

OTENG (BAGOBA) AND DAWAYA OR LAWAYA (BAGOBA), ASSISTED BY THEIR HUSBAND DATU BUALAN (BAGOBO), ABO (BAGOBO), AND YAEN (BAGOBA), PLAINTIFFS AND APPELLEES, VS. TAN KIEM TA (CHINESE...

G. R. No. 39332. December 22, 1934

Ponente: DIAZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-39332/>

DIAZ, J.:

The defendants appealed from the judgment of the lower court, which reads as follows:

"In view of the foregoing considerations, judgment is rendered against the defendants, declaring that the writ of execution issued by the justice of the peace of Davao the attachment levied by the sheriff on said property as well as the sale thereof to Tan Kiem Ta in civil case No. 74 of Guianga, are nullvoid. The sale made by Tan Kiem Ta to Jintaro Uehara is likewise declared nullvoid it is ordered that the property in question be returned to the plaintiffs who are declared the owners of the property described in paragraph IV of the complaint. The defendants Tan Kiem Ta Jintaro Uehara are ordered to pay to the plaintiffs the sum of f 1,900 as damages the further sum of P80 monthly from January 1, 1933, until said property is returned to the plaintiffs, with costs. The plaintiffs are ordered to pay to Tan Kiem Ta the sum of P386.19, to be deducted from the sum of P1,900 as damages.

"The defendant Juanita Duque is absolved from the complaint, without special pronouncement as to costs. So ordered."

To justify their appeal, the defendants assign nine alleged errors committed by the lower court in its said judgment; but, in fact, the only questions which the defendants-appellants raise in their brief may be reduced to the following:

- (1) Are the proceedings had in case No. 74 of the justice of the peace court of Davao, entitled "Tan Kiem Ta (alias Beho) vs. Datu Bualan, for a sum of money", wherein judgment was rendered ordering said Datu Bualan to pay to Tan Kiem Ta the sum of P524.63, plus legal interest thereon from August 6, 1929, the date of the filing of the complaint, valid?
- (2) Was Tan Kiem Ta a purchaser in good faith at the public auction held pursuant to the writ of execution issued in said case No. 74, so as to justify the transfers made by him to the herein defendants Jintaro Uehara Juanita Duque, of the land bought by him under said circumstances?
- (3) Does the land, purchased by Tan Kiem Ta at public auction, as above stated, belong to Datu Bualan or to the plaintiffsappellees Oteng, Lawaya or Dawaya, AboYaen? and
- (4) Are the defendantsappellants liable to pay damages to the plaintiffsappellees for the occupation of the land in question from the middle of April, 1931 ? Said case No. 74, of the justice of the peace court of Davao originated from a complaint filed by the appellant TanKiem Ta on August 6, 1929, alleging that Datu Bualan, husband of the

appellees OtengLawaya or Dawaya, owed him the sum of P524.63 plus damages in the amount of ₱640.50.

Although the form in which the complaint in question was prepared, shows that it was intended to be filed in the justice of the peace court of Davao, it was not filed there, in fact, but in the justice of the peace court of Guianga which is a municipal district about 16 kilometers from Davao. The justice of the peace of the latter court, who was at the same time the justice of the peace of Guianga, in the summons which he issued on said date, ordered said defendant Datu Bualan to appear in Davao, not in Guianga. After various incident of the trial which was held in Davao without any objection on the part of Datu Bualan, after said Datu Bualan the appellant Tan Kiem Ta had submitted the stipulation which now constitutes Exhibit B, said justice of the peace, on August 23, 1929, entered judgment copy of which is Exhibit C, ordering Datu Bualan to pay to Tan Kiem Ta the sum of P524.63, with legal interest thereon costs.

The law then determining the jurisdiction of the justices of the peace of municipalities those of provincial capitals,—and it may be said in passing that the justice of the peace who decided said case No. 74 was that of the capital of the province of Davao—was Act No. 2131. Under the provisions of section 1 of said Act, amendatory to section 68 of Act No. 136, justices of the peace had exclusive jurisdiction to try cases involving sums of money not exceeding P200, exclusive of interest costs; had concurrent jurisdiction with the Courts of First Instance in cases of the same nature where the amount involved exceeded P200 but was less than ₱600. Under the same provisions of said Act, justices of the peace in the capitals of provinces organized under the Provincial Government Act also had jurisdiction to try cases of the same nature where the amount of the demand did not exceed P2,000 exclusive of interest costs, provided they had the necessary authority of the Court of First Instance to that effect. The pertinent provisions of said Act read as follows:

