

LOURDES GUARDACASA VDA. DE LEGASPI, PETITIONER, VS. HON HERMINIO A. AVENDAÑO, AS PRESIDING JUDGE OF BIÑAN BR. I. OF THE COURT OF FIRST INSTANCE OF LAGUNA, HON. WENCESLAO E. HERC...*G.R. No. L-40437. September 27, 1977*

Ponente: BARREDO, J.

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Petition for certiorari and prohibition seeking the nullification and setting aside of the order of dismissal and denial of the Petition for the issuance of the writ of preliminary injunction dated January 30, 1974 of respondent Judge Herminio A. Avendano of the Court of First Instance of Lacuna in Civil Case No. 929 as well as all his subsequent orders confirmatory of or enforcing the same, particularly, that of January 28, 1975 declaring his order of November 11, 1974 final and executory, and the writ of execution and order of demolition issued by respondent Judge Wenceslao E. Herce of the Municipal Court of San Pedro, Laguna in Civil Case No. 953 of said court, an action for ejectment, and to enjoin enforcement of said orders by respondent sheriff, upon the main ground that the issue of ownership between petitioner and private respondent over the property involved is precisely being litigated in said Civil Case No. 929, an action for quieting of title.

On June 21, 1971, private respondent Jose O. Legaspi and Pilar O. Legaspi filed with the Municipal Court of San Pedro, Laguna presided by respondent Judge Herce an action for forcible entry with preliminary injunction against petitioner to recover a residential lot (17, Block 56, Poblacion "A", Tunasan Homesite at A. Mabini Street of said municipality) on which the defendant had a building with a dancing hall and bowling alleys therein, the plaintiffs being brother and sister and the defendant claiming to be the widow of a brother of said plaintiffs. After said defendant had unsuccessfully moved for the dismissal of said case on the ground of lack of jurisdiction, since the issue of ownership of the premises involved was being raised by her, she was declared in default for having failed to file answer. Judgment was subsequently rendered against her, which became final, and so a writ of execution and later an order of demolition were issued, whereupon, said defendant, herein petitioner, instituted Civil Case No. 927, in the Court of First Instance of Laguna on February 12, 1972, a special civil action for certiorari to set aside the said proceedings. Petitioner succeeded in securing a writ of preliminary injunction, which was however questioned by private respondent in an appropriate special civil action in the Court of Appeals in CA-G.R. No. 01551.

In the meanwhile, on March 8, 1972, petitioner filed in the same Court of First Instance of Laguna another action, Civil Case No. 929, for quieting of the title over the lot in issue, and as a preliminary remedy therein, prayed for the issuance of a writ of preliminary injunction likewise to suspend the demolition ordered by the municipal court. The record is not clear as to whether petition in the Court of Appeals in CA-G.R.No. 01551 did actually involve both Civil Cases Nos. 927 and 929. All that appears is that the prayer of the petition read thus:

"WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed of this Honorable Court of

Appeals:

(a) That upon the filing of this Petition for Certiorari and Prohibition with this Honorable Court, and the posting by petitioner of a bond of P500.00 or in the amount which this Court may fix, duly approved by this Court, a Writ of Preliminary Injunction be forthwith issued against the respondent in this case, restraining them from proceeding with the trial of the Petition for Certiorari in Civil Case No. B-927 and of the Complaint in Civil Case No. B-929, now pending before the respondent Court of First Instance of Laguna, Branch I, on December 21 and 28, 1972 at 8:30 a.m. or at any time or date thereafter until further orders from this Honorable Court;

(b) That after due hearing, judgment be rendered in the above-entitled case as follows:

(1) Annulling and setting aside the orders of the respondent Judge in Civil Case No. B-927 dated April 5, 1972 (Annex 'GG') and August 21, 1972 (Annex 'LL'), and dissolving the Writ of Preliminary Injunction issued by the respondent Judge under the said orders;

(2) Prohibiting the respondent Judge from entertaining, hearing and deciding Civil Case No. B-927 for certiorari;

(3) Dismissing the Petition for Certiorari in Civil Case No. B-927 of the respondent Court of First Instance of Laguna, Branch 1;

(4) Making the Writ of Preliminary Injunction theretofore issued by this Honorable Court final, permanent and perpetual;

(5) Ordering the private respondent to pay to the Petitioner the costs of this suit; and

(6).Granting to the petitioner herein such other and further reliefs which may be deemed just and equitable in the premises." (pp. 5 to 6, Record.)

