

**LUCAS M. CAPARROS, PETITIONER, VS. HON. COURT OF APPEALS,
HON. EMILIO V. SALAS, JUDGE, BRANCH I, CFI-RIZAL, JEZZER P.
BOTE, DEPUTY SHERIFF OF PASIG, CFI-RIZAL, AND RAMON
ZOLETA,...**

G.R. No. 56803. February 28, 1989

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-56803/>

PARAS, J.:

This is a petition for review on certiorari seeking to set aside the resolution of the Court of Appeals[*] in CA G.R. No. SP-10691-R which affirmed the orders of the Court of First Instance (CFI) of Rizal, Branch I (Pasig) authorizing the immediate execution of the judgment rendered by the municipal court of Mandaluyong, Rizal in Civil Case No. 5860 for unlawful detainer.

The facts of the case are as follows:

On August 14, 1975, private respondent filed a complaint for unlawful detainer docketed as Civil Case No. 5860 against the petitioner before the municipal court, alleging -

"2. That plaintiff is the owner of a residential house located at 217 Int. 1 A. Luna St., Mandaluyong, Rizal;

"3. That on January 1975 the contract of lease of defendant with plaintiff expired which contract was never extended but defendant was allowed to stay at the premises subject to the payment of a monthly rental of P65.00. Consequently, the current lease is, if any, on a month to month basis;

"4. That on February 24, 1975 plaintiff gave notice to defendant that he will use the premises being occupied by the defendant for his son who got married and has given defendant 60 days within which to vacate the premises;

"5. That despite said notice and subsequent demand made dated May 12, 1975 giving defendant 15 days from receipt thereof within which to vacate the premises, defendant has failed and refused and continues to fail and refuse to vacate the premises to the prejudice and damage of the plaintiff;

"6. That in view of the said acts of the defendant in illegally detaining the said premises, plaintiff has been forced to retain the services of legal counsel to institute the present action and has agreed to pay his counsel the amount of P500.00 as Attorney's fees.

"WHEREFORE, it is respectfully prayed that Judgment be rendered in favor of plaintiff and against the defendant;

"1. Ordering the defendant and all others under him who are occupying the said premises to vacate the same and to peacefully surrender said premises to the plaintiff;

"2. Ordering the defendant to pay the plaintiff the amount of P500.00 by way of attorney's fees;

"3. Ordering defendant to pay costs of this suit.

"Plaintiff further prays for such other relief which may be just and equitable in the premises." (Annex "A" pp. 63-64, Rollo)

To said complaint, the petitioner filed his answer contesting the validity of private respondent's title over the property in view of the decision of the CFI of Rizal, Branch II dated June 21, 1971 in Civil Case No. 8320 (now on appeal before the Supreme Court) which declared all the titles derived from CLR Decree No.1425 (including the title of the private respondent over the subject property) null and void ab initio.

The municipal court rendered judgment against the petitioner, ordering him to vacate and surrender the possession of the premises to the private respondent, to pay the accumulated rentals for the use and occupation of the said premises from August, 1975 up to the time he actually vacates and surrenders the premises, and to pay attorney's fees and costs. (pp. 9-10, Rollo)

The petitioner appealed to the CFI. Pending appeal, however, private respondent filed a motion for execution of judgment due to the petitioner's failure to post a supersedeas bond and to pay the amount of rent due from time to time.

The petitioner filed an opposition based on the following grounds: (a) that the municipal court had no jurisdiction over the unlawful detainer case because ownership of the property is in dispute; (b) that immediate execution of judgment cannot be availed of because the question of title is involved (*Laurel vs. Abalos*, 30 SCRA 289); and (c) that the petitioner cannot be dispossessed of the property pursuant to Section 6 of PD No. 1517, otherwise known as the Urban Land Reform Decree.

The respondent judge of the CFI granted the motion for execution and issued the corresponding writ in accordance therewith.

Said orders were affirmed by the Court of Appeals on appeal. Hence, the present recourse. The petition is devoid of merit.

It is an elementary rule of procedural law that jurisdiction of the court over the subject matter is determined by the allegations of the complaint irrespective of whether or not the plaintiff is entitled, to recover upon all or some of the claims asserted therein. As a necessary consequence, the jurisdiction of the court cannot be made to depend upon the defenses set up in the answer or upon the motion to dismiss, for otherwise, the question of jurisdiction would depend almost entirely upon the defendant. (*Ganadin vs. Ramos*, 99 SCRA 621)

In forcible entry and unlawful detainer cases, the main issue is possession de facto, independently of any claim of ownership or possession de jure that either party may set forth in his pleading (*Alvir vs. Vera*, 130 SCRA 357). Consequently, the municipal court correctly assumed jurisdiction over the case below as the complaint filed before it sufficiently avers that private respondent seeks to recover possession of the premises from an overstaying lessee.

Respondent judge of the CFI correctly granted private respondent's motion for immediate execution of judgment. The pertinent portion of Section 8, Rule 70 of the Revised Rules of Court provides:

"SEC. 8. Immediate execution of judgment. How to stay same. - If judgment is rendered against the defendant, execution shall issue immediately, unless an appeal has been perfected and the defendant to stay execution files a sufficient bond, approved by the municipal or city court and executed to the plaintiff to enter the action in the Court of First Instance^[1] and to pay the rents, damages, and costs accruing down to the time of the judgment appealed from, and unless, during the pendency of the appeal, he deposits with the appellate court the amount of rent due from time to time under the contract, if any, as found by the judgment of municipal or

city court to exist. x x x"

Records disclose that the petitioner failed to file a sufficient supersedeas bond. The petitioner also failed to deposit or pay the rents as they fell due. Private respondent no doubt is entitled to the immediate execution of the municipal court's judgment, without prejudice to the appeal taking its course. (Laurel vs. Abalos, Ibid.)

The petitioner cannot avail himself of the protection of P.D. No. 1517 since this law applies to a case where the owner of the property intends to sell it to a third party. Should this be the intent, the legitimate tenant may not be ejected should he decide to himself purchase the property. (Bermudez vs. Intermediate Appellate Court, 143 SCRA 351)

Section 6 of PD No. 1517 provides:

"Section 6. Land Tenancy in Urban Reform Areas.- Within the Urban Zones legitimate tenants who have resided on the land for ten years or more who have built their homes on the land and residents who have already occupied the lands by contracts, continuously for the last ten years shall not be dispossessed of the land and shall be allowed the right of first refusal to purchase the same within a reasonable time and at reasonable prices, under terms and conditions to be determined by the Urban Zone Expropriation and Land Management Committee created by Section 8 of this Decree."

In the instant case, the property is not being offered for sale. Thus, the right referred to hereinabove does not apply. Petitioner has no right to continue his occupancy of the premises. Private respondent is entitled to the use and possession of his property.

WHEREFORE, the petition is hereby DENIED and the judgment appealed from is hereby AFFIRMED.

SO ORDERED.

Melencio-Herrera (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Justice Rodolfo A. Nocon and concurred in by Justices Mama D. Busran and Juan A. Sison of the Fifth Division.

[1] Now known as the Regional Trial Court.

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.