

NATIONAL COCONUT CORPORATION, PETITIONER VS. JUDGE FRANCISCO GERONIMO AND SAGRADA ORDEN DE PREDICADORES DEL SANTISIMO ROSARIO DE FILIPINAS, RESPONDENTS.

G.R. No. L-2899. April 29, 1949

Ponente: FERIA, J.

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FERIA, J.:

From the allegations in the complaint filed with the Municipal Court of the City of Manila (copy of which is attached to the petition) by the Sagrada Orden de Predicadores against the petitioner herein, it clearly appears, notwithstanding the plaintiff's contention, that the possession of the property in question by the Philippine Alien Property Custodian and of the petitioner to whom said possession was transferred by the said Custodian in August 1946, was in good faith (Arts. 434, 435, 436 and 1950 of the Civil Code); and it only lost its character as such when the Court of First Instance rendered judgment in Civil Case No. 5007 declaring null and void the sale of the property by the respondent Sagrada Orden de Predicadores to a Japanese corporation, from which the Philippine Alien Property Custodian, predecessor in interest of the petitioner, obtained the said property in accordance with law.

Under Art. 451 of the Civil Code the fruits received by one in possession in good faith before the possession is legally interrupted, becomes his own (*White vs. Williams & Co.*, 5 Phil., 571), and the possession in good faith of the petitioner and its predecessor in interest, the Philippine Alien Property Custodian, was not interrupted upon the filing of the complaint against, and service of summons upon, the latter; because the Philippine Alien Property Custodian was not the purchaser of the property and, under the circumstances, was not supposed to be aware of any vice which may have attended the sale of the property by the Sagrada Orden de Predicadores to the Japanese corporation. The possession of the petitioner lost its character of possession in good faith from the rendition of the judgment against the Philippine Alien Property Custodian, and the latter or his successor in interest is liable from that time to pay the rents or fruits of the property until the possession of the property has been delivered to the adjudged owner thereof.

The possession of the property by the petitioner became illegal only from the time she was notified or required by the Sagrada Orden de Predicadores to return said possession to it and the former failed to do so, because before said notice or demand was made the possession of the petitioner was legal or consented, to without prejudice to the obligation of said petitioner to pay the reasonable compensation for the use and occupation of the premises from the time the latter's possession ceased to be in good faith. From the notice to vacate the premises up to the filing of the complaint of illegal detainer against the petitioner by the respondent Sagrada Orden de Predicadores, one year had not elapsed, and therefore the respondent Municipal Judge or Court has jurisdiction to try and decide the case.

To uphold the contention of the dissenting opinion that the possession of the petitioner was illegal since August 1946, would be to hold that an action of illegal detainer could have been successfully instituted by the Sagrada

Orden de Predicadores within one year from that date, that is, before the sale of the property by said Sagrada Orden de Predicadores to the Japanese corporation has been set aside, and therefore while the ownership thereof was still vested in the petitioner's predecessor in interest, which is absolutely untenable.

Petition for prohibition with preliminary injunction is therefore denied. So ordered.

Moran, C.J., Pablo, Bengzon, Tuason, Montemayor, and A. Reyes, JJ., concur.

DISSENTING

PARAS, J.:

The complaint for ejectment filed in the Municipal Court admits that the plaintiff (respondent Sagrada Orden de Predicadores del Santisimo Rosario de Filipinas) has been deprived of the premises in question since 1946, and that the defendant (petitioner National Coconut Corporation) has had that possession since that year. The claim for P93,000 represents damages from August, 1946 to February, 1949. The result is that, under the very allegations of the complaint for ejectment, more than one year has elapsed between the commencement of the alleged illegal deprivation of possession and the filing of the complaint in the Municipal Court. The one-year period specified in the Rules of Court—that confers jurisdiction on the Municipal Court—does not refer to the time when a plaintiff in a forcible entry and detainer case shall have acquired proprietary rights, but principally to the possession of the actual occupant. If the respondent Sagrada Orden de Predicadores wanted the judgment in the case against the Philippine Alien Property Custodian to be binding against the petitioner, the latter should have been included as party defendant in the case. Again, the 5-day notice given to the defendant in an illegal detainer case refers to the class of persons expressly enumerated in section 2 of Rule of Court No. 72, to which the petitioner plainly does not belong.

Perfecto, J., concurs in this dissent.

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