

JOSEFA MONTEMAYOR VDA. DE ENRIQUEZ, JOEL, VICTORIA, AND DALISAY, ALL SURNAMED ENRIQUEZ, PETITIONERS, VS. HON. FRANCISCO DE LA ROSA, AS JUDGE OF THE COURT OF FIRST INSTANCE OF RI...

G.R. No. L-27729. November 26, 1973

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

Failing to evict Pastora Alcaparas (now deceased and succeeded in this action by the respondents Enrique, Lucia, Angelita, Patricia, Anita, Norma and Romeo, all surnamed Lim) and the respondent Severino Beo from their occupancy of a 66-square-meter lot located in the barrio of Baclaran, municipality of Parañaque, province of Rizal, the late Manuel Enriquez (now substituted by the petitioners Joeefa Montemayor Vda. de Enriquez, and Joel, Victoria and Dalisay, all surnamed Enriquez) came to this Court by petition for certiorari, prohibition and injunction with preliminary injunction for the purpose of striking down the injunction order issued on August 10, 1963 by the respondent Court of First Instance of Rizal, Branch VII, enjoining the sheriff of Parañaque from carrying out a demolition order earlier issued by the Parañaque justice of the peace court.

Sometime in 1947 the Republic of the Philippines purchased from the Roman Catholic Church a large parcel of land, originally known as the Hacienda Baclaran, for distribution and resale to its bona fide occupants. The property, subsequently renamed the Baclaran Homesite, was placed under the supervision, administration and disposition of the now defunct Rural Progress Administration, and was later transferred to the jurisdiction of the Land Tenure Administration which in turn has been succeeded by the respondent Land Authority.

On January 13, 1955 the Government, thru the Secretary of Agriculture and Natural Resources, sold lots 2, 3, 20-B and 21-B of block 6 of the said Baclaran Homesite to the Iglesia Ni Cristo, a religious sect of consequence in the Philippines. Two conditions of the sale were: first, that the property "shall not be sold, assigned, encumbered, mortgaged or transferred within a period of 5 years from the date hereof without first obtaining the written consent of the Secretary of Agriculture and Natural Resources," and second, that the same "shall be used exclusively for religious purposes and for no other purpose whatsoever." The first condition appears to have been duly annotated on the transfer certificate of title issued in favor of the Iglesia Ni Cristo. The second condition, while included in the deed of sale, does not appear to have been so annotated.

Thereafter the Iglesia Ni Cristo decided to construct its religious edifice in Baclaran upon another location. So on May 1, and 8, 1956, through one Eraño Manalo, it applied to the Land Tenure Administration (now the respondent Land Authority) for permission to sell the property it had acquired from the Government to the late Manuel Enriquez. Enriquez appears to have coured an identical request, on May 10, 1956, to the chairman of the Land Tenure Administration. The permission sought by the Iglesia Ni Cristo was however denied on May 28, 1956 under Resolution No. 25 of the Land Tenure Administration on the ground that the property in question was originally awarded exclusively for religious purposes.

Nonetheless, following the expiration of the 5-year limitation imposed on the disposition of the property, or on November 22, 1961, the Iglesia Ni Cristo transferred its owner-ship thereof to Enriquez. The transfer, which was preceded by a successful petition in the Court of First Instance of Rizal for the cancellation of the annotated 5-year limitation, was made without notice to either the respondent Authority or to its predecessor, the Land Tenure Administration.

One of the several parcels bought by Enriquez, a 66-square-meter lot, upon which there stood a small dwelling, was then occupied by the late Pastora Alcaparas (succeeded in this litigation by the respondents Enrique Lim, et al.), Anita Lim and Severino Beo. On August 10, 1963 Enriquez filed a complaint for ejectment against Alcaparas, et al. in the justice of the peace court of Parañaque, alleging that he had a verbal contract of lease with them for the monthly rental of P10 but that payment had not been made notwithstanding repeated demands. Apparently due to the negligence of Alcaparas, et al. or their counsel, the case was heard ex parte, and thereafter judgment of ejectment was rendered in favor of Enriquez. Issuance of a writ of execution followed, but the writ was returned unsatisfied. On July 12, 1963, at the instance of Enriquez, the court issued a writ of demolition.

