

BALTAZAR RAYMUNDO, PETITIONER, VS. BRAULIO SANTOS, RESPONDENT.

G. R. No. L-4770. June 30, 1953

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/df88814411c3/>

LABRADOR, J.:

This is an appeal by way of certiorari from a decision rendered by the Court of Appeals, Fifth Division, ordering petitioner herein to vacate a certain property subject of the action, and to pay for its use and occupation P30 a month from November 15, 1945, until its possession is returned to the respondent.

The case originated in the justice of the peace court of Pasig, Rizal, as an action of unlawful detainer. Respondent herein Braulio Santos, who was plaintiff in that action, alleged that he is the vendee of the property, and that Baltazar Raymundo, petitioner herein, unlawfully withholds the possession thereof. The justice of the peace court rendered judgment for Santos and Raymundo appealed to the court of first instance. In that court, Hon. Ambrosio Santos presiding, the action was dismissed on the ground that the action necessarily involves the ownership of the property in question. The case was then appealed to the Court of Appeals. The facts and circumstances of the case as found by this court are as follows:

"Antecedents.—On and before July 14, 1925, the spouses Baltazar Raymundo and Agapita San Juan were the registered owners of a parcel of land, together with the building (bakery) erected thereon, situated in the municipality of Pasig, Province of Rizal, more particularly described and bounded as follows:

'A parcel of land (lot No. 1, plan Psu-39552), situated in the barrio of San Jose, municipality of Pasig. Bounded on the NE. by property of Baltazar Raymundo; on the SE. by the Plaza Rizal; on the SW. by property of Paz de Amora; and on the NW. by property of Be Chui Kin and De Lico. Beginning at a point marked '1' on plan, being N. 46° 66' W., 34.43 .meters from B.L.L.M. No. L, Pasig, * * * containing an area of 328 square meters, more or less.'

and covered by original certificate of title No. 3199.

"Because of their bakery business these spouses become indebted to Macondray & Co., Inc., in the amount of P3,000, value of flour purchased by them, and to secure payment thereof they mortgaged this property to said corporation and paid the mortgage creditor the monthly sum of P30 as interests.

"On or about August 29, 1931, Felisa A. Afable, a relative and old friend of Baltazar Raymundo, came to an understanding with him concerning the assumption by her of said mortgage, and as a result of their agreement, the spouses Baltazar Raymundo and Agapita San Juan executed on August 29, 1931, deed Exhibit B, which will be later discussed. Felisa A. Afable then assumed the obligation of the spouses with Macondray & Co., Inc., bound herself to amortize said debt and paid P300 monthly, with interest at 12 per cent per annum until the whole amount of P3,000 was fully paid.

"Notwithstanding this transfer of rights, the spouses Raymundo remained in possession of the property which they used for their business, and started to pay to Felisa A. Afable the sum of P30 a month from the date of the

execution of Exhibit D. The assessed value of both lot and building was P2,560 in 1934 (Exhibit E), P2,950 in 1941 (Exhibit F), and P3,280 in 1948 (Exhibit G).

"Baltazar Raymundo claims that in October of 1945, after the liberation, he went to see Felisa A. Afable to pay his debt of P3,000 and it was then that he learned, to his great surprise, that she had an offer of P25,000 for said property, and that if Raymundo wanted to retain the property he should pay such amount for it. Alarmed by this information Raymundo consulted a lawyer, and at the investigation made by the latter in the Office of the Register of Deeds of Rizal, it was found that Exhibit D was not a deed of mortgage but of definite and absolute sale of said property to Felisa A. Afable in consideration of the sum of P3,000 that she paid to Macondray & Co. Inc.—as shown by a public deed executed on (August 11, 1931, by A. H. Clissold in the name and behalf of Macondray & Co. Inc.—and of other valuable considerations; that as a result of deed Exhibit D, which was duly registered, original transfer certificate of title No. 3199 (Exhibit J-1) was cancelled and in lieu thereof transfer certificate of title No. 20666 (Exhibit J-2) was issued to Felisa A. Afable on November 21, 1931; that on October 28, 1945, the said Felisa A. Afable in turn sold said property to Braulio Santos for the sum of P22,000, as shown by Exhibit A, and that as a result of this transaction transfer certificate of title No. 20666 (Exhibit J-2) was cancelled and a new transfer certificate of title No. 48261, issued in the name of Braulio Santos on October 29, 1945 (Exhibit J-3), free from any lien or encumbrance. Soon after this sale Braulio Santos wanted to take possession of the property purchased, and to attain this purpose the present action was instituted."

