

LEOPOLDO VENCILAO, PLAINTIFF-APPELLANT, VS. CLETO CAMARENTA, ET AL., DEFENDANTS-APPELLEES.

G.R. No. L-24308. September 30, 1969

Ponente: ZALDIVAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0d13bb569bea/>

ZALDIVAR, J.:

An appeal from an order of the Court of First Instance of Bohol, dated June 1, 1962, in its Civil Case No. 1434, dismissing the case. Originally brought to the Court of Appeals, said court certified this case to this Court for the reason that the appeal simply involves questions of law.

On February 11, 1961, before the justice of the peace court or Maribojoc, Bohol, plaintiff-appellant filed a complaint for forcible entry and detainer against here-in defendants-appellees. The original complaint was later superseded by an amended complaint, dated March 9, 1961. Plaintiff alleged in his amended complaint that being one of the heirs of Vicenta Obenza he had been in the lawful and peaceful possession of a house and five parcels of land, situated at Punta Cruz, Maribojoc, Bohol, since the death of said Vicenta Obenza on January 24, 1960; that on or about the 16th day of September, 1960, the defendants, by means of force, strategy and stealth, unlawfully took possession of the said house and the aforementioned parcels of land, harvested and gathered the fruits of the coconut trees and of banana plants standing thereon, and illegally deprived plaintiff of the possession of the premises; and that since that date (September 16, 1960) the defendants had remained in illegal possession of the said premises, and at the time of the filing of the complaint said defendants were still in possession of the same. The complaint prayed that the defendants be ordered, to vacate the premises and to restore possession to plaintiff, to pay plaintiff the sum of P75.00 a month from the day of the illegal entry to the day when possession is restored to plaintiff, to pay P100 as attorney's fees, and the costs. On February 25, 1961, the defendants filed their answer to the amended complaint, denying the material allegations of the complaint and setting up a counterclaim in the amount of P250.00. On March 8, 1961, the plaintiff filed his answer to the counterclaim.

On June 14, 1961, after trial, the justice of the peace court of Maribojoc, Bohol, rendered a decision, ordering the defendants: (1) to vacate and restore to the plaintiff the possession of the five parcels of land and the house which are the subject of the action; (b) to pay the plaintiff the amount of P75.00 monthly as compensation for the use and occupation of the premises from September 16, 1960 to the time the possession is restored to the plaintiff; (c) to pay the amount of P100.00 as attorney's fees; and (d) to pay the costs of the action.

On June 26, 1961, the defendants appealed to the Court of First Instance of Bohol. After the appeal was docketed, the defendants filed a motion to dismiss the case upon the ground that the action was not prosecuted in the name of the real parties in interest, it being alleged in the amended complaint that the plaintiff was a co-owner of the real properties described in the complaint. On July 21, 1961, the Court of First Instance of Bohol denied the motion upon the ground that under Article 487 of the new Civil Code any of the co-owners may bring an action in ejectment.

On August 11, 1961, the defendants filed their answer in the Court of First Instance, wherein they re-iterated their

denial or the allegations in plaintiff's amended complaint, set up the defense that they were mere tenants of one Albina Obenza who was the owner of the properties in question, having acquired the same as a donation from the deceased Anastacio Doylabo and Vicenta Obenza on November 9, 1945; and as counterclaim they alleged that because of the malicious filing of the complaint against them they had to incur expenses in the amount of P500.00 for attorney's fees and other expenses, and had suffered moral damages in the amount of P1,500.00. The plaintiff duly filed an answer to defendants' counter-claim, denying the allegations contained therein.

On March 19, 1962, the plaintiff filed a motion before the Court of First Instance of Bohol, asking for the execution of the judgment of the justice or the peace court of Maribojoc upon the ground that defendants had failed to make the corresponding deposits at the rate of P75.00 a month as provided for in the judgment of the inferior court. On March 30, 1962, the Court of First Instance of Bohol granted the motion and issued a writ of execution requiring the defendants to vacate the five parcels of land described in the complaint and to deliver the possession thereof to plaintiff. In the same order, the court denied defendants' motion of March 28, 1962 for extension of time to deliver the properties involved in the case.

