

JOSE CHING AND CARIDAD CHING, PETITIONERS, VS. HON. ANTONIO Q. MALAYA, AS PRESIDING JUDGE OF THE CFI OF LAGUNA, BRANCH IV, HON. MAXIMIANO C. ASUNCION, AS PRES-IDING JUDGE OF THE...

G.R. No. 56449, August 31, 1987

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-56449/>

CRUZ, J.:

This petition for certiorari under Rule 65 of the Rules of Court seeks a reversal of the decision of the respondent court nullifying the judgment of the municipal court in a forcible entry case on the ground of lack of jurisdiction.

The petitioners had alleged in their complaint for ejectment that the private respondents had forced their way into the disputed premises without any right whatsoever and had refused to vacate the same despite repeated demands. These demands were based on the petitioners' claim that they were the owners of the said property, having acquired it by virtue of a valid sale. The private respondents, in their answer, had challenged the claimed sale, arguing that the property belonged to them by right of inheritance. At any rate, they had argued, as the basic question was one of ownership and not of mere possession, the municipal court had no jurisdiction and should dismiss the complaint.

The municipal court,* affirming its jurisdiction, proceeded to trial and thereafter rendered judgment ordering the private respondents to vacate the disputed property. It also required them to pay the petitioners back and current rentals at P1,000.00 a month until actual surrender of the premises, as well as a P3,000.00 attorney's fee plus the costs of the suit.[1] On appeal, this decision was set aside by the respondent judge, who held that the municipal court had no competence to resolve the case as it involved a question of ownership.[2] The petitioners, disagreeing then came to us.

At the outset, we reject the private respondents' submission that this petition is improper because the questions involved are merely factual. Of course they are not. What we have to decide here is whether or not, in the light of the records of the case, and particularly the adverse assertions of ownership over the property in issue, the municipal court had the authority to try and decide the same in the first instance. This may be raised on certiorari.

As the original complaint was filed on January 6, 1979, the question before us should be examined under the provisions of R.A. No. 296, as amended, which was the law then in force. That law allowed the municipal court to receive evidence upon the question of ownership in ejectment cases, but only whenever it was necessary to do so for the purpose of determining the character and extent of possession and damages for detention.

The pertinent provisions of that law read as follows:

"Sec. 88. Original jurisdiction in civil cases. - In all civil actions, including those mentioned in Rules fifty-nine and sixty-two (now Rules 57 and 60) of the Rules of Court, arising in his municipality or city, and not exclusively cognizable by the Court of First Instance, the justice of the peace (now municipal judge) and the judge of a municipal court (now city court) shall have exclusive original jurisdiction x x x x. In forcible entry

and detainer proceedings, the justice of the peace or judge of the municipal court shall have original jurisdiction, but the said justice or judge may receive evidence upon the question of title therein, whatever may be the value of the property, solely for the purpose of determining the character and extent of possession and damages for detention."

There should be no question by now that what determines the nature of an action - and correspondingly the court which has jurisdiction over it - is the allegation made by the plaintiff in his complaint.[3] Accordingly, the present case being one for forcible entry, it should normally come under the jurisdiction of the municipal court, before which it was in fact filed. There was a complication, however, as in their respective primary pleadings, the parties both injected the issue of ownership to support their adversary claims to the possession of the property. This issue of ownership, in the view of the respondent court, had removed the case from the jurisdiction of the municipal court.

It is settled that the mere assertion of ownership by the defendant in an ejectment case will not oust the municipal court of its summary jurisdiction.[4] This has to be so, for "were the principle otherwise, the ends of justice would be frustrated by making the efficacy of this kind of actions depend upon the defendant in all cases." [5] Accordingly, we have repeatedly held:

"The mere circumstance that proof of title, or evidence of ownership, had been introduced during the trial before the Municipal Court would not deprive said court of jurisdiction to rule on the question of who had the prior physical possession." [6]

"Even where defendant in a detainer or forcible entry alleges title to the property in his answer, it is declared in a great number of cases that the Justice of the Peace or the Court of First Instance on appeal will not be divested of its jurisdiction by such allegations alone." [7]

There is one exception, however, and that is where it appears during the trial that, by the nature of the evidence presented, the issue of possession cannot be decided without deciding the issue of ownership. In such a case, the jurisdiction of the municipal court is lost and the action should be dismissed.[8] An illustration is the case of *Teodoro v. Balatbat*, where the defendant claimed possession by virtue of a deed of sale allegedly executed by the plaintiff, who in turn denied its authenticity. As there was no indication that the defendant's claim was unfounded, the municipal court could not continue with the case because it had lost the competence to decide it.[9]

After examining the facts of this present case, the Court finds that it does not come under the exception to the rule.