The Court of Appeals further found:

"Before discussing this question at issue, we deem it necessary to elucidate first the question of fact on which the whole structure of the case is based. It mainly depends upon the proposition of who owns said parcel of land and the building (bakery) erected thereon whether the plaintiff or the defendant and his wife."

It is evident from the findings of the Court of Appeals that plaintiff's action is predicated on the certificate of title issued in his name, the validity of which, however, is disputed by the defendant on the ground that plaintiff's grantor Felisa A. Afable had obtained fraudulently a deed of absolute sale of the property instead of a mere assignment of the rights of the former mortgage creditor Macondary & Co. Inc. Defendant's evident contention is that if the title of plaintiff's vendor was fraudulently obtained, so was the grantee's, and the right of the latter to the possession of the property necessarily involves the question of the validity of the title that he has secured. To this effect was the finding of the Court of First Instance of Rizal, when it said:

"Es obvio que todas estas cuestiones planteadas por las mismas pruebas de ambas partes, afectan al dominio o titulo de propiedad de la finca en cuestion, porque las mismas ya rebasen con exceso el radio de una simple cuestion sumaria de posesion. Dichas cuestiones no pueden resolverse sin antes determinar el titulo de propiedad, y que al resolverlas, necesariamente se resuelve tambien la cuestion de propiedad o de dominio. Siendo asi, el Juzgado de Paz carecia de jurisdiccion para conocer originariamente de este asunto, como asi contiene el demandado, y consiguientemente este Juzgado tambien careceria de jurisdiccion para conocerlo en grado de apelacion.

* * * * *

"En el curso de la vista de este asunto, el Juzgado permitio a las partes la presentacion de pruebas de propiedad aunque el asunto es meramente por detentacion de posesion o de desahucio, solo con el fin de determinar la indole y la extension de la posesion y los daños y perjuicios por la detentacion, como asi autoriza el articulo 68 de la Ley No. 136, reformada por la Ley No. 388. Las cuestiones arriba mencionadas que, segun opinion del Juzgado, afectan o envuelven cuestiones de propiedad, fueron establecidas por pruebas no solo del demandado, sino tambien del demandante. Ante partes, el Juzgado no puede cerrar los ojos ante la realidad de que la cuestion envuelta en el presente asunto no es de una simple cuestion sumaria de posesion, sino de dominio o titulo de propiedad de la finca en cuestion. No es posible determinar si la cantidad de P30 que pagaba

mensualmente el demandado a Felisa A. Afable era en concepto de alquiler de la finca en cuestion o en concepto de intereses de la deuda de P3,000, sin antes determinar si hubo contrato de arrendamiento entre el demandado y la mencionada Felisa A. Afable; y tampoco se puede determinar esta cuestion de arrendamiento sin antes resolver la cuestion de si hubo venta realmente del terreno en cuestion a favor de la citada Felisa A. Afable, o solamente un traspaso a favor de este del credito hipotecario que tenia Macondray & Co., Inc." (Record on Appeal, pp. 74, 77-78)

The Court of Appeals, however, arrived at the conclusion that although the real question involved was one of title, this circumstance was of no avail to the defendant because the title is no longer in the name of Felisa A. Afable, and because a certificate of title has already been issued in the name of the plaintiff Braulio Santos, citing in support of its decision the case of *Mediran vs. Villanueva*, (37 Phil., 752, and *Pettit vs. Black*, 13 Neb. 142, 154, cited in *Torres vs. Peña*,[*] 44 Off. Gaz., [8] 2699). The case cited by the Court of Appeals in support of its ruling that the claim of ownership on behalf of the defendant does not deprive the justice of the peace court of its jurisdiction to try the case as one of forcible entry and detainer does not support the conclusion arrived at. In the case of *Mediran vs. Villanueva*, there was no title or question of ownership involved, merely possession. The very portion of the decision cited by the Court of Appeals is as follows:

