

LAO SENG HIAN, CHENG TO, AND Y. S. WOO, PETITIONERS AND APPELLANTS, VS. NATIVIDAD ALMEDA LOPEZ, JUDGE OF MUNICIPAL COURT OF MANILA, AND JOSE M. OCAMPO, RESPONDENTS AND APPELLEES.

G.R. No. L-1950. May 16, 1949

Ponente: TUASON, J.

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TUASON, J.:

The sole question presented in this appeal is whether the money claim at the rate of P5,250 a month, made in the complaint in an action for unlawful detainer, removes the case from the jurisdiction of the municipal court. The Court of First Instance, on an application for certiorari to the municipal judge, ruled against the petitioner, defendant in the case for unlawful detainer and appellant herein.

The allegation in question reads:

"Que en vista de la negativa de los demandados de dejar el terreno y la casa o barong-barong construido en el mismo, el demandante sufre los daños y perjuicios de P5,250 al mes, que es la cantidad que actualmente puede la finca (puede) producir o tener mensualmente por ser sitio comercial."

The amount whose recovery is sought in this paragraph is obviously intended to represent reasonable compensation for the use and occupation of the premises. This intention is manifest from the allegations, allegations which, following the injunction of section 2, Rule 1, and section 17, Rule 15 are to be construed liberally. It is not necessary to use the precise language of the law or rule to give a pleading the effects intended by the pleader.

This point being settled, the quantum of the money judgment demanded is immaterial to the court's jurisdiction. Any amount for rents or in the nature of rents is allowable in an action of forcible entry or unlawful detainer. This is so because rents or compensation for the use and occupation of the premises is only incidental or accessory to the main action for the restitution of possession unlawfully withheld. This rule is too familiar and too well settled to require citations of authorities.

The decision of the Court of First Instance of Manila is affirmed with costs against the appellant.

Moran, C. J., Ozaeta, Paras, Feria, Pablo, Perfecto, Bengzon, Montemayor, and Reyes, JJ., concur.

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