

DANIEL DE LEON, PLAINTIFF AND APPELLANT, VS. JOAQUIN HENSON AND MANUEL E. CASTAÑEDA, AS ACTING CHAIRMAN OF THE LAND TENURE ADMINISTRATION, DEFENDANTS AND APPELLEES.

G.R. No. 11639. April 29, 1961

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal from an order of the Court of First Instance of Manila, Hon. Bienvenido A. Tan, presiding, dismissing the complaint filed in the above-entitled case upon motion of the defendant Joaquin Henson.

The complaint filed by plaintiff alleges the following facts: (a) As first cause of action—That plaintiff is and has been a tenant and bona fide occupant of lot No. 39, Block No. 11 of the Nuestra Señora de Guia Estate, Tondo, Manila, having built thereon a house of strong materials; that he had been paying rentals to the Government represented by the Rural Progress Administration, for the occupation of said lot (Receipt for P66.86, dated May 31, 1949, covering the period from February, 1947 to May, 1949, Records, pp. 11-12); that in good faith and upon demand of the Rural Progress Administration he has made for the said lot a down payment evidenced by a receipt dated August 16, 1950 (Contract No. 256 for P150); that he has improved the land and built his house thereon, which improvements and house are valued at P10,000; that without having occupied the land and without any right, defendant Joaquin Henson signed a contract for the sale to him of the said lot, dated March 9, 1956, signed by the Chairman of the Land Tenure Administration; that the above-mentioned contract in favor of Henson is illegal, unlawful and in violation of existing law, which grants bona fide tenants or occupants the right to purchase the said lands, (b) As a second cause of action—That defendant embarrassed and molested him by filing against him a criminal case in Manila, which case was subsequently dismissed; and, that by reason of the said action he was caused moral damages amounting to P5,000 and actual damages in the amount of P300; and (c) As a third cause of action—That because of the acts of defendant he has been compelled to employ the services of a lawyer for P500. In the prayer plaintiff asks that the contract executed by the Land Tenure Administration in favor of defendant Joaquin Henson, dated March 9, 1956, be declared null and void; that defendant be ordered to pay him damages in the total sum of P5,300 and attorney's fees in the amount of P500.

Defendant Joaquin Henson through counsel filed a motion to dismiss the complaint on three grounds, namely, (a) that plaintiff has no cause of action; (b) that there is another case pending between the same parties for the same cause, namely, Civil Case No. 43143, Municipal Court of Manila, entitled Joaquin Henson vs. Daniel de Leon; and (c) that the cause of action is barred by prior judgment, the cause of action having been finally decided between the parties in B. L. P. Conflict No. 238, entitled Joaquin Henson vs. Daniel de Leon, dated August 31, 1955. Arguing on said grounds, the defendant alleges that plaintiff suffered no injury for damages to the extent of P5,800 because he was not deprived of any rights over lot No. 39 of Block No. 11; that the pending action between the parties is one for ejectment; that the judgment that has barred the action was the decision in his favor and against plaintiff made by the Director of Lands on August 31, 1955.

Defendant Land Tenure Administration filed an answer alleging, in answer to the first cause of action that the receipt of the amount of money from plaintiff was subject to the approval of the manager; that according to information obtained from Joaquin Henson, the latter had been occupying the land in question since February, 1945; and that it has power to sell the land to defendant Henson, and that the payments received from plaintiff were subject to the approval of the manager. Answering the third cause of action, said defendant alleged that plaintiff's application to purchase the lot in question was revoked and instead the lot was sold to Joaquin Henson who had a preferential right thereto. As a special defense, it alleged that the Director of Lands has decided that defendant Henson has preferential right to purchase the property over and above that of plaintiff. On May 26, 1956, the court declared that the motion to dismiss is well founded and dismissed the case. The plaintiff moved to reconsider the order of dismissal but the court denied the motion; hence this appeal.

A consideration of the pleadings clearly shows that the following issues, mostly of fact, cannot be decided without a trial of the case on the merits: (a) Whether or not plaintiff was a previous bona fide occupant of the lot subject of the action, or whether it was the defendant who was such previous occupant and had the preference to purchase the lot; (b) whether or not, the acceptance of the down payment by the Rural Progress Administration from the plaintiff on August 16, 1950 was under the condition that the sale had to be approved by the Chairman of the Rural Progress Administration, and that the latter had the right to sell the same lot to another purchaser, the defendant Joaquin Henson; (c) whether the sale made in favor of Joaquin Henson is valid as against plaintiff; (d) whether or not plaintiff is entitled to damages by the filing of the criminal action against him by defendant Henson and the amount thereof; and (e) whether or not the orders or decisions of the Director of Lands are binding against plaintiff and constitute res judicata against him.

The plaintiff has a right to a trial of the issues of fact above set forth. Failure on the part of the court below to grant him such right is clearly a denial to him of due process of law.

Wherefore, the order of dismissal is hereby set aside and the case is remanded to the court below for trial on the merits, with costs against defendant Joaquin Henson.

So ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

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