

DIONISIA PARAMI VDA. DE CABASAG, PETITIONER, VS. AMADOR P. SU, RICARDO BORBON, ROQUE L. SU, SR., TIMOTEO LOZADA, MARIA (NIEVES) LOZADA VDA. DE SU AND HONORABLE ALFREDO CATOLICO,...

G.R. No. L-22294. January 12, 1968

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bffde981b6d2/>

REYES, J.B.L., J.:

Petition for certiorari to reverse a decision of the Court of First Instance (Branch I) of Misamis Occidental in its Civil Case No. 2418, then presided by the Honorable Alfredo Catolico.

Petitioner Dionisia Parami Vda. de Cabasag had filed a complaint in said case entitled "Recovery of Actual Damages of Real Property" wherein she pleaded three causes of action against the private respondents herein. Basic facts alleged were that she and her late husband were holders and possessors of a parcel of coconut land in Salimpono, Sapang Dalaga, Misamis Occidental, covered by Tax Declarations No. 3976 and 3977, and by Homestead Application No. V-73776 (E-V-65535) duly approved by the Bureau of Lands; that being illiterate and ignorant, the plaintiff and her late husband were induced to live in the house of defendant Su, where the husband subsequently died; that while there, the defendants conspiring together, induced the couple to execute and thumbmark a document deceitfully represented to be a deed acknowledging an indebtedness of P4,000.00 which plaintiff and her husband had borrowed to repay a previous obligation to a chinaman in Dipolog, Zamboanga, but which deed turned out to be one of absolute sale of the land previously mentioned and its improvements, for an alleged price of P11,000.00 that was never received by the purported vendors.

In the first cause of action, it is averred that defendants took physical possession of the land on the strength of the alleged sale and reaped the fruits thereof, to the damage of the real owners in the sum of P57,000.00.

For a second cause of action, it is pleaded that the defendants (respondents here) "confabulating, cooperating and helping one another" demolished the plaintiff's house in said land, valued at P10,000.00.

And for a third cause of action, it is alleged that plaintiff suffered "financial anguish, mental torture and social humiliation" resulting in moral damages amounting to P50,000.00 and attorney's fees.

The complaint therefore prayed for a declaration of nullity of the deed of sale and recovery of damages and attorneys' fees totalling P122,000.00.

After answers traversing the averments of the complaint, pleading misjoinder of defendants and counterclaiming for P105,000.00 damages and attorney's fees, the Court below remanded the case to the Justice of the Peace Court of Sapang Dalaga, in an order reading as follows (Petition, Annex 4):

"When this case was called for hearing today, for the purpose of finding out which court has original jurisdiction to try the same, it appearing on the record that this court has already ordered or authorized a witness for the plaintiff in this case to take the corresponding deposition but by reason of the expressed

provisions of Republic Act No. 3828 regarding the original jurisdiction of Municipal Courts with respect of cases of this nature, the same falling squarely in the provisions of said Republic Act 3828, this case is hereby ordered remanded to the Justice of the Peace Court of Sapang Dalaga for trial on the merit and for proper disposition.

"SO ORDERED."

Reconsideration having been asked and denied, the petition for certiorari was filed in this Court. Defendants answered that the order complained of was rendered "in the honest belief that the case was really within the competent jurisdiction of the said Municipal Court" of Sapang Dalaga.

Plainly, the lower Court's order, Annex "4" of the complaint is not only erroneous but indefensible. Republic Act 3828 merely increased the Civil jurisdiction of Municipal Courts to cases involving not more than P10,000.00,[1] which is but a tenth of the damages claimed both in the complaint and the answer. Moreover, the complaint also prayed for the nullification of the deed of sale, and consequent recovery of a piece of land, which placed the case within the jurisdiction of the Court of First Instance and not that of the inferior courts (Cf. Pajarillo vs. Manahan, 99 Phil. 1000, 1003) that can only pass upon title to land as incident to forcible entry and detainer suits (Judiciary Act, sec. 88).

By what process the Court of First Instance arrived at its extraordinary conclusion, we are at a loss to understand, because the order sets forth no reasons. That His Honor, the trial judge, honestly believed that he had no jurisdiction is not relevant, since the question is one of law. Plainly, the matter was not given proper attention.

WHEREFORE, the writ prayed for is granted, and the order complained of is annulled and set aside. The case is remanded to the Court of origin, for further proceedings conformably to law. Costs against private respondents.

SO ORDERED.

Concepcion, C.J., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] "SEC. 7 - The first and second paragraphs of Section eighty-eight of the same Act, as amended, are hereby further amended to read as follows:

"SEC. 88. Original jurisdiction in civil cases. - In all civil actions, including those mentioned in Rules fifty-nine and sixty-two of the Rules of Court, 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 ten thousand pesos, exclusive of interests and costs. Where there are several claims or causes of action between the same parties embodied in the same complaint, the amount of the demand shall be the totality of the demand in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions; but where the claims or causes of action joined in a single complaint are separately owned by or due to different parties, each separate claim shall furnish the jurisdictional test. In forcible entry and detainer proceedings, the justice of the peace or judge of the municipal court shall have original jurisdiction, but the said justice or judge may receive evidence upon the question of title therein, whatever may be the value of the property, solely for the purpose of determining the character and extent of possession and damages for detention. In forcible entry proceedings, he may grant preliminary injunctions, in accordance with the provisions of the Rules of Court, to prevent the defendant from committing further acts of dispossession against the plaintiff.

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.