

DANIEL EVANGELISTA, PETITIONER, VS. COURT OF AGRARIAN RELATIONS OF ILOILO, COMMISSIONERS JUAN TERUEL, AND MARIANO GUSTILO, RESPONDENTS.

G.R. No. 13875. October 31, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

This is a petition for certiorari and prohibition with prayer for a writ of preliminary injunction to annul certain orders of the respondent commissioner of the Court of Agrarian Relations and to restrain respondents from further proceeding in Cases Nos. 527 and 584 of the same court.

The record shows and it is not disputed that on June 10, 1957, herein petitioner raniel Evangelista filed against the respondent Mariano Gustilo a complaint for unlawful detainer in the Justice of the Peace Court of Dumangas, Iloilo (Civil Case No. 21) for failure to pay rentals as stipulated in a contract of lease between them.

Instead of answering the complaint, the respondent Mariano Gustilo filed a motion to dismiss on the ground of lack of jurisdiction, alleging that he was a "leasehold-tenant" under the tenancy law, but the justice of the peace court denied the motion holding that the case fell within its jurisdiction since it was a simple case of ejectment. From this denial, the respondent Gustilo on July 26, 1957 filed a petition in the Court of First Instance of the province (Civil Case No. 4489) to prohibit the inferior court from continuing with the case. The petition having been dismissed after hearing for lack of merit, the respondent then filed his answer in the justice of the peace court, admitting the stipulation of the contract of lease but alleging, among his defenses, that the land was "susceptible of personal cultivation by him together with his three hard-working sons and two male helpers"; that he was given an extension of time for payment of rentals due; and that there was no demand made upon him for the payment of the same.

On September 10, 1957, respondent Gustilo also filed with the Court of Agrarian Relations an action against herein petitioner "to impugn the contract of lease with recovery of excess rentals (Case No. 527) alleging, among other things, that he was a tenant-lessee of the petitioner and that the yearly rentals provided in the contract were contrary to law, morals and public policy. As defendant therein, petitioner moved to dismiss the case on the ground of pendency of another action but the same was denied. After excepting to said denial, petitioner filed an answer stating that the respondent Gustilo was not a "tenant-lessee" but an ordinary lessee under a civil law contract of lease; that the 23 hectares of land subject of the lease do not constitute a leasehold under the tenancy law; and that the respondent did not personally cultivate the land. As special defenses, petitioner invoked the pendency of the action in the inferior court, it being alleged in addition that the Court of Agrarian Relations had no jurisdiction over the case.

On November 4, 1957, the Justice of the Peace Court of Dumangas, after trial, rendered judgment in the unlawful detainer case sustaining the validity of the lease contract and ordering the respondent Mariano Gustilo to vacate the leased premises and to pay the unpaid rentals therein mentioned, plus attorney's fees and costs. Two weeks

later, as respondent Gustilo failed to file a super-sedeas bond, the justice of the peace court issued a writ of execution for the delivery of the premises to petitioner and for the collection of the unpaid rentals. Thereafter, the respondent appealed to the Court of First Instance of Iloilo where the case was docketed as Civil Case No. 4639.

In view of the issuance of the writ of execution and the filing of the appeal in the unlawful detainer case, petitioner filed with the respondent court a "motion for preliminary hearing on the ground of pendency of action in another court". This was granted and hearing therefor was set for January 20, 1958.

In the meantime, after being ejected by the provincial sheriff on the authority of the writ of execution issued by the inferior court in the unlawful detainer case, the respondent Gustilo filed with the Court of Agrarian Relations Case No. 584 for "illegal dispossession and reinstatement." Whereupon, petitioner moved for the dismissal of the case, on the grounds of multiplicity of suits and pendency of action between the same parties and for the same cause.

The "motion for preliminary hearing on the ground of pendency of action in another court" in Case No. 527 as well as the motion to dismiss in Case No. 584 were, however, both denied by the respondent commissioner of the court below. A joint motion for reconsideration having been also denied—the respondent commissioner holding that the lease contract "is one of leasehold" and that the inferior court had no jurisdiction over Case No. 21—petitioner filed the present petition for certiorari and prohibition. As prayed for, this Court issued the writ of preliminary injunction upon petitioner putting up the corresponding bond. '

There is, we think, merit in the petition.

It will be observed that in the unlawful detainer case, which was filed long before Cases Nos. 527 and 584 of the Agrarian Court were instituted, herein petitioner prayed for recovery of possession because of respondent's failure to pay the rentals stipulated in the contract of lease. The facts pleaded in the complaint therein admittedly tend to negative any landlord-tenant relationship between the parties. Respondent Gustilo averred, among other defenses, that there was such tenancy relationship and for that reason the justice of the peace court had no jurisdiction over the case. By such defense, however, the court did not lose nor was it deprived of its jurisdiction over the case. (See *Basilio vs. David, et al.*, 89 Phil., 955; 52 Off. Gaz., [7] 3556.) Said court had the authority to hear evidence for the purpose of determining whether or not it has jurisdiction.