On May 23, 1962, defendants' counsel filed a motion to dismiss the case, upon the ground that in the proceedings held before the justice of the peace court of Maribojoc "the nature or the proofs or evidence presented by both parties would show that the question or title is necessarily involved and that the question of possession cannot be properly determined without adjudicating the question of title." [1] On May 29, 1962, the plaintiff filed an opposition to the motion to dismiss. On May 30, 1962, the defendants filed their reply to the opposition filed by plaintiff. Hearings on the motion to dismiss were held on May 11 and 24, 1962. On June 1, 1962, the Court of First Instance of Bohol issued an order dismissing this case upon the ground that it had no appellate jurisdiction to hear and decide the case because the justice of the peace court of Maribojoc had no jurisdiction to try and decide the case originally, it being necessary to determine first the question of ownership before the question of possession could be decided. Strangely, in its order, the court ruled that the complaint should have been filed in the name of all the heirs of Vicenta Obenza, in spite of its previous ruling that any or the co-owners could file an action for ejectment. The court at the same time ordered the return to the defendants of the properties that had been ordered delivered to the plaintiff by virtue of the writ of execution it had previously issued. The court declared said writ of execution void because it was issued in compliance with the judgment of the inferior court that had no jurisdiction to render the judgment.

From the above-mentioned order of dismissal, the plaintiff appealed to the Court of Appeals. As stated at the beginning of this opinion, the Court certified the appeal to this court. [2]

In the present appeal, plaintiff-appellant contends that the lower court erred: (1) in holding that the justice of the peace court of Maribojoc had no original jurisdiction to hear and decide this case; (2) in dismissing plaintiff's complaint without previous trial on the merits when the defendants raised the question of ownership in the motion to dismiss; and (3) in holding that in a complaint for forcible entry and detainer all the co-owners must be made parties plaintiff.

We find merit in plaintiff's appeal.

1. We find that the action filed by plaintiff in the justice of the peace court of Maribojoc was one of forcible entry and detainer. This is plainly shown by the allegations of the amended complaint. In paragraph 2 of the amended complaint, it is alleged that the plaintiff had been in the lawful and peaceful possession of a house and the five parcels of land in question since January 24, 1960; in paragraph 3, it is alleged that on September 16, 1960, the defendants by means of force, strategy and stealth, unlawfully entered said house and the five parcels of land; harvested and gathered the fruits of the coconut trees and banana clumps therein and illegally deprived plaintiff of

the possession of the said premises; in paragraph 4, it is alleged that since that date (September 16, 1960) the defendants had remained in illegal possession of the premises and were still in possession of the same at the date of the filing of the complaint. The prayer of the complaint clearly shows that the relief sought by the plaintiff is the restoration to him by the defendants of the possession of the disputed property, with damages resulting from the illegal detainer of the property. It will be noted that in their answer to the amended complaint in the justice of the peace court the defendants simply denied the allegations of paragraphs 2, 3 and 4, and then set up a counterclaim for attorney's fees and for incidental expenses.

As early as 1918, this Court laid down the rule, in the case of *Mediran v. Villanueva*[3], that in a forcible entry and detainer case jurisdiction is determined by the nature of the action as pleaded in the complaint, and this rule has been consistently adhered to. In that case this Court held, among others, as follows:

"...The simple rule to be applied in all such cases is therefore this: If the complaint shows that the plaintiff had prior possession of the premises and that within the period of one year he has been deprived thereof by a trespasser, who excludes him and withholds possession without right, the action must be considered to be within the jurisdiction of the justice of the peace, for the purpose of restoring the plaintiff to possession, regardless of any claims of ownership put forth by either party, provided the prayer of the complaint is limited to such relief."[4]

While it is true that during the trial of the case in the justice of the peace court of Maribojoc evidence was presented which tended to establish ownership of the properties in question, that evidence of ownership was simply incidental in the effort of the parties in the case to prove possession on their part. Indeed, the justice of the peace court, in its decision, correctly disregarded the question of ownership and limited itself to determining who had prior actual possession, and whether that prior possession was disturbed. Part of the decision of the inferior court reads as follows:

"The defendants tried to prove that their entry to the lands in question is due to the authority given to defendant Cleto Camarenta by Dionisio Obenza and Ranulfo Kiamco, Sr. (Exh. '2') and also that given by Albina Obenza Alonso to defendant Eugenia Vda. de Camarenta to live in the house subject to this litigation (Exh. '3').

"It is not our job to determine who are the owners of the lands and house in question nor to touch on the validity of Exhibit '1', the alleged last will and testament or the late Vicenta Obenza and that of Exh. '4', the alleged deed of donation inter vivos. Ours is only to find out whether plaintiff had the prior physical possession of the lands before September 16, 1960, and whether the defendants on said date entered the premises in question, harvested and gathered the fruits thereof as alleged in paragraph 3 of plaintiff's complaint.

"These facts, we believe, were clearly proven during the trial and not controverted by any evidence for the defendants.

