRA 520; *Alilaya v. Espanola*, 107 SCRA 564; *Dehesa v. Macalalag*, 81 SCRA 543).

WHEREFORE, the Court RESOLVED to DISMISS this petition and to AFFIRM the assailed decision.

Fernan, (Chairman), Gutierrez, Jr., Padilla, Bidin, and Cortes, JJ., concur.

[*] Penned by Judge Valerio Rovira.

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