

## **MATEO MADDAMMU, PETITIONER, VS. JUDGE OF MUNICIPAL COURT OF MANILA, FIFTH JUDICIAL DISTRICT, NLCASIO SANCHEZ, AND THE SHERIFF OF MANILA, RESPONDENTS.**

*G.R. No. L-48940. June 22, 1943*

Ponente: MORAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8bdf4ee7e159/>

---

### **MORAN, J.:**

On January 8, 1943, plaintiff Nicasio Sanchez, now one of the respondents filed with the Minicipal Court of Manila a complaint against defendant Mateo Maddammu, now petitioner, alleging, among others, "that on or before December 5 1942? plaintiff bought from Alejandro Calipayan and Maura Manalo a house"; that "before plaintiff could take possession of and occupy said house, defendant surreptitiously and maliciously occupied same without the knowledge and consent of plaintiff"; and, after demanding payment of rents and attorney's fees, he prayed for either of the following reliefs:

"(a) Defendant to deliver to plaintiff the possession of the house, with plaintiff promising to pay the reasonable rent for the use of the lots; or,

"(b) Defendant permits plaintiff to remove the house from defendant's lot, with plaintiff paying for any undue damage which may be caused to said lot; or,

"(c) Defendant pays plaintiff the reasonable value of. the house in the amount of P150."

After trial, respondent Court rendered judgment declaring that "by virtue of the sales contract, Exhibit A, between Alejandro Calipayan and Nicasio Sanchez the latter became the owner of the house formerly belonging to Alejandro Calipayan"; and that "by virtue of his ownership, Nicasio Sanchez has the right to the possession of said house at the time the sale was consummated." The Court accordingly ordered the defendant to vacate the house; to give plaintiff freedom to remove it from defendant's lot; and to pay plaintiff the consequential damage of P12 per month from December 5, 1942. Plaintiff sued a writ of immediate execution of this judgment which defendant opposed and upon the allowance of the writ, defendant instituted with this Court the present certiorari proceeding.

Plaintiff's complaint in the respondent Court purport to be one for forcible entry, but the facts alleged therein fail show that such is the nature of the action. In forcible entry cases, the only issue is physical possession or possession de facto of a real property. To confer jurisdiction upon the respondent Court, the complaint should have alleged prior physical possession of the house by plaintiff or by his vendors and deprivation of such possession by defendant through any of the means specified by the Rule. (Rule 72, sec. 1). Had plaintiff alleged that defendant unlawfully turned him out of possession of the property in litigation, the allegation would have been sufficient, because plaintiff's prior physical possession may then be implied therefrom. But no such allegation has been made. On the contrary, the allegation made is that "before plaintiff could take possession of and occupy said house, defendant surreptitiously and maliciously occupied same without the knowledge and consent of plaintiff" which indicates conclusively that he has had no prior physical possession of the property. And there is absolutely no allegation, whether express or implied, as to whether the vendors have ever had such

prior physical possession, and this made it impossible for the, respondent Court to acquire jurisdiction over the case. Undoubtedly, plaintiff based his action upon the ownership of the house by virtue of a deed of conveyance to him. The alternative reliefs he prayed for are all predicated upon such right of ownership. Respondent Court was, therefore, without jurisdiction to take cognizance of the case and all of its proceedings thereon are accordingly null and void.

Writ of execution issued and judgment rendered by respondent Court are hereby set aside, with costs against respondents to Nicasio Sanchez and Sheriff of Manila.

Yulo, C. J., Ozaeta, Paras and Bocobo, 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.