

**WARLITO MABALOT AND ARACELI MABALOT, PETITIONERS, VS.
THE HON. JUDGE TOMAS P. MADELA, JR., IN HIS CAPACITY AS
JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA AND PEDRO
V. MALIT, ...**

G.R. No. 56700. March 28, 1983

Ponente: VASQUEZ, J.

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VASQUEZ, J.:

This is an unlawful detainer case originally commenced in the City of Manila by private respondent to eject the petitioners from an apartment located at No. 2262 Coral Street, San Andres, Manila. The decision of said court, which was in favor of the petitioners, was appealed by the private respondent to the Court of First Instance of Manila where it was assigned to the branch presided over by respondent Judge Tomas P. Madela, Jr. A decision rendered on January 6, 1981 by Judge Madela reversed the decision of the City Court and ordered the petitioners to vacate the premises in question.

The petitioners took a direct appeal from the decision of the Court of First Instance of Manila on the legal question raised by them with respect to the alleged lack of jurisdiction of the City Court of Manila and the Court of First Instance of Manila to take cognizance of the basic action.

The facts of this case, as synthesized in the decision of Judge Madela and which are impliedly admitted by the petitioners in taking this direct appeal to this Court on a pure question of law, are as follows:

"From the records and evidence of the case, plaintiff appellant as owner of an apartment No. 2262 located at Coral Street, San Andres, Manila leased it to Atty. Armando Galvez on a monthly basis of P200.00 a month since 1967. Staying with him in said apartment is defendant Araceli Mabalot and a maid the former claiming to be a ward of Atty. Galvez since she was 10 years old when her mother died and her father could not support her (t.s.n. pp. 3-4, Dec. 6, 1979). In 1970 Araceli Mabalot married defendant Warlito Mabalot and continued to stay with Atty. Galvez until his death on August 23, 1977. After the death of Atty. Armando Galvez, the arrearages for the monthly rentals of July and August were paid by Atty. Fernando Galvez, a brother of the late Atty. Armando Galvez and for the month of September 1977, Atty. Fernando Galvez issued a check (pay to cash) which he gave to the defendants-appellees to pay the plaintiff-appellant. However, the corresponding receipts were issued by plaintiff in the name of Atty. Fernando Galvez.

As early as September 1, 1977, in his letter to Atty. Fernando Galvez, the plaintiff-appellant intimated that with the death of his brother, Araceli Mabalot and husband cannot take over the apartment as the contract of lease between him and Atty. Armando Galvez is a personal one and could not be transmitted to them (Exh. "A"). On September 5, 1977, plaintiff wrote the defendants that they could not take over the apartment as it could not be the subject of inheritance and gave them three (3) months to vacate the same (Exhibit "B"). However, defendants refused to receive said letter, as plaintiff with the help of patrolman Tomas Soriaga served it the following morning with the policeman as a witness (Exh. "B-1").

Araceli Mabalot admitted that the late Armando Galvez has his own family, a wife and children namely,

Cynthia, Rosalina, Danilo, Jocelyn and Olivia who were mentioned in his application for insurance as his legitimate children with Araceli mentioned as a niece (t.s.n. p. 16, Oct. 25, 1977). The succeeding payments of the rentals were paid by defendants-appellees' counsel, Atty. Efren Santos.

The question to be resolved is, whether or not the defendants, Warlito and Araceli Mabalot have the right to continue as tenants of the plaintiff from the death of Atty. Armando Galvez." (Annex "A", Petitioners' Brief, p. 72, Rollo.)

As may be noted from the definition of the issue by Judge Madela, the question which was raised and argued by the parties in the lower courts was the right of the petitioners to succeed to the lease over the subject apartment previously existing between Armando Galvez and the private respondent. Apparently convinced of the correctness of the holding of Judge Madela that they may not continue said lease inasmuch as the petitioners are not heirs of Armando Galvez (Art. 1311, Civil Code), nor was such lease assigned by Armando Galvez to the petitioners with the consent of private respondent (Art. 1649, Ibid), the petitioners now rely on the alleged legal infirmity of the proceedings had in the lower courts by attacking their jurisdiction to take cognizance of the case.

