

PAZ JARIN ET AL., PLAINTIFFS AND APPELLANTS VS. DANIEL SARINAS ET AL., DEFENDANTS AND APPELLEES.*G. R.No. L-2926. May 10, 1951*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b24c4f9109b3/>**PADILLA, J.:**

On 20 December 1944, for and in consideration of P25,000 paid by Paz S. Jarin, Felicisima A. Palma and Trinidad Palma to Daniel Sarinas, the latter conveyed to the former, by way of mortgage, lot No. 967 of the Imus Estate Subdivision, province of Cavite, the house erected thereon and all other improvements found therein, his title thereto being Torrens transfer certificate of title No. 11641 filed in the office of the Registrar of Deeds in and for the province of Cavite. It was covenanted and agreed by the parties that if the mortgagor should pay or cause to be paid unto the mortgagees the sum of P25,000 and the fruits of five (5) mango trees as interest, at the end of two years from the date of the instrument, the mortgage shall be discharged and be of no further force and effect. On 20 January 1945, the mortgagor together with his wife acknowledged receipt of another sum of P25,000, the security for the payment of which was the same lot, the house erected thereon and all other improvements found therein, and the payment thereof was to be made within the period agreed upon in the first mortgage deed. On 19 February 1945, the mortgagor together with his wife signed a document acknowledging the receipt of the sum of P50,000 in Japanese military or war notes and agreeing to pay the sum of P2,000 in genuine money at the expiration of the period agreed upon in the first instrument executed on 20 December 1944. Claiming that the sum of P50,000 in Japanese military or war notes had no value, the debtors refused to pay its stipulated equivalent, despite demands made upon them by the creditors after the expiry of the term agreed upon. Thereupon, on 7 August 1948, the latter brought an action to collect from the former the sum of P2,000, lawful interests from 20 December 1944 until paid, and the costs of the suit.

After summons the defendants moved for the dismissal of the complaint, on the ground that the payment of the debt sought to be collected was suspended by Executive Order No. 25, as amended by Executive Order No. 32. This motion to dismiss was denied by the court on 27 September 1948. A motion for reconsideration of the preceding order was filed, and after hearing, the court set it aside and dismissed the complaint, on the ground that the facts alleged therein do not constitute a cause of action, without prejudice to the, plaintiffs' right to bring the action after the moratorium shall have been removed. A motion for reconsideration of the last order filed by the plaintiffs was denied. From the order dismissing the complaint the plaintiffs have appealed.

Appellants contend that Republic Act No. 342 has removed the suspension of payment not only of pre-war debts, not falling under the exception, but also of those contracted during the enemy occupation. In the memorandum in lieu of oral argument, counsel raises the question of the constitutionality of Executive Orders Nos. 25 and 32 suspending the payment of debts. He contends that such suspension infringes upon the constitutional limitation on legislative power or authority to pass a law which impairs the obligation of contracts.

On 7 August 1948, when this action was brought by the appellants, Republic Act No. 296, known as the Judiciary Act of 1948, was already in force, the same having been approved on 17 June 1948.

Section 44 of the Act provides:

Courts of First Instance shall have original jurisdiction:

(a) * * * * *

(b) * * * * *

(c) In all cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to more than two thousand pesos;

Section 88 of the Act provides:

In all civil actions * * * arising in his municipality or city, and not exclusively cognizable by the Court of First Instance, the justice of the peace and the judge of a municipal court shall have exclusive original jurisdiction where the value of the subject-matter or amount of the demand does not exceed two thousand pesos, exclusive of interest and costs.

As this is an action to collect P2,000, and not a foreclosure suit, for the copy of the mortgage attached to the complaint does not show that the original has been registered in the office of the Registrar of Deeds, the court that has exclusive original jurisdiction over the case is the Justice of the Peace Court of the municipality of Imus, province of Cavite, where both appellants and appellees reside. For that reason the Court of First Instance of Cavite had no jurisdiction to hear and try the case and the dismissal of the complaint ordered by it is void and of no legal effect.

The appeal and the complaint are dismissed without costs.

Paras, C. J., Feria,, Pablo, Bengzon, Tuason, Montemayor, Reyes, Jugo and Bautista Angelo, 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.