

MANUEL B. CALUPITAN, PLAINTIFF AND APPELLANT, VS. CONSUELO B. AGLAHI ET AL., DEFENDANTS. CONSUELO B. AGLAHI, APPELLEE.

G.R. No. 44198. May 31, 1938

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

The plaintiff, Manuel B. Calupitan, appeals to this court from the order of the Court of First Instance of Laguna granting the motion of the defendant and appellee, Consuelo Bernardino de Aglahi, for the dismissal of the case for illegal detainer brought to said court on appeal from the judgment of the justice of the peace court of Santa Cruz, of the same province. In said judgment the latter court decided the question of ownership of an urban property from which the aforementioned plaintiff seeks to eject the defendant spouses, Monico Aglahi and Consuelo Bernardino. The order of dismissal is based on the ground that the justice of the peace court lacks jurisdiction to determine the title to said property.

In the present appeal, the only question to be decided is whether or not the court a quo erred in dismissing the case on the ground that the justice of the peace court of Santa Cruz, Laguna, acted in excess of its jurisdiction in determining the title to the property, subject of the illegal detainer proceedings.

In deciding the case in favor of the plaintiff, the justice of the peace court made the following observations:

"The plaintiff having acquired in good faith the possession of the property in question and recorded it in the registry, the court believes that under these circumstances, the sworn declaration made by the defendant Monico Aglahi in Exhibit J favorable to his wife, his codefendant, to the effect that the latter is the exclusive owner of the property in question, cannot prevail over the document Exhibit B which proves that said property is conjugal property of the defendants, said property being conjugal. the defendant Monico Aglahi was within his right when he executed the Exhibit A in favor of the plaintiff. (Art. 1413, Civil Code.) The property in question being conjugal, the Exhibit 2 is null and void for it is in contravention of the provisions of article 1432 of the Civil Code.

"In view of the foregoing, the court hereby renders decision ordering the defendants to vacate the house mentioned in the complaint and in the Exhibit C and turn it over to the plaintiff, and to pay the latter (plaintiff) such amount as may be due from January 22, 1935, up to the time they leave the house at the rate of P10 per month, and to pay the costs."

The pertinent portion of section 68 of Act No. 136, as last amended by Act No. 3881, says:

"Section 68. Civil jurisdiction and powers.—* * * In forcible entry and detainer proceedings the justice shall have original jurisdiction, but he may receive evidence upon the question of title therein solely for the purpose of determining the character and extent of possession and damages for detention. * * *"

In authorizing justice of the peace to receive evidence upon the question of title in forcible entry and detainer proceedings, it was not the intention of the Legislature to give them power to determine who is the owner of the property in question, or the extent of his title, but solely the nature and extent of possession and damages for

detention.

When, therefore, the justice of the peace court decided the question of whether the real estate alleged to be detained, is the conjugal property of the defendant spouses or the paraphernal property of the wife, and declared it to be conjugal, it made a ruling on the question of title to said real estate, in excess of its jurisdiction, wherefore, its decision is null and void.

As the determination of the question of title to the real estate, subject of the ejection proceedings, was necessary in the decision thereof, the justice of the peace court of Santa Cruz, Laguna, was without original jurisdiction to hear the same. The Court of First Instance, therefore, neither had jurisdiction to decide the merits of the case on appeal, but only to dismiss it, as the court properly did.

Wherefore, the order appealed from is affirmed, with costs against the appellant. So ordered.

Abad Santos, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

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