

FELIPE C. ALVIAR ET AL., PETITIONERS, VS. SANTOS B. PAMPOLINA, JUSTICE OF THE PEACE OF SAN PEDRO, LAGUNA, RURAL PROGRESS ADMINISTRATION AND THE PROVINCIAL SHERIFF OF LAGUNA, RES...

G.R. No. L-1855. June 22, 1949

Ponente: MORAN, C.J.

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MORAN, C.J.:

On May 25, 1935, more than 720 tenants filed an action (civil case No. 6663) in the Court of First Instance of Laguna against Colegio de San Jose, praying that defendant be compelled to respect its contracts of lease with plaintiffs on some parcels of lands located in San Pedro Tunasan, Laguna. After trial, judgment was rendered declaring that plaintiffs and their privies or agents had no longer any right to continue occupying the property in litigation and they were ordered to vacate and deliver the same to the defendant. On appeal, the judgment was affirmed by the Court of Appeals in a decision promulgated on July 31, 1940.

The property was later purchased by the Commonwealth of the Philippines and came under the direct and exclusive management of the respondent Rural Progress Administration. On October 9, 1946, an action was filed in the Court of First Instance of the same province against the Rural Progress Administration and others by numerous plaintiffs allegedly the same plaintiffs in the former civil case No. 6663, or their agents or successors in interest. In this new complaint, registered as civil case No. 8039, it is prayed that the title of Colegio de San Jose on the property in litigation and the sale in favor of the Commonwealth of the Philippines be declared null and void. Apparently, this second complaint was dismissed on motion of the Rural Progress Administration on the ground of res adjudicata and lack of cause of action, and from the order of dismissal an appeal was taken to this Court.

Upon the other hand, the Rural Progress Administration filed several complaints for forcible entry and detainer on the same property and against the same plaintiffs, their agents or successors in interest in the justice of the peace court of San Pedro Tunasan, Laguna. To these complaints, the defendants filed motions for dismissal alleging that the justice of the peace court had no jurisdiction because there was already an action for title pending then in the Court of First Instance, which was civil case No. 8039 above mentioned. The justice of the peace denied the motion for dismissal on the ground that the facts alleged in the complaints constitute forcible entry and detainer falling within his jurisdiction. Wherefore, the defendants filed their action for certiorari in the Court of First Instance, which was dismissed after trial upon the ground that the proper remedy was appeal, and that, furthermore, the respondent justice of the peace had jurisdiction over the subject matter and over the persons of the parties. The order of dismissal was appealed to this Court.

In the meantime, the cases for forcible entry and detainer were tried by the justice of the peace court and judgments were rendered therein against the defendants which have become final and executory, some of them having been already executed and the others about to be executed. The defendants asked for suspension of

execution, but because said petition was denied they filed the present petition for certiorari.

There is no doubt that the justice of the peace court of San Pedro Tunasan, laguna, had jurisdiction over all the cases for forcible entry and detainer filed with it by the Rural Progress Administration. The pendency of an action for title filed by the defendants against the plaintiffs in the Court of First Instance is no good ground for impugning the jurisdiction of the justice of the peace court. Furthermore, well known is the rule that an action for ownership is not a bar to an action for forcible entry and detainer. Whether title is necessarily involved in an action for forcible entry and detainer is a question of fact to be determined from the evidence presented by both parties at the trial, and that question can be reviewed only on appeal and not by certiorari proceedings in the Court of First Instance.

If the justice of the peace court had jurisdiction over the forcible entry and detainer cases, then it had also jurisdiction to try and render judgments therein and order the execution of said judgments. True that an action for certiorari had been filed in the Court of First Instance to set aside the order of the justice of the peace court by which it assumed such jurisdiction; but if no writ of preliminary injunction was issued therein by the Court of First Instance against the justice of the peace court, the latter could continue trying and deciding the said cases and order the execution of the judgments rendered therein.

Petition is dismissed with costs against petitioners.

Paras, Feria, Perfecto, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

MORAN, C. J.:

Justice Pablo voted for dismissal.

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