

**AMBO ALILAYA, PETITIONER, VS. MARCELA DE ESPAÑOLA,
ASSISTED BY HER HUSBAND TEOPISTO ESPAÑOLA, THE HONORABLE
PEDRO SAMSON C. ANIMAS, IN HIS CAPACITY AS JUDGE OF THE
COURT OF FIRS...**

G.R. No. L-36208. September 18, 1981

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

This petition for certiorari, prohibition, mandamus and damages stemmed from the decision of the City Court of General Santos City, presided over by respondent Hon. Armie E. Elma, which was appealed to the Court of First Instance of South Cotabato presided over by respondent Hon. Pedro Samson C. Animas.

The decision of the City Court[1] was rendered in an action for forcible entry and damages in Civil Case No. 587-II[2] in favor of the plaintiff therein who is the petitioner in the instant proceedings. The decision also dismissed the counterclaim of the defendants who are now the private respondents herein. The decision was appealed to the Court of First Instance of South Cotabato, which held the City Court to have acted without jurisdiction over the forcible entry case because the issue of ownership was intertwined with that of possession, and accordingly, reversed the appealed decision.[3]

Invoking the provisions of Republic Act No. 5967, particularly Sections 3 and 5 thereof which are quoted hereunder:

"SECTION 3. Besides the civil cases over which the City Courts have jurisdiction under section eighty-eight of Republic Act numbered Two Hundred Ninety Six, as amended, it shall likewise have concurrent jurisdiction with the Court of First Instance over the following:

"x x x

"c) In ejection cases where the question of ownership is brought in issue in the pleadings. The issue of ownership shall therein be resolved in conjunction with the issue of possession.

"x x x

"SECTION 5. Except in offenses punishable by arresto mayor or imprisonment not exceeding six months or fine not exceeding two hundred pesos or both, or violation of municipal ordinance or in civil actions falling under the original exclusive jurisdiction of the City Court, proceedings in the City Court shall be recorded and judgment of decision rendered shall be directly appealable to the Court of Appeals or Supreme Court, as the case may be, in accordance with the Rules of Court applicable to appeal from judgment of the Court of First Instance."

petitioner moved for the reconsideration and/or dismissal of the appeal, but the motion was denied for lack of merit.[4] However, before the order of denial could be issued on December 22, 1972, petitioner filed with the City Court of General Santos City an "Urgent Motion for Execution," dated November 23, 1972[5] of its decision

alleging that the said decision has become final and executory because appeal thereof was not taken to the proper court, which should be the Court of Appeals or the Supreme Court, not the Court of First Instance, since the City Court had concurrent jurisdiction with the Court of First Instance in ejection cases when the issue of ownership is raised, as expressly provided in Republic Act No. 5967. The motion was denied by the City Court on the ground that the case having been appealed to the Court of First Instance where the appeal was then still pending, it had lost jurisdiction over the case. For the alleged error thereby committed by the City Judge, Hon. Armie E. Elma, he was made party respondent in the instant proceedings.

The main issue posed for resolution is whether the Court of First Instance properly disposed of the appeal by assuming jurisdiction thereon and reversing the appealed decision on the ground that the City Court acted without jurisdiction on the forcible entry case. The issue of ownership having been properly raised and became intertwined with the issue of possession, the primary and basic issue in a forcible entry case.

The Court of First Instance itself found that from the pleadings and the evidence presented, the issue of ownership was intertwined with that of possession. If this is so, as the aforesaid Court had correctly observed, then the Court of First Instance was indeed the wrong forum to which to elevate an appeal from the decision of the City Court. This is clear from the plain and categorical provisions of Republic Act No. 1967 as quoted above. Respondent Judge Animas, therefore, involved himself in a manifest error in holding that the issue of ownership was intertwined with that of possession, which as a consequence, divested the City Court of jurisdiction to take cognizance and decide the forcible entry case on the merits. The City Court of General Santos City is expressly vested with jurisdiction to try and decide the case as it did. It is, therefore, the Court of First Instance that acted without jurisdiction in entertaining the appeal itself, instead of dismissing it. The error committed is one of jurisdiction, not a mere error of judgment, as private respondent would contend, to save the decision of the Court of First Instance from being declared a nullity, which it is, for the reason just intimated.

