

**SEGUNDO MONTEBLANCO, PLAINTIFF, VS. THE HINIGARAN SUGAR PLANTATION, INC., AND AGUSTIN CORUNA, DEFENDANTS.
PHILIPPINE NATIONAL BANK, CELSO S. GUANCO, AS
ADMINISTRATOR OF THE INTE...**

G. R. No. 43550. November 27, 1936

Ponente: DIAZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-43550/>

DIAZ, J.:

Before any evidence was presented in civil case No. 6390 of the Court of First Instance of Occidental Negros, entitled "Segundo Monteblanco, plaintiff, vs. The Hinigaran Sugar Plantation Inc. and Agustin Coruna, defendants, and Philippine National Bank, Celso S. Guanco and Nicetas Siguenza, intervenors", which was pending therein by virtue of an appeal taken by the intervenor Philippine National Bank from the decision of December 26, 1933, rendered by the justice of the peace court of Hinigaran from which said case originated, counsel for said intervenor filed a motion to dismiss the case on the ground that the justice of the peace who rendered the decision in question had no jurisdiction to do so under the provisions of section 64 of Act No. 190. The lower court, after hearing the parties concerned, sustained the motion, declaring it well founded. It forthwith dismissed the plaintiff's complaint as well as the complaint in intervention of Nicetas Siguenza in its order of November 26, 1934, declaring the appealed judgment null and void, and later ordered the return to the intervenor Philippine National Bank of the bond filed by it for the perfection of its appeal. The intervenor, Nicetas Siguenza, appealed from the above order, alleging that the lower court erred: (1) In declaring the judgment of the justice of the peace court of Hinigaran of December 26, 1933, null and void; (2) in dismissing Segundo Monteblanco's complaint and the complaint in intervention filed by her; (3) in ordering the return to the intervenor Philippine National Bank of the bond filed by it for the perfection of its appeal, and (4) in denying the motion for reconsideration filed by her a few days later.

The pertinent facts appearing in the bill of exceptions may be summarized as follows:

On September 18, 1924, case No. 299 of the justice of the peace court of Hinigaran was instituted in said court. The Philippine National Bank intervened therein, filing its pleading in intervention to that effect on October 18, 1924, and the plaintiff amended his complaint on the same date praying that the defendant the Hinigaran Sugar Plantation Inc. be ordered to return to him the land described therein, having alleged in his former complaint that said defendant and its co-defendants Nicetas Siguenza and Agustin Coruna have been detaining it since the month of August, 1924; that in the meantime a preliminary injunction be issued against them and their agents or representatives to prevent them from continuing to perform acts in violation of his right of possession, and that they indemnify him in the sum of P500, with the costs of the suit.

On December 11, 1924, the justice of the peace court of Hinigaran, considering that the trial of the case devolved upon the Court of First Instance of Occidental Negros, for warded it to the latter court, issuing its order to that effect on said date. The Court of First Instance remanded the case to the justice of the peace court with instructions to the effect that if it was of the opinion that the case did not come within its jurisdiction it

should issue an order to that effect and later inform the parties thereof so that they might bring the action they deemed proper. The justice of the peace court, acting in pursuance of said instructions, rendered its decision on January 6, 1925, dismissing the case and ordering the dissolution of the writs of preliminary injunction issued by it, notifying the parties that they could bring the action or actions they deemed proper in the competent court. The plaintiff appealed from this decision to the Court of First Instance of Occidental Negros which, after due hearing, again ordered the case remanded to the justice of the peace court of Hinigaran in its order of April 6, 1925, directing said court to try it and pass upon the questions raised therein on the ground that it merely involved forcible entry and detainer which is of the nature of those coming under its exclusive jurisdiction. This was done without the least objection on the part of the defendants or the intervenors, much less the plaintiff.

The justice of the peace court of Hinigaran received the case so remanded to it on June 15, 1925, and on the same date notified the interested parties of the fact that the case had again been remanded to it. Thereafter, it took no other action thereon until November 20, 1933, when, after Nicetas Siguenza had filed her motion to be permitted to intervene therein, it ordered that the hearing be held on December 20, 1933, at 10 o'clock in the morning. Six days after the date of the hearing which was attended by the interested parties, the justice of the peace court rendered its judgment which was declared null and void by the lower court on the grounds already stated, that is, that said justice of the peace court had no jurisdiction to render it. The lower court, in annulling said judgment, based its opinion upon the provisions of section 64 of Act No. 190, which reads as follows:

"Justices of the peace shall have power to adjourn the hearing of an action from day to day as the interests of justice may require, but shall not have power to adjourn hearings for a longer period than one week for each adjournment, nor for more than three months in all."

