

TEODORA A. ARITAO, RAYMUNDO ALVAREZ AND HILARIO ALVAREZ, PETITIONERS, VS. HON. COURT OF APPEALS, COL. VICTOR M. PUNZALAN, POTENCIANA PUNZALAN, JULIANA PUNZALAN AND VICTORIA PUNZ...

G.R. No. L-49379. June 29, 1981

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

Under review is the Decision of the Court of Appeals in CA-G.R. No. SP-07045,* which annulled and set aside the Orders in Civil Case No. S-146 of the Court of First Instance of Laguna and San Pablo City, Branch V, dated June 22, 1977 approving petitioners' Record on Appeal, and that of August 9, 1977, denying private respondents' Motion for Reconsideration.

Respondents herein, Col. Victor M. Punzalan, Potenciana Punzalan and Victoria Punzalan (the Punzalans, for short), filed on July 8, 1975 with the Municipal Court of Pangil, Laguna, an action for Forcible Entry with Damages against Teodora A. Aritao, Raymundo Alvarez and Hilario Alvarez, petitioners herein (the Aritaos, for brevity), docketed as Civil Case No. 53. On May 25, 1976, the Municipal Court rendered its Decision awarding possession to the Punzalans, as follows:

"WHEREFORE, premises con-sidered, this Court hereby adjudges that the plaintiffs are the lawful prior possessors of the disputed lot, Exhibit 1-C, which the defendants de-prived the plaintiffs of their actual possession against the law.

It is hereby ordered for the defendants that all persons claiming rights under them to remove the newly constructed fence, to vacate the premises and to turn it over to the plaintiffs and to pay to the plaintiffs the sum of twenty five (P25.00), Philippine cur-ency, representing the value of the coconut fruits gathered by said defendants for every harvest once every two (2) months for the whole period of deprivation covering from February 18, 1975 up to the date of the return of same disputed portion to the plain-tiffs.

Further, this Court orders the defendants to pay to the plaintiffs by way of reim-bursements the reasonable amount of Five Hundred Pesos (P500.00), Philippine Cur-ency, representing attorney's fees. Said party defendants are further more adjudged to pay the costs of this suit."

The Aritaos appealed to the Court of First Instance of Laguna, Branch V (Civil Case No. S-146). On October 22, 1976, the said Court affirmed in toto the judgment of the Municipal Court. The Aritaos filed Notice of Appeal, Appeal Bond and Record on Appeal. For their part, the Punzalans filed a Motion to remand the case and/or return the records to the Municipal Court for execution, on the ground that the Decision had already become final, as no Petition for Review had been filed within the reglementary period in accordance with Rep. Act No. 296 as amended by Rep. Act No. 6031. The trial Court approved the Record on Appeal on June 22, 1977. The Punzalans moved for reconsideration, but this was denied on August 9, 1977.

A Petition for Certiorari and Prohibition with Preliminary Injunction was filed by the Punzalans with the Court of

Appeals seeking to annul the afore-mentioned Orders of the Court of First Instance for the reason that the Decision appealed from is not subject to appeal, the proper remedy being a Petition for Review.

On March 14, 1978, the Court of Appeals made the following pronouncement in its judgment:

"From the foregoing, it is apparent that counsel for private respondents (the Aritaos in that case) should have filed a petition for review within the reglementary period which is the prescribed procedure.

PREMISES CONSIDERED, the orders of the respondent Judge dated June 22, 1977 and August 9, 1977 are hereby annulled and set aside.

The writ of preliminary in-junction issued by this Court on September 28, 1977 is hereby made permanent."

In this Petition for Certiorari, the Aritaos assign the following errors to the Court of Appeals:

- "1. The Court of Appeals erred on a question of law when it made a strict and/or literal interpretation of a procedural law at the expense or sacrifice of justice.
2. The Court of Appeals erred on a question of law when it failed to apply the provisions of the Rules of Court regarding the liberal construction thereof to pro-mote their objective and to assist the parties in obtain-ing just, speedy and inexpensive determination of their cases (Sec. 2, Rule 1) and applicable decisions it rendered on simi-lar cases and decisions ren-dered by this Honorable Court.
3. The Court of Appeals erred in not exercising its power and discretion in accordance with the applicable provisions of law and jurisprudence."

