

LUIS PINEDA, PLAINTIFF AND APPELLEE, VS. COURT OF FIRST INSTANCE OF DAVAO, ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 12602. April 25, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by the defendants from a decision of the Court of First Instance of Davao, the dispositive part of which reads:

"In view of the foregoing, this Court annuls that portion of the decision of this Court in Civil Case No. 959 dated June 16, 1953, declaring the plaintiff therein as lawful owner of the property under litigation together with the improvements thereon, subject to the final disposition of the same by the Bureau of Lands and the Department of Agriculture and Natural Resources in accordance with the provisions of law, without special pronouncement as to costs.

"Consequently, the execution of the decision insofar as that part of the same where the plaintiff was declared owner in that Civil Case No. 959, is hereby nullified."

It appears that on or about November 29, 1952, Potenciana Plando filed with the Court of First Instance of Davao a complaint (Exhibits C-4 to C-6), which was docketed as Civil Case No. 959 of said court, against Luis Pineda and Bruno Eamirez. Potenciana Plando alleged in said pleading that she was the surviving spouse and only heir of the deceased Domingo Ramirez, who in life, was the actual possessor of a parcel of land situated in Lasang, formerly municipality of Tagum, now Panabo, Province of Davao, and more particularly described in the complaint; that said land was covered by Homestead Application No 166166 (E-77371), in the name of said deceased, which had been approved by the Director of Lands on December 18, 1930; that, by virtue of an order of this officer, dated November 18, 1932, for the "issuance of patent", the rights to and interest in said land became definitely vested in Domingo Ramirez; that upon his death, such rights and interests were transmitted, by operation of law, to Potenciana Plando; that said land had been jointly occupied and cultivated by her and Domingo Eamirez, during his lifetime, since early in 1930 until sometime in 1948, and had become improved and productive through their common efforts; that, in 1948, Luis Pineda and Bruno Ramirez took material possession of said land illegally and in bad faith, thereby excluding her from the possession and enjoyment thereof, despite her repeated demands that they vacate said property, which they refused to do; and that she thereby suffered the damages specified in the complaint. Accordingly, she prayed that judgment be rendered:

"(a) Declaring the plaintiff the lawful owner and possessor of the land and improvements described in the complaint;

"(b) Ordering the defendants to vacate the premises in question and to restore the possession thereof to the plaintiff;

"(c) Condemning and ordering the defendants to pay, jointly and severally, the plaintiff the sum of P5,000.00, representing the fruits of the land due the plaintiff;

"(d) Condemning and ordering the defendants to pay jointly and severally, the plaintiff the sum of P2,000.00, in concept of damages;

"(e) Condemning and ordering the defendants to pay the costs of this suit; and

"(f) Granting the plaintiff such and other relief consonant with law, justice and equity."

Although the court had denied a motion to dismiss filed by Luis Pineda and Bruno Kamirez, neither answered the complaint, because of which they were declared in default, at the instance of Potenciana Plando, who, thereafter, presented her evidence. Based upon the same, decision was rendered on June 16, 1953, finding that the allegations of the complaint had been proven and declaring Potenciana Plando "the lawful owner and possessor of the land and improvements described in H.A. No. 166166 (E-77371)" and ordering Luis Pineda and Bruno Ramirez "(1) to vacate the premises in question and restore the possession thereof to" her; "(2) to pay, jointly and severally", to her "the sum of P1,000 representing the fruits of the land due" to her and for attorney's fees and (S) to pay the costs". On July 16, 1953, Luis Pineda and Bruno Ramirez moved to "set aside the judgment by default", but the motion was denied by an order dated August 4, 1953. A reconsideration of this order, sought by them on August 17, 1953, was denied on November 16, 1953.

Soon later, or on December 4, 1953, they filed with the Court of Appeals a petition, docketed therein as CA-G.R. No. 12164-R, for a writ of certiorari with preliminary injunction against the Judge of First Instance of Davao and Potenciana Plando, upon the ground that the former had acted with grave abuse of discretion in denying the motion to dismiss the Complaint in said Civil Case No. 959, and the motion for relief of judgment by default therein rendered. In a fireasoned resolution, dated May 19, 1954, the Third Division of the Court of Appeals dismissed the petition upon the ground that no abuse of discretion had been committed in denying the aforesaid motion to dismiss; that the order denying relief of judgment by default was a final order and, as such, appealable; and that, having failed to appeal therefrom, Luis Pineda and Bruno Ramirez were not entitled to the writ of certiorari prayed for.

