

**CRISPINA PEÑAFLOR, PETITIONER, VS. HON. DOMINGO PANIS,  
PRESIDING JUDGE OF THE COURT OF FIRST INSTANCE OF  
ZAMBALES (OLONGAPO CITY BRANCH), AND PRESCILLA DELOS  
SANTOS, RESPONDENTS.**

*G.R. No. 60083. October 27, 1982*

Ponente: MELENCIO-HERRERA, J.

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**MELENCIO-HERRERA, J.:**

Petitioner Crispina Peñaflor is the owner of a residential house at No. 65, 14th Street, East Tapinac, Olongapo City, but resides in Roxas Street, Dinalupihan, Bataan. Private respondent, Prescilla de los Santos leases a room in the said residential house at P130.00 a month.

On September 10, 1980, petitioner-lessor filed with the City Court of Olongapo, Branch II, an Ejectment suit (Civil Case No. 2043) against private respondent-lessee because of her (petitioner's) need of the leased premises for a medical clinic for her daughter.

Private respondent moved to dismiss the Complaint for petitioner's failure to bring the controversy before the Lupon Barangay for conciliation or settlement, which is a pre-condition to the filing of the Complaint, pursuant to Presidential Decree No. 1508 (Katarungang Pambarangay Law). Petitioner countered by stating that since the parties reside in different municipalities, PD 1508 is inapplicable.

The City Court denied the Motion to Dismiss as well as a subsequent Motion for Reconsideration, stating that the ground alleged as a basis for dismissal was not indubitable.

In her Answer, private respondent maintained that petitioner has no need of the premises and that the latter merely wanted to raise the rental.

In its Decision of May 26, 1981, the City Court ordered private respondent to vacate the premises and to pay attorney's fees of P500.00 and costs.

On appeal, the Court of First Instance of Zambales reversed the City Court judgment and dismissed the Complaint holding that since the dispute involved interest in real property, it should have been brought first before the Lupon of the barangay where the pro-property is situated for conciliation and settlement.

Alleging grave abuse of discretion, petitioner has come to this Court praying for reversal of the Order of dismissal.

The question of law is: should the instant controversy have been brought first before the Lupon Barangay pursuant to section 6 of PD 1508 establishing a system of settling disputes at the barangay level, or was it correctly filed directly before the City Court?

Section 2 of PD 1508 provides:

"SECTION 2. Subject matters for amicable settlement. - The Lupon of each barangay shall have authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:

- (1) Where one party is the government, or any subdivision or instrumentality thereof;
- (2) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- (3) Offenses punishable by imprisonment exceeding 30 days, or a fine exceeding P200.00;
- (4) Offenses where there is no private offended party;
- (5) Such other classes of disputes which the Prime Minister may in the interest of justice determine upon recommendation of the Minister of Justice and the Minister of Local Government." (Emphasis given).

The requirement of actual residence in the same city or municipality is made more explicit in the provision on venue, thus:

"SECTION 3. Venue. - Disputes between or among persons actually residing in the same barangay shall be brought for amicable settlement before the Lupon of said barangay. Those involving actual residents of different barangays within the same city or municipality shall be brought in the barangay where the respondent or any of the respondents actually resides, at the election of the complainant. However, all disputes which involve real property or any interest therein shall be brought in the barangay where the real property or any part thereof is situated.

The Lupon shall have no authority over disputes:

- (1) involving parties who actually reside in barangays of different cities or municipalities, except where such barangays adjoin each other; and
- (2) involving real property located in different municipalities." (Italics ours).

While the provision on mandatory conciliation, as a pre-condition to the filing of the Complaint, is found in Section 6:

"SECTION 6. Conciliation, precondition to filing of complaint. ? No complaint, petition, action or proceeding involving any matter within the authority of the Lupon as provided in Section 2 hereof shall be filed or instituted in court or any other government office for adjudication unless there has been a confrontation of the parties before the Lupon Chairman or the Pangkat and no conciliation or settlement has been reached as certified by the Lupon Secretary or the Pangkat Secretary, attested by the Lupon or Pangkat Chairman, or unless the settlement has been repudiated. However, the parties may go directly to court in the following case:

- (1) Where the accused is under detention;
- (2) Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- (3) Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support pendente lite; and
- (4) Where the action may otherwise be barred by the Statute of Limitations." (Italics supplied).

Clearly, therefore, for the conciliation or settlement proceedings to be operative, it is essential that the controversy must be within the authority of the Lupon Barangay as spelled out in Sections 2 and 3, *supra*. Specifically, the disputants must actually reside in the same barangay, or even if in different barangays, the latter should be situated within the same city or municipality. Or even if in different cities or municipalities, the

barangays must adjoin each other.

There can be no dispute that taking into account the actual residence of the parties herein, they fall outside the scope of PD 1508. They do not reside within the same barangay, nor in barangays within the same city or municipality, nor in barangays which adjoin each other but situated in the same city or municipality.

Respondent Judge, however, relied on the following proviso in Section 3:

"However, all disputes which involve real property or any interest therein shall be brought in the barangay where the real property or any part thereof is situated."

As it clearly states, Section 3 is a rule on venue. It presupposes that a controversy is within the jurisdiction of a Lupon Barangay. It by no means signifies that all controversies involving interest in real property are within the jurisdiction of the Lupon Barangay where the property is situated.

As clarified in *Tavora vs. Hon. Veloso*, G.R. No. 60367, September 30, 1982, with Mr. Justice Efren I. Plana speaking for the Court en banc,

"x x x the quoted proviso should simply be deemed to restrict or vary the rule on venue prescribed in the principal clauses of the first para-graph of Section 3, thus: Although venue is generally determined by the residence of the parties, disputes involving real property shall be brought in the barangay where the real property or any part thereof is situated, notwithstanding that the parties reside elsewhere within the same city/municipality."

Stated otherwise, before section 3 becomes operative, jurisdiction must first exist. As heretofore stated, in this case the Lupon Barangay has no jurisdiction because the parties involved are not residents in the same barangay, nor in barangays within the same city nor in barangays adjoining each other. Since no Lupon Barangay has jurisdiction to pass upon the controversy between petitioner and private respondent, no question of venue anent the barangay where the complaint should be litigated can be invoked. PD 1508 is not applicable and, necessarily, section 3 of said PD is not invocable for the dismissal of this Ejectment suit.

WHEREFORE, the Order of dismissal, dated February 18, 1982, is SET ASIDE, and respondent Judge is hereby directed to reinstate the appeal in Civil Case No. 2043 and to resolve it on its merits.

No costs.

**SO ORDERED.**

Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Teehankee, J., (Chairman), on official leave.

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