

SECOND DIVISION

[G.R. No. 129313, October 10, 2001]

SPOUSES MA. CRISTINA D. TIRONA AND OSCAR TIRONA, SPOUSES MA. PAZ D. BAUTISTA AND CESAR BAUTISTA, SPOUSES MA. ARANZAZU D. ORETA AND CANUTO ORETA, SPOUSES MA. CORAZON D. BAUTISTA AND PABLO S. BAUTISTA, JR., AND DEO S. DIONISIO, PETITIONERS, VS. HON. FLORO P. ALEJO AS PRESIDING JUDGE, REGIONAL TRIAL COURT OF VALENZUELA, METRO MANILA, BRANCH 172, JUANITO IGNACIO AND LUIS NUÑEZ, RESPONDENTS.

D E C I S I O N

QUISUMBING, J.:

This petition for review assails the joint decision^[1] dated April 10, 1997, of the Regional Trial Court of Valenzuela, Branch 172, in Civil Cases Nos. 5169-V-97 and 5093-V-97.

The factual background of this petition are culled from the records of the cases.

A. Civil Case No. 5093-V-97:

On March 25, 1996, herein petitioners sued private respondent Luis Nuñez before the Metropolitan Trial Court of Valenzuela, Branch 81. The suit was docketed as Civil Case No. 6633 for ejectment. Petitioners claimed to be owners of various fishpond lots located at Coloong, Valenzuela.^[2] They alleged, among others that: (1) on January 20, 1996, private respondent Nuñez, "by means of force, stealth, or strategy, unlawfully entered the said fishpond lots and occupied the same" against their will, thereby depriving them of possession of said fishponds; (2) Nuñez illegally occupied a house owned by and built on the lot of petitioner Deo Dionisio; and (3) Nuñez unlawfully operated and used petitioners' fishponds, despite their demands to vacate the same. Petitioners prayed that the court order Nuñez to vacate Dionisio's house; surrender possession of the fishponds to them; remove all milkfish fingerlings at his expense; and pay a monthly compensation of P29,000.00 from January 20, 1996 to the time he surrenders possession, with interest at twelve percent (12%) yearly until fully paid.

Nuñez admitted in his answer that petitioners owned the fishponds, but denied the other allegations. He raised the following affirmative defenses: (1) the MeTC had no jurisdiction over the case, for petitioners' failure to allege prior physical possession in their complaint; (2) petitioners' action was premature in view of the pendency of a complaint he filed with the Department of Agrarian Reform Adjudication Board (DARAB), docketed as Case No. IV-MM-0099-95R, where the issue of possession in the concept of tenancy is the same as that raised by petitioners in Civil Case No. 6633; and (3) petitioners are guilty of forum-shopping since they were fully aware

of the said DARAB case. He moved that the ejectment suit be dismissed.

On October 1, 1996, the MeTC of Valenzuela, Branch 81, decided Civil Case No. 6633 as follows:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendant and all persons claiming rights under him:

1. To peacefully vacate and surrender the subject premises to the plaintiffs;
2. To peacefully vacate and surrender the house belonging to plaintiff Deo S. Dionisio;
3. To pay the amount of P27,000.00 a month as reasonable compensation from January 20, 1996 up to the time he finally vacates the subject premises;
4. To pay the amount of P10,000.00 as and for attorney's fees; and
5. To pay the costs of suit.

SO ORDERED. ^[3]

On November 15, 1996, Nuñez appealed said decision to the Regional Trial Court of Valenzuela, which docketed the appeal as Civil Case No. 5093-V-97.

B. Civil Case No. 5169-V-97

On March 25, 1996, petitioners also instituted Civil Case No. 6632 for ejectment against private respondent Juanito Ignacio with the Metropolitan Trial Court of Valenzuela, Branch 82. The allegations were essentially the same as those against private respondent Nuñez, except it is alleged that Ignacio "also illegally occupied the house constructed on the lot of, and belonging to the plaintiff Spouses Ma. Paz D. Bautista and Cesar Bautista." Petitioners sought the same relief prayed for in Civil Case No. 6633.

Ignacio raised similar defenses as those offered by Nuñez in Civil Case No. 6633. Like Nuñez, he also moved for dismissal of the ejectment suit against him.

On February 11, 1997, the MeTC of Valenzuela, Branch 82 issued an order dismissing Civil Case No. 6632 against Ignacio, thus:

WHEREFORE, PREMISES CONSIDERED, defendant's motion to cite plaintiffs in contempt of court is denied, and his other motion to dismiss the case is hereby GRANTED.

Accordingly, the above-entitled case is DISMISSED without

pronouncement as to costs.

SO ORDERED.^[4]

In granting Ignacio's Motion to Dismiss, the MeTC said:

It is now clear to the mind of the Court that the issue of recovery of possession pursued by plaintiffs in this case is pending also for adjudication among other issues in DARAB Case No. IV-MM-0099-95. There is no dispute that both this case and the DARAB case involve the same real property or at least, adjoining lots covered by titles in the names of some of the plaintiffs, which lots are also involved in this case.

x x x

Clearly, said DARAB case is a prejudicial question to the case at bar, and or vice versa (stress in the original). The possibility that this Court and the DARAB may come up with two contradicting decisions on issue of possession shall always be there, and since the DARAB case was filed first, there appears compelling necessity to halt proceedings in this case.

^[5]

On February 27, 1997, petitioners appealed the foregoing Order to the Regional Trial Court of Valenzuela, which docketed their appeal as Civil Case No. 5169-V-97.

Since Civil Cases Nos. 5093-V-97 and 5169-V-97 involved essentially the same parties, the same subject matter, and the same issues, the cases were jointly heard before Branch 172 of the RTC of Valenzuela.

On April 10, 1997, Civil Cases Nos. 5093-V-97 and 5169-V-97 were jointly decided.

WHEREFORE, judgment is hereby rendered as follows:

1. Affirming the appealed Order of the trial court dated February 11, 1997 dismissing Civil Case No. 6632, with the modification that the plaintiffs be made liable to pay the costs of suit; and
2. Reversing the appealed decision of the trial court dated October 1, 1996 in Civil Case No. 6633 and dismissing the above-entitled case for the reasons stated above. The plaintiffs are ordered to pay the costs of suit.

SO ORDERED.^[6]

In ruling against herein petitioners, the RTC found:

(1) As correctly pointed out by the counsel for the defendants in his memorandum on appeal, it is now settled that a complaint for forcible

entry to fall within the jurisdiction of the inferior court must allege plaintiffs' prior physical possession of the property by any of the means provided in Section 1 of Rule 70 of the Revised Rules of Court. Bare allegation in the complaint that the plaintiff was deprived of the possession of the property is insufficient to make the action one for forcible entry (citation omitted)

In the instant case, while the complainants allege that the defendants (Ignacio in Civil Case No. 6632 and Nuñez in Civil Case No. 6633) by means of force, stealth or strategy "unlawfully entered the said fishpond lots and occupied the same against the will of the plaintiffs," there is no allegation that the plaintiffs had prior physical possession of the property in dispute. The complaint(s) in the above-entitled cases therefore did not fall within the jurisdiction of the trial courts.

(2) The DARAB case (Case No. IV-MM-0099-95R) between the herein parties and covering the same subject matter was filed way ahead of the instant cases. The allegation in the DARAB complaint that the complainants are agricultural or share tenants is opposed to the claim of the respondents in their answer that the complainants are their industrial partners. The DARAB case thus presented a dispute that is clearly agrarian in nature. Under existing laws...the Department of Agrarian Reform, thru the DARAB, is vested with exclusive jurisdiction over all agrarian reform matters or agrarian disputes.

The principal issue in the instant cases for forcible entry - whether or not to eject the defendants from the fishponds - is necessarily connected with the agrarian dispute now pending resolution before the DARAB. It is therefore beyond the competence of the inferior court to resolve.

x x x

(3) The plaintiffs were less than honest in certifying under oath that they have no knowledge of any case pending before any tribunal or agency involving the same issues raised in the instant cases. At the time of their certification, there was pending before the DARAB of a case between the same parties with the same subject matter and where the issue of possession as raised in the instant cases is necessarily included in the larger issue of agricultural tenancy. The plaintiffs therefore violated Administrative Order No. 04-94 of the Supreme Court, which is a ground for dismissal.^[7]

On May 6, 1997, petitioners filed with the RTC a joint Motion for Leave to Amend Complaint in Civil Cases Nos. 6632 and 6633 and a Motion for Reconsideration, together with the proposed Amended Complaints. On May 20, 1997, the RTC denied the aforementioned motions.

Hence, the instant petition. Petitioners assign the following as errors committed by the RTC:

1. THE LOWER COURT ERRED IN GIVING PRIME IMPORTANCE TO THE FAILURE OF PLAINTIFFS TO AVER IN THEIR COMPLAINT(S) THAT THEY WERE IN POSSESSION AT THE TIME OF THE FORCIBLE ENTRY MADE BY PRIVATE RESPONDENTS.
2. THE LOWER COURT ERRED IN FAILING TO MAKE A FINDING THAT PLAINTIFFS WERE IN POSSESSION OF THEIR PROPERTIES AT THE TIME OF FORCIBLE ENTRY THEREUNTO BY PRIVATE RESPONDENTS, FOR WHICH RELIEFS SHOULD HAVE BEEN GRANTED TO HEREIN PETITIONERS.
3. THE PENDENCY OF THE SUIT FILED BY PRIVATE RESPONDENTS IN THE DEPARTMENT OF AGRARIAN REFORM DID NOT PROSCRIBE THE INSTITUTION OF THE EJECTMENT CASE(S).
4. THERE HAD BEEN NO INFRACTION ON THE AFFIDAVIT OF NON-FORUM SHOPPING REQUIREMENTS.

The main issue for our resolution involves the jurisdiction of the metropolitan trial courts: was petitioners' failure to allege prior physical possession in a case for forcible entry fatal to the jurisdiction of the inferior courts? Ancillary thereto, we also must inquire (a) whether the pendency of the Case No. IV-MM-0099-95R before the DARAB barred the filing of Civil Cases Nos. 6632 and 6633 for forcible entry; and (b) whether petitioners violated Supreme Court Administrative Circular No. 04-94 proscribing forum shopping.

On the main issue, petitioners contend that the averment of the identities of the persons in possession of the disputed properties at the time of the forcible entry thereunto is not jurisdictional in character. Petitioners argue that the deficiency, if any, could have been remedied by amended or supplemental pleadings or by the submission of admissible evidence. They point out that the MeTC, Branch 81 in Civil Case No. 6633 had received evidence of petitioners' actual possession, resulting in a finding of fact of actual possession in its Decision of October 1, 1996. It was, therefore, an error for the RTC to have disregarded said finding of fact on the ground that the requisites for the MeTC to acquire jurisdiction over the forcible entry cases had not been complied with. It was likewise error for the RTC to have denied the admission of petitioners' Amended Complaints.

Private respondents argue that a closer scrutiny of the allegations in the complaints in Civil Cases Nos. 6632 and 6633 filed with the court of origin will clearly show that there is no allegation whatsoever of prior physical possession on petitioners' part. All that is averred is unlawful deprivation by private respondents. They submit that this glaring defect is fatal enough to deprive the inferior court of jurisdiction over the forcible entry cases. With respect to the denial of admission of petitioners' Amended Complaints, private respondents point out that amendments for the purpose of making the complaint confer jurisdiction upon the court are not allowed.

The jurisdiction of a court is determined by the allegations of the complaint, and the rule is no different in actions for ejectment.^[8] Thus, in ascertaining whether or not the action is one for forcible entry falling within the exclusive jurisdiction of the inferior courts, the averments of the complaint and the character of the relief sought