

EDDIE HERRERA, ERNESTO T. TIJING, AND CONRADO BOLLOS, PETITIONERS, VS. TEODORA BOLLOS AND RICO GO, RESPONDENTS.

G.R. No. 138258. January 18, 2002

Ponente: PARDO, J.

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PARDO, J.:

The Case

The case is a petition for review on certiorari of the decision of the Court of Appeals[1] affirming that of the Regional Trial Court, Branch 44, Dumaguete City, which reversed the ruling of the municipal trial court that it has jurisdiction over the case of forcible entry.

The Facts

The facts, as found by the Court of Appeals, are as follows:

“Ab initio, on August 5, 1993, Teodora Bollos commenced before the Municipal Circuit Trial Court of Bayawan-Basay Civil Case No. 993, for forcible entry, solely against Eddie Herrera alleging that the latter, sometime in the second week of 1993, through stealth and strategy and taking advantage of the absence of Teodora, entered and occupied her Sugarland known as Lot No. 20, GSS-615, located at Camandagan, Maninyon, Bayawan, Negros Oriental. Teodora claims to have inherited said parcel, being the only heir, from her deceased father, Alfonso Bollos, who died on December 10, 1992.

“Defendant, Eddie Herrera, denied the allegations against him maintaining that he entered and occupied not Lot No. 20, as claimed by Teodora, but Lot No. 21, GSS-615, which is owned by Conrado Bollos, a brother of Teodora’s father, Alfonso. Further, Herrera said that his occupation of the property was not through stealth or strategy but by virtue of a contract of lease executed between Conrado Bollos, as lessor, and Ernesto Tijing, as lessee. Herrera is Tijing’s overseer on the land.

“As a consequence, the complaint was twice amended, first, on March 23, 1994 to include Ernesto T. Tijing as a party-defendant and much later on October 4, 1995, this time to implead Conrado Bollos as an additional defendant.

“After due proceedings, the first level court rendered its judgment dispositively ruling:

‘ACCORDINGLY, in the light of the foregoing considerations for plaintiffs’ failure to make-out a forcible entry case because of lack of jurisdiction the above-entitled case is hereby DISMISSED. Plaintiffs’ remedy should be reivindicatory (sic) action before the proper forum.

‘SO ORDERED.

‘Given this 30[th] day of June, 1997, at Bayawan, Negros Oriental, Philippines.

‘(SGD.) RUDY T. ENRIQUEZ

‘Circuit Judge’

‘(p. 11, MCTC Decision; p. 69, Rollo)

“On Appeal to the Regional Trial Court of Dumaguete City, docketed as Civil Case No. 12014, the challenged verdict was reversed in a Decision dated October 21, 1997, the decretal portion reads:

‘WHEREFORE, as prayed for by plaintiffs-appellants, judgment is hereby rendered restoring Lot No. 20, GSS-615 to the plaintiffs and ejecting the defendants from the said parcel of land. Defendants-appellees are condemned to solidarily pay plaintiffs-appellants the following:

‘Actual Damages – P50,000.00;

‘Moral Damages – P25,000.00

‘Attorney’s Fees - P 5,000.00

‘Reasonable rental/month from the date of this judgment of P2,000.00 and to pay the costs.

‘SO ORDERED.

‘GIVEN this 21[st] day of October, 1997, in the City of Dumaguete, Philippines.

‘(SGD.) ALVIN L. TAN

‘Judge’

‘(p. 13, RTC Decision; p. 27, Rollo)’[2]

On March 12, 1998, petitioners filed with the Court of Appeals a petition for review assailing the ruling of the regional trial court.[3]

On December 18, 1998, the Court of Appeals promulgated a decision, the dispositive portion of which reads:

“IN VIEW OF THE FOREGOING, the appealed decision is hereby affirmed, except that the award of actual and moral damages therein contained are deleted. No pronouncement as to costs.

“SO ORDERED.”[4]

On February 1, 1999, petitioners filed with the Court of Appeals a motion for reconsideration of the above-cited decision.[5]

On March 8, 1999, the Court of Appeals denied the motion.[6]

Hence, this appeal.[7]

The Issues

The issues raised are:

(a)

Is the municipal trial court vested with jurisdiction over a second amended complaint impleading a new defendant filed beyond one year from dispossession alleging a case of forcible entry in the original action?

(b)

May the regional trial court award moral and exemplary damages against defendants in an appeal from a dismissal of the case for forcible entry by the lower court? [8]

The Court’s Ruling

We deny the petition.