* * *. "If the complaint shows that the plaintiff had prior possession of the premises and that within the period of one year one has been deprived thereof by a trespasser (and the same thing may be said of a person whose right to possess the property has lapsed), who excludes him and withholds possession without right the action must be considered to be within the jurisdiction of the justice of the peace, for the purpose of restoring the plaintiff to possession, regardless of any claims of ownership put forth by either party, provided the prayer of the complaint is limited to such relief." (Decision of Court of Appeals, p. 11)

But in the case at bar plaintiff had never had prior possession of the property, as petitioner had never parted with his possession and still continues his possession in the concept of owner. The case at bar is substantially similar to the case of *Torres vs. Peña*, (78 Phil. 231), where this Court stated:

"No vemos ninguna razon para no reafirmar la doctrina y aplicarla al caso que nos ocupa. Resulta evidente de los hechos expuestos que en este caso la determinacion de la cuestion posesoria tiene que depender inexorablemente de la determinacion del titulo de propiedad. Los demandados, aqui recurrentes, plantean una porcion de cuestiones de mucha monta—cuestiones que rebasan con exceso el radio de una simple cuestion sumaria de posesion. Y esto se infiere no solo de las alegaciones de los demandados expuestas en su contestacion, sino de las mismas pruebas de los demandantes, aqui recurridos, articuladas en el juicio. Es innegable que los demandados aun antes de la guerra eran dueños del terreno con titulo Torrens; que, no obstante la venta discutida a Sto. Bernardo, los demandados siguieron ocupando la finca materialmente, viviendo en ella hasta ahora; que despues de efectuada la supuesta venta durante la ocupacion japonesa a Sto. Bernardo, el titulo Torrens jamas se transfirio a nombre de este, pues lo tenia una tercera persona—el acreedor hipotecario; que cuando Sto. Bernardo vendio el inmueble a los demandantes, los demandados no tuvieron ninguna intervencion, mucho, menos dieron su consentimiento a la venta; y que los demandados tampoco tuvieron intervencion en el pago del prestamo hipotecario a Isidro Estanislao.

"Es verdad que los demandantes presentaron ante el Juzgado un certificado de titulo Torrens expedido a su favor, pero eso no es prueba de posesion, sino de propiedad, y como tal prueba de propiedad no es incontestable, pues los demandados lo redarguyen en el fondo, atacando esencialmente su validez. Y la mejor prueba de que ese titulo Torrens no es incontestable, es decir, que su fuerza no es jure et de jure, sino solo juristantum, es que en su misma faz lleva la marca de su cuestionabilidad, pues en el aparece una anotacion puesta por el Registrador de Titulos, a saber: "Subject to further disposition by the Commonwealth Government as to real estate transactions consummated during the Japanese occupation." En una palabra, los demandantes no pueden reclamar el amparo de los tribunales a una posesion perturbada—lo cual, despues de todo, es el objeto de la ley sobre despojo y detentacion—porque ni ellos ni su antecesor habian tenido jamas esa

posesion, asi que no pueden alegar que alguna vez se les pertubo. Su derecho a la posesion provendia en todo caso de su titulo Torrens, pero ocurre que ese titulo esta redarguido de nulo. Por tanto, la cuestion de nulidad que es esencialmente de dominio, debe determinarse antes; y esto no corresponde al juzgado municipal."

The same principle was followed in the case of Peñalosa vs. Garcia, (44 Off. Gaz. [8], 2709, 78 Phil. 245) and in the case of Aquino vs. Deala, (63 Phil. 582, 593).

The Court of Appeals ruled that inasmuch as plaintiff Braulio Santos, respondent herein, had a transfer certificate of title issued in his name, he is entitled to the possession of the property as such registered owner. Note that Felisa A. Afable, respondent's vendor, was never in possession. The right to secure for himself the possession of the property, therefore, is predicated on his certificate of title, but inasmuch as, according to the findings of facts, which are not disputed in this Court, the validity of said title has been put in issue because of the anomalies that surrounded or preceded its source, plaintiff's alleged right to the possession necessarily involves the question of the validity or effectiveness of his title. We can not decree that he has the right to the possession of the property without first deciding the validity of his title. The former is inseparable from the latter. Under the above circumstances, it was the duty of the court of origin to have refused to take cognizance of the case, certifying it to the Court of First Instance as ordained by the peremptory provision of section 68, Act No. 136, as amended by section 3, Act No. 1627. The action of the Court of First Instance on appeal, dismissing the case upon finding that the plaintiff's right to the possession involves the question of his title, was in pursuance of this express mandate of the law.