The contention of private respondent that the action filed with the City Court was not one for forcible entry but only for damages is without merit. The allegation of the complaint that plaintiff was in actual, peaceful possession when defendants, private respondents herein, forcibly entered the land is an undisputable recital of a cause of action for a relief of restitution of possession or the ejectment of the defendant. This relief is deemed included in the general prayer of the complaint, if it was not more specifically prayed for. If this is a defect, it could be one only of form which should not defeat the ends of substantial justice, nor hamper the course towards its attainment.[6]

The designation of the nature of the action, or the manner it is entitled can, by no means, be regarded as meaningless or of no effect at all in the determination of the purpose and object of the action. In the present case, the action was entitled "For forcible entry and damages" which clearly indicates two (2) separate reliefs sought. Verily, forcible entry is so illegal that it should not be allowed to continue or be given any effect favorable to the culprit, and prejudicial to the aggrieved party. Consequently, the complaint must be read as asking for the termination of the illegal act and the wiping out of its prejudicial effects. Lack of explicitness in the decision of the City Court as to the specific act to make the complaint attain its evident purpose should not be an obstacle to granting the proper relief. Undisputably, the ejectment of the illegal entrant from the property is but the logical and un-avoidable effect of a judgment in favor of the plaintiff in a case for forcible entry.

From what has been said above, it should now be regarded as a valid and correct proposition to say that in forcible entry and unlawful detention cases filed with city courts, it will not avail the defendant to try to defeat the jurisdiction of the court by raising the issue of owner-ship as is permissible or legally possible in municipal courts. Applying this proposition in the present case, the City Court of General Santos City acted with proper jurisdiction over the forcible entry case, despite that the issue of ownership was inevitably raised, as respondent

CFI judge himself held. Its decision was, therefore, appealable to the Court of Appeals, questions of facts being involved, not to the Court of First Instance of South Cotabato which, accordingly acted without jurisdiction on the appeal taken to it from the City Court decision.

It does not matter that the City Court decision may not have made a pronouncement on the issue of ownership. The issue was raised by the defendants in the forcible and entry case intending to make their alleged ownership the basis of their right of possession of the law in question as against the plaintiff. For this reason, the issue of ownership was properly presented, such that without the express provisions of Republic Act No. 5967, the City Court would have been without jurisdiction over the case. It is thus the jurisdiction vested only on city courts in ejection cases under the aforementioned act that was exercised by the City Court of General Santos City, and by virtue of the said statute, appeal from the decision of said City Court should be to the Court of Appeals or to the Supreme Court. In no case, therefore, may the Court of First Instance of South Cotabato be said to have properly assumed jurisdiction to take cognizance of the appeal of the City Court decision other than to dismiss it for lack of jurisdiction. It may not certify the appeal to the Court of Appeals or the Supreme Court, the appeal not being in such form as to make such action feasible, as appeals erroneously taken to the Court of Appeals may be certified to the Supreme Court, as expressly so directed by explicit provision of the Rules of Court.[7]

Consequently, in denying the motion for reconsideration or to dismiss appeal as filed by the petitioner in the Court of First Instance of Cotabato, respondent Judge Animas also acted with grave abuse of discretion.

The decision of the respondent judge of the Court of First Instance must necessarily fall as without legal force and effect. Accordingly, the decision of the City Court shall be held to stand, and by the non-perfection of a valid appeal therefrom within the reglementary period, which is a requirement jurisdictional in character, the same has now become final and executory, private respondents having chosen to stand by the decision of the Court of First Instance which they have sought to defend in these proceedings with this prayer for the dismissal of this petition.[8]

WHEREFORE, the petition is hereby granted, and the decision and order of respondent judge, Hon. Pedro Samson C. Animas, complained of are hereby set aside. The order of City Judge Armie E. Elma denying the motion for execution filed while the appeal in the Court of First Instance was still pending is hereby sustained, without prejudice to another motion for execution being filed in the same court, based on the finality of its decision as is hereby declared. No pronouncement as to costs.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., and Abad Santos, JJ., concur.

[1] Annex D, p. 24, Rollo.

[2] Annex C, Petition, p. 21, Rollo.

[3] Annex E, Petition, p. 39, Rollo.

[4] Annex F, p. 55, Rollo.

[5] Annex G. p. 56. Rollo.

[6] Concepcion vs. Payatas Estate Improvement Co., 103 Phil. 1016; Lameo vs. Workmen's Compensation, 84 SCRA 401; Quibuyen vs. Court of Appeals, 9 SCRA 741; Luzon Stevedoring Corp. vs. CIR, 15 SCRA 661; Consul vs. Consul, 17 SCRA 671; Clorox Company vs. Director of Patents, 20 SCRA 965; Supio vs. Garde, 45

SCRA 429; Lajom vs. Viola, 73 Phil. 563.

[7] Sec. 3, Rule 50, Rules of Court.

[8] Carreon vs. Workmen's Compensation Commission, 77 SCRA 297; Luzteveco vs. Reyes, 71 SCRA 655; Phil. Virginia Tobacco Adm. vs. De Los Angeles, 60 SCRA 432; Reyes vs. Carrasco, 38 SCRA 29.

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