" SEC. 68. Civil jurisdiction and powers.—In all civil actions, including those mentioned in section two hundred sixty-two to two hundred seventy-two as hereby amended, inclusive, chapter eighteen of Act Numbered One hundred ninety, arising in his municipality, not exclusively cognizable by the Court of First Instance, the justice of the peace shall have exclusive original jurisdiction where the value of the subject matter or amount of the demand does not exceed two hundred pesos, exclusive of interest costs; where such value or demand exceeds two hundred pesos but is less than six hundred pesos, the justice of the peace shall have jurisdiction concurrent with the Court of First Instance. * * *

* * * * *

" * * * Provided, however, That justices of the peace in the capitals of provinces organized under the Provincial Government Act may by assignment of the respective judge of the Court of First Instance in each case have like jurisdiction within the province as the Court of First Instance to hear and determine cases originally cognizable by the Court of First Instance in which the subject of litigation is capable of pecuniary estimation the value of the subject matter or amount of the demand does not exceed two thousand pesos exclusive of interest costs, * * *."

The justice of the peace of Davao tried said case No. 74 without the necessary authority of the judge of the Court of First Instance of said province, therefore it necessarily follows that in entering judgment therein against Datu Bualan, he acted in violation of law.

The amount determining the jurisdiction of a court is not that proven at the trial but the amount stated in the pleadings. This is precisely what may be inferred from the terms of the law just cited, in view of the phrase "the amount of the demand" used therein. Therefore, there is no doubt but that the only possible answer to the first question raised should be in the negative.

As to the second question, Tan Kiem Ta could not in any manner be a purchaser in good faith because in his case

it cannot be considered that there has ever been any valid sale for the reason that said act was vitiated by a fundamental defect, that is, the order authorizing it was nullvoid for lack of jurisdiction of the judicial officer who issued it; the law presumes that said purchaser knew said defect because it provides that ignorance of its provisions excuses no one from compliance therewith.

As to the third question, the preponderance of the evidence supports the conclusion that the land, which the plaintiffsappellees attempt to revindicate from the defendantsappellants in this action belongs to them who are brotherssisters named Oteng, Lawaya or Dawaya, AboYaen, the former two being wives of the plaintiff Datu Bualan. They had inherited it from their deceased parents Ang-inEbag, who had cultivated, occupiedpossessed it for several years. Upon the death of said spouses, their said children took possession thereof as owners,leased it for five years, prior to that in which the defendant Tan Kiem Ta took possession thereof by virtue of the purchase made by him at said sale at public auction had under the writ issued by the justice of the peace of Davao in said case No. 74, which this court declares nullvoid, to several Japanese from whom they collectedreceived as rent an amount equivalent to 10 per cent of the monthly production of said land. The circumstance that Datu Bualan declared said land for taxation purposes in his own namenot in that of his said two wives and* of his brother-in-lawsister-in-law AboYaen, respectively, does not prove that he was the true owner of the land in question (Casimiro vs. Fernandez, 9 Phil, 562), particularly because said plaintiff testified that the land in question did not belong to him but to his said two wivesbrother-in-lawsister-in-law,because it has also been satisfactorily proven that it is customary among the Moros,the plaintiffs-appellees in question are Moros, to declareregister the properties of the wife in the name of the husband, in the municipalprovincial treasuries, for purposes of taxation. Therefore, the third question should be decided by declaring the appellees Oteng, Lawaya or Dawaya, AboYaen, owners of the land in question.

As regards the last question, it mayshould be stated that the evidence shows that the monthly production of the land in question, in abaca alone, is at least 200 piculs; that the current price of said textile in Davao is P5 a picul;that the share which said plaintiffsappellees used to receive as rent from the lessees thereof was 10 per cent of said production. From the time Tan Kiem Ta took possession of the land in question about the middle of April, 1931, the plaintiffsappellees ceased to receive the share which belonged to them. It is just, therefore, that they be indemnified for it. The lower court's conclusions in this respect are supported by the evidence.

In brief, this court holds that the appellants' appeal as well as the alleged errors assigned by them as committed by the lower court, is not well founded.

Wherefore, the judgment of said court being in accordance with law, it is affirmed in toto, with costs against the appellants. So ordered.

Street, Abad-Santos, Hull,Vickers, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.