Before this writ could be enforced, however, Alcaparas, et al. filed a complaint on July 23, 1963 with the Court of First Instance of Rizal, Branch VII, presided by the respondent Judge, against Enriquez, the Land Authority and the sheriff of Parañaque, for the cancellation and annulment of Enriquez's title over the 66-square-meter land occupied by the plaintiffs' dwelling, for the reversion of the ownership of the land to the Government, and for its subsequent resale to Alcaparas, et al. The latter also prayed for a writ of preliminary injunction to stop the demolition of their dwelling pending the determination of the case on the merits.

At the hearing of the petition for injunction, it appears that the parties agreed not to delay the case unnecessarily but to proceed to trial on the merits. The respondent Judge then issued a restraining order enjoining the removal of the plaintiffs' dwelling pending the result of the suit.

On August 21, 1963 Enriquez filed his answer to the complaint, alleging that the transfer to him of the property in question was regular and lawful and that the complaint for its cancellation was brought merely to further delay the ejectment of Alcaparas, et al. from the land notwithstanding a valid final judgment against the latter. On September 3, 1963 the respondent Land Authority filed its answer to the complaint, alleging that it had no notice of the transfer made by the Iglesia Ni Cristo in favor of Enriquez and that such transfer was made in violation of the express terms of the Government sale to the said religious organization. The respondent Land Authority asked the respondent court to annul the sale to Enriquez and to order the reversion of the property to the Government.

On January 22, 1964, inspite of opposition by Enriquez, the respondent Judge allowed Alcaparas, et al. to implead, in an amended complaint, the Iglesia Ni Cristo as another party defendant.

On February 5, 1964 all the parties entered into a partial stipulation of facts, the salient portions of which recite as follows:

“3.

The parties agree that the parcel of land described in paragraph 3 of the amended complaint was formerly a portion of the Baclaran Estate acquired by the Government for distribution and resale, which was then under the administration of the defunct Rural Progress Administration, later on by the Landed Estates Division of the Bureau of Lands, then the Land Tenure Administration; that the parties likewise agree that Lot No. 21-B or the parcel of land described in paragraph 3 of the amended complaint and the other parcels covered by the cross claim of the Land Tenure Administration, now the Land Authority, have been the object or subject of the Deed of Sale executed by the Secretary of Agriculture and Natural Resources in favor of the IGLESIA NI KRISTO, represented by Leopoldo Aguilar, a certified copy of said Deed of Sale being hereto attached to this stipulation

of facts and made an integral part hereof and marked as ANNEX 'A' ;

“4.

The parties agree that on November 22, 1961 the defendant IGLESIA NI KRISTO, through its Executive Minister, executed a Deed of Absolute Sale in favor of defendant Manuel M. Enriquez conveying and transferring the parcels of land therein described for the sum of P6,000.00, and which includes Lot No. 21-B mentioned in paragraph 3 of the amended complaint; defendant Land Authority, however, reserves the right to impugn the validity of the sale so executed by its co-defendant Iglesia Ni Kristo in favor of defendant Manuel M. Enriquez; the Deed of Absolute Sale being attached hereto and made an integral part and marked as Annex "B";

"5.

