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FIRST DIVISION

[G.R. No. 58912. May 7, 1985]

ROBERTO R. DE LUZURIAGA, SR., *petitioner, vs.* **HON. MIDPANTAO L. ADIL, Presiding Judge of the Court of First Instance of Iloilo, Branch II and GEORGE K. YOUNG,** *respondents.*

SYLLABUS

REMEDIAL LAW; ACTIONS; SPLITTING A CAUSE OF ACTION; RULE; REASON THEREFOR.— In the forcible entry case (Civil Case No. 21-33C), the dispute between petitioner Luzuriaga and respondent Young about the possession of Agho Island arose out of their conflicting claims of ownership over the said island. The issue of ownership is indispensably involved. In a long line of cases We have ruled that a party may institute only one suit for a single cause of action. If two or more complaints are brought from different parts of a single cause of action, the filing of the first may be pleaded in abatement of the other or others, and a judgment upon the merits in anyone is available as a bar in the others. The reason for the rule against the splitting of a cause of action is intended to prevent repeated litigation between the same parties in regard to the same subject of controversy; to protect the defendant from unnecessary vexation; and to avoid the costs incