

GREGORIO GONZALES, PETITIONER, VS. THE HON. COURT OF APPEALS, MAR EVANGELISTA, LUCIANO AND ROSITA SESE AND ESTRELLA BAUTISTA, RESPONDENTS.

G.R. Nos. 59495-97. June 26, 1987

Ponente: SARMIENTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-59495-97/>

SARMIENTO, J.:

The petition seeks the review of a judgment rendered by the Court of Appeals,[1] setting aside the decision rendered by the former City Court of Caloocan City, now Metropolitan Trial Court, in Civil Cases Nos. 13501, 13502, and 13503 thereof, all actions for unlawful detainer. The challenged decision dismissed the cases for failure of the plaintiff, the petitioner herein, to avail himself of the barangay conciliation process under Presidential Decree No. 1508, preliminary to judicial recourse.

There is no controversy as to the facts.

The petitioner is the owner of an apartment located in Caloocan City. Three doors thereof, Nos. 110-D, 110-B, and 110-C, were leased to the private respondents for less than P200.00 a month in rentals.[2]

On October 1, 1979, the petitioner filed three separate complaints for ejectment against the private respondents in the City Court of Caloocan City. According to him, he is in need of the premises for the use of his married children who do not allegedly have residences of their own,[3] which is a ground for ejectment under the provisions of Batas Blg. 25. The private respondents duly filed their answers, after which the cases were consolidated and then heard.

On January 6, 1981, the said City Court rendered judgment ejecting the private respondents.[4] They appealed to the then Court of First Instance of Rizal, Branch XXXII, now Regional Trial Court, which affirmed the trial court's decision.[5] Reconsideration having been denied,[6] the private respondents commenced proceedings in the respondent Court of Appeals. Among others, the private respondents alleged that the Court of First Instance erred in sustaining the jurisdiction of the City Court "notwithstanding the admitted fact that there was no compliance in the cases with the mandatory requirements of P.D. No. 1508." [7]

On October 31, 1981, the respondent Court of Appeals rendered the assailed decision.[8] On January 5, 1982, it denied the petitioner's motion for reconsideration.[9] As we noted, the respondent Court dismissed the ejectment cases on the ground of lack of jurisdiction of the City Court for failure of the parties to undergo a confrontation at the barangay level. Hence, this petition.

The issue to be resolved here is not one of jurisdiction, as erroneously supposed by the respondent Court of Appeals and by the parties as well. The question, rather, is simply one of procedure.

In *Ebol v. Amin*, [10] we held that the conciliation process under Presidential Decree No. 1508 is not jurisdictional. Jurisdiction is conferred by Batas Blg. 129 and the Judiciary Act of 1948. [11]

Presidential Decree No. 1508 does not vest jurisdiction in the *lupong tagapayapa*. Jurisdiction means the power to try and decide a case.[12] The *lupon* does not decide cases. It is vested only with conciliation functions.[13] It is not a court of law.

While in *Royales v. Intermediate Appellate Court*,[14] we ruled that "non-compliance with the condition precedent prescribed by P.D. 1508 could affect the sufficiency of the plaintiff's cause of action and make his complaint vulnerable to dismissal on ground of lack of cause of action or prematurity,"[15] we held in the same case that "the same would not prevent a court of competent jurisdiction from exercising its power of adjudication over the case before it, where the defendants, as in this case, failed to object to such exercise of jurisdiction in their answer and even during the entire proceedings *a quo*." [16] There is a similar waiver in the cases at bar. There is no allegation in the private respondents' answers[17] that the petitioner failed to invoke the authority of the *lupon tagapayapa* before going to court. Moreover, they took part in the trial, argued their case, and adduced their evidence. These amount to a waiver.

Other than these, we find the decision[18] of the then City Court of Caloocan, now Metropolitan Trial Court, as affirmed by the Court of First Instance of Rizal, Branch XXXII, now Regional Trial Court, in the aforesaid three cases to be in conformity with the law and evidence.

WHEREFORE, the decision of the Court of Appeals, and its resolution denying the petitioner's motion for reconsideration are hereby SET ASIDE. The decision of the City Court in Civil Cases Nos. 13501, 13502, and 13503, as sustained by the Court of First Instance, is REINSTATED. No pronouncement as to costs.

SO ORDERED.

Yap, (Chairman), Narvasa, Melencio-Herrera, Cruz, Feliciano, and Gancayco, JJ., concur.

[1] *Gopengco, J.; Victoriano and Sison, JJ., Concurring.*

[2] *Rollo*, 24, 26, 29

[3] *Id.*, 24, 27, 29.

[4] *Id.*, 55-56.

[5] *Id.*, 56.

[6] *Id.*, 77-86.

[7] *Id.*, 58.

[8] *Id.*, 47-49.

[9] *Id.*, 96.

[10] No. L-70237, March 18, 1985, 135 SCRA 438 (1985).

[11] *Supra*.

[12] *Herrera v. Barretto*, 25 Phil. 245 (1913).

[13] Pres. Decree No. 1508, sec. 2.

[14] No. L-65072, January 31, 1984, 127 SCRA 470 (1984).

[15] Supra, at 473; also *Peregrina v. Panis*, No. L-56011, October 31, 1984, 133 SCRA 72 (1984).

[16] *Royales v. Intermediate Appellate Court*, supra, at 473-474.

[17] *Rollo*, id., 31-42.

[18] *Id.*, 45-46.

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.