

ILUMINADA SANTIAGO, FLORENTINO CAYETANO, BELEN DEL ROSARIO, JUANITA AMAGSILA, ENRIQUETA MEDINA, ESTRELLA CRUZ, ET AL., PETITIONERS, VS. THE HON. GAUDENCIO CLORIBEL, JUDGE OF THE...

G.R. No. L-19598. August 14, 1965

Ponente: REGALA, J.

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REGALA, J.:

In the City Court of Manila (formerly the Municipal Court), Valentin Fernando sought the ejectment of petitioners from certain market stalls in Folgueras, Tondo, Manila, on the allegation that despite repeated demands the latter had refused to pay the rentals since October, 1960.

His daughters, Pelagia Fernando Santos and Urbana Fernando Cruz, intervened in the case and claimed ownership of the premises by virtue of an alleged transfer made to them and to three other daughters by their father. They alleged that as owners, they had been receiving from the petitioners the rents to which they were entitled.

For their part, the tenants, petitioners herein, denied being in arrears in the payment of rents which they said they had been paying to Pelagia and Urbana, believing that the latter were the owners of the market stalls they were occupying. Declaring that they were ready and willing to pay the rents, they asked the court to order instead that Valentin Fernando and his daughters interplead in order to thresh out among themselves the issue of ownership.

The City Court found that the leased premises, consisting of market stalls, were donated by Valentin Fernando to his five daughters, among whom were Pelagia and Urbana. The donation was made on July 31, 1956, but the same was not accepted by the donees until October 27, 1960, and only on January 18, 1961 was notice of the acceptance given to the donor. It must be for this reason that Valentin Fernando continued administering the premises and collecting the rents on them even after July 31, 1956. It was only in September, 1960 that the sisters started collecting the rents.

But the court also found itself faced with a question of ownership over which, it recognized, it had no jurisdiction. This developed as the sisters asserted ownership of the premises even as their father assailed the validity of the donation as not reflecting his true intention.

Accordingly, the court ordered that—

"In view of the foregoing findings, this case is dismissed, but ordering the defendants to pay the plaintiff the rents from October, 1960 to January, 1961, and the subsequent rents from February, 1961, to be deposited with the City Treasurer of Manila, to be paid to whoever is adjudged the legal owner of the property in question. No pronouncement as to attorney's fees and costs. The counterclaim of the defendants and the intervenors are dismissed.

"In the Third Party Complaint, the Third Party defendants are ordered to reimburse to Third Party plaintiffs Nicanor Yaco and Florentino Cayetano the sums of P88.60 and P177.20 respectively."

This decision became final, no appeal having been interposed by any of the parties. And so, on motion of Valentin Fernando, the court ordered its execution.

Claiming that the City Court could not direct the payment of rentals and order, the execution of its decision after it had once declared itself to be without jurisdiction, petitioners filed a petition for prohibition in the Court of First Instance of Manila and secured from it a writ of preliminary injunction to stop the impending execution. After hearing, the lower court threw out the petition and lifted the writ of injunction. According to the lower court, petitioners could not possibly suffer any loss, let alone irreparable damage, by the execution of the City Court's decision, since the rents sought to be collected were current rents for the use and occupation of the premises by the petitioners. It held that as lessees, petitioners' only concern was the prompt payment of the rents.

Neither did the trial court find merit in the contention that having declared itself without jurisdiction because a question of ownership was involved, the City Court should have limited itself to dismissing the case.[1] The City Court, being a court of law and equity, was well within its power in making provisions as to whom the rents should be paid while the question of ownership was being litigated, the lower court said.

Petitioners received a copy of the decision on February 1, 1962. On February 12, they filed a motion for reconsideration of the decision and tried to serve a copy thereof on the opposing counsel by ordinary mail. However, the envelop containing a copy of the motion for reconsideration was returned to the sender because, instead of properly addressing it to—

"DE LA COSTA & ORENDAIN
Attorneys for Respondent
Suite 432 Regina Building
Escolta, Manila"

as indicated in all the pleadings filed by counsel, it was addressed to—

"J. Orendain & S. de la Costa
Attorneys for Respondent
Regina Building
Escolta, Manila"

It also appears that Attorney Orendain's full name is not J. Orendain but Ignacio M. Orendain.

The lower court held that there was lack of service on the adverse party and accordingly dismissed petitioners' motion for reconsideration. When the lower court refused to change its order dismissing their motion for reconsideration, petitioners brought this petition for certiorari.

In this action, petitioners seek the annulment not only of the decision and orders of the Court of First Instance of Manila which are adverse to them but also of the writ of execution issued by the City of Manila.

The Municipal Court, in dismissing the case, should not have ordered the defendants to pay the plaintiff the rents from October, 1960 to January, 1961, and the subsequent rents from February, 1961, to be deposited with the City Treasurer of Manila because the Court obviously has no jurisdiction on account of the fact that the question of ownership was properly raised. Since plaintiff alleged that the transfer of ownership made in favor of the intervenors did not reflect the true intention of the donor, and the intervenors maintained that such transfer was valid and sanctioned by law, the issue of ownership is necessarily the principal question to be resolved between the plaintiff and intervenors and which should be decided by a competent court. It is obvious, therefore, as the ownership of the property is involved, that the municipal court of Manila had no jurisdiction in hearing the ejectment case.[2]

The fact that neither party appealed from the decision of the said Municipal Court and for that reason the decision became final, is of no moment.

Therefore, when the question of the writ of execution of the Municipal Court had been raised by the petitioners before the Court of First Instance of Manila, the latter, instead of dismissing the petition for prohibition should have granted the same for the reason stated above that the Manila City Court had no jurisdiction to adjudge such case.

Parenthetically, it may be added, in this connection, that the question of ownership over the market stalls in question has been ventilated before the Court of Appeals (Tirso de Guzman, et al. vs. Valentin A. Fernando, etc., et al., C.A.-G.R. No. 30251-R) where the said court, on May 31, 1965, rendered a decision adjudicating the ownership of the said market stalls in favor of Valentin A. Fernando. However, the said decision has not yet become final.

With reference to the petition filed by the attorneys for the petitioners to declare Valentin Fernando and his attorney, Judge Guillermo Guevarra, for contempt, in trying to enforce the judgment rendered by the municipal court, the Court feels that there is no ground for granting the said petition. As properly stated in the "Motion to Resolve" filed by Judge Guillermo Guevarra as attorney for Valentin Fernando on July 21, 1965, the filing of the petition for certiorari before the Supreme Court has emanated from Civil Case No. A-13160 of the City Court of Manila wherein the respondent Fernando, as owner and lessor of the property involved, sought the ejectment of the herein petitioners for non-payment of rentals.

Wherefore, the petition for certiorari is hereby granted. The two questioned orders of the Manila City Court are annulled and the decision of the Court of First Instance dismissing the petition for prohibition is set aside, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Dizon, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

[1] As stated earlier, the City Court, aside from dismissing the case, also directed that the rents for the period October, 1960 to January, 1961 be paid to Valentin Fernando, obviously because it was in January, 1961 that the donation was perfected when notice of the acceptance was given to the donor (Art. 734, Civil Code), and that the rents for the ensuing months be paid to the City Treasurer of Manila until the question of ownership could be decided.

[2] This Court has repeatedly held that when ownership is directly interwoven with a forcible entry or detainer case, the inferior court has no jurisdiction. (See *Songahid vs. Cinco* 58 Off. Gaz., 6104; *Teodoro vs. Balatbat*, 94 Phil. 247; *Juzon de Po vs. Moscoso*, 93 Phil. 427; and several other cases.)

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