

MARCIANO SONGAHID, PETITIONER AND APPELLEE, VS. BENITO CINCO, RESPONDENT, ROMAN CATHOLIC BISHOP OF THE DIOCESE OF ZAMBOANGA, OPPOSITOR AND APPELLANT.

G.R. No. 14341. January 29, 1960

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On April 11, 1957, the Roman Catholic Bishop of Zamboanga filed a complaint for unlawful detainer against Marciano Songahid before the Justice of the Peace Court of Margosatubigi Zamboanga del Sur, praying that the latter be ordered to vacate the property in question and to pay the former the corresponding rentals for the period mentioned in the complaint.

Defendant, in his answer, stated that he had been in open and actual possession of the property since 1950 in the concept of owner for, as a matter of fact, he had introduced therein many permanent improvements by virtue of his claim of ownership. As special defense, he claims that the justice of the peace court has no jurisdiction to try the case because the issue involved is one of ownership and not merely of possession.

The justice of the peace court, overruling this defense, rendered judgment for the plaintiff ordering defendant to vacate the property in question and to pay the sum of P251.11 as rental in arrears, to pay the sum of P50.00 a month from October, 1956, and to pay the costs. Thereupon, on August 18, 1958, defendant filed a petition for certiorari against the justice of the peace in the court of first instance praying that the decision of the said justice of the peace be declared null and void on the ground that he acted in excess of his jurisdiction, which petition was later amended by including as party respondent the Roman Catholic Bishop of Zamboanga.

Respondent bishop opposed the petition on the ground that the same contains conclusions of law that are not deducible from the pleadings and, at any rate, the pleadings show that the justice of the peace has jurisdiction to act on the matter. He prayed that the petition be dismissed.

Acting on the pleadings and on the oral arguments adduced by the parties, the trial court found the petition to be well-founded and, accordingly, rendered decision annulling the decision of the Justice of the Peace Court of Margosatubig on the ground that it acted on the case without jurisdiction. Respondent bishop interposed the present appeal.

It is now contended that the trial court erred in holding that the Justice of the Peace Court of Margosatubig acted on the case without jurisdiction because the issue involved therein is one of ownership and not merely of possession, and in holding likewise that as the land in question is part of the public domain, it is the Director of Lands who, under the Public Land Act, must determine who between appellant and appellee is entitled to its possession.

With respect to the first issue, the trial court made the following comment: "In the case at bar the issue in the Justice of the Peace Court was not one involving relationship of tenant and landlord, for the defendant there (here

petitioner) did not admit that he was a tenant of the plaintiff there. On the contrary, he asserted an adverse claim in himself against the assertion of the Bishop. This assertion of adverse claim (or of ownership or priority) is taken cognizance of by the Bishop in his complaint, for, according to the said complaint, the said defendant (Songahid) denied the Bishop's claim, 'repudiating the lawful possession of the plaintiff and going about and declaring that he is in possession of said property allegedly by virtue of his payment of the land taxes thereby' and asserting (Songahid) that 'you have and still are asserting a claim or right to the portion of the above-property against my client.' These allegations considered with the allegation of Songahid that he has been in possession of the land in question in the concept of owner and he has filed a homestead application over it, squarely present the issue of ownership or priority right over the contested land, which is beyond the jurisdiction of the Justice of the Peace Court."

We have gone over the pleadings of record and have found the above findings to be correct. Indeed, while the Bishop claimed that he leased the property to Songahid on condition that he pay him a share in the produce in the concept of rental, he at the same time alleged that Songahid repudiated such arrangement asserting an adverse interest in the property, which Songahid claims to be that of an owner by virtue of his long possession thereof and of the homestead application he has submitted concerning the same property to the Bureau of Lands. Clearly, as the allegations stand in the pleadings, they show that the issue of possession is directly interwoven with the claim of ownership which places the case beyond the jurisdiction of the justice of the peace.

On the other hand, the pleading also show that the land in question is covered by a lease application submitted by the Bishop of Zamboanga to the Bureau of lands on the strength of which he bases his right to its possession, while at the same time the same portion of the land is claimed by Songahid as belonging to him by virtue of a homestead application he has filed with the same Bureau, which is still pending action. Such being the case, we find correct the following comment of the trial court:

"It may be pertinent to state that the parties herein have their recourse in the Bureau of Lands which, under Commonwealth Act No. 141, otherwise known as the Public Land Act, (Director of Lands) is charged with executive control and supervision over the survey, subdivision, alienation and disposition of alienable and disposable portions of the public domain to qualified applicants. The miscellaneous lease application of the Roman Catholic Bishop and the Homestead Application of Songahid are actually pending before the Said Bureau; and it behooves the Court to respect the exercise of jurisdiction of a coordinate branch of the Government over a subject-matter within its competency. This is the administrative remedy established by law in cases affecting the alienation of public lands and it must be exhausted before the powers of the Court may be invoked."

Wherefore, the decision appealed from is affirmed, without pronouncement as to costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

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