

JOSE ROBLES, PETITIONER AND APPELLANT, VS. ZAMBALES CHROMITE MINING COMPANY, ET AL., RESPONDENTS AND APPELLEES.

G. R. No. 12560. September 30, 1958

Ponente: PARAS, C.J.

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PARAS, C.J.:

On November 28, 1956, the Zambales Chromite Mining Company filed a complaint for unlawful detainer against Jose Robles in the Justice of the Peace Court of Sta. Cruz, Zambalea, alleging among other things that Robles and the Company entered into a contract whereby the latter delivered the possession of certain mining properties over which it had control to Robles who was to extract, mine and sell ores from said properties upon payment of certain royalties; that Robles had violated the terms of the contract; that the Company thereupon served notice on Robles to vacate the premises; and that Robles failed to comply with said demand.

Robles filed a motion to dismiss the complaint on the ground that the Justice of the Peace did not have jurisdiction, but the latter denied said motion. Robles thereafter filed a petition for certiorari in the Court of First Instance of Zambales, alleging that the Justice of the Peace was without jurisdiction in taking cognizance of the case for unlawful detainer involving mineral land. The Court of First Instance ruled against Robles, holding that the provisions of Section 1, Rule 72, of the Rules of Court, are sufficiently broad to cover any kind of land, including mineral land. Robles has appealed.

The appeal is clearly without basis. Section 1, of Rule 72 provides that, "a landlord, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such landlord, vendor, vendee, or other person, may, at any time within one year after such unlawful deprivation or withholding of possession, bring an action in the proper inferior court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs." Any land spoken of in this provision obviously includes all kinds of land, whether agricultural, residential or mineral. It is a well known maxim in statutory construction that where the law does not distinguish, we should not distinguish.

Wherefore, the appealed decision is affirmed with costs against the appellant, Jose Robles. So ordered.

Bengzon, Padilla, Montemayor, Reyes, A., Bautista, Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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