

**THE ROMAN CATHOLIC ARCHBISHOP OF MANILA,
PLAINTIFF-APPELLEE, VS. A. Q. VER, DEFENDANT-APPELLANT.***G.R. No. 48128. October 31, 1941*

Ponente: OZAETA, J.

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In 1926 the defendant purchased a building constructed on a lot of 472.40 square meters, situated in the District of Malate, Manila, which belongs to the plaintiff. Since then he has occupied said lot by paying to the plaintiff an annual rental of P75.28. In 1933 the plaintiff notified the defendant that after that year he had to pay a monthly rental of P23.62, equivalent to P283.44 per annum, or an increase of about 276 per cent. It was in the same year that the City Assessor raised the assessed value of said lot from P2,060 to P2,577, or an increase of 25 per cent.

The defendant refused to pay the increased rental on the ground that it was exorbitant; and after his negotiation to purchase the said lot from the plaintiff had failed, he preferred to submit the matter to the court for the determination of the reasonable rental value of the lot in question. Hence, the plaintiff commenced the present action in the municipal court of Manila to oust the defendant from said lot and to recover from him a monthly rental of P23.62 from October, 1933, until he vacates the property. The municipal court rendered judgment in favor of the plaintiff, ordering the defendant to vacate the land in question and to pay to the plaintiff a rental of P120 a year from October 1, 1933. The defendant appealed to the Court of First Instance, to which the case was submitted upon a stipulation of facts, and which rendered judgment in favor of the plaintiff, ordering the defendant to vacate said land and to pay to the plaintiff a yearly rental of P180 beginning the year 1934. From that judgment the defendant appealed to the Court of Appeals, which certified the case to this Court because it involves no question of fact.

The only questions submitted for our decision are (1) whether or not the annual rental of P180 fixed by the trial court is reasonable, and (2) whether or not the defendant should be ejected from the land on which his house is built.

1. It is a fact stipulated by the parties that the plaintiff has made no improvement on the land in question since the defendant began occupying it in 1926. The only apparent justification for plaintiff's raising the rent from P75.28 to P283.44 a year was the increase in the assessment from P2,060 to P2,577.

Under the circumstances, we believe that the increase of the rent should only be commensurate with the increase of the assessment, that is to say, 25 per cent instead of 276 per cent. By adding 25 per cent to the annual rental of P75.28 formerly paid by the defendant, we get P94.10 as the reasonable annual rental that the defendant should pay to the plaintiff. That amount the defendant is willing to pay, as stated in his brief.

2. It appears that the defendant has deposited in the court below the sum of P840 to cover the rent he may be adjudged to pay to the plaintiff. Since He has been willing to pay that rent, he cannot be said to have been in default or to have unlawfully detained the land in question.

The judgment of the trial court is hereby modified in the sense that the defendant shall pay to the plaintiff an annual rental of P94.10 beginning January 1, 1934, and shall not be required to vacate the land in question; with costs against the appellee. So ordered.

Abad Santos, Diaz, Moran, and Horrilleno, JJ., concur.

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