On October 4, 1954, Luis Pineda and Bruno Ramirez sought from the Supreme Court, in case G.R. No. L-8357 thereof, a review by certiorari of said resolution of the Court of Appeals, but their petition for review was, by minute resolution, dated November 18, 1954, dismissed for lack of merit.

Subsequently, or on January 27, 1955, Luis Pineda instituted the present action against the Court of First Instance of Davao, Eriberto Unson as Provincial Sheriff Ex-officio of Davao, and Potenciana Plando. After making pertinent averments about the filing of Civil Case No. 959 of said court, the denial of his motion to dismiss the complaint therein, the order declaring him in default, the decision therein rendered declaring Potenciana Plando the lawful owner and possessor of the land in dispute and of the improvements thereon, and the final and executory nature of said decision, Pineda alleged in his complaint that said declaration of ownership in favor of Potenciana Plando is null and void for lack of jurisdiction, because the question of title to and ownership of a homestead and the improvements thereon is a function exclusively belonging to the Bureau of Lands, before which there was a pending controversy between the parties, which the Director of Lands decided, on March 6, 1954, in his (Pineda's) favor, although Potenciana Plando had moved for a reconsideration of said decision, which was still pending determination. Plaintiff prayed that judgment be rendered "annulling partially the decision by default in Civil Case No. 959, particularly the portion * * * adjudicating the ownership of the land in Question and improvements thereon and to suspend the execution of said decision during the pendency of the case and pending the result of the controversy between the parties now in the Bureau of Lands."

Their motion to dismiss the complaint having been denied, the defendants filed an answer maintaining that the decision rendered in Civil Case No. 959 is valid and in accordance with law. After appropriate proceedings; the

lower court rendered the decision appealed from, which appears to be based upon the following predicates, namely: (1) that Civil Case No. 959 was merely one for the "recovery of possession and damages" and did not involve the title to the land in question; and (2) that "the Supreme Court has set the doctrine * * * that courts of justice have no jurisdiction to determine the ownership and disposition of agricultural lands".

The first predicate is false, for Potenciana Plando had, not only alleged in her complaint in said case that she had acquired the proprietary rights of Domingo Ramirez on the land in dispute, but, also, prayed specifically that she be declared "the lawful owner", aside from "possessor of the land and the improvements described in" said pleading.

With respect to the second predicate, relative to the jurisdiction of the Court of First Instance of Davao to pass upon the title to the land in dispute, it should be noted that jurisdiction over the subject matter of a case is determined by the pleadings therein.

According to the complaint in Civil Case No. 959, said land was covered by a homestead application of Domingo Ramirez, approved by the Director of Lands way back on December 18, 1930. On November 18, 1932, said officer had ordered the issuance of the corresponding patent in favor of Domingo Ramirez, thus indicating that he had submitted final proof, which was found satisfactory by the Director of Lands, of compliance with the requirements of our laws for the issuance of such patent. Hence, Domingo Ramirez had acquired a vested property right in said land and the equitable ownership thereof, which may be conveyed or inherited, unaffected by the fact that the paramount title thereto was still in the hands of the government (*Balboa vs. Farrales*, 51 Phil., 498). Upon the death of Domingo Ramirez, said property right and equitable ownership passed to this surviving spouse and only heir, Potenciana Plando, who had occupied and cultivated said land jointly with him, during his lifetime, from 1930 to 1948, and had improved it and made it productive through their common efforts, according to said pleading. Inasmuch as Luis Pineda and Bruno Ramirez had, allegedly, taken possession of said land in 1948, excluding her illegally and in bad faith from such possession and from the enjoyment thereof, Potenciana Plando sought a judicial declaration of her title, as the basis for her right of possession.

