

CRISTINO ORA-A, PETITIONER-APPELLEE, VS. JUDGE JOSE M. ANGUSTIA AND PAZ BAYOT VDA. DE CORPUS, RESPONDENTS-APPELLANTS.

G.R. No. 16711. December 24, 1963

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

This is an appeal from the order of the Court of First Instance of Masbate annulling, on certiorari, the proceedings held in Civil Case No. 163 of the justice of the peace court of Masbate, same province.

It appears that, on July 19, 1957, in the said municipal court, Paz Bayot Vda. de Corpus, filed against Cristino Ora-a, an action for ejectment from a foreshore—land and collection of rentals, (Civil Case No. 163). Before trial, Ora-a orally moved to dismiss, on the ground that the said court had no jurisdiction over the case because the lot is a public land, and Bayot's foreshore—lease application therefore had not yet been approved by the Government. This motion was denied. 1958, the following decision was rendered:

The parties went to trial after which, on March 17,

"From the evidence submitted, it is gleaned and proven that the plaintiff Mrs. Paz Bayot Vda. de Corpus is the lessee of a foreshore land described under F.L.A. No. 226. Knowing the same, the defendants Cristino Ora-a asked the permission of the plaintiff to construct a house therein Exh. 'A', putting the defendant in estoppel of whatever rights he may allege to the contrary. This was in the month of October 29, 1955. The defendant constructed a house therein since May, 1955 and upon being discovered by the plaintiff, the former offered to pay a rent of P30.00 a month.

It appears that the defendant since May, 1955 up to the present time has paid only the total amount of P140.00, and up to the present time, the defendant is owing the plaintiff the total sum of P1,020.00 ***.

Premises considered, the preponderance of evidence leans in favor of the plaintiff, and the defendant is hereby sentenced to pay the plaintiff the amount of P880.00 as rents of the premises to the plaintiff and to pay attorney's fee in the amount of P100.00. The defendant is hereby likewise ordered to vacate the premises and to remove whatever improvements he has constructed therein and deliver the same to plaintiff, and to pay the costs of the proceedings.

* * * * *

Instead of appealing, Ora-a filed in the court of first instance of Masbate, on April 2, 1958, certiorari proceedings alleging, among other things, that the said municipal court had no jurisdiction over such Civil Case No. 163, because it involved ownership of landed property; that it had acted with grave abuse of discretion in not granting the motion to dismiss and in helping a lease applicant for public land (not yet approved) to commercialize land belonging to the Government.

Appellant Bayot's responsive pleading stated that said Civil Case No. 163 was well within the jurisdiction of the

municipal court, and that the decision rendered therein accorded with the evidence submitted by the parties.

Hearing was held, and the court delivered a lengthy order, the pertinent part of which says:

"In Civil Case No. 163, it appeared during the whole proceedings that the question of OWNERSHIP and the illegality of the collection of rentals were presented as vital questions of law. The question of possession therefore, cannot properly be determined without settling that of ownership and when it appeared that the plaintiff is not and cannot be the owner of said foreshore land on the date of the hearing, even with her application submitted and her subleasing same being contrary to law, then the jurisdiction of the COURT IS LOST and the ACTION SHOULD BE DISMISSED. The moment she subleased the foreshore land, which she had merely applied for, she placed her ownership in serious 'jeopardy' and her ownership and possession becomes questionable and her act of collecting rents on a land that is not yet hers is likewise questionable. She not being the owner as yet of the property, and not knowing that she would be one, and coupled with her action of collecting illegal rents and/or subleasing the land in violation of law which would 'cause the disapproval of her application, which in fact was disapproved, makes the case one of ownership and thus cause the judge to have no jurisdiction and these facts being admitted, the Judge in hearing the case did it in EXCESS OF JURISDICTION. The lower court in the light of the facts stated above should have dismissed the case for lack of jurisdiction and in trying the case did it in excess of jurisdiction.

Premises considered, the Court hereby gives due course to the petition for Certiorari and likewise believes and hereby declares that the lower court in trying the case under the facts existing and admitted by the parties, did it in EXCESS OF JURISDICTION and orders that the proceedings in Civil Case No. 163 is without any legal force and effect.

* * * * *

Hence this appeal.

We believe that the lower court erred on two counts:

First.—It held that the justice of the peace had no jurisdiction, the issue being the ownership of Paz Bayot. This is error. The issue was the right of Mrs. Bayot as lessee of the Government—not ownership. She did not claim to be the owner of the foreshore land. And Ora-a did not maintain he was the owner. There was, therefore, no question of ownership which was beyond the jurisdiction of the justice of the peace. The right to recover detained land was the only issue. And the justice of the peace had jurisdiction to pass on that issue.

Second.—It entertained the certiorari petition although it was clear that Ora-a's remedy was to appeal from the decision of the justice of the peace. The complaint by its terms, was one of detainer. It described a contract of sublease, rents paid, subsequent default and refusal to vacate. It was, therefore, cognizable by the justice of the peace.[[1]] The defense sought to question the right of Bayot to sublease, on the alleged ground that the land was public land, and her application for lease for the same had not yet been approved by the Government.

Such defense did not set up ownership as issue. As stated, the defendant does not claim ownership in himself, and the plaintiff did not allege ownership in herself. She asserted the rights of a lessee of the Government and wanted to eject Ora-a as sub-lessee.

In the circumstances it was, at least, doubtful that Ora-a could deny the right of Bayot to let him occupy the land as sub-lessee. The conclusive legal presumption says that the lessee may not deny the lessor's title at the beginning of the lease.[[2]] And there's no reason not to apply the same rule between sub-lessee and sub-lessor.

At any rate, the question whether the lease application of Bayot had been approved, was a question of fact which the justice of the peace had to decide; and his decision should have been appealed to the court of first instance. The error of said municipal judge in deciding it—if any—did not have the effect of depriving his court of the

jurisdiction already acquired by it by the filing of the complain, which was admittedly, in form and allegation one for illegal detainer.

"Whether title is necessarily involved in an action for forcible entry and detainer is a question of fact to be determined from the evidence presented by both parties at the trial, and that question can be reviewed only on appeal and not by certiorari proceedings in Court of First Instance. (Moran, Rules of Court (1963 Ed.) Vol. 3, p. 279, citing *Alviar vs. Pampolina*, 84 Phil. 45; and *De los Reyes vs. Elepano*, L-3466, Oct. 13, 1950"

By the way, the alleged illegality of the sub-lease does not affect the jurisdiction of the court.

The appealed order is reversed, and the petition for certiorari is denied, with costs against appellee.

Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] *Daquioro vs. Vda. de Atas*, 71 Phil. 120.

[2] Sec, 67 (b), Rule 123, Rules of Court.

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