

RICARDO QUIAMBAO, PETITIONER, VS. HON. ADRIANO OSORIO, ZENAIDA GAZA BUENSUCERO, JUSTINA GAZA BERNARDO, AND FELIPE GAZA, RESPONDENTS-APPELLEES. LAND AUTHORITY, INTERVENOR-APPELLANT.

G.R. No. L-48157. March 16, 1988

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FERNAN, J.:

This case was certified to Us by the Court of Appeals as one involving pure questions of law pursuant to Section 3, Rule 50 of the Revised Rules of Court.

The antecedents are as follows:

In a complaint for forcible entry filed by herein private respondents Zenaida Gaza Buensucero, Justina Gasa Bernardo and Felipe Gasa, against herein petitioner Ricardo Quiambao before the then Municipal Court of Malabon, Rizal, docketed therein as Civil Case No. 2526, it was alleged that private respondents were the legitimate possessors of a 30,835 sq. m. lot known as Lot No. 4, Block 12, Bca 2039 of the Longos Estate situated at Barrio Longos, Malabon, Rizal, by virtue of the Agreement to Sell No. 3482 executed in their favor by the former Land Tenure. Administration [which later became the Land Authority, then the Department of Agrarian Reform]; that under cover of darkness, petitioner surreptitiously and by force, intimidation, strategy and stealth, entered into a 400 sq. m. portion thereof, placed bamboo posts “staka” over said portion and thereafter began the construction of a house thereon; and that these acts of petitioner, which were unlawful per se, entitled private respondents to a writ of preliminary injunction and to the ejectment of petitioner from the lot in question.

Petitioner filed a motion to dismiss the complaint, and upon denial thereof, filed his Answer to the complaint, specifically denying the material allegations therein and averring that the Agreement upon which private respondents base their prior possession over the questioned lot had already been cancelled by the Land Authority in an Order signed by its Governor, Conrado Estrella. By way of affirmative defense and as a ground for dismissing the case, petitioner alleged the pendency of L.A. Case No. 968, an administrative case before the Office of the Land Authority between the same parties and involving the same piece of land. In said administrative case, petitioner disputed private respondent’s right of possession over the property in question by reason of the latter’s default in the installment payments for the purchase of said lot. Petitioner asserted that this administrative case was determinative of private respondents’ right to eject petitioner from the lot in question; hence a prejudicial question which bars a judicial action until after its termination.

After hearing, the municipal court denied the motion to dismiss contained in petitioner’s affirmative defenses. It ruled that inasmuch as the issue involved in the case was the recovery of physical possession, the court had jurisdiction to try and hear the case.

Dissatisfied with this ruling, petitioner filed before the then Court of First Instance of Rizal, Branch XII, Caloocan City in Civil Case No. C-1576 a petition for certiorari with injunction against public respondent Judge Adriano Osorio of the Municipal Court of Malabon and private respondents, praying for the issuance of a writ of

preliminary injunction ordering respondent judge to suspend the hearing in the ejectment case until after the resolution of said petition. As prayed for, the then CFI of Rizal issued a restraining order enjoining further proceedings in the ejectment case.

In his answer, respondent municipal judge submitted himself to the sound discretion of the CFI in the disposition of the petition for certiorari. Private respondents, on the other hand, filed a motion to dismiss the petition, maintaining that the administrative case did not constitute a prejudicial question as it involved the question of ownership, unlike the ejectment case which involved merely the question of possession.

Meanwhile, the Land Authority filed an Urgent Motion for Leave to Intervene in Civil Case No. C-1576 alleging the pendency of an administrative case between the same parties on the same subject matter in L.A. Case No. 968 and praying that the petition for certiorari be granted, the ejectment complaint be dismissed and the Office of the Land Authority be allowed to decide the matter exclusively.

Finding the issue involved in the ejectment case to be one of prior possession, the CFI dismissed the petition for certiorari and lifted the restraining order previously issued. Petitioner's motion for reconsideration of the dismissal order, adopted in toto by intervenor Land Authority was denied for lack of merit. Hence, this appeal filed by petitioner Quiambao and intervenor Land Authority with the Court of Appeals, and certified to Us as aforesaid.

The instant controversy boils down to the sole question of whether or not the administrative case between the private parties involving the lot subject matter of the ejectment case constitutes a prejudicial question which would operate as a bar to said ejectment case.

A prejudicial question is understood in law to be that which arises in a case the resolution of which is a logical antecedent of the issue involved in said case and the cognizance of which pertains to another tribunal.[1] The doctrine of prejudicial question comes into play generally in a situation where civil and criminal actions are pending and the issues involved in both cases are similar or so closely-related that an issue must be preemptively resolved in the civil case before the criminal action can proceed.