In due course, and after having previously issued a writ of preliminary injunction restraining the lower court from further proceeding with Civil Cases Nos. 927 and 929, the Court of Appeals rendered the following judgment on July 9, 1973 in said CA-G.R. No. 01551:

"WHEREFORE, judgment is hereby rendered —

"1. Annulling and setting aside the order of respondent Judge in Civil Case No. B-927, Annexes GG and LL; dated April 5, 1972, respectively, and dissolving the writ of preliminary injunction issued pursuant to said order orders;

"2. Enjoining respondent Judge from hearing and deciding Civil Case No. B-927 which is hereby ordered dismissed;

"3. Making the writ of preliminary injunction issued in this case permanent: and

"4. Ordering the private respondent to pay the costs of the suit.

"IT IS SO ORDERED." (Page 6, Record.)

Petitioner moved for reconsideration, but her motion was denied, hence she came to this Court on October 1, 1973 for a review of the Court of Appeals decision, and on October 4, 1973, We issued the following resolution:

"L-37554 (Hon. Herminio A. Avendano, etc., et al. vs. Court of Appeal, et at.). — Considering the allegations contained, the issues raised and the arguments adduced in the petition for review on certiorari of the decision of the Court of Appeals, the Court Resolved to DENY the petition, without prejudice to petitioners' seeking injunction in Civil Case No. B-929 for quieting of title to real property, pending in the Court of First Instance

of Laguna, Branch 1, in Binan." (Page 7; Record.)

This resolution eventually became final.

It turned out that as early as July 14, 1973, petitioner had already virtually pressed for the issuance of a writ of preliminary injunction in Civil Case No. 929 by filing a motion to that effect, apparently in reiteration of her original prayer in the petition in said case of March 8, 1972. The proceedings relative to said motion were overtaken by Our above resolution of October 8, 1973. But evidently misconstruing both Our resolution as well as the decision of the Court of Appeals, respondent judge not only refused to grant petitioner's motion for a writ of preliminary injunction but even to proceed with the trial on the merits of Civil Case No. 929, dismissing the same.

Upon these premises, We do not hesitate in holding that respondent judge acted precipitately and with grave abuse of discretion in issuing the orders complained of. Considering the basic nature of the controversy between petitioner and private respondent which simply is who between them has the better right to the lot in question, the same being up to the present a public land with a standing award apparently in favor of petitioner, but impugned by said respondent, it is quite clear that the finality of the decision in the forcible entry case in the Municipal Court of San Pedro, Laguna, Civil Case No. 953, is of very little consequence in the resolution of this case. It is elementary that matters involving dominical rights are beyond the jurisdiction of municipal courts, except chartered cities, hence the San Pedro court decision just mentioned may not be deemed to have in any manner foreclosed the right of petitioner to retain possession of the subject lot so long as the appropriate judicial action to determine petitioner's right thereto has not been finally terminated and the corresponding writ of preliminary injunction has been issued.

On the other hand, the vehement claim of respondent's counsel that the decision of the Court of Appeals in CA-G.R. No. 01551 setting aside the writ of preliminary injunction issued by the Court of First Instance of Laguna in Civil Case No. 927 settled the issue on dominical rights between the parties is farfetched and obviously nothing but a subjective rationalization. Nowhere in the appellate court's opinion rendered in said case is any reference whatsoever made to the issue of ownership raised by herein petitioner, much less is any mention at all made therein of Civil Case No. 929. Rightly or wrongly, despite its having issued a writ of preliminary injunction restraining proceedings in both Civil Cases Nos. 927 and 929, in its whole opinion, the Court of Appeals made no validly binding pronouncement as regards the propriety of the filing by herein petitioner of the action for quieting title in Civil Case No. 929. The appellate court limited itself exclusively to the issue of whether or not it was in order for the Court of First Instance of Laguna to restrain in Civil Case No. 927, which involved no more than a petition for certiorari against the inferior court premised on the sole proposition that said court had acted improvidently in its Civil Case No. 953, the writ of execution and order of demolition issued by said inferior court. And in so far as that particular point is concerned, the Court of Appeals acted correctly, hence when its decision was brought to this Court for review, We dismissed the petition, as may be seen in Our aforequoted resolution of October 4, 1973.

