

ELEUTERIA B. ALIABO, CENSORCIO A. ALIABO, ESTELITA A. LLORENTE, CLAUDIA A. RAGAY, HERMOGINA A. BALBUENA, ISIDRO B. ALIABO, JR., MARIA MAE A. BUCTOLAN, MARIO B. ALIABO, ENRICO B....

G.R. No. 128922. March 16, 2001

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-128922/>

PARDO, J.:

What is before the Court for consideration is a petition for certiorari assailing the decision of the Regional Trial Court, Dumaguete City, Branch 31,[1] which dismissed petitioner's appeal from an order of the Municipal Trial Court denying his motion to dismiss on the ground of lack of jurisdiction.[2]

On April 24, 1995, respondents filed with the Municipal Trial Court, Siaton, Negros Oriental an action against petitioners for recovery of ownership and possession of a parcel of land occupied by them.[3]

In time, petitioners filed with the trial court a motion to dismiss on the ground of lack of jurisdiction and gross violation of Administrative Circular No. 04-94.[4] The land involved was the subject of sheriff's sale in Civil Case No. 8058, Regional Trial Court, Dumaguete City, Branch 40. Petitioners invoked the principle of judicial stability and the rule that the court which rendered the decision and ordered the execution sale "is the court that should settle the whole controversy." [5]

On November 17, 1995, the trial court denied petitioners' motion to dismiss, thus:

"Civil Case No. 8058 had long become final and in fact its Decision had long been executed. Once a decision had become final and executing it is removed from the power and jurisdiction of the Court which rendered it to further alter or amend it, muchless revoke it (PLDT v CA, 178 SCRA 94).

"As to the issue of forum shopping, the same is denied. The complaint is for recovery of possession and ownership of Lot No. 2944-B which was awarded to the plaintiffs as the highest bidder at an auction sale conducted by the Provincial Sheriff to satisfy the damages awarded by the Court in Civil Case No. 8058. The subject of litigation in the aforesaid case, *infra*, was for Specific Performance and Damages.

"WHEREFORE, the Motion to Dismiss is denied." [6]

On November 28, 1995, defendant Isidro Aliabo, Sr., filed an appeal to the Regional Trial Court[7] questioning the trial court's order denying the motion to dismiss.

Meanwhile, Isidro Aliabo, Sr. died and was duly substituted by his heirs who are now petitioners in this case.

On October 30, 1996, the Regional Trial Court rendered a decision dismissing the appeal. Thus-

"The complaint in Civil Case No. 735 before the Municipal Trial Court of Siaton (Negros Oriental) now seeks to recover possession of Lot 2944-B for failure of the defendants-appellants to comply with the conditions alleged in said complaint which is involving title or possession of real property with an assessed value of less

than P20,000.00 as shown in the alleged Tax Declaration No. 20-1095-A which falls within the exclusive original jurisdiction of the Municipal Trial Court of Siaton (Negros Oriental), (Section 33, B. P. Bilang 129 as amended, by R. A. 7691).

"With respect to the ground that plaintiffs-appellees have violated Supreme Court Administrative Circular No. 04-94 on forum shopping, the same is without merit, considering that Lot 2944-B is not involved in Civil Case No. 8058. The lots involved in Civil Case No. 8058 are Lot 5758 and Lot 2944-A, while the lot involved in Civil Case No. 735 is Lot 2944-B. The involvement of Lot 2944-B in Civil Case No. 8058 is only with respect to the execution sale to satisfy the damage aspect of the decision in civil case, which execution proceedings has already been terminated.

"Wherefore, premises considered, the appeal taken by defendants-appellants is hereby ordered dismissed and this case is remanded to the Municipal Trial Court of Siaton, Negros Oriental for further proceedings.

"SO ORDERED.

"Dumaguete City, Philippines, October 30, 1996.

"WINSTON M. VILLEGAS

"Acting Presiding Judge"[8]

On March 5, 1997, the Regional Trial Court denied petitioners' motion for reconsideration.[9]

Hence, this petition.[10]

Petitioners' submission is that the municipal trial court has no jurisdiction over the suit since Lot No. 2944-B has been the subject of execution sale in Civil Case No. 8058 before the Regional Trial Court, Dumaguete City.

We disagree.

In the process of execution of the decision in Civil Case No. 8057, the Provincial Sheriff, Negros Oriental executed a deed of sale of a portion of Lot 2944, designated as Lot 2944-A, consisting of five (5) hectares. The Provincial Sheriff, Negros Oriental sold Lot 2944-B consisting of about 10.7168 hectares to respondents to satisfy the monetary damages awarded in the decision. The respondents were the highest bidders in the auction sale of Lot 2944-B.

On July 15, 1985, the Sheriff executed a Sheriff's Certificate of Sale and registered the same with the Register of Deeds of Negros Oriental.

Petitioners failed to redeem the property within the period prescribed by law.

On October 2, 1986, the Sheriff executed a Final Deed of Sale.

However, respondents allowed petitioners to stay on Lot 2944-B provided that petitioners would not harass respondents, their relatives and workers or introduce permanent improvements thereon.

Sometime in 1992, petitioners planted sugarcane over a portion of the lot, harassed respondents and claimed the land in question as their own. Hence, on March 31, 1995, respondents asked petitioners to vacate the property. Petitioners refused to vacate.

As heretofore stated, on April 24, 1995, respondents filed with the Municipal Trial Court an action for recovery of ownership, possession and damages due to petitioners' failure to comply with the conditions for their continued occupancy of Lot 2944-B.

Since the case involved title to or possession of real property with an assessed value of less than P20,000.00[11] and is independent of the subject matter in Civil Case No. 8058, the case falls within the original jurisdiction of the municipal trial court.[12]

Consequently, the trial court correctly denied petitioners' motion to dismiss the complaint.

WHEREFORE, the Court DISMISSES the petition. The Court orders the Municipal Trial Court, Siaton, Negros Oriental, to proceed with the trial of Civil Case No. 735 with all deliberate dispatch.

No costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In Civil Case No. 11527.

[2] An order denying a motion to dismiss for lack of jurisdiction is interlocutory and not appealable. This case is excepted from the general rule on hierarchy of courts. *Executive Secretary v. Gordon*, 298 SCRA 736 (1999); *Santiago v. Guingona*, 298 SCRA 756 (1999).

[3] Civil Case No. 735.

[4] Which took effect on April 1, 1994.

[5] *Crystal vs. Court of Appeals*, 160 SCRA 79 [1988].

[6] *Rollo*, pp. 54-55.

[7] Docketed as Civil Case No. 11527.

[8] Regional Trial Court Decision, *Rollo*, pp. 68-77.

[9] Regional Trial Court Order, *Rollo*, pp. 86-87.

[10] Filed on April 25, 1997, *Rollo*, pp. 8-20. On January 31, 2000, we gave due course to the petition. *Rollo*, pp. 145-146.

[11] As shown in the Tax Declaration No. 20-1095-A.

[12] B. P. 129, Sec. 33 as amended by R. A. 7691.

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.