

LEONORA S. PALMA AND SERVILLANO IGNACIO, PETITIONERS AND APPELLANTS, VS. Q. & S. INC., AND JOSE F. ORETA, RESPONDENTS AND APPELLEES.

G.R. No. 20366. May 19, 1966

Ponente: DIZON, J.

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DIZON, J.:

Appeal by petitioners from the order of the Court of First Instance of Rizal in Civil Case No. 6974 dismissing their petition for certiorari and prohibition against Q. & S., Inc. and the Hon. Jose F. Oreta, presiding judge of the Municipal Court of Caloocan City.

It appears that on October 3, 1961 respondent Q. & S., Inc., a domestic corporation, filed a complaint for ejectment with the Municipal Court of Caloocan City against petitioners for non-payment of rentals of the building situated at Nos. 1563-1569 Rizal Avenue Extension, Grace Park, Caloocan City (Civil Case No. 4491), alleging that it owned the aforesaid building; that it was leased to respondents at a monthly rental of P600.00 from March to July, 1961, and at P1,200.00 beginning August, 1961; that the latter failed to pay the agreed rentals from September 30, 1961, and refused to pay the same despite repeated demands therefor.

Petitioner Ignacio filed a motion to dismiss the complaint alleging that, as a mere plant mechanic and branch manager of the New Asia Ice Cream Factory, he had never entered into any contract of lease of said premises with plaintiff in the case. Petitioner Palma, on the other hand, answered the complaint alleging that the New Asia Ice Cream Factory was a joint business venture of hers and her deceased husband, Ong Peng Oan; that, for many years prior to the filing of the complaint, they had been renting the premises in question for their business from Chua Tee, its owner; that after collecting the rent for the month of March 1961, Tee's collector failed to come to collect the rentals of the succeeding months; that although Tee informed them later that he had sold the property to one Quesada, she was unable to satisfy herself as to who the real owner was, so she withheld payment of rentals.

The Court denied Ignacio's motion to dismiss, and after his motion for reconsideration of the ruling was denied, he and his co-petitioner filed a petition for certiorari and prohibition with the Court of First Instance of Rizal (Civil Case No. 6974) against Q. & S., Inc., and Judge Oreta, to annul the proceedings had before his court in Civil Case No. 4491 on the ground of lack of jurisdiction, and to enjoin him from proceeding with the hearing of the aforesaid case.

On March 9, 1962, the Court issued the appealed order. The present appeal is manifestly without merit.

There is no question at all that the ejectment case mentioned above is within the jurisdiction of the Municipal Court of Caloocan City. Neither can it be denied that said Court had jurisdiction to decide the motion to dismiss filed by petitioner Ignacio. In denying the same, therefore, said Court merely exercised its jurisdiction.

It must be borne in mind in this connection that there is a great difference between "jurisdiction," on the one hand,

and "exercise of jurisdiction," on the other. The former is the authority to hear and determine a cause—the right to act in a particular case. Its existence does not depend upon the regularity of its exercise nor upon the correctness or righteousness of the decision or ruling made by the court. Any error that the Court may commit in the exercise of its jurisdiction is merely an error of judgment, and it is a settled rule in this jurisdiction that, while errors of jurisdiction may be reviewed and corrected by certiorari (*Henderson vs. Tan*, 87 Phil. 466), errors of judgment may be reviewed only by appeal.

On the other hand, "grave abuse of discretion" means such capricious and arbitrary exercise of judgment as is equivalent, in the eyes of the law, to lack of jurisdiction (*Abad Santos vs. Province of Tarlac*, 67 Phil. 480; *Hamoy vs. Secretary of Agriculture*, 106 Phil. 1046). An error of judgment committed by a court in the exercise of its legitimate jurisdiction is not the same as "grave abuse of discretion." As a matter of fact even an abuse of discretion is not sufficient by itself to justify the issuance of a writ of certiorari. For that purpose, the abuse of discretion must be grave and patent, and it must be shown that the discretion was exercised arbitrarily or despotically—which is not the case made out by the present petition (*Tavera Luna, Inc. vs. Nable*, 67 Phil. 340; *Alalriz vs. Nable*, 72 Phil. 278).

Wherefore, the order of dismissal appealed from is affirmed, with costs.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Regala, Makalintal, Bengzon, J.P., Zaldivar and Sanchez, JJ., concur.

Order affirmed.

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