It is the petitioners' main contention that the City Court lacked jurisdiction to entertain the action filed by the private respondent inasmuch as it is not an action for unlawful detainer, but one the subject matter of which is incapable of pecuniary estimation falling within the original jurisdiction of the court of first instance pursuant to Section 44(a) of the former Judiciary Act. Petitioners argue that an action for unlawful detainer must be filed within one year after the unlawful deprivation of the possession of the subject property by the defendant. They contend that this requirement does not exist in this case inasmuch as petitioner Araceli Mabalot was admittedly staying in the apartment together with Armando Galvez since 1966, and the action to eject her was filed only on January 8, 1978. They further point out that in paragraph 7 of the complaint, the private respondent had expressly alleged that he denied the request of the petitioners to continue the lease of Armando Galvez on the ground "that a lease contract is personal in nature and cannot be the subject of inheritance." By this allegation, so the petitioners contend, the basic issue becomes a determination of whether or not a lease contract may be the subject of inheritance, thereby making the action as one the subject matter of which is not capable of pecuniary estimation.

Petitioners' submissions are typical examples of the arguments advanced by defendants in ejectment cases in their attempt to prolong their occupancy of premises over which they ceased to have valid ground to possess, by keeping alive the litigation involving their ejectment therefrom. The records of our courts will reveal that a considerable percentage of the cases pending in them are actions for forcible entry and detainer. Ordained by law to be commenced in the courts at the municipal or city level, they pass thru all the other grades of courts in the judicial system up to the Highest Court of the land. It is ironic that a forcible entry or detainer case which is intended to be disposed of in summary fashion has oftentimes proved to be the most cumbersome and difficult to terminate. It has become a truism that, if a landlord would like to eject a tenant in the shortest possible time, the worst thing that he could do is to file an ejectment case. It is, indeed, about time that this situation be remedied if only to contribute to the solution of the worsening problem of court congestion, by refusing to edify these cases by giving them a fullblown treatment in all the courts in the judicial structure, and thereby save the courts the expenditure of precious time and energy which could otherwise be devoted to more significant and vital litigations.

The time limitation of one year within which to file an action for forcible entry and detainer is reckoned not from the moment of occupancy by the defendant, but from the time that his possession becomes unlawful. The occupancy of the apartment by Araceli Mabalot in 1966 was not unlawful because she was then a member of the household of Armando Galvez who was the lessee of the premises in question. The possession of the petitioners became unlawful only after Armando Galvez died, which was on August 23, 1977. Such death of Armando

Galvez terminated the lease in his favor. Petitioners do not have any colorable right to occupy the apartment thereafter. The filing of the case on January 8, 1978 was well within one year period from August 23, 1977.

There is less merit in the contention that the action filed by the private respondent is one in which the subject matter is incapable of pecuniary estimation just because it involves the legal question as to the right of the petitioners to continue the lease by reason of inheritance. Such legal issue is purely incidental to the question of whether they are entitled to possess the apartment in question. The action is for the recovery of the possession of real property brought within one year from the time the possession of the defendant became unlawful, technically known as an action for unlawful detainer. Although it is a real action which should ordinarily fall under the jurisdiction of the court of first instance (now the regional trial court), the law vests the exclusive original jurisdiction over it in the courts at the municipal or city level as an exception to the general rule on jurisdiction over real actions, presumably in view of the summary nature of the proceedings contemplated to be taken therein. This kind of action is different and distinct from the class of actions where the subject of the litigation is incapable of pecuniary estimation. An action does not become one where the subject is incapable of pecuniary estimation by the mere fact that an issue of law is raised therein. Such a view would result in converting virtually all civil actions into that category, and in depriving the municipal and city trial courts of jurisdiction over all civil cases where a party raises a question of law.

WHEREFORE, the petition is hereby DISMISSED. With costs against the petitioners.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Relova and Gutierrez, Jr., JJ., concur.

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