

INOCENCIO MIJARES, ET AL., PLAINTIFFS AND APPELLANTS, VS. JULIAN ADIGUE, ET AL., DEFENDANTS AND APPELLANTS.

G. R. No. L-14241. February 26, 1962

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1dd7b7eee3ee/>

DIZON, J.:

On January 30, 1957, the spouses Inocencio Mijares and Coronacion Ipos filed an action for forcible entry in connection with a parcel of land situated in the Municipality of Palanas, Province of Masbate, against Julian Adigue and his son, Pedro, in the Justice of the Peace Court of said municipality. After due trial thereat the court rendered judgment in favor of the plaintiffs. From said judgment the defendants appealed to the Court of First Instance of Masbate where the case was docketed as Civil Case No. 816.

On October 5, 1957, Hon. Ambrosio T. Dollete of the Court of First Instance of Bataan, 5th Judicial District, assigned temporarily to the Court of First Instance of Masbate, 10th Judicial District, issued Administrative Order No. 4 which reads partly as follows:

October 5, 1957

"ADMINISTRATIVE ORDER No. 4

In the interest of the administration of justice and pursuant to the provisions of Sections 87 and 88 of Republic Act No. 296, the following criminal and civil cases are hereby referred to the Justice of the Peace of Masbate, Masbate, for trial on the merits and for him to render judgment therein:

* * * * *

Civil Case No. 816—Inocencio Mijares, et al. vs. Julian Adigue, et al."

On January 10, 1958, prior to the trial of the case before the Justice of the Peace Court of Masbate, counsel for the plaintiffs filed a motion for the return of the case to the Court of, First Instance of Masbate, for trial on the merits, alleging that under Section 88 of Republic Act No.296 jurisdiction try and decide the same could not be delegated to the Justice of the Peace Court of Masbate. Said court, upon plaintiffs' insistence on their motion after the same had been denied in open court, on motion of defendants, issued an order dated January 13, 1958 dismissing the case. Hence this appeal.

The issue to be resolved, therefore, is whether or not the Court of First Instance of Masbate had authority to delegate the trial and disposition of the case to the Justice of the Peace Court of the provincial capital. Section 88 of the Judiciary Act of 1948, as amended, reads as follows:

"The jurisdiction of a justice of the peace and judge of a municipal court shall not extend to civil actions in which the subject of litigation is not capable of pecuniary estimation, except in forcible entry and detainer cases; nor to those which involve the legality of any tax, impost or assessment; nor to actions involving admiralty or maritime jurisdiction; nor to matters of probate, the appointment of trustees, or receivers; nor to actions for annulment of marriages: Provided, HOWEVER, That justices of the peace who are duly qualified

members of the bar may, with the approval of the Secretary of Justice, be assigned by the respective district judge in each case to hear and determine cadastral or land registration cases covering lots where there is no controversy or opposition, or contested lots the value of which does not exceed five thousand pesos, such value to be ascertained by the affidavit of the claimant or by agreement of the respective claimants, if there are more than one, or from the corresponding declaration of real property." (*Italics supplied.*)

In the light of the above provision—which is the one relied upon to justify the delegation of jurisdiction herein in question—we believe that an action for forcible entry cannot be the subject of such delegation. Moreover, appellant claims—and this claim has not been denied—that the administrative order that made the delegation was not approved by the then Secretary of Justice, as required by the legal provision quoted above.

Wherefore, the decision appealed from is reversed with instructions that the record of Civil Case No. 816 of the Court of First Instance of Masbate should be returned by the Justice of the Peace Court, of the municipality of Masbate to the aforesaid court, for trial on the merits and judgment.

Without special pronouncement as to costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and De Leon, 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.