

GUIA S. JOSE DE BAYER AND LORENZO SANCHEZ, PETITIONERS, VS. ERNESTO OPPEN, JR. AND MARGARITA CUYUGAN OPPEN, RESPONDENTS.

G.R. No. L-2022. May 26, 1949

Ponente: PERFECTO, J.

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PERFECTO, J.:

This is an appeal by certiorari against a decision of the Court of Appeals promulgated on January 29, 1948, affirming with some modification a decision of the Court of First Instance of Manila ordering petitioner to vacate the premises in question, located at the corner of Ta nduay and Tuberias Streets, Manila.

The decision of the Court of First Instance, rendered on August 27, 1946, ordered the defendants to vacate the premises and to pay the plaintiffs the amount of P60 per month beginning January 1, 1942, the case having been initiated in said court with an action filed on March 16, 1943.

On July 11, 1940, plaintiffs demanded from defendants to vacate the premises and to pay a monthly rental of P150 beginning July, 1940. Defendants wrote plaintiffs refusing to agree to the increase of the monthly rent from P60 to P150. Plaintiffs continued collecting rents at the rate of P60 a month until October 25, 1940, when plaintiffs again demanded from defendants to vacate the premises and insisted on the monthly rent of P150.

Defendants raised the question of jurisdiction of the trial court, alleging that the case was a simple one of ejectment falling within the exclusive jurisdiction of the municipal court of Manila. The question was dismissed by the Court of First Instance of Manila, and was again raised before the Court of Appeals, which disposed of it as follows:

"Now, going to the errors assigned by the defendants-appellants, and starting with the first one, we cannot agree to the contention of the said defendants that the trial court lacked jurisdiction to try and decide this case. It is true that the question involves the ejectment of tenants, and the recovery by the landlord of the rentals thereof. According to law, within one year from the time that premises under lease are detained unlawfully the action should be brought in the Municipal Court, and, thereafter, it has to be brought in the Court of First Instance for the action would then be in the nature of an accion publiciana for the recovery of possession. It will be remembered that the defendants-appellants were required to vacate the premises since July, 1940, and, therefore, the demand was more than once repeated. The defendants neither vacated the premises nor paid the amount of P150 demanded by the owners as rentals. From that time, they were in default and were detaining the premises unlawfully. The present action was brought only on March 16, 1943, i.e., more than two years after the commencement of the unlawful detainer. It is clear that the municipal court would not have jurisdiction and that the action could be brought only in the Court of First Instance."

We do not see valid reason to reverse the action taken by the Court of Appeals. The action filed on March 16, 1943, was intended not only to eject petitioners but also to collect from them rents at the rate of P150 a month from July 1940, including damages in the amount of P5,000 based on the expenses incurred by the plaintiffs in the preparation of the plan and specifications for the construction of an eighteen-door apartment on the lot, as well as

the profits they expected to make from the rents, and it is clear from the plaintiffs' action and from the facts as found by the Court of Appeals that the illegal possession by defendants of the premises in question started from July 1, 1940, or, at least, from October 25, 1940, as the record will show, when plaintiffs again demanded from defendants to vacate the premises and insisted on the payment of a monthly rentals of P150, that is to say, much more than two years before the action was initiated in the Court of First Instance of Manila. The jurisdiction of the Municipal Court of Manila over forcible entry and detainer cases is circumscribed to illegal possessions not exceeding one year before the action is initiated. Beyond that period, the jurisdiction to entertain an ejectment case belongs to the Court of First Instance.

Petition for certiorari is denied with costs.

Moran, C. J., Ozaeta, Feria, Pablo, Bengzon, Tuason, and Reyes, JJ., concur.

Paras, J.:

I concur for the reason stated in my dissenting opinion in *Cananay vs. Sarmiento*, G. R. No. L-1246.

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