This section does not have the scope which the lower court desired to give it. It does not deprive the justices of the peace of their power to decide the actions brought to them, much less of their jurisdiction to try them if, by reason of the nature thereof, they had such jurisdiction at the time said actions were brought, merely because the period of three months have elapsed from the first day set for the hearing. It simply contains a prohibition against adjournments of hearings for a longer period than one week for each adjournment, and for more than three months in all. This is all the more true in the case now under consideration because no day has even been set for the hearing thereof. On the other hand, taking into consideration the precise language in which the above-cited section is couched, it is applicable only in cases where a definite day has been set for the hearing, as it is precisely said date which serves as the starting point in fixing the weekly periods of the extensions or adjournments of hearings referred to, said extensions not to exceed three months in all in any case.

It is known that under the law (Acts Nos. 3881 and 4115), justice of the peace courts alone have jurisdiction in cases of forcible entry and detainer, when the action arising therefrom is commenced within one year from the time said acts took place. It appears from the complaint which gave rise to this case in the justice of the peace court of Hinigaran that the detainer took place in the month of August 1924 and that the complaint was filed in the following month, or on September 18, 1924, scarcely a month after the cause of action had arisen.

Had the complaint been filed after the lapse of one year from the month of August 1924, the justice of the peace court of Hinigaran would not have had jurisdiction to try the case. When the case was remanded to it on June 15, 1925, the justice of the peace court still had eleven months and some days of the one year which conferred jurisdiction upon it, to try the case, excluding, of course, from said computation the time it took the case to come and go from said court to the Court of First Instance and from the latter to the former.

In order that justice of the peace courts in which a case for forcible entry and detainer is brought may have jurisdiction to decide such case, they must decide it within the shortest time practicable, if possible within the year

in which they have jurisdiction or, at most, within three months after the expiration of said year, if the action is commenced on the last days thereof, which is the time when, as already stated, they have jurisdiction.

The purpose of the law in fixing at one year the period within which actions for forcible entry and detainer may be brought, is undoubtedly to require cases of said nature to be tried as soon as possible and decided promptly, this being likewise inferable from the provisions thereof to the effect that appeals in said cases must be perfected within the peremptory period of ten days; that in case of an appeal by the defendant, the judgment shall be executed unless he files a bond with sufficient sureties to answer for the payment of rents, damages and costs; and that in any case said defendant must pay to the plaintiff or into the Court of First Instance, at the option of the defendant, the amount of the rent due or determined by the judge in his judgment, said payments to be made on the tenth of each calendar month (sec. 88, Act No. 190, as amended by Act No. 4115). Furthermore, the law itself (sec. 83, Act No. 190) provides that in cases of forcible entry and detainer, no continuance of hearings shall be granted for more than one week unless the defendant files a bond in favor of the plaintiff, which shows that the purpose of the law in these cases is to avoid any delay in the proceedings in the justice of the peace courts.

The parties and the justice of the peace court allowed not only the said eleven months and some days but nearly about eight years to elapse without making any effort or taking any action to terminate the case. With this inaction or rather neglect on their part, they made it understood that they abandoned the case, particularly the plaintiff, being no longer interested in the result thereof. There was necessity for the justice of the peace court to revive it by ordering the hearing thereof, after having forgotten and abandoned it for eight years, five months and five days, in order to be able to render the judgment in question.

The fact that the parties went to trial after so long a time without questioning the jurisdiction of the justice of the peace court, neither implies nor produces the effect of curing the error committed because it has not conferred and could not have conferred upon said court jurisdiction to continue trying the case on the ground that jurisdiction is not conferred by the parties but expressly by the law alone.

For purposes of the law, the case had died in the justice of the peace court one year after it had been remanded thereto by the Court of First Instance, with no step having been taken towards its termination in one way or another. To revive it, it was necessary to file new pleadings, and even admitting the fiction that prior to the trial had eight years later, the parties again presented the pleadings already presented by them, the result would be the same because, as the year during which the justice of the peace court could act with jurisdiction had already elapsed, said court already lost its jurisdiction and could not again have it whether by its own will or by the will of the parties.

For the foregoing reasons, and not for those stated in the order appealed from, said order is affirmed, without special pronouncement as to costs. So ordered.

Avanceña, C. J., Abad Santos, Laurel, and Concepcion, JJ., concur.

IMPERIAL, J.:

I concur in the result under the doctrine of laches.

VILLA-REAL, J.:

I concur with Justice Imperial.

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.