

PETRA CARPIO VDA. DE CAMILO, ET AL., PETITIONERS AND APPELLEES, VS. THE HON. JUSTICE OF THE PEACE SAMUEL A. ARCAMO, ONG PENG KEE AND ADELIA ONG, RESPONDENTS AND APPELLANTS.

G.R. No. L-15653. September 29, 1961

Ponente: PAREDES, J.

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PAREDES, J.:

This appeal stemmed from a petition for Certiorari and Mandamus filed by Petra Carpio Vda. de Camilo and others, against Samuel A. Arcamo, Justice of the Peace of Malangas, Zamboanga del Sur, Ong Peng Kee and Adelia Ong.

Petitioner Petra Carpio Vda. de Camilo, had been by herself and predecessors-in-interest in peaceful, open and adverse possession of a parcel of public foreshore land, situated in Malangas, Zamboanga del Sur, containing an area of about 400 square meters. A commercial building was erected on the property which was declared under Tax Dec. No. 5286 and assessed at P7,400.00. Respondent Ong Peng Kee was a lessee of one of the apartments of said commercial building since June 1, 1957.

On August 1, 1957, Arthur Evert Bannister filed an unlawful detainer case against both De Camilo and Ong Peng Kee (Civ. Case No. 64) with the JP of Malangas. For failure of Bannister and/or counsel to appear at the trial, they were declared in default and F100.00 was awarded to De Camilo on her counterclaim. The motion for reconsideration presented by Bannister was denied.

The other petitioners, Severino Estrada, Felisa, Susana, Antonio and the minors Isabelo, Rene and Ruben, all surnamed Francisco, the said minors represented by their mother Susana, had also been in possession (in common), peaceful, open and adverse, since 1937, of a parcel of public foreshore land, about 185 square meters which is adjoining that land occupied by de Camilo. On this parcel, a commercial building assessed at P1,000.00 was erected by the Franciscos, and had the same declared under Tax Dec. No. 4911.

On September 1, 1957, the two commercial buildings were burned down. Two weeks thereafter, respondents Ong Peng Kee and Adelia Ong, constructed a building of their own, occupying about 120 square meters. The building, however, was so built that portions of the lands previously occupied by petitioners (De Camilo and the Franciscos) were encroached upon.

Under date of December 3, 1957, De Camilo filed Civil Case No. 78 for Forcible Entry against Ong Peng Kee and Adelia Ong with the JP of Malangas, with respect to the portion belonging to her wherein the building of Ong Peng Kee was erected. On August 8, 1958, Severino Estrada and the Franciscos filed a similar case (No. 105). In answer to the complaints, the defendants (Ong Peng Kee and Adelia Ong), claimed that the land where they constructed their building was leased to them by the Municipality of Malangas.

Pending trial of the two cases, the respondents Ong Peng Kee and Adelia Ong filed a complaint for Interpleader

against De Camilo, Severino Estrada, the Franciscos, Arthur Evert Bannister, the Mayor and Treasurer of Malangas (Civ. Case No. 108), alleging that the filing of the three cases of forcible entry (Civ. Cases Nos. 64, 78 and 105), indicated that the defendants (in the Interpleader) had conflicting interests, since they all claimed to be entitled to the possession of the lot in question and they (Peng Kee and Adelia), could not determine without hazard to themselves who of the defendants was entitled to the possession. Interpleader plaintiffs further alleged that they had no interest in the property other than as mere lessees.

A motion to dismiss the complaint for Interpleader was presented by the defendants therein (now petitioners), contending that (1) the JP had no jurisdiction to try and to hear the case; (2) There were pending other actions between the parties for the same cause; and (3) The complaint for Interpleader did not state a cause of action. Peng Kee and Adelia registered their opposition to the motion and on September 30, 1957, respondent Justice of the Peace denied the motion to dismiss and ordered the defendants therein to interplead (Annex D). The two forcible entry cases were dismissed.

The defendants (now petitioners) instituted the present proceedings, for certiorari and mandamus before the Court of First Instance of Zamboanga, claiming that respondent JP in denying the motion to dismiss acted without jurisdiction, and for having given due course to the complaint in Interpleader, the respondent JP gravely abused his discretion,; and unlawfully neglected the performance of an act which was specifically enjoined by law, and for which there was no plain, speedy and adequate remedy in the ordinary course of law. The Answer of respondents which contained the usual admissions and denials, sustained the contrary view. The CFI rendered judgment, the dispositive portion of which reads:

"In view of the foregoing, the Court hereby declares the Justice of the Peace Court of Malangas to be without jurisdiction to try the case for interpleader and hereby sets aside its Order dated September 30, 1958, denying the motion to dismiss the interpleader case; and considering that Civil Cases 78 and 105 have long been pending, the respondent Justice of the Peace of Malangas is hereby ordered to proceed to try the same, without pronouncement as to costs."

The only issue raised in the present appeal is whether or not the Justice of the Peace Court has jurisdiction to take cognizance of the Interpleader case.

The petitioners claimed the possession of the respective portion of the lands belonging to them on which the respondents had erected their house after the fire which destroyed petitioners' buildings. This being the case, the contention of petitioners-appellants that the complaint to interplead, lacked cause of action, is correct.

Section 1, Rule 14 of the Rules of Court provides—

"Interpleader when proper.—Whenever conflicting claims upon the same subject-matter are or may be made against a person, who claims no interest whatever in the subject-matter, or an interest which in whole or in part is not disputed by the claimants, he may bring an action against the conflicting claimants to compel them to interplead and litigate their several claims among themselves."

The petitioners did not have conflicting claims against the respondents. Their respective claim was separate and distinct from the other. De Camilo only wanted the respondents to vacate that portion of her property which was encroached upon by them when they erected their building. The same is true with Estrada and the Franciscos. They claimed possession of two different parcels of land, of different areas, adjoining each other. Furthermore, it is not true that respondents Ong Peng Kee and Adelia Ong did not any interest, in the subject-matter. Their interest was the prolongation of their occupancy or possession of the portions encroached upon by them. It is, therefore, evident that the requirements for a complaint of Interpleader do not exist.

Even in the supposition that the complaint presented a cause of action for Interpleader, still We hold that the JP

had no jurisdiction to take cognizance thereof. The complaint asking the petitioners to interplead, practically took the case out of the jurisdiction of the JP court, because the action would then necessarily "involve the title to or possession of real property or any interest therein" over which the CFI has original jurisdiction (par. [b], sec. 44, Judiciary Act, as amended). Then also, the subject-matter of the complaint (interpleader) would come under the original jurisdiction of the CFI, because it would not be capable of pecuniary estimation (Sec. 44, par. [a], Judiciary Act), there having been no showing that rentals were asked by the petitioners from respondents.

In view of all the foregoing, We find that the decision appealed from is in conformity with the law, and the same should be, as it is hereby affirmed, with costs against respondents-appellants Ong Peng Kee and Adelia Ong.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., and De Leon, JJ., concur.

Bautista Angelo, Barrera and Dizon, JJ., did not take part.

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