

MAXIMIANO FUENTES, PETITIONER, VS. THE JUSTICE OF THE PEACE OF PILA, LAGUNA, ET AL., RESPONDENTS.

G.R. No. 45576. April 19, 1939

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

Cayetano del Mundo filed in the justice of the peace court of Pila, Laguna, a complaint for unlawful detainer of land against Maximiano Fuentes, alleging that he leased to the latter certain parcels of land and that, notwithstanding the expiration of the contract and a demand to return said land, the latter has refused to do so.

Fuentes, answered this complaint, alleging, in turn, that he is the owner of the land and that there is a pending case between the same parties in the Court of First Instance of Laguna for the ownership thereof.

On September 7, 1936, the justice of the peace court of Pila rendered a decision in the case ordering the defendant Maximiano Fuentes to return to the plaintiff Cayetano del Mundo the possession of the land.

On the 18th of the same month Fuentes filed in the Court of First Instance of Laguna a petition for certiorari against the justice of the peace of Pila and Cayetano del Mundo. Passing upon this petition, the Court of First Instance ordered the said justice of the peace of Pila and Cayetano del Mundo not to carry out the execution of the judgment rendered by the former on September 7, 1936, for the same is null and void because entered in excess of his jurisdiction. This resolution was appealed to this court.

In entering the appealed resolution, the Court of First Instance relied on the fact that the case regarding ownership between the same parties and over the same land, already takes in the same question of possession which is the subject matter of the case decided by the justice of the peace court of Pila. This is error. The possession which is the subject matter of the summary action for detainer, is the material possession which has nothing to do with ownership. It is not the civil possession which arises from ownership as one of its attributes. The actions for the recovery of one and the other are consistent with each other and are regulated by independent procedures established for distinct purposes. The action for ownership includes that of possession and there is a right to the latter if ownership is proved. In the action for unlawful detainer of land it is not necessary to establish ownership if it is brought within one year from the accrual of the cause of action.

Another ground set out in the appealed decision is to the effect that Maximiano Fuentes alleged in his answer in the justice of the peace court of Pila that he is the owner of the land, thus making it necessary to resolve the question of ownership thereof, over which the justice of the peace court is without jurisdiction. But it has been repeatedly held by this court that the fact that, in an action for unlawful detainer in the justice of the peace court, the defendant raises the question of ownership, does not divest the court of its jurisdiction over the case, except when ownership is necessarily involved. In the present case the action is based on the fact that the defendant leased the lands and refuses to return the possession thereof to the lessor upon the expiration of the contract. The question of ownership is not only not necessarily involved in the case; it cannot be raised therein. The lease being admitted, the law does not permit the lessee to deny the lessor's ownership. The allegation of the lessee that he is

the owner of the land is a denial of the lessor's ownership.

Our conclusion is that the justice of the peace of Pila has jurisdiction to decide the case for detainer instituted by Cayetano del Mundo against Maximiano Fuentes.

Wherefore, the appealed decision is reversed, and the petition for certiorari is denied, without special pronouncement as to the costs. So ordered.

Villa-Real, Imperial, Diaz, Laurel, Concepcion, and Moran, JJ., concur.

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