

SPOUSES EPIFANIO DE LA CRUZ AND LIBRADA PRINCIPE, PETITIONERS, VS. HONORABLE COURT OF APPEALS AND PHILIPPINE NATIONAL BANK, RESPONDENTS.

G.R. No. 57454. November 29, 1984

Ponente: CUEVAS, J.

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CUEVAS, J.:

This is a Petition for Certiorari to review the decision of the respondent Court of Appeals (now Intermediate Appellate Court) in CA-G.R. No. 11682-SP, en-titled "Spouses Epifanio de la Cruz and Librada Principe versus Hon. Jesus R. de Vega, the Provincial Sheriff of Bulacan and Philippine National Bank", dismissing the petition for lack of merit.

Stripped of non-essentials, hereunder are the facts that gave rise to the instant controversy.

Sometime in 1957, the herein petitioners applied for and were granted by the respondent Philippine National Bank (PNB for short) - Malolos Branch, a loan of P20,000.00. To guarantee payment of the said loan, petitioners-spouses mortgaged their two (2) lots with an aggregate area of 3,800 square meters covered by TCT Nos. 16743 and 5787 in their names in favor of PNB. The mortgage indebtedness matured but petitioners failed to pay the loan despite various demands there-for. So, on September 6, 1961, PNB extrajudicially foreclosed the mortgage under Act No. 3135. The two lots were then sold at public auction to PNB, being the highest bidder.[1]

Petitioners having failed to exercise their right of legal redemption within one year from the sale, titles over the aforementioned lots were consolidated in favor of PNB on October 21, 1962. Consequently, petitioners' old titles were cancelled and TCT Nos. 40712 and 40713 were issued to PNB.

On June 4, 1970, PNB sold the two parcels in question to spouses Conrado and Mariana de Vera. Despite the sale, the spouses de Vera, could not however take possession of the aforementioned parcels. Demands to vacate the said lots were then made by PNB upon the petitioners which were however ignored by the latter. Hence, on August 16, 1977 PNB instituted an ejectment suit against the herein petitioners before the Municipal Court of Bocaue which was docketed there-in as Civil Case No. 340.

On August 31, 1971, petitioners (then defendants) filed a Motion to Dismiss which was denied in an order dated September 17, 1971.[2] Their motion to reconsider the order of denial likewise met the same fate.

On October 30, 1971, and during the pendency of the aforementioned ejectment case against them, petitioners filed before the then Court of First Instance of Bulacan, an action for reconveyance of titles against PNB which was docketed in the said court as Civil Case No. 4107-M. In the meanwhile, or more specifically on January 28, 1972, PNB filed a motion to strike out petitioners' answer in the ejectment suit before the Bocaue Municipal Court for having been filed out of time. The motion was granted and petitioners were declared in default.

On March 16, 1972, judgment was rendered in the ejectment case[3] in favor of plaintiff PNB against spouses Epifanio de la Cruz and Librada Principe, ordering the latter to vacate the premises in question.[4]

Petitioners then appealed the judgment against them to the Court of First Instance of Bulacan where their appeal was docketed as Civil Case No. 4215-M. For their failure, however, to appear at the pre-trial scheduled on November 8, 1972, despite due notice, the appeal was dismissed. This order of dismissal was however reconsidered upon motion of the petitioners and the case was thereafter again scheduled for trial on the merits.

On November 26, 1973, the case was considered submitted for decision on the basis of plaintiff's (PNB) evidence, it appearing that petitioners again failed to appear despite due notice and previous warning that the case shall be considered submitted for decision if they again fail to appear on the scheduled trial despite notice. On July 10, 1975, judgment was rendered in the appealed case,[5] the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered finding defendants refusal to vacate the properties in question as unlawful detainer under Rule 70 of the Rules of Court. Accordingly, said defendants are ordered to vacate the premises subject of this complaint with costs against them."[6]

On February 8, 1980, PNB filed a motion for execution. The motion was set for hearing on February 22, 1980, but reset to March 31, 1980 at the instance of the petitioners, then defendants. Finally, the motion was granted in an order dated April 1, 1980 and on April 14, 1980, a writ of execution was issued. Petitioners' motion to reconsider the issuance of said writ of execution was denied in an order dated May 30, 1980.

