

ISIDORA S. VDA. DE JESUS, ET AL., PLAINTIFFS AND APPELLANTS, VS. LUCIANO DE LA CRUZ, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 10313. March 28, 1960

Ponente: GUTIERREZ DAVID, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10313/>

GUTIERREZ DAVID, J.:

This is an appeal from an order of dismissal.

It appears that in a forcible entry case filed in the Justice of the Peace Court of San Antonio, Nueva Ecija, by Isidora S. Vda. de Jesus, et al. against Marcosa Villaronte; and 11 others, judgment was rendered by said court on October 5, 1954 ordering the defendants to vacate the parcel of land involved in the case and restore possession thereof to the plaintiffs and also pay the latter five cavans of palay per hectare for the use of the land for each agricultural year beginning 1954-1955.

In due time the defendants appealed to the Court of First Instance and the case was there docketed as Civil Case No. 1637 of that court. Thereafter, defendants filed their answer with a counterclaim and plaintiffs on their part filed an answer to the counterclaim.

With the appealed case still pending trial, the plaintiffs asked for immediate execution because of the alleged failure of the defendants to file a supersedeas bond and to deposit the value of the use of the land as fixed in the judgment. The defendants opposed the motion, but on April 29, 1955 the court ordered the issuance of a writ of execution to have the defendants vacate the land and restore possession thereof to the plaintiffs. On May 19, 1955, the writ of execution was served on the defendants and all adverse occupants of the land but they all refused to vacate the premises. However, on June 9, 1955, plaintiffs were able to obtain an alias writ of execution and this time the sheriff, with the aid of the Philippine Constabulary, was able to eject the defendants and the other adverse occupants from the premises and to place the plaintiffs in possession thereof.

Alleging that after the sheriff and the Constabulary had left the premises, the defendants and the other adverse occupants re-entered the land, threatened the plaintiffs with physical harm and continued to occupy and exercise acts of possession and ownership over the land to the exclusion of said plaintiffs, the latter, on July 11, 1955, petitioned the court to declare the defendants and the said other occupants guilty of contempt of court. Acting upon the petition, the court in its order dated October 3, 1955, cited "over 20 persons" (actually 25, see briefs of the parties) including six of the twelve defendants to appear and show cause why they should not be dealt with in contempt. Not content with the contempt proceeding they had instituted, plaintiffs, on November 11 of that same year, filed a motion alleging that the defendants and other adverse occupants, after re-entering the land, cultivated and planted the same in bad faith and consequently lost or forfeited, what was planted by them without right of indemnity in accordance with Article 449 of the new Civil Code. For prayer, plaintiffs asked that the court order the Philippine Constabulary to supervise the harvest and threshing of the palay on the land, and that the palay harvest be deposited either with the Constabulary or in any bonded warehouse. Acting upon the motion, the court on November 29, 1955, denied the prayer that the harvest be deposited in a bonded warehouse on the ground that

the questions of the alleged re-entry and bad faith were to be decided in the contempt proceeding, but granted the prayer for the detail of Constabulary soldiers in the premises to maintain peace and order during the harvest and threshing of palay.

On December 17, 1955, with the main case, and the petition for contempt still pending hearing, the plaintiffs filed in the same Court of First Instance another civil action, which is now the subject of the present appeal. The new action is directed against 65 defendants, three of whom were already defendants in the former case. The complaint alleges that in the months of July, August and September, 1955, in disobedience to the orders of the court, and against the vigorous objection of the plaintiffs, defendants unlawfully and in bad faith occupied and cultivated the land in question and made plantings on the same, thereby depriving the plaintiffs—who were themselves ready to cultivate and plant the said property—of its use and, enjoyment; that the defendants, despite the fact that they were sowers in bad faith and therefore not entitled to what they had planted, were harvesting the products of the land and appropriating them for their own use in violation of plaintiffs' rights. The complaint prayed (1) that a writ of preliminary injunction be issued immediately enjoining all the defendants and any other adverse occupant from taking and appropriating for their own use and consumption the palay being harvested from the land in question for the agricultural year 1955-56, after fixing the amount of the bond to be executed in favor of the defendants; (2) that the palay harvested be ordered deposited in any bonded warehouse or any place deemed convenient; (3) that after trial, a judgment be entered ordering that the palay harvested from the land in question be forfeited by defendants in favor of plaintiffs without any right of indemnity; and (4) that defendants be restrained from further re-entering and cultivating the land in question.

Answering the complaint, the defendant set up defenses which, as later supplemented, are to the effect that three of them, namely, Ruperto Tayao, Gavino Magno and Gregorio Mangulabnan, together with their co-defendants in the former case, have been in possession either by themselves or through their predecessors in interest, of the land in question as homesteaders since 1914; that the said land being public land, they engaged the services of Atty. Teofilo de Jesus, plaintiffs' predecessor in interest, for the said attorney to secure a free patent for them on condition that his services would be paid with a portion of the products of the land, but that the said attorney, instead of complying with his trust, declared the land in his name for taxation purposes, had it also surveyed in his name, and instead of claiming the land for his clients in the Cadastral Case, he filed a claim in his own name, all this without the knowledge of the defendants, who discovered the same only recently; that defendants were planters in good faith; that they had not been legally dispossessed of the land by virtue of an alias writ of execution obtained by plaintiff; that they have been in continuous possession of the land in the belief that they have the right to do so as homesteaders and, also to harvest the same as such; that there was already a pending case (referring to Civil Case No. 1637) between the same plaintiffs and the three abovenamed defendants, the rest of their co-defendants, aside from their co-defendants in that former case, "being only paid workers and/or harvesters (manggagapas) of the defendants in Civil Case No. 1637 so that this case is but a duplication of said Civil Case No. 1637, and therefore, should be dismissed." In a supplemental pleading later filed, defendants also set up the defense that the Court of First Instance had no jurisdiction over the case.

At defendants' instance, a hearing was held on the affirmative defenses. After said hearing, the court below sustained defendants and dismissed the complaint on the grounds that there is pending another action involving the same subject matter and issue and that it lacks jurisdiction to take cognizance of the case because it is in effect one for forcible entry within the exclusive jurisdiction of the Justice of the Peace Court. From that order, the plaintiffs appealed directly to this Court.

The appeal is without merit.

Plaintiffs' complaint in the present case is predicated on the allegations that defendants, after re-entering the land

in question, cultivated and planted the same in bad faith, thereby forfeiting in plaintiff's favor whatever they may have planted. These allegations, it will be observed, are the same allegations plaintiffs have made in their motion for contempt, which is still pending hearing, and in their motion of November 11, 1955 both in the forcible entry case (Civil Case No. 1637). The two cases involve the same parcel of land and, apparently, the same, plantings, the acts complained of in the present action being alleged to have been committed in July, August, and September, 1955, or before plaintiffs filed their incidental motions in the forcible entry case. To allow, therefore, the present complaint to be prosecuted as a separate and independent action would only encourage, instead of avoid, a multiplicity of suits. As ruled by the court in the forcible entry case when it acted upon plaintiffs' motion of November 11, 1955, the questions of the alleged re-entry and bad faith on the part of defendants are to be decided in the contempt proceeding. Obviously, the decision therein will necessarily dispose of the issues in the present complaint and conclude the controversy between the parties.

Plaintiffs-appellants argue that they had never asked, as they could not, for the forfeiture of the palay harvest in the forcible entry case and that only 3 of the 65 defendants in the present action are defendants in that case. The contempt proceeding, however, filed by them in the former case is civil in nature, the object being the enforcement of their civil rights and remedies. The punishment would, accordingly, be remedial and for the benefit of the complainants. (*Slade Perkins vs. Director of Prisons*, 58 Phil., 271.) Considering that in said proceedings complete restitution to the injured party may be decreed (see, 6, Rule 64), and that a judgment, except in default cases, may grant the relief to which the party in whose favor it is tendered is entitled—even if the party has not demanded such relief in his pleadings, or even if the complaint contains no prayer for relief (Rule 35, sec. 8)—there is no reason why forfeiture of the palay harvest, if warranted, may not be obtained by plaintiffs in their favor. At any rate, the contempt proceeding is still pending. If necessary, pleadings may still be amended to include the prayer for forfeiture.

As to the alleged non-identity of parties, while only 3 of the 12 defendants in the forcible entry case and 20 of the persons cited for contempt therein are among the 65 defendants in the present case, it should be noted that the acts now complained of are the same acts alleged by plaintiffs in their incidental motions in the said forcible entry case. It is, therefore, difficult to see, as observed by the court below, how about 42 new occupants could have come in as to justify the filing of a new action. On the other hand, we are inclined to believe that, as alleged in the answer to the complaint, these additional defendants are mere hired workers or "harvesters (reapers) of the defendants in the former case and consequently cannot be held answerable for the palay allegedly harvested. Their inclusion as defendants in this case, apparently, is but an attempt to circumvent the proceedings in the forcible entry case, the court having previously denied plaintiffs' incidental motion therein to place the harvest in a bonded warehouse.

In any event, even assuming that the 45 additional defendants are not mere workers but trespassers and strangers to other defendants, the allegations in the complaint filed in this case (as held by the court below), clearly make out an action for forcible entry. Paragraph 5 of the said complaint alleges that the defendants "without the consent and against the vigorous objection of the plaintiffs unlawfully and in bad faith occupied and cultivated the land in question." To exclude plaintiffs against their vigorous objection necessarily implies the use of a certain degree of force and/or intimidation. (*Moran's Rules of Court*, 1957 ed., Vol. 2, pp. 296-297.) And the date of unlawful entry having been made, according to the complaint, in July, August and September, 1955, or within one year prior to the filing of the complaint, the same should therefore be filed with the Justice of the Peace Court which has exclusive jurisdiction over such cases. The fact that bad faith in planting is alleged and forfeiture of the harvest is prayed for would not take the complaint outside the jurisdiction of the Justice of Peace Court.

"* * * where the occupant has built on the land, especially where said building is substantial and valuable, the courts even in ejectment cases are bound to take cognizance of said fact and when they find that the

construction or planting had been effected in good faith, instead of dismissing the complaint and suggesting to the parties to observe and follow the provisions of Art. 361 or Art. 448 of the old and the new Civil Code of the Philippines, respectively; and if they cannot agree, to file a new action, not only to enforce or defend the respective rights of the parties but to assess the value of the land and the improvement as well, the courts in order to avoid Multiplicity of actions and to administer practical and speedy justice may, as was done in this case, apply the provisions of the Civil Code relative to builders specially since there is no question as to the ownership of the land as shown by the certificate of title, and the ownership of the buildings." (Tayag et al. vs. Yuseco, et al., 97 Phil., 712.)

In view of the foregoing, the order of dismissal appealed from is hereby affirmed, with costs against appellants.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Concepcion, Reyes, J. B. L., Endencia, and Barrera, JJ., concur.

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.