As matters have developed, however, it is the import of this resolution of October 4, 1973 that has become the bone of contention in the case at bar. Obviously induced and persuaded by the arguments of counsel for herein private respondent, respondent judge has taken the position that the said resolution may not be deemed as modifying that part of the dispositive portion of the decision of the Court of Appeals "making the writ of preliminary injunction issued in this case permanent." It is claimed that since the preliminary injunction was in regard to the proceedings in both Civil Cases Nos. 927 and 929 and the same was made permanent and that decision is already final, respondent judge had no more authority relative to Civil Case No. 929 except to dismiss the same. Such is the sense of His Honor's order of January 30, 1974. And in the subsequent order of November 11, 1974, His Honor made the following observation:

"The plaintiffs further claim that when the Supreme Court issued its resolution dated October 4, 1973 wherein it denied the petition of the plaintiffs' 'without prejudice to petitioners' seeking injunction in Civil case No. B-929 for quieting of title to real property pending, in the Court of First Instance of Laguna, Branch I, in Biñan it had intended to modify the decision of the Court of Appeals. There is no legal basis for making such a conclusion considering that if the Honorable Supreme Court wanted to allow this Court to continue hearing and deciding this case, it could have easily lifted and/or dissolved the injunction issued by the Court of Appeals." (Page 137-A Printed Petition)

It is thus evident that respondent judge made no real effort to imbibe the thrust of Our resolution in proper light. Indeed, were We not convinced that His Honor may have acted in good faith, We could consider his action on said resolution a deliberate misreading thereof warranting administrative sanction against him from this Court. In effect, to say that We could have worded Our resolution differently had We intended to modify the decision of the Court of Appeals is to suggest that this Court was not aware of the peculiar circumstances on which its resolution is premised. The fact is that We well understood them. As already pointed out above, We did take note of the fact that the appellate court decision did not pass on any issue related to Civil Case No. 929 and could not, therefore, have validly meant to make permanent its preliminary injunction referring thereto. That petitioner had specifically invited in its motion for reconsideration attention to such an omission about that case but the court denied said motion in a minute resolution did not impart to the court's decision the legal significance respondents allege they see in it. Much less did it produce the substantial effect of a resolution on the merits of petitioner's cause in Civil Case No. 929.

As a matter of fact, the reason why We inserted in Our resolution the reservation about Civil Case No. 929 was precisely Our view that it is the appropriate remedy open to petitioner to counteract the result of the forcible entry case. Contrary to the observation of respondent judge, We did not have to spell out this point in black and white. It should have been obvious to all concerned, assuming requisite objectivity and the adequate knowledge of the law on their part, particularly His Honor. Respondent judge should have known that in situations similar to those obtaining in the instant case, and whenever the special circumstances obtaining permit it, for the sake of expediency and to save time in indicating what should be done, the Supreme Court may dismiss petitions filed to correct errors of lower courts, but without prejudice to such directives and instructions to the private and/or public respondents delineating the proper course that should be pursued in the premises, almost as if the Petition has been found meritorious, and all courts and parties are expected to act accordingly. To give due course to petitioners, particularly those involving procedural matters, and thereby be required to observe the rather long and cumbersome procedure of waiting for further pleadings from the parties and hearing the case, from the indubitable facts already before it, the matter in issue is already clear and can be readily resolved, is a procedure not really consistent with the speedy administration of justice and may even be detrimental to it. Accordingly, the Court has for sometime now resorted to the practice of merely indicating what should be done, without having to give due course to petitions for review or in special civil actions, thereby lessening its burden and at the same time disposing of procedural matters with utmost deliberate dispatch.