"When the jurisdiction of the court depends upon a question of fact it must be raised and determined in the court whose jurisdiction is questioned." (*Gala vs. Gui*, 25 Phil., 523.)

"Where the jurisdiction of the court once attaches, the general rule is that it is exclusive, and the courts of other countries must abide the determination of that court, which is reviewable only upon appeal." (*Ongsingco Vda. de Borja vs. Tan*, G. R. No. L-7792, July 27, 1955.)

The question of jurisdiction of the justice of the peace court in the unlawful detainer case, which is dependent upon the factual question of whether or not there is tenancy relationship between the parties, having actually been raised and overruled in said unlawful detainer case now on appeal in the Court of First Instance, the parties should await the decision of that court and abide by it subject to any appeal by either of them. (*Rocas vs. Gonzales*, 102 Phil., 420; 54 Off. Gaz., [5] 1377; see also *Nipay, et al. vs. Manguiat, etc.*, 108 Phil., 297; 58 Off. Gaz., [15] 3115.) This view is demanded not only by the proper and orderly administration of justice, but also, by considerations of expediency and convenience.

It is significant to note that it was only after the dismissal of respondent Gustilo's petition to prohibit the inferior court from continuing with the trial of the unlawful detainer case that he filed Case No. 527 with the Court of Agrarian Relations "to impugn the contract of lease with recovery of excess rentals," claiming that he was a

tenant-lessee of the petitioner and that the yearly rentals and advance rentals provided in the contract were contrary to law, morals and public policy. On the other hand, Case No. 584 of the same Agrarian court for alleged "illegal dispossession and reinstatement" was filed by him after he was judicially ousted from the lands under the lease contract by the provincial sheriff pursuant to a writ of execution issued by the justice of the peace court. Upon the facts on record, we are inclined to rule that the filing of these cases violates the time-honored policy of prohibiting multiplicity of suits. There is, obviously, not only identity of parties but also identity of rights asserted and relief prayed for between said cases and the ejectment case now on appeal before the Court of First Instance of Iloilo, the relief being founded on the same facts. The real issue between the parties is whether or not respondent Gustilo should be allowed to continue occupying the land under the terms of the lease contract. This is the subject matter of the action for unlawful detainer filed by petitioner and it is also the main or principal purpose of respondent's action in Cases Nos. 527 and 564 of the respondent court. The identity of causes of actions does not depend upon the similarity or differences in the forms of the two actions. As was held by this Court, "a judgment upon the merits bars a subsequent suit upon the same cause, brought in a different form of action and a party, therefore, cannot by varying the form of action or adopting a different method of presenting his case escape the operation of the principle that one and the same cause of action shall not be twice litigated." (Francisco vs. Bias, 93 Phil., 1; Roa vs. de la Cruz, et al, 103 Phil., 116; 55 Off. Gaz., [3] 438.) Needless to say, assuming that the inferior court has jurisdiction, the decision in the unlawful detainer case would necessarily dispose of the issues in Cases Nos. 527 and 584 of the respondent court and conclude the controversy between the parties.

Respondents advance the theory that the ejectment case now on appeal in the Court of First Instance and Cases Nos. 527 and 584 of the respondent Court of Agrarian Relations may proceed to their conclusion simultaneously. This theory cannot be sanctioned. One need not stretch his imagination to see that to allow such simultaneous proceedings would only lead to confusion and might seriously hinder the administration of justice.

It is true that the orders complained of are interlocutory in nature and for this reason respondents contend that the present remedy sought by petitioner is premature. This Court, however, has already held in similar cases that where it clearly appears that the trial judge or court is proceeding in excess or outside of its jurisdiction, the remedy of prohibition would lie since it would be useless and a waste of time to go ahead with the proceedings. (Philippines International Fair, Inc., et al. vs. Ibañez, et al., 94 Phil., 424; 50 Off. Gaz., 1036; Enrique vs. Macadaeg, et al., 84 Phil., 674; 47 Off. Gaz., 1207; see also San Beda College vs. C.I.R. 97 Phil., 787; 51 Off. Gaz., 5636; and University of Santo Tomas vs. Villanueva, etc., et al., 106 Phil., 439; 57 Off. Gaz., [11] 1966.

In view of the foregoing, the orders of the respondent commissioner of the Court of Agrarian Relations are set aside. The writ of prohibition prayed for is hereby granted and the preliminary injunction heretofore issued made permanent. So ordered without costs.

Paras, C.J., Bengzon, Padilla, Labrador, Reyes, J. B. L., Barrera, and Paredes, JJ., concur.

Writ granted.

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