Resolving the first issue, we emphasize the basic rule that jurisdiction of the court over the subject matter of the action is determined by the allegations of the complaint at the time of its filing, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.[9] “What determines the jurisdiction of the court is the nature of the action pleaded as appearing from the allegations in the complaint. The averments therein and the character of the relief sought are the ones to be consulted.”[10]

In the case at bar, plaintiffs’ complaint, both original and amended, contains sufficient allegations constituting an action for forcible entry, as clearly alleged in paragraphs 4 and 5 of the complaint, to wit:

“4. That plaintiffs and even their predecessor-in-interest Alfonso Bollos were in peaceful, adverse, continuous possession of the property and in concepto de dueno until the commission of the act or acts of dispossession or deprivation by the defendant hereinafter mentioned.

“5. That sometime in the second week of June, 1993, defendant pursuant to an avaricious intent of enriching himself at the expense of the plaintiffs, through stealth and strategy, and taking advantage of the absence of the latter, entered and occupied the property in question and without any legal justification therefore, fertilized the sugar cane rations growing thereon and planted the vacant portions with sugar cane.[11]

Thus, we find that the complaint alleged prior physical possession de facto which the defendants disturbed by force, intimidation, threat, strategy or stealth, against the will or without the consent of the plaintiffs, sufficient to constitute a cause of action for forcible entry.

In fact, defendants admitted the truth of the foregoing facts in their answer and first amended answer. The thrust of their defense was that they had occupied Lot No. 21, not Lot No. 20, which is the land in question.

On the second issue, the concept of damages in an action for forcible entry and detainer cases is well defined in several cases.[12] These damages mean “rents” or “the reasonable compensation for the use and occupation of the premises,” or “fair rental value of the property.”[13] Temperate, actual, moral and exemplary are neither rents nor reasonable compensation for the use and occupation of the premises, nor fair rental value, and are not recoverable in such cases.[14]

In the case at bar, the municipal trial court dismissed the case for lack of jurisdiction, and the regional trial court reversed the dismissal but rendered judgment ejecting the defendants from the parcel of land involved, and condemning them to pay damages and attorney’s fees. This is not correct. In case of reversal, the case shall be remanded to the municipal trial court for further proceedings.[15] The regional trial court in reversing an appealed case dismissing the action cannot decree the eviction of the defendants and award damages. A court cannot take judicial notice of a factual matter in controversy. The court may take judicial notice of matters of public knowledge, or which are capable of unquestionable demonstration, or ought to be known to judges because of their judicial functions.[16] Before taking such judicial notice, the court must “allow the parties to be heard thereon.”[17] Hence, there can be no judicial notice on the rental value of the premises in question without supporting evidence.

The Judgment

IN VIEW WHEREOF, the Court DENIES the petition. However, the Court SETS ASIDE the decisions of the Court of Appeals[18] and the Regional Trial Court.[19] The Court remands the case to the municipal trial court for further proceedings.

No costs.

SO ORDERED.

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

[1] In CA-G. R. SP No. 47189, promulgated on December 18, 1998. Vasquez, Jr., J., ponente, Garcia and Regino, JJ., concurring. Petition, Annex “A”, Rollo, pp. 25-33.

[2] Petition, Annex “A”, Rollo, pp. 25-33, at pp. 25-27.

[3] Docketed as CA-G. R. SP No. 47189. Petition, CA Rollo, pp. 3-14.

[4] Supra, Note 1, at p. 33.

[5] CA Rollo, pp. 183-187.

[6] Petition, Annex “B”, Rollo, p. 35.

[7] Petition, Rollo, pp. 5-18.

[8] Memorandum for Petitioners, Rollo, pp. 67-82, at p. 74.

[9] Citibank v. Court of Appeals, 359 Phil. 719, 727 [1998].

[10] Citibank v. Court of Appeals, supra, Note 9; AFP Mutual Benefit Association, Inc. v. Court of Appeals, 327 SCRA 203, 217 [2000]; City of Olongapo v. Stallholders of the East Bajac-Bajac Public Market of Olongapo City, 343 SCRA 705, 712 [2000].

[11] Complaint, RTC Record, pp. 3-7, at pp. 3-4.

[12] Reyes v. Court of Appeals, 38 SCRA 138 [1971]; Baens v. Court of Appeals, 125 SCRA 634 [1983].

[13] Reyes v. Court of Appeals, supra, Note 12.

[14] Baens v. Court of Appeals, supra, Note 12.

[15] Rule 40, Section 8, Revised Rules of Court.

[16] Rule 129, Sec. 2, Revised Rules of Court.

[17] Rule 129, Sec. 3, Revised Rules of Court.

[18] In CA-G. R. SP No. 47189.

[19] In Civil Case No. 12014.

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