The parties agree that on August 10, 1962, Manuel M. Enriquez, defendant herein, filed an ejectment [suit] against Pastora Alcaparas, Severino Beo and Anita Lim before the Justice of the Peace of Parañaque, Rizal, a copy of the said complaint being hereto attached and made an integral part and marked as Annex 'C' of this stipulation of facts; that after due hearing, the Justice of the Peace Court of Parañaque, Rizal, now Municipal Court, rendered a decision in said case in favor of Manuel M. Enriquez, plaintiff therein and defendant in this case, copy of the decision being hereto attached and made an integral part and marked as Exhibit 'C-1' of this stipulation of facts; that after the decision has become final and executory, upon petition of plaintiff Manuel M. Enriquez, defendant herein, the Municipal Court, issued a writ of execution copy of which is ANNEX 'C-2' of the stipulation of facts; that after the writ of execution was returned unsatisfied, the Justice of the Peace Court of Parañaque, now Municipal Court of Parañaque, Rizal, on petition of plaintiff Manuel M. Enriquez, issued a writ of demolition dated July 12, 1963, copy of which is hereto attached and made an integral part hereof and marked as ANNEX 'C-3' of this stipulation of facts; that the parties reserve the right to adduce further evidence in support of their respective stand on matters not covered by the stipulation of facts."

On March 10, 1965 Enriquez filed a motion to require Alcaparas, et al. to post a bond to answer for damages, and to pay monthly rentals for their continued occupancy of the lot in question. This motion was denied. On April 19, 1965, however, the respondent Judge took cognizance of the willingness of Alcaparas, et al. to post a bond in the sum of P1,000 and so issued a writ of preliminary injunction enjoining the sheriff of Parañaque from demolishing the dwelling belonging to Alcaparas, et al. upon the latter's filing of the bond. The respondent Judge, however, refused to reconsider its earlier denial of the prayer for payment of monthly rentals.

Enriquez subsequently retained a new counsel, and on October 1, 1965 the latter filed on behalf of his client a motion to dismiss and/or dissolve the injunction on the grounds that (a) the complaint does not state a cause of action and (b) the court is without jurisdiction to enjoin the enforcement of the final and executory judgment of eviction rendered by the Parañaque justice of the peace court, absent an allegation in the complaint that the latter court did not have jurisdiction over the unlawful detainer suit. Upon the opposition of the respondent Land Authority, the respondent Judge denied this motion on July 25, 1966.

At an earlier date or on March 21, 1966, Alcaparas, et al. moved for leave to file a second amended complaint, allegedly to make the said pleading conform to existing evidence, and for the substitution of the proper parties in lieu of the deceased ones. This was granted on July 25, 1966. On September 21, 1966 the respondent Land Authority filed its answer to the second amended complaint, and, by way of cross-claim against the other defendants, Manuel Enriquez and the Iglesia Ni Cristo, sought the reversion to the Government of the land subject of the transfer between the latter two parties. On September 26, 1966 Enriquez moved for reconsideration of the

respondent court's order admitting the second amended complaint filed by Alcaparas, et al., arguing that the same substantially altered the plaintiffs' causes of action and tended to vest in the court jurisdiction that it originally did not have over the case. This motion, opposed by the respondent Land Authority, was subsequently denied on February 7, 1967.

Hence, the present petition for certiorari, prohibition and injunction with preliminary injunction.

We now proceed to discuss the four errors imputed to the respondent court by the petitioners Josefa Montemayor Vda. de Enriquez, et al. (who succeeded the late Manuel Enriquez in the present suit).

- The petitioners charge that the trial court gravely abused its discretion by failing to dismiss the complaint filed by Alcaparas, et al. notwithstanding that the said pleading does not state any cause of action. It is argued that even if it were assumed that the transfer from the Iglesia Ni Cristo to the late Manuel Enriquez of the property in question was in violation of the conditions of the earlier award made by the Government in favor of the said religious organization, still Alcaparas, et al. would derive no direct benefit resulting from the annulment of the said transfer, and that not being privy to any of the transactions involving the property, Alcaparas, et al. or those who succeeded them (the respondents Enrique Lim, et al.) do not possess any distinct and substantive right on which to base a claim for judicial relief.

