

ISAIAS ANGCAO, ET AL., PLAINTIFFS AND APPELLANTS, VS. JOSE PUNZALAN, RICARDO C. REYES, JUSTICE OF THE PEACE OF SAMAL, BATAAN AND PEDRO ALDEA, PROVINCIAL SHERIFF EX-OFFICIO OF BAT...*G.R. No. 20521. December 28, 1964*

Ponente: PAREDES, J.

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Under date of March 14, 1957, Jose Punzalan presented with the Justice of the Peace Court of Samal, Bataan, a complaint for ejectment against Isaias Angcao et al. (Civil Case No. 100), involving a parcel of land located in sitio Buñga, barrio of Sta. Lucia, Samal, Bataan. In the complaint, Punzalun alleged that the land was covered by a Homestead application in his name and approved by the Bureau of Lands on November 15, 1933; that he has been in legal and actual occupancy of said land until March 30, 1956, when Angcao and others, by means of force, strategy and stealth, unlawfully took possession of the premises and gathered therefrom banana and langka fruits, to the damage and prejudice of Punzalan in the amount of P500.00. The defendants contested the jurisdiction of the JP Court, claiming that the land in question was a part of a communal forest and, therefore, could not have been covered by the homestead application of Punzalan. After trial, the JP Court rendered judgment, the pertinent portions of which read:

"In defense, the defendants tried to prove that the land they entered and occupied is a part of the communal forest of Samal, Bataan, which allegation has been disproved and belied by the Deputy Land Inspector of the Bureau of Lands, Bataan Branch when he testified that the land in question is within the alienable and disposable area under classification No. 947, established by the Bureau of Forestry and also corroborated by Exh. "D" for the plaintiff.

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"The purpose of an action for forcible entry is that regardless of the actual condition of the title to the property the party in peaceful and quiet possession shall not be turned out by a strong hand, violence or terror. x x x.

"IN VIEW WHEREOF, defendants in the above-entitled case are hereby ordered to vacate the premises they are presently occupying in Lot No. 2017 of the Samal Cadastre No. 171, and turning the same to the possession of the plaintiff herein. Defendants shall pay the cost of this proceedings together with the amount of One Hundred (P100) Pesos in favor of the plaintiff as reasonable attorney's fees and cost of litigation."

The above judgment became final and executory, the defendants therein not having appealed therefrom. On January 13, 1959, the JP Court issued a writ of execution, and an alias writ was sued out on March 12, 1959, the first one having been improperly served. In the alias writ, defendants therein were given until April 22, 1959 to vacate the premises.

On April 15, 1959, the defendants (Angcao et al.) however, presented a petition for Certiorari with preliminary injunction (Civil Case No. 2587) with the CFI of Bataan, praying that the proceedings of the JP Court in Civil

Case No. 100, be declared void for lack of jurisdiction. The basis of this assertion is the same as that given in the JP Court. It was further prayed that the Sheriff be enjoined from enforcing the writ of execution. On November 5, 1959, the petition for certiorari was dismissed for "being improper and for lack of personality of the petitioners therein (Angcao et al.) to institute the proceedings." Improper because, according to the Court, there was no appeal from the decision of the JP Court. And they did not have the personality, because their claim having been to the effect that the land was part of the public domain, the Government should have been the one to seek annulment of the judgment of the JP Court. From the order of dismissal of the petition for certiorari, the petitioners therein (Angcao et al.) did not appeal, so that on February 23, 1960, Punzalan again moved for the execution of the decision of the JP Court in Civil Case No. 100, which was granted on March 21, 1960.

On April 18, 1960, Angcao and his co-defendants, once more, presented an action for injunction with preliminary injunction, with the CFI of Bataan, alleging that the JP Court did not have jurisdiction over the case of ejectment (Civil Case No. 100), because the land, subject matter of the ejectment case, was within the Bataan National Park and, therefore, not alienable or disposable, consequently, the judgment rendered thereon was null and void. Punzalan and the Justice of the Peace Court moved to dismiss the case, claiming that the same is barred by a prior judgment and that Angcao and the others did not have the capacity to sue. The CFI, in ordering, the dismissal of the case held:

"In Civil Case No. 2587, this Court had occasion to observe that the plaintiffs or petitioner in that case would want to substitute the findings of an administrative officer to that of the justice of the peace that the land involved in the said ejectment case forms part of the communal forest. The plaintiffs would want, in the present case, to show that the justice of the peace lacks jurisdiction because the land involved is a part of the National Parks and Wildlife Reservation. This question of lack of jurisdiction was raised in said ejectment case, Civil Case No. 100, of the justice of the peace of Samal, Bataan. This issue was overruled by the justice of the peace court and the corresponding judgment became final on failure of the defendants in that case, plaintiffs in this case, to appeal from said judgment. What determines jurisdiction in ejectment cases is actual prior possession. Now, in this case, the plaintiffs alleged that defendant Punzalan has never been in actual prior possession of the parcel of land involved in said ejectment case, and the justice of the peace in taking cognizance of ejectment case has no jurisdiction over the persons of the parties. The plaintiff now alleged that the justice of the peace lacks jurisdiction over the subject matter because he did not decide for the defendants in that case by sustaining their allegations. Such mentality does not constitute respect for judicial process. The allegation of the complaint does not show any cause of action against the defendants in this case."

The above judgment was appealed to the Court of Appeals on two counts, which embodied the following propositions:

- (1) whether the JP Court had jurisdiction over the ejectment case; and
- (2) whether there is bar by prior judgment.

The Court of Appeals considered the above issues as purely legal, and certified the case to Us.

Under the facts obtaining in the case at bar, it is manifest that the JP Court had jurisdiction to take cognizance of the ejectment case. The assertion of the petitioners-appellants herein, that the property was a part of the communal forest, and thus inalienable and/or in-disposable, does not detract from the fact that since 1933 respondent-appellee Punzalan had already a Homestead Application covering the portion in question which was approved by the Bureau of Lands, and had been occupying and possessing the same since then. Taking this fact into account and the definite finding of the JP Court, that Punzalan was deprived of such occupancy and possession, the elements for an action of ejectment are present. JP Courts have exclusive jurisdiction over ejectment cases, since the issue involved in such cases, is merely "prior possession". Petitioner-appellants have

not shown that the homestead application of Punzalan has even been recalled and/or cancelled. It is a legal truism that once entry or possession over public land is authorized by the Bureau of Lands pursuant to law, the entry-man can look upon the courts for the protection and maintenance of his peaceful possession of the property against intruders (*Pitarque vs. Sorilla*, G. R. No. L-4302, Sept. 17, 1952). The institution of the forcible entry case was the most expedient, not to say, the proper move of respondent Punzalan. It did not matter, therefore, whether the property was part of the communal forest as claimed by the petitioners in the ejectment case or a part of the Bataan National Park, as contended in the two CFI cases. What was sufficient, for purposes of the action for ejectment, was the right and prior possession of the entryman Punzalan. The matter of jurisdiction and possession was already passed upon by the JP Court, in its decision in Civil Case No. 100, which had long become final and executory. The ruling on that issue, has already become the law in the case and should not be reopened again. The instant proceedings being, in a way, and for the second time, an attempt at reopening issues which had long been set at rest, by a valid and existing judgment; there is now what is known in our legal system, a "bar by prior judgment." It, therefore, becomes apparent that there is no cause of action against respondents herein.

Premises considered, the appeal should be, as it is hereby, dismissed and the decision appealed from is affirmed, in all respects. Double costs against petitioners, in both instances.

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

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