The property in question consists of a residential house and lot covered by TCT No. T-85126 and registered in the name of petitioner Jose Ching in the Registry of Deeds of Laguna.[10] The basis of the registration is a deed of sale executed in his favor by Felix Carpio, the former owner, who had acquired it from Brigido Alvarado, Cesar Alvarado's supposed father.[11] The record does not show that such registration has been challenged since the issuance in 1978 of the said certificate of title, which in the absence of evidence to the contrary should be presumed valid. There is no encumbrance on the land, and there is no adverse claim or notice of lis pendens annotated in the certificate.[12] Such registration, it may be added, is binding against the whole world unless annulled for cause in proper cases.

It is true that petitioner Cesar Alvarado had filed a complaint in the court of first instance of Laguna against the petitioners and several others for the annulment of the deed of sale invoked by the petitioners.[13] However, that fact alone could not divest the municipal court of jurisdiction to continue trying the question of possession, more so since the question of ownership was appropriately being litigated in the annulment suit. Significantly, the deed of sale being challenged in that action was different from the contract involved in the exception just cited.

In the Balatbat case, the deed of sale invoked by the defendant was allegedly executed by the plaintiff, who denied its authenticity. In other words, the transaction in question was purportedly between the plaintiff and the defendant as vendor and vendee. In the instant case, the private respondents were not a party to the contract of sale invoked by the petitioners. It was being challenged by respondent Cesar Alvarado only as an alleged heir of Brigido Alvarado, who had transferred it to Felix Carpio, who in turn had sold it to the petitioners.

Without preempting any decision in that annulment case, we make the observation that even if the private respondents should succeed therein, he would not thereby necessarily acquire full ownership of the property in question. Assuming the validity of the holographic will he invokes, he would be entitled to only an indefinite portion of the testator's estate as long as no partition thereof shall have been effected. For this reason alone, the respondent's claim of ownership over the particular house and lots in question could be dismissed as untimely and untenable.

Finally, the fact that the petitioners themselves adduced evidence of ownership over the property in question did not, as claimed, have the effect of divesting the municipal court of its jurisdiction. As permitted in the above-cited Section 88 of R.A. No. 296, the plaintiff in an ejectment case may introduce such evidence for the purpose of proving the character of his possession and the amount of damages he is claiming for unjust deprivation of such possession.^[14] The petitioners were only trying to prove their right to possession and damages by establishing their right of ownership.

WHEREFORE, the petition is GRANTED. The decision of the respondent court dated January 5, 1981, is set aside and that of the municipal court dated July 5, 1979, is reinstated, with costs against the private respondents. This decision is immediately executory.

SO ORDERED.

Teehankee, C.J., Narvasa, Paras, and Gancayco, JJ., concur.

* Presided by Judge Alejandro G. Dimaano.

[1] Annex "C", Petition; Rollo, pp. 40-47.

[2] Annex "D", Petition; Rollo, pp. 48-56.

[3] *Edward J. Nell Co. v. Cubacub*, 14 SCRA 419; *Time, Inc. v. Hon. Andres Reyes, et al.*, 39 SCRA 303; *Ganadin v. Ramos*, 99 SCRA 613.

[4] *Orellano v. Aluestir*, 76 SCRA 536; *Alvir v. Vera*, 130 SCRA 357.

[5] *Vivar v. Vivar*, 8 SCRA 847.

[6] *Vencilao v. Camarenta*, 29 SCRA 473.

[7] *Savinada v. Tuazon, et al.*, G.R. No. L-2132, May 30, 1949; *Lee Soo v. Osorio*, G.R. No. L-1364, May 30, 1951; *Cruz v. Lunsang*, G.R. No. L-2332, October 4, 1959; *De los Reyes v. Elepanio, et al.*, G.R. No. L-3466, October 13, 1950; *Mediran Villanueva*, 37 Phil. 752.

[8] *Torres, et al. v. Pena*, 78 Phil. 231; *Penalosa v. Garcia*, 78 Phil. 245; *Cruz v. Garcia*, 79 Phil. 1; *Canaynay v. Sarmiento*, 79 Phil. 36; *Raymundo v. Santos*, L-4779, June 30, 1953; *Dy Sun v. Brillantes and Court of Appeals*, L-4478, May 27, 1953; *Andres v. Hon. E. Soriano*, 54 O.G.- 2506; *Songahid v. Cinco*, L-14341, January 29, 1960; *Sy v. Daliman*, 22 SCRA 834.

[9] L-6314, January 22, 1954.

[10] Rollo, p. 73.

[11] Ibid., pp. 73-74.

[12] Id., p. 74.

[13] Id., p. 185.

[14] Subano v. Vallecer, L-11867, March 24, 1959.

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.