In this jurisdiction, the party who moves to dismiss a complaint on the ground that it does not state a cause of action theoretically admits all the allegations of fact in the said complaint. The contention advanced is that even if the facts alleged were true, still the plaintiff is not entitled to any relief.[1] It is essential, therefore, that we look into the original complaint filed by Alcaparas, et al. Substantially, the complaint alleges: that Alcaparas, et al. have been bona fide occupants of lot 21-B of the Baclaran Homesite since the year 1947; that the said lot is a portion of the large estate acquired by the Government for distribution and resale to bona fide occupants thereof; that the defendant Land Tenure Administration charged with the disposition of the said estate sold lot 21-B, among others, to the Iglesia Ni Cristo for religious purposes only; that the latter had abandoned the property, having decided to build its church on another location; that the late Manuel Enriquez had previously asked the defendant Land Tenure Administration to allow him to buy the land earlier sold by the Government to the Iglesia Ni Cristo but that the said request was denied; that the sale by the Iglesia Ni Cristo to the late Manuel Enriquez was nevertheless effected, without the knowledge or consent of the defendant Land Tenure Administration; and that Enriquez had thereafter succeeded in obtaining a judgment of eviction against the plaintiffs Alcaparas, et al., followed by a writ of demolition of their dwelling.

Two elements must concur to constitute a cause of action: first, the plaintiff's primary right, and second, the defendant's delict or wrongful act or omission which violates the plaintiff's primary right.[2] The allegation of these elements in the complaint meets the test of sufficiency of a cause of action, and a valid judgment may be rendered thereon if these elements are admitted or factually proved. We are convinced, upon an examination of the complaint in question, and we so hold, that these elements were adequately alleged in the original complaint filed by Alcaparas, et al.

Section 1 of Commonwealth Act No. 539, which is the governing statute in the purchase and resale of landed estates by the Government, provides as follows:

"The President of the Philippines is authorized to acquire private lands or any interest therein, through purchase or expropriation, and to subdivide the same into home lots or small farms for resale at reasonable prices and under such conditions as he may fix to their bona fide tenants or occupants or to private individuals who will work the lands themselves and who are qualified to acquire and own lands in the Philippines."

No doubt, the purchase by the Government of the former Hacienda Baclaran in 1947 was essentially designed to

ameliorate the social and economic conditions of the people residing in the said area. The bona fide tenant or occupant of any of the lots therein at the time of the Government purchase of the hacienda would appear to have a preferential right to buy the property on which his dwelling stood, subject only to whatever reasonable requirements of administration and disposition the Government might prescribe. The plaintiffs Alcaparas, et al. alleged in their complaint that they have been the bona fide occupants of a 66-square-meter portion of the Hacienda Baclaran since the year 1947. Barring undisclosed defenses which the Government or the Iglesia Ni Cristo might have, Alcaparas, et al. would appear to be entitled to the purchase of the said lot to the exclusion of other persons. The sale of the lot in question, among others, by the Government to the Iglesia Ni Cristo (another fact alleged in the original complaint) is thus placed in doubtful legality. Of course, the Government may have considered the construction of a religious edifice belonging to the Iglesia Ni Cristo in the area essential to community planning and therefore entitled to a decided priority. But this is a matter of defense which is not relevant to the determination of whether or not the plaintiffs have a stated cause of action. From the face of the original complaint, the plaintiffs Alcaparas, et al. would appear to be entitled to a judgment in their favor annulling the Government sale to the Iglesia Ni Cristo. And since the late Manuel Enriquez subsequently acquired title to the lot in question presumptively under notice that the land was intended exclusively for religious purposes, he is to be considered an indispensable party if full relief is to be accorded to the plaintiffs.

- The petitioners impugn the propriety of the preliminary injunction issued by the respondent Judge which held in abeyance the demolition of the dwelling of Alcaparas, et al. It is argued that an injunction may not issue to stop the enforcement of a final judgment, such as that emanating from the Parañaque justice of the peace court, absent an allegation in the complaint that the latter court had no jurisdiction over the eviction case. The petitioners insist that the respondents' collateral attack on the decision of the justice of the peace court is not proper under the circumstances.

