

NORBERTO LOPEZ, ET AL., PETITIONERS, VS. HON. AMADO SANTIAGO, ETC., ET AL., RESPONDENTS.*G.R. No. 14889. April 25, 1960*

Ponente: CONCEPCION, J.

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This is an original action for a writ of certiorari and mandamus.

Petitioners, Norberto Lopez and Gregorio Lopez, Jr., were plaintiffs in an action for forcible entry, docketed as Civil Case No. 55 of the Justice of the Peace Court of Alcala, Pangasinan. Respondent herein, except respondent Judge Honorable Amado S. Santiago, were the defendants therein. In due course, said court rendered judgment on July 3, 1958, which was amended on July 16, 1958, sentencing the aforementioned defendants to vacate the land in dispute and to pay to Norberto and Gregorio Lopez P100 a month from May 28, 1958 until the return of the land to the latter, plus P5.00, the value of a tree destroyed by said defendants, and attorney's fees. The defendants appealed to the Court of First Instance of Pangasinan, presided over by respondent Judge, in which the case was docketed as Civil Case No. U-221 thereof. Sometime before October 14, 1958, Norberto and Gregorio Lopez filed with the latter court a motion for the execution of the aforementioned judgment, owing to the failure of the defendants to pay or deposit the amount of said monthly rental or compensation. By an order dated October 14, 1958, the motion was granted.

Prior thereto, or on October 1, 1958, said defendants had moved for the dismissal of the case upon the ground that the subject-matter of litigation is a public land; that an investigation was then being conducted by the Bureau of Lands, in connection with a free patent application, filed by said defendants, covering the property in dispute, and a protest or opposition thereto filed by Norberto and Gregorio Lopez; and that all administrative remedies should first be exhausted by the latter before seeking recourse in civil courts. On November 10, 1958, respondent Judge issued an order denying the motion to dismiss, but reconsidering and setting aside said order of October 14, 1958 and holding in abeyance the hearing of the case on the merits, in view of the administrative proceedings pending in the Bureau of Lands. A reconsideration of his last order having been denied by respondent Judge, the present case was instituted by Norberto and Gregorio Lopez, with the prayer that judgment be rendered

"(a) setting aside the order of the respondent Judge of November 10, 1958, in Civil Case No. U-221 of the Court of First Instance of Pangasinan, insofar as it reconsider and set aside the previous order of execution of the judgment of the Justice of the Peace Court of Alcala, Pangasinan, with respect to the possession of the land involved in the litigation;

"(b) ordering the execution of the judgment of the Justice of the Peace Court of Alcala, Pangasinan in Civil Case No. 55 of said court, not only with respect to the damages adjudicated therein but also with respect to the possession of the parcel of land involved in the litigation;

"(c) ordering the respondent Judge to proceed with the hearing on the merits of the case; and

"(d) condemning respondents Jose Nato, et als. to pay the costs.

It is well settled in this jurisdiction that, when the decision of a justice of the peace or municipal court in a forcible entry case is adverse to the defendant, and the Utter has appealed therefrom, but fails, during the pendency of the appeal, to pay the amount of the rental due from time to time under the contract or the reasonable value of the use and occupation of the premises, under the conditions set forth in Section 8, Rule 72 of the Rules of Court, it is the mandatory duty of the court of, first instance to order the execution of the judgment appealed from (*Arcilla vs. Del Rosario*, 74 Phil., 445; *Cunanan vs. Rodas*, 78 Phil., 800). Yet, respondent Judge revoked the order for the execution of the aforementioned judgment of the Justice of the Peace Court of Alcala, despite the failure of the main respondents herein, as defendants in the case above referred to, to make the payment required in said section 8 of Rule 72, upon the following ground:

"It appearing that an order for the issuance of a writ of execution was issued by this Court on October 14, 1958, on the premise that the land in dispute is a private land and in view of the fact that the attention of this Court was called for the first time in the instant motion to dismiss that the land is a public land, the decision of the inferior court can not be executed, although the same becomes final, because the Director of Lands has direct executive control of the disposition and management of public lands. (Sec. 4, Commonwealth, Act No. 141; *Hernandez, et al. vs. Clapiz, et al.*, No. L-6812, March 26, 1956). Hence, the order, for the issuance of a writ of execution issued on October 14, 1958 is hereby reconsidered and set aside insofar as the restoration of the possession of the land in question is concerned."

Respondent Judge thus seems to be under the impression that Rule 72 of the Rules of Court, relative to forcible entry cases, is applicable only to, private lands, and that decisions rendered against the defendants in such cases may not be ordered executed, the provisions of said Rule to the contrary notwithstanding, when the property involved is a public land. This view fails to consider in its true light the philosophy underlying the law on forcible entry cases. Commenting thereon, former Chief Justice Moran has the following to say:

"* * * the action for forcible entry and detainer is of statutory origin. Its purpose, regardless of the actual condition of the title to the property, is that the party in peaceable and quiet possession shall not be turned out by strong hand, violence or terror. In affording this remedy of restitution the object of the statutes is to prevent breaches of the peace and criminal disorder which would ensue from the withdrawal, of the remedy, and the reasonable hope such withdrawal would create that some advantage must accrue to those persons who, believing themselves entitled to the possession of property, resort to force to gain possession rather than to some appropriate action in the courts to assert their claims. Such is the philosophy at the foundation of all actions of forcible entry and detainer which are designed to compel the party out of possession to respect and resort to the law alone to obtain what he claims is his.

"It has been held that the determination of the respective right of rival claimants to public lands is different from the determination of who has the actual physical possession or occupation with a view to protecting the same and preventing disorder and breaches of the peace. A judgment of the court ordering restitution of the possession of a parcel of land to the actual occupant, who has been deprived thereof by another through the use of force or in any other illegal manner, can never be 'prejudicial interference' with the disposition or alienation, of public lands. On the contrary, courts were deprived of jurisdiction over the cases involving conflicts of possession, the threat of judicial action against breaches of the peace committed on public lands would be eliminated, and a state of lawlessness would probably be produced between applicants occupants or squatters, 'where force or might, not right or justice would rule.' (Comments on the Rules of Court, by Moran, Vol. 2 [1957 ed.], pp. 284-285; italics ours.)

In other words, public interest, public policy and public order, demand that the party in peaceful possession of a land, independently of whether it is private in nature or part of the public domain, be not ousted therefrom by means of force, violence or intimidation, regardless of the quality of his alleged right to the possession thereof, and that, whoever claims to have a better title or right thereto should seek, from the proper authorities, the legal

remedies established therefor, instead of taking the law into their hands.

In view of the foregoing, the order of respondent Judge, dated November 10, 1958, insofar only as it reconsiders and sets aside the aforementioned order of October 14, 1958, directing the execution of the judgment of the Justice of the Peace Court of Alcala, is hereby annulled and said order of October 14, 1958, is, accordingly, reinstated, with costs against the main, respondent herein. It is so ordered.

Paras, C. J., Bengzon, Montemayor, Bautista, Angelo, Labrador, and Barrera, JJ., concur.

Padilla, Reyes, J.B.L., and Endencia, JJ., took no part.

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