"The fact that defendants were armed with authorizations (Exh. '2' and Exh. '3') to enter the lands in question cannot justify their acts of forcibly entering the premises and depriving the prior possessor thereof who is the plaintiff in this case even if he has no right to stay there. If the defendants or anybody else claim to be entitled to the possession of the said premises, they should first file an action in a court of justice for the enforcement of their rights. They cannot just take the law in their hands. This is the norm of conduct adopted in our jurisdiction and sanctioned by series of decisions of our Supreme Court."[5]

It is thus clearly seen that what the justice of the peace court was called upon to determine, and it correctly did so, was the question of prior physical possession. The mere circumstance that proof of title, or evidence of ownership, had been introduced during the trial before the justice or the peace court did not deprive said court of jurisdiction to rule on the question of who had the prior physical possession.

It follows, therefore, that the justice of the peace court of Maribojoc was definitely in the exercise of its

jurisdiction when it decided this case at the original instance. Because the appeal from the decision of the justice of the peace court was properly brought to the Court of First Instance of Bohol, the latter court certainly has jurisdiction to hear and decide the case on appeal. The fact that in their answer to the complaint, filed in the Court of First Instance of Bohol on appeal, the defendants, for the first time, asserted that they were mere tenants who were authorized to enter the pre-mises by the real owner, Albina Obenza, who had acquired the properties by way of donation from the former owners, did not change the nature of the proceeding before the Court of First Instance. The Court of First Instance of Bohol should have proceeded to determine the correctness of the decision of the inferior court on the question of prior physical possession. The defendants cannot be allowed to defeat the appellate jurisdiction of the Court of First Instance by simply raising the question of ownership on appeal.[6] The defendants, in their answer to the amended complaint in the justice of the peace court, did not raise any question of ownership at all. We hold, therefore, that the lower court erred in dismissing this case upon the ground that it had no appellate jurisdiction.

2. Anent the question of whether an action of forcible entry and detainer should be brought in the name of all the co-owners, We hold that under Article 487 of the new Civil Code any of the co-owners may bring the action. As a matter of fact, the lower court had made this ruling when the defendants first filed a motion to dismiss the complaint upon the ground that the action was not prosecuted in the name of the real parties-in-interest. We do not see any reason why the lower court, in dismissing this case, incidentally stated that because the plaintiff was simply one of the co-heirs of the late Vicenta Obenza this action should not have been filed by himself alone but by all the co-heirs. It should be noted that in the amended complaint, it is alleged that the plaintiff was the lawful and peaceful possessor of the house and the five parcels of land in question before the defendants deprived him of that possession.[7] In this connection, the justice of the peace court found that the five parcels of land and house subject matter of the action were formerly owned and possessed by Vicenta Obenza who died on January 24, 1960 and that after her death the plaintiff continued to hold possession of the said properties and enjoyed the fruits thereof consisting of coconuts, bananas, oranges, kamungay, and on September 16, 1960, the defendants entered the land and deprived the plaintiff of possession of the premises.[8] In forcible entry and detainer action, the matter to be determined is simply the question of prior physical possession. It having been alleged in the complaint that the plaintiff was in actual possession of the properties in question, and the justice of the peace court also found that the plaintiff was in actual possession of those properties, certainly the plaintiff alone, who was in actual possession, could file the complaint.

3. When the Court of First Instance of Bohol dismissed this case, it at the same time set aside the writ of execution which it had previously issued, ordering the delivery of the premises in question to the plaintiff pending appeal before it. Inasmuch as We hold now that the order of dismissal was erroneous, it follows that the corollary order voiding the writ of execution and returning the premises to the defendants was also erroneous. The status of the case, and the rights and/or obligation of the parties, before the order of dismissal, must be restored.

IN VIEW OF THE FOREGOING, the order of the Court of First Instance of Bohol dismissing this case, dated June 1, 1962, appealed from, is set aside and declared of no effect; and this case is remanded to said court for trial as a case on appeal from the justice of the peace court of Maribojoc. The writ of execution issued by the lower court on March 30, 1962 which required defendants to vacate the five parcels of land involved in this case and to deliver possession thereof to the plaintiff is revived, although the court may issue such other and further orders in the premises as law and/or equity may require. Costs against the defendants-appellants.

IT IS SO ORDERED.

Concepcion, C.J., Dizon, Makalintal, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

Reyes, JBL, J., on official leave.

[1] As quoted from the motion to dismiss, p. 43, Record on Appeal.

[2] The record shows that the defendants-appellees failed to file their brief.

[3] 37 Phil. 752.

[4] Underscoring supplied.

[5] Pages 13-14, Record on Appeal.

[6] See: Liso vs. Carandang, 73 Phil. 649; Aguilar vs. Cabrera, et al., 74 Phil. 658; Facundo vs. Santos, 77 Phil. 736.

[7] Pages 2-4, Record on Appeal.

[8] Pages 12-13, Record on Appeal.

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.