The petitioners fail to comprehend the true import of the preliminary injunction issued by the respondent court. The action brought by Alcaparas, et al. is not one to dispute the validity of the judgment of eviction of the justice of the peace court. It is an action for the vindication of their alleged preferential right to purchase a portion of the Government-owned estate -- and this is not barred, not being in the nature of a compulsory counterclaim in an ejectment suit, by the decision earlier rendered by the inferior court. The petition of Alcaparas, et al. for preliminary injunction merely sought to stop the demolition of their dwelling and their exclusion therefrom which, if consummated, would render inutile whatever favorable judgment the respondent court might hand down in their favor. On equitable grounds the court was well within the limits of sound exercise of discretion in issuing the ancillary writ of preliminary injunction.[3]

- The petitioners further dispute the authority of the respondent court to withhold the issuance of an order requiring the respondents Enrique Lim, et al. to file a sufficient supersedeas bond which would answer for damages, etc., and to pay monthly rentals periodically during the period the execution of the order of eviction was stayed, invoking section 8, Rule 70 of the Revised Rules of Court. The petitioners forget, however, that this provision is intended to govern the stay of immediate execution in unlawful detainer cases where the losing party adopts the process of appeal. The present case is not an appeal from the judgment of eviction but is an independent action for the restoration of what-ever preferred rights the respondents Enrique Lim, et al. or their predecessor-in-interest, Maria Alcaparas, had over lot 21-B of the Baclaran Homesite. The bond of P1,000 posted by the latter answers for all damages which the defendants might sustain by reason of the injunction should the court finally adjudge against the plaintiffs (section 4 (b) of Rule 58 of the Revised Rules of Court).

- Finally, the petitioners ask this Court to strike down the order of the respondent Judge allowing the respondents to amend their complaint a second time. The petitioners' objection specifically refers to two additional allegations intercalated in the amended complaint. The first is a statement to the effect that Maria

Alcaparas "had personally applied" (presumably to the Government) for the purchase of a portion of the Baclaran Homesite. The second refers to the inclusion within the scope of the claim of the respondents of lots 2, 3 and 20-B of block 6 of the same estate. We cannot see how these amendments to the complaint would "substantially alter" the respondents' cause of action or change their theory of the case. As earlier pointed out, the respondents' cause of action stems from the alleged illegal disposition by the Government of the land over which they claim a preferential right. It has not been shown and we ourselves cannot find any basis in the record for the proposition that an application to purchase is necessary under the governing law to vest a preferential right in the tenant or occupant of the land. The new allegation that Maria Alcaparas had applied to buy lot 21-B or the other lots mentioned in the second amended complaint does not fortify or detract from the respondents' position that their alleged preferential right needs to be restored. As for the inclusion of three other lots in the original claim, the respondents allege in their second amended complaint that these lots have been occupied by them as bona fide tenants under varying circumstances. This matter should be best left to the determination of the court a quo at the trial. Exclusion of these additional lots from the litigation below may only spawn a multiplicity of suits among the parties which would further delay the final adjudication of whatever rights they may respectively have.

ACCORDINGLY, the present petition is dismissed. No pronouncement as to costs.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] *Militante III vs. Echosolano*, G.R. No. L-27940, June 10, 1971, 39 SCRA 473, 480, citing *Adamos vs. J. M. Tuason & Co.*, G.R. No. L-21957, October 14, 1968, 25 SCRA 529.

[2] *Racoma vs. Fortich*, G.R. No. L-29380, June 10, 1971, 39 SCRA 520, 523-524; *Moran*, *Comments on the Rules of C t*, Vol. 1, p. 259; *Pomeroy*, *Code of Remedies*, sec. 519.

[3] *Chua A. H. Lee vs. Mapa*, 51 Phil. 624; see also *City of Butuan vs. Ortiz*, G.R. No. L-18054 December 22, 1961, 3 SCRA 659, and the cases cited therein.

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