The Forcible Entry suit instituted in the Muni-cipal Court of Pangil, Laguna, by the Punzalans on July 8, 1975 falls within the exclusive original jurisdiction of said Court after it had become a Court of record. On appeal, the Court of First Instance affirmed the judgment in favor of the Punzalans in its entirety. Thus, this case comes squarely within the purview of Section 45 of the Judiciary Act, as amended by Repub-lic Act No. 6031, approved on August 4, 1969, which provides:

"Sec. 45. Appellate jurisdiction. - Courts of First Instance shall have appellate jurisdiction over all cases arising in city and municipal courts, in their respective provinces, except over appeals from cases tried by municipal judges of provincial capi-tals or city judges pursuant to the authority granted un-der the last paragraph of section 87 of this Act.

Courts of First Instance shall decide such appealed cases on the basis of the evidence and records trans-mitted from the city or municipal courts: Provided, That the parties may submit memoranda and/or brief with oral argument if so requested: Provided, however, That if the case was tried in a city or municipal court before the latter became a court of re-cord, then on appeal the case shall proceed by trial de novo.

In cases falling under the exclusive original juris-diction of municipal and city courts which are ap-pealed to the courts of first instance, the decision of the latter shall be final: Provided, That the findings of facts contained in said decision are supported by substantial evidence as basis thereof, and the con-clusions are not clearly against the law and juris-prudence; in cases falling under the concurrent juris-diction of the municipal and city courts with the courts of first instance, the appeal shall be made directly to the court of appeals whose decision shall be final: Provided, however, That the Supreme Court in its discretion may, in any case involving a question of law, upon petition of the party aggrieved by the de-cision and under rules and conditions it may prescribe, require by certiorari that the case be certified to it for review and determination, as if the case had been brought before it on appeal."

Construing the foregoing provision, we held categorically in the case of *Gutierrez vs. Magat*, 67 SCRA 262 (1975) that:

"Sec. 45 of the Judiciary Law as amended by R.A. 6031 does not allow an appeal by record on appeal from the decision of the Court of First Instance in an appealed case falling under the exclusive original jurisdiction of the municipal or city court."

Similarly, in *Buenbrazo vs. Marave*,^[1] also a Forcible Entry case, this Court ruled:

"x x x

"we hold that the lower Court erred in giving due course to Abelardo's appeal to the Court of Appeals by means of a record on appeal."

x x x x x

"x x x there is no controversy that the review of the decision of the Court of First Instance in a case exclusively cognizable by the inferior court (as in this case) cannot be made in an ordinary appeal or by record on appeal."

x x x x x

"Therefore, respondent Jose V. Abelardo could not appeal by record on appeal. The lower court's order giving due course to Abelardo's appeal by record on appeal is erroneous."

It is settled then that the only mode of appeal in cases covered by Republic Act No. 6031 is by Petition for Review and not by Record on Appeal. The evident purpose of the enactment of said Act was to do away with ordinary appeals in appealed cases falling within the exclusive jurisdiction of Municipal or City Courts.

Whether it is the Court of Appeals or the Supreme Court, which should review the Decision of the Court of First Instance in cases of this nature, is not in issue.

During the pendency of this appeal, the Aritaos submitted a Manifestation stating that in an action for quieting of title filed by them against the Punzalans before the Court of First Instance of Laguna and San Pablo City, Branch V, Siniloan (Civil Case No. S-151), judgment was rendered in their (Aritaos') favor. Asked to comment, the Punzalans manifested that they have interposed an appeal from the said judgment to the Court of Appeals where the case is still pending.

Although the final outcome of this later case would be more decisive of the controversy between the parties as it involves the question of ownership and not merely material possession, as a matter of equity, the Aritaos may be given a chance to file a Petition for Review, their appeal before the trial Court having been filed within the reglementary period.

WHEREFORE, the judgment of the Court of Appeals is hereby affirmed, but the petitioners, Teodora A. Aritao, et als., are hereby given fifteen (15) days from notice within which to file a Petition for Review.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Concepcion, Jr., Fernandez, Guerrero, and Abad Santos, JJ., concur.
Barredo, J., concur with J. Aquino's dissent.
De Castro, J., took no part.

[1] L-41144, December 29, 1980.

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