

AUGUSTO TUASON, PETITIONER, VS. A. S. CROSSFIELD, JUDGE OF FIRST INSTANCE OF MANILA, AND GEORGE C. SELLNER, RESPONDENTS.*G.R. No. 9453. March 30, 1915*

Ponente: CARSON, J.

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Plaintiff, in original certiorari proceedings in this court, seeks to secure relief from a judgment entered in the Court of First Instance of Manila in an action appealed from the court of the justice of the peace of the city of Manila. It is alleged that in that action the Court of First Instance entertained and adjudicated, in excess of its jurisdiction, a counterclaim set up by George C. Sellner, one of the respondents in these proceedings.

Tuason, the plaintiff in these proceedings, instituted a summary action in the court of the justice of the peace of the city of Manila against the respondent Sellner for the recovery of a piece of realty held by Sellner under a rental contract, and for rents due under and by virtue of the rental contract. A counterclaim was interposed by Sellner for damages in the sum of P5,000, alleged to have been occasioned by the failure of the plaintiff to make necessary repairs upon the property in accordance with the rental contract. The justice of the peace declined to take cognizance of this counterclaim on the ground that it was beyond his jurisdiction, and rendered judgment in favor of the plaintiff for the restitution of the property, rents, costs, etc. Sellner appealed to the Court of First Instance, where the case was tried upon the original pleadings, and the respondent judge, over the objection of the plaintiff, entertained and adjudicated Sellner's counterclaim and allowed him the sum of P1,000 as an offset against rents then due, and at the same time denied the plaintiff's prayer for possession.

Due and timely objection having been made, both in the court of the justice of the peace and the Court of First Instance, to the jurisdiction of those courts to entertain and adjudicate the counterclaim interposed by Sellner, the jurisdiction of the Court of First Instance in that regard did not exceed the jurisdiction of the court of the justice of the peace of the city of Manila wherein the summary action was instituted. (U. S. vs. Ang Suyco, 17 Phil. Rep., 92; Carroll vs. Paredes, 17 Phil. Rep., 94; Davis vs. Director of Prisons, 17 Phil. Rep., 168; U. S. vs. Bernardo, 19 Phil. Rep., 265.) There is no dispute as to the material facts involved in these proceedings, and our judgment must, therefore, turn upon our ruling as to whether in a court of a justice of the peace a defendant in a summary action brought under the provisions of section 80 of the Code of Civil Procedure and its amendments may interpose a "set off, counterclaim, or reconvention" for an amount in excess of the justice's jurisdiction in ordinary actions.

There is no express statutory authority for so doing, and we are of opinion that the jurisdiction of the court.", of justices of the peace is limited in the summary actions brought under the provisions of section 80 of the Code of Civil Procedure and its amendments, in like manner as that jurisdiction is limited in ordinary actions, save only in so far as the statute expressly confers jurisdiction upon these courts to adjudicate in such actions the prayer of the plaintiff for possession of the property, rents due and damages, without regard to the value of the property or the

amount of the rent or damages to which plaintiff may be entitled.

In the language of the statute, any offset, counterclaim or reconvention of which a justice of the peace may take cognizance must be "for an amount within the justice's jurisdiction." (Sec. 10, Act No. 1627.) The only argument advanced in support of the proposition that in summary actions the justice of the peace may take cognizance of set-offs, counterclaims, and reconventions without regard to the amount thereof seems to be based on the assumption that since no limit has been placed upon the value of the property or the amount of rents and damages which may be recovered by the plaintiff in actions of this kind, it would be unjust and unreasonable to place a limit on the amount of any set-off or counterclaim which the defendant may set up in such actions. It is urged that it must have been the intention of the legislator to remove the limitation on the amount of any set-off or counterclaim which defendant may plead in such actions, in view of the fact that no limitation is placed upon the value of the property or the amount of rent and damages which may be claimed by the plaintiff. But the grounds of public policy which led the legislator to place a general limitation upon the jurisdiction of courts of justices of the peace are so obvious, and the terms in which this general limitation is expressed are so clear and explicit, that no attempt to extend the jurisdiction of those courts beyond the general limits thus prescribed can be maintained in the absence of the clearest expression of the will of the legislator in support of such extension. The jurisdiction of courts of limited jurisdiction should not be, and cannot be, extended upon doubtful inferences drawn from legislative enactments which do not clearly contemplate the grant of such extended jurisdiction. No argument based merely upon convenience, or upon the assumed justice or propriety of the exercise of such jurisdiction in a particular class of cases, can justify the assumption of jurisdiction by those courts in the absence of a legislative grant.