Now, coming to the basic procedural issue before Us in the instant case, which is, whether or not the final judgment in the ejectment case, Civil Case No. 953 of the San Pedro court, should be fully executed before the final termination of the action for quieting of title, Civil Case No. 929 in the Court of First Instance of Laguna, it is Our considered opinion that it is at least a matter of equity that petitioner's physical possession of the premises in controversy should not be disturbed in the meanwhile. Actions of forcible entry and unlawful detainer are intended to avoid disruption of public order by those who would take the law in their hands purportedly to enforce their claimed right of possession. In other words, the special civil action under Rule 70 has been designed to summarily restore possession of land or building to one who has been forcibly deprived thereof, without prejudice

to the settlement of the opposing claims of the parties to legal possession in the corresponding appropriate proceeding. Where the action, therefore, as one of illegal detainer, as distinguished from one of forcible entry, and the right of the plaintiff to recover the premises is seriously placed in issue in a proper judicial proceeding, it is more equitable and just and less productive of confusion and disturbance of" physical possession, with all its concomitant inconvenience and expenses. For the Court in which the issue of legal possession, whether involving ownership or not, is brought to restrain, should a petition for preliminary injunction be filed with it. the effects of any order or decision in the unlawful detainer case in order to await the final judgment in the more substantive case involving legal possession or ownership. It is only where there has been forcible entry that as a matter of public policy the right to physical possession should be immediately set at rest in favor of the prior possession regardless of the fact that the other party might ultimately be found to have superior claim to the premises involved, thereby to discourage any attempt to recover possession thru force, strategy or stealth and without resorting to the courts.

In the instant case, the record before Us seems to indicate that notwithstanding that private respondent denominated his complaint in Civil Case No. 953 as one of forcible entry, the actual situation at the time the said complaint was filed was that petitioner had been in possession thereof for sometime already, even more than one year. In other words, petitioner is actually the prior possession as between her and private respondent. Accordingly, the true nature of the action from which the whole controversy in this case originated is, to view it in the light most favorable to respondents, that of possible unlawful detainer. It results, therefore, that pursuant to the above pronouncement, petitioner's motion for preliminary injunction in Civil Case No. 929 was in order. And in this connection, it may be added that it was not really Our intention in the resolution of October 4, 1973 to direct respondent judge therein to issue the writ outright. By said resolution, all that We meant was for petitioner to file the corresponding motion for preliminary injunction with the trial court and for that court to grant or deny the same, after hearing both parties, as the facts shown to it by them might warrant, with the understanding naturally that in determining the propriety of its action, the court should not be bound by what the inferior court in the ejectment case might have already done or is doing. Indeed, We contemplated in said resolution, that if circumstances should so require, the proceedings in the ejectment case may be suspended in whatever stage it may be found, in which event, the rentals due or whatever income might be derived from the premises owing to whoever may ultimately be declared rightfully entitled to possession, should be ordered deposited with the inferior court until the main case before it is finally terminated. To this end, all that is needed is for the party concerned to include the prayer to that effect in the petition for preliminary injunction which may be acted upon by the Court of First Instance without requiring joinder of the inferior court, albeit notice of the petition and the subsequent developments should be given to it.

Incidentally, it may be stated that the same procedure as that just discussed should be observed whenever two different parties are contesting between themselves the right to receive rentals or the income from the occupants of the same premises, who are not claiming any right adverse thereto, are already litigating in court in an appropriate proceeding their respective claims, even if a proper special civil action of interpleader under Rule 63 has not been filed, considering, that in such an eventuality, the pending action between the adverse claimants would already serve the purposes of such interpleading. Of course, no such interpleader may be filed in an inferior court, because of its limited jurisdiction, hence the inferior court in which any unlawful detainer suit is filed by any of the adverse claimants against the occupants of the premises concerned must have to await and make all its actuations subordinate to the developments in and and the disposition of the main case in the Court of First Instance.

IN VIEW OF ALL THE FOREGOING, all the impugned orders of respondent Judge Avendano are hereby nullified and set aside, with the consequence that Civil Case No. 929 of the Court of First Instance of Laguna may

now take its regular course for its decision on the merits, and respondent Judge Herce and the sheriff, Rogelio S. Medina, or whoever is acting in his stead, are ordered to suspend the enforcement and implementation of the writ of execution and order of demolition issued in Civil Case No. 953 until after the final termination of Civil Case No. 929, when proper action may be taken consonant with the result of said case. Costs against private respondent.

Fernando (Chairman), Antonio, Aquino, Concepcion Jr., and Santos, JJ., concur.

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