No answer having been filed by Luis Pineda and Bruno Ramirez both were declared in default. Thus, the only issue for determination by the court in Civil Case No. 959 was the truth of the allegation in said complaint, which was established by the evidence introduced by Potenciana Plando, so that the court had, not only the authority, but the duty to render the disputed decision holding that Potenciana Plando is the lawful owner of the land in litigation.

Again, the petition for relief of judgment by default filed by Luis Pineda and Bruno Ramirez did not question the title of Domingo Ramirez to the land in dispute. What is more, in such petition and in the answer thereto attached they relied upon said title of Domingo Ramirez, for Luis Pineda claimed to have acquired it by purchase and they alleged that Potenciana Plando was merely a common-law wife of Domingo Ramirez, without any right to succeed him. In other words, the records of Civil Case No. 959, showed that the equitable title of Domingo Ramirez in and to the disputed land was uncontested. The only issue raised after the rendition of the decision therein, was: Who succeeded to such equitable proprietary rights? Was it Potenciana Plando or Luis Pineda? Obviously this question was within the competence of the Court of First Instance of Davao to settle.

Regardless of the foregoing, it is true that, subject to the authority of the Secretary of Agriculture and Natural Resources, the Director of Lands has, by law, direct control over the sale or any other form of concession or disposition and the management of the public domain (Commonwealth Act No., 141 sections 4 and 5) and that, accordingly, said officers are clothed with authority to decide, inter alia, conflicts between applicants for homestead. It is, likewise, settled that, until such controversy has been decided by the Director of Lands and/or the

Secretary of Agriculture and Natural Resources—or, to put it differently, until all administrative remedies have been exhausted—a judicial recourse for the settlement of said controversy has generally been held to be "premature" (*Municipality of Hinabangan vs. Municipality of Wright and Julian Abegonia*, 107 Phil., 394). The rule to the effect that administrative remedies must "first be exhausted merely implies, however, the absence of a "cause of action" (*M. Vda. de Villanueva vs. Ortiz* (103 Phil., 875; *Lubugan vs. Castillo*, L-10521, May 29, 1957), and does not affect the "jurisdiction" of the court, either over the parties, if they have been properly summoned, or over the subject matter of the case.

Luis Pineda does not claim that he had not been properly summoned in Civil Case No. 959. Upon the other hand, courts of first instance are, and have been expressly vested, with original jurisdiction "in all civil actions which involve the title to or possession of real property, or any interest therein * * *" (Republic Act No. 296, section 44). Accordingly, even if the issue in Civil Case No. 959 had been who, as between the parties therein had a better title to a given public land, the court would have retained its jurisdiction to hear and decide the case, although, had its attention been called to the proceedings then pending in the Bureau of Lands—which were not disclosed by the record when the decision was rendered—it should have dismissed the case, not for want of jurisdiction, but for lack of "cause of action" on the part of Potenciana Plando.

At most, therefore, said court erred in refusing to grant the motion for relief of judgment by default, and, had an appeal been taken from the order denying said motion, it would have been proper for the appellate court to reverse said order and set it aside. But, no such appeal was taken, and the decision in Civil Case No. 959 was thus allowed to become final and executory. Inasmuch as the court had jurisdiction to render it, said decision is valid and binding upon the parties therein, no matter how erroneous it might have been.

Moreover, plaintiff herein sought to annul the pertinent portion of the aforementioned decision by applying from the Court of Appeals for a writ of certiorari upon the ground of nullity of said portion for alleged lack of jurisdiction, and not only was the writ prayed for denied by the Court of Appeals, by resolution dated November 18, 1954, but, we likewise, refused to review by certiorari said Resolution of the Court of Appeals. Since the jurisdiction of the Court of First Instance of Davao to make the disputed pronouncement in its decision in Civil Case No. 959 was the main issue in the certiorari case aforementioned, the aforementioned resolution of the Court of Appeals and that of this Court refusing to review said resolution constitute another bar to the present action seeking to revive said issue.

It is, therefore, our considered opinion, and we so hold, that the lower court erred in rendering the decision appealed from, and that the same should, accordingly, be, as it is hereby, reversed, and the complaint herein dismissed, with costs against plaintiff Luis Pineda. It is so ordered.

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

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