It is to be observed, furthermore, that while much has been said and may be said as to the wisdom and convenience of a legislative grant of such jurisdiction to the courts of justices of the peace, there are, on the other hand, strong and compelling reasons which suggest the unwisdom of any extension of the jurisdiction of those courts beyond limits clearly and expressly laid down by statute. We do not deem it necessary, however, to enter upon an extended discussion of the reasons which have been advanced in support of the opposing views in this regard. Such contentions have their proper place before a legislative committee, and whatever our conclusions might be as to the policy of a grant of such jurisdiction to the justice's court, the assumption of such jurisdiction could only be maintained by virtue of a valid legislative enactment conferring it. It will be sufficient at this time to refer briefly to the principal argument in support of the alleged compelling necessity for the assumption of a legislative grant of such jurisdiction, which is based upon the possibility that in the absence of such jurisdiction in the justice's court an insolvent plaintiff may in some cases procure and enforce the collection of a judgment upon his complaint in a summary action, before the defendant can secure a judgment on a just and righteous counterclaim in excess of the jurisdiction of the justice of the peace, which it is alleged he should be permitted to set off against the judgment of the plaintiff in the summary action. But while this contention is not without merit, it must not be forgotten that any real danger of a substantial failure of justice in such a case may always be guarded against by a vigilant litigant who, under such circumstances, would clearly be entitled to an order restraining the enforcement of the judgment in the summary action pending proceedings in a Court of First Instance upon a set-off or counterclaim in excess of the jurisdiction of the justice of the peace.

In discussing a similar question, the supreme court of Missouri held as follows in *Emery vs. St. Louis, Keokuk & Northwestern Ry. Co.* (77 Mo., 339) : "The convenience and policy of having all cross demands settled in the same case, cannot justify the defendant in bringing a cross demand for settlement in a justice's court which has no jurisdiction of it, either because it sounds in tort, and exceeds the amount which limits the jurisdiction of a justice in such actions, or because no unliquidated counteraction can be entertained by a justice of the peace."

Contentions substantially similar to those of respondents in these proceedings have been ruled upon adversely in a number of courts of last resort in the United States. (Cf. *Maxfield vs. Johnson*, 30 Cal., 545; *Malson vs. Vaughn*, 23 Cal., 61; *John E. Morrison Co. vs. Harrell* [Tex. Civ. App.] 148 S. W., 1122; *Walter vs. Cox*, 36 Mont., 20; and *Martin vs. Eastman*, 109 Wis., 286.)

Perhaps it may be well to add that nothing which has been said is to be understood as a denial of the right of a defendant in one of these summary actions to set up and maintain any lawful defense which he may have as to the plaintiff's alleged cause of action. Of course, defendant may allege and prove anything which would tend to rebut plaintiff's claim of the right of possession of the real estate, or that plaintiff is entitled to the damages claimed for its unlawful detention, or rent claimed under a rental contract with reference thereto. Our ruling goes merely to the extent of denying the jurisdiction of the court of a justice of the peace to adjudicate any matter set up by defendant in excess of its jurisdiction in ordinary actions, which does not tend to defeat, in whole or in part, plaintiff's right of action for possession, rent or damages. (*Bernardo vs. Genato*, 11 Phil. Rep., 603.)