Respondent Braulio Santos, however, maintains in this court that the question of ownership was never raised in issue in the justice of the peace court, and that as a consequence neither could this issue be raised on appeal to the Court of First Instance. Granting, for the sake of argument, that defendant did not expressly allege that he is the owner, implication to that effect may be made from the allegations made in the special defenses, i. e., that he had been in continuous possession for 25 years, that he never sold the property to Afable, plaintiff's grantor, and that the latter secured a deed of sale by fraud. But the fundamental question to determine in the case at bar is, Did the defendant raise the question of lack of jurisdiction? That a defendant is owner of the land is no defense to an action of forcible entry or unlawful detainer (*Supia and Batioco vs. Quintero and Ayala*, 59 Phil. 312), and allegations of ownership in defendant's answer do not deprive the justice of the peace court of jurisdiction. (*Mediran vs. Villanueva*, 37 Phil. 752; *Fuentes vs. The Justice of the Peace of Pila, Laguna*, 67 Phil. 364; *Fabie vs. Gutierrez David*, 75 Phil. 536.) What matters, when the defendant claims to be the owner and that plaintiff's apparent title is defective and is questioned, is not that the plaintiff is not the owner, but that the justice of the peace court has no jurisdiction to try the case because plaintiff's right to possession necessarily involves a prior adjudication of the question of ownership.

An examination of the record discloses that the defendant raised this question from the start of the proceedings. In the justice of the peace court, upon the presentation of the complaint, the defendant immediately presented a motion to dismiss on the ground that the justice of the peace court had no jurisdiction over the subject matter of the action. In the Court of First Instance the question of jurisdiction was again raised, this time as a special defense in the following words of the answer:

"(a) That all the facts alleged in plaintiff's complaint being for unlawful detainer (detentacion ilegal) and coming within the purview and scope of section 1, Rule 72 of the Rules of Court, this Court, in the exercise of its appellate jurisdiction, has no jurisdiction over the subject-matter of the action." (Record on Appeal, p. 36)

What the defendant meant by this special defense is not clear. We interpret it to mean that as plaintiff's allegations fall under section 1 of Rule 72 of the Rules of Court, the justice of the peace court had no jurisdiction over the subject matter (because the Action really involves a question of title). This special defense is reiterated in an

amended motion dated June 24, 1947 (see page 53, Record on Appeal), and in a motion to dismiss dated August 23, 1948. That this was the issue is also confirmed by the opposition presented by respondent's counsel to the motion to dismiss, where claim is made that inasmuch as the action instituted was one of unlawful detainer, which action may be inferred from the allegations of plaintiff's complaint, the allegations of defendant's answer (about the defect in the source of plaintiff's title) are immaterial. In the Court of First Instance, as already adverted to above, the trial judge understood that the issue involved before it was whether or not the action instituted by the plaintiff was one involving title, and after trial he dismissed the case on that issue, holding that plaintiff's right to possession necessarily involved the question of the ownership of the property. The above proceedings in the Court of First Instance conclusively show that the question of jurisdiction over the subject matter was raised in the justice of the peace court and in the Court of First Instance. That issue was also the one upon which the Court of Appeals based its decision, holding that the issue of ownership is immaterial because plaintiff had already secured a title.

Wherefore, in accordance with the doctrine laid down in the cases of *Torres vs. Peña* 44 Off. Gaz., [8], 2699, and *Peñalosa vs. Garcia* 44 Off. Gaz., [8], 2709, the decision of the Court of Appeals is hereby reversed, and the action should be, as it hereby is, dismissed, with costs against the respondent.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo and Bautista Angelo, JJ., concur.

TUASON, J., dissenting:

I vote to affirm the decision of the Court of Appeals for the reasons set out in my dissenting opinion in the case of *Po, et al. vs. Moscoso, etc., et al.*, G. R. No. L-5858. (*Infra*, p. 427.)

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.