Thus, the existence of a prejudicial question in a civil case is alleged in the criminal case to cause the suspension of the latter pending final determination of the former.

The essential elements of a prejudicial question as provided under Section 5, Rule 111 of the Revised Rules of Court are: [a] the civil action involves an issue similar or intimately related to the issue in the criminal action; and [b] the resolution of such issue determines whether or not the criminal action may proceed.

The actions involved in the case at bar being respectively civil and administrative in character, it is obvious that technically, there is no prejudicial question to speak of. Equally apparent, however, is the intimate correlation between said two [2] proceedings, stemming from the fact that the right of private respondents to eject petitioner from the disputed portion depends primarily on the resolution of the pending administrative case. For while it may be true that private respondents had prior possession of the lot in question, at the time of the institution of the ejectment case, such right of possession had been terminated, or at the very least, suspended by the cancellation by the Land Authority of the Agreement to Sell executed in their favor. Whether or not private respondents can continue to exercise their right of possession is but a necessary, logical consequence of the issue involved in the pending administrative case assailing the validity of the cancellation of the Agreement to Sell and the subsequent award of the disputed portion to petitioner. If the cancellation of the Agreement to Sell and the subsequent award to petitioner are voided, then private respondents would have every right to eject petitioner from the disputed area. Otherwise, private respondents' right of possession is lost and so would their right to eject petitioner from said portion.

Faced with these distinct possibilities, the more prudent course for the trial court to have taken is to hold the ejectment proceedings in abeyance until after a determination of the administrative case. Indeed, logic and pragmatism, if not jurisprudence, dictate such move. To allow the parties to undergo trial notwithstanding the possibility of petitioner's right of possession being upheld in the pending administrative case is to needlessly require not only the parties but the court as well to expend time, effort and money in what may turn out to be a sheer exercise in futility. Thus, 1 Am Jur 2d tells us:

"The court in which an action is pending may, in the exercise of a sound discretion, upon proper application for a stay of that action, hold the action in abeyance to abide the outcome of another pending in another court, especially where the parties and the issues are the same, for there is power inherent in every court to control the disposition of causes on its dockets with economy of time and effort for itself, for counsel, and for litigants. Where the rights of parties to the second action cannot be properly determined until the questions raised in the first action are settled the second action should be stayed".[2]

While this rule is properly applicable to instances involving two [2] court actions, the existence in the instant case of the same considerations of identity of parties and issues, economy of time and effort for the court, the counsels and the parties as well as the need to resolve the parties' right of possession before the ejectment case may be properly determined, justifies the rule's analogous application to the case at bar.

Fortich-Celdran, et al. vs. Celdran, et al., 19 SCRA 502, provides another analogous situation. In sustaining the assailed order of the then Court of First Instance of Misamis Oriental ordering the suspension of the criminal case for falsification of public document against several persons, among them the subscribing officer Santiago Catane until the civil case involving the issue of the genuineness of the alleged forged document shall have been decided, this Court cited as a reason therefor its own action on the administrative charges against said Santiago Catane, as follows:

"It should be mentioned here also that an administrative case filed in this Court against Santiago Catane upon the same charge was held by Us in abeyance, thus:

'As it appears that the genuineness of the document allegedly forged by respondent attorneys in Administrative Case No. 77 [Richard Ignacio Celdran vs. Santiago Catane, etc., et al.] is necessarily involved in Civil Case No. R-3397 of the Cebu Court of First Instance, action on the herein complaint is withheld until that litigation has finally been decided. Complainant Celdran shall inform the Court about such decision.'[3]

If a pending civil case may be considered to be in the nature of a prejudicial question to an administrative case, We see no reason why the reverse may not be so considered in the proper case, such as in the petition at bar.

Finally, events occurring during the pendency of this petition attest to the wisdom of the conclusion herein reached. For in the Manifestation filed by counsel for petitioner, it was stated that the intervenor Land Authority which later became the Department of Agrarian Reform had promulgated a decision in the administrative case, L.A. Case No. 968 affirming the cancellation of Agreement to Sell No. 3482 issued in favor of private respondents. With this development, the folly of allowing the ejectment case to proceed is too evident to need further elaboration.

WHEREFORE, the instant petition is hereby GRANTED. Civil Case No. 2526 of the then Municipal Court of Malabon, Rizal is hereby ordered DISMISSED. No costs.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Cortes, JJ., concur.

[1] Zapata v. Montesa, 4 SCRA 510 (1962); People v. Aragon, 50 O.G. No. 10, 4863

[2] at page 622.

[3] Supreme Court minute resolution of April 27, 1962 in Adm. Case No. 77, Richard Ignacio Celdran vs. Santiago Catane, etc., et al.

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