In regard to respondent's claim that plaintiff's remedy, if he has any ground for complaint, was by appeal and not in certiorari proceedings, it is sufficient to say that, under all the circumstances, we are of opinion that his right to appeal was not so definite and certain as to afford him such a plain, adequate and speedy remedy as would justify us in denying relief in these proceedings.

We think that the rights of the parties will best be conserved by directing the trial court to grant a new trial wherein the defendants will not be permitted to plead any set-off, counterclaim or reconvention in excess of the jurisdiction of the justice of the peace of the city of Manila in ordinary actions.

Let judgment be entered in conformity herewith, with costs in favor of the plaintiff. Let any part of the record in the proceedings in the summary action in the Court of First Instance which may have been brought here in connection with these proceedings be remanded to the proper sala of the Court of First Instance of Manila, together with a certified copy of said judgment; whereupon the record of the proceedings pending before us will be filed in the archives of original actions adjudicated by this court. So ordered.

Arellano, C. J., Torres, Trent, and Araullo, JJ., concur.
Johnson, J., dissents.

DISSENTING

MORELAND, J.,

I cannot agree that a justice's court which, in a particular class of action or proceeding, has jurisdiction to render a judgment in favor of plaintiff for an unlimited amount, should be limited as to the amount of a counterclaim which may be presented to the plaintiff's cause of action. It is unquestioned that, in summary proceedings, a justice's court has jurisdiction to render judgment in favor of the plaintiff for rent and damages for whatever amount. Its jurisdiction in that sense is unlimited. The case at bar holds that, although this is true, a counterclaim cannot be set up to defeat, in whole or in part, plaintiff's cause of action in such a proceeding where the amount of the counterclaim is more than P600.

The theory of the prevailing opinion is that in summary proceedings in justices' courts, a defendant, who has a counterclaim of P10,000 against the plaintiff, cannot use that counterclaim to offset plaintiff's claim of P10,000 for rent and damages, but must permit plaintiff to obtain judgment against him in the justice's court for P10,000, and then, to protect himself, must begin an action in the Court of First Instance to recover his counterclaim of

P10,000 and obtain therein an injunction to restrain the collection of the judgment of P10,000 of the justice's court. Under the jurisdiction granted to a justice's court in summary proceedings in these Islands, which is unlimited as to the amount for which judgment may be granted to a plaintiff, it seems to me that this position is absurd. I am not contending that, by the presentation of a counterclaim, a defendant who has refused to pay his rent may, under cover of that counterclaim, refuse to pay rent and still maintain possession of the premises, nor am I contending that the defendant should be given an affirmative judgment against the plaintiff on such counterclaim. On the latter question I express no opinion. What I am urging is that, if a court has power to grant a judgment for P10,000 against a defendant, that same court must necessarily have jurisdiction of offset plaintiff's claim by a valid counterclaim of P10,000 presented by defendant, especially where, as in the case at bar, the counterclaim arises out of the same contract on which plaintiff predicates his cause of action.

The cases cited as supporting the prevailing opinion are cases in which the justice's court could not render a judgment in favor of the plaintiff for more than a specified amount, that is, the jurisdiction of justices' courts was limited. Where, as in such cases, the justice's court has no jurisdiction to give judgment in favor of the plaintiff for more than P200, it is clear that the counterclaim of the defendant could not exceed that sum. In the Philippine Islands justices' courts have jurisdiction in summary proceedings to give judgment in favor of the plaintiff for an unlimited amount. Indeed, a case might well be imagined where a justice of the peace might be called upon to render a judgment for several thousand pesos. Many pieces of property in Manila are renting for several thousand pesos a month; and, if the rent should remain unpaid for six months, the judgment which a justice's court might be called upon to render might be for many thousands of pesos. Under such circumstances, it seems to me an absurdity to contend that a defendant in such an action would be prohibited from presenting a counterclaim arising out of the contract of rent for more than P200.

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