On July 15, 1980, petitioners (as defendants) filed a motion to remand the case to the municipal court[7] so that "the inferior court may continue to exercise to original and exclusive jurisdiction in the present case." [8] This motion was denied in an order dated July 29, 1980 and PNB's motion for the issuance of an alias writ of execution was granted. Their motion to have this last order[9] directing the issuance of an alias writ of execution reconsidered having been denied, petitioners went to the then respondent Court of Appeals by way of Certiorari and Prohibition with prayer for the issuance of a writ of preliminary injunction.[10] For lack of merit, their petition was however dismissed in a Decision promulgated on August 23, 1981.

Petitioners now contend through the instant petition that the respondent Court of Appeals erred:

- 1) In not upholding that the inferior and lower courts acted without jurisdiction when they decided the ejectment case despite the fact that the case for reconveyance of titles to the two (2) parcels of land in question is still pending in another branch of the lower court;
- 2) In not holding that the lower court committed grave abuse of discretion or exceeded its jurisdiction when it granted respondent bank's, motion for the issuance of an alias writ of execution; and
- 3) In dismissing the petition filed before it by the petitioners and in lifting the restraining order with cost against them.

thus raising the following issues:

- 1) Whether or not the inferior and lower courts have jurisdiction over the ejectment case when the case[11] for reconveyance of the titles to the two residential lots is still pending; and 2) Whether or not respondent court erred in upholding the alias writ of execution issued by the lower court.[12]

Petitioners maintain that respondent court has no alternative but to dismiss the unlawful detainer case against them because an ejectment suit is not cognizable by an inferior court where its resolution hinges on question of ownership, citing in support of their aforesaid contention, the cases of General Insurance and Surety Corp. vs. Castelo, 13 SCRA 652; Santiago vs. Cloribel, 14 SCRA 907; and Iñigo vs. Estate of Maloto, 21 SCRA 246, wherein it was held that:

"Implicit in this, is that the question of ownership was in reality seriously presented before the city court, so that possession, the problem before the city court, could not have been properly resolved without first settling

that of ownership. Since the issue of ownership became apparent in the course of the trial of the ejectment case aforesaid, the city court loses jurisdiction to proceed further with the trial thereof and the judgment thereon."

Petitioners do not question the nature of the action brought against them by PNB before the Municipal Court of Bocaue. It is an unlawful detainer case which uncontrovertibly falls within the original and exclusive jurisdiction of the municipal court.[13] This exclusiveness of jurisdiction is admitted by the very petitioners themselves in their "Ex-Parte Motion to Remand Case" filed before Branch II of the Court of First Instance of Bulacan in Civil Case No. 4215-M wherein they stated thus - "so that the inferior court may continue to exercise its original and exclusive jurisdiction in the present case.[14]

While conceding jurisdiction over the nature of the suit, petitioners however argue that said unlawful detainer case should have been dismissed or at the very least suspended, in view of the pendency of an action for reconveyance of title[15] involving the same parcels, and which renders resolution of the issue of possession impossible without first resolving the question of ownership.

We find no merit in petitioners' aforesaid submission. An unlawful detainer action has an entirely different subject from that of an action for reconveyance of title. What is involved in unlawful detainer case is merely the issue of material possession or possession de facto; whereas in an action for reconveyance, ownership is the issue. So much so that the pendency of an action for reconveyance of title over the same property does not divest the city or municipal court of its jurisdiction to try the forcible entry or unlawful detainer case, nor will it preclude or bar execution of judgment in the ejectment case where the only issue involved is material possession or possession de facto.[16]

This is so because:

"The judgment rendered in an action for forcible entry or detainer shall be effective with respect to the possession only and in no case bind the title or affect the ownership of the land or building. Such judgment shall not bar an action between the same parties respecting title to the land or building nor shall it be held conclusive of the facts therein found in case between the same parties upon a different cause of action involving possession."[17]

The rationale is that forcible entry and unlawful detainer cases are summary proceedings designed to provide for an expeditious means of protecting actual possession or the right to possession of the property involved.[18] It does not admit of a delay in the determination thereof. It is a "time procedure" designed to remedy the situation.[19] Procedural technicality is therefore obviated and reliance thereon to stay eviction from the property should not be tolerated and cannot override substantial justice.[20] So much so that judgment must be executed immediately when it is in favor of the plaintiff in order to prevent further damages arising from loss of possession.[21]

But may the inferior courts (city and municipal courts) continue taking cognizance of a forcible entry and detainer case even if the question of ownership is set up by the defendant in his Answer? Stated otherwise, is the inferior court automatically divested of jurisdiction over an ejectment suit simply because defendant claims ownership in his Answer?

Well-settled is the rule that inferior courts may not be divested of its jurisdiction over ejectment cases simply because the defendant sets up a claim of ownership over the litigated property.[22] But where possession can not be resolved without passing upon the issue of ownership because the latter is inseparably linked with the former, the case must be dismissed, for the inferior court loses jurisdiction over the same.[23]

Such is not however the prevailing situation in the case at bar. PNB was at the time of the institution of the

ejectment suit in question, the undisputed owner of the litigated parcel having lawfully acquired the same at a public auction sale, being the highest bidder thereat. Consolidation of title in its name over the parcel in question took place only after petitioners failed to exercise their right of legal redemption within the one (1) year period prescribed by law. PNB's title does not appear seriously controverted by the petitioners as shown by the fact that petitioners' action for reconveyance was filed only after nine (9) years following the consolidation of ownership in favor of PNB. There being as yet no declaration of nullity of PNB's ownership or title over the litigated property, the ownership set up is still merely a claim with no concrete basis in fact and in law and does not preclude the municipal court of Bocaue from assuming jurisdiction over said ejectment proceedings. Petitioners' challenge therefore against the jurisdiction of the aforesaid court must inevitably fall.

Neither can petitioners find comfort and solace in the cases cited and relied upon by them, namely - the General Insurance and Surety Corporation vs. Castelo, 13 SCRA 651; Santiago vs. Cloribel, 14 SCRA 907; and Iñigo vs. Estate of Maloto, 21 SCRA 246. This is because in the aforesaid General Insurance and Surety Corporation vs. Castelo case, both appellant and appellees assert ownership over the lot therein litigated, a circumstance which does not obtain in the instant case. In the Santiago vs. Cloribel case, on the other hand, the question of ownership was properly raised and there was already a previous declaration of ownership over the disputed property which is again not present in the case at bar.

And finally in the Iñigo vs. Estate of Maloto case, again the issue of ownership was in reality presented and seriously contested.

WHEREFORE, finding the instant petition to be without merit, the same is hereby DISMISSED. With costs against petitioners.

SO ORDERED.

Relova, Gutierrez, Jr., and de la Fuente, JJ., concur.

Aquino, J., in the result.

[1] Page 67, Comment, Rollo.

[2] Page 68, Rollo.

[3] Civil Case No. 340.

[4] Page 18, Rollo.

[5] Civil Case No. 4215-M.

[6] Annex "C", Petition.

[7] Annex "K", Petition.

[8] Page 35, Rollo.

[9] Order of July 29, 1980.

[10] CA-G.R. No. 11682-SP.

[11] Civil Case No. 4107-M of CFI of Bulacan.

[12] Page 15, Brief for Petitioners.

[13] Sec. 88, RA 296; Rep. vs. Guarin, 81 SCRA 269 and now under Sec. 33 (2) of Batas Pambansa Blg. 129.

[14] Page 35, Rollo.

[15] Civil Case No. 4107-M.

[16] Ramirez vs. Bleza, L-45640, July 30, 1981, 106 SCRA 187.

[17] Section 7, Rule 70, Rules of Court.

[18] Republic vs. Guarin, *supra*.

[19] Mabalot vs. Madela, Jr. 121 SCRA 347.

[20] Dakudao vs. Consolacion, 122 SCRA 877.

[21] Salinas vs. Navarro, 126 SCRA 167.

[22] Alilaya vs. Española, 107 SCRA 564; Dehesa vs. Macalalag, 81 SCRA 543; Castro vs. de los Reyes, 109 Phil. 64.

[23] General Insurance & Surety Corp. vs. Castelo, 13 SCRA 652; Santiago vs. Cloribel, 14 SCRA 907; Iñigo vs. Estate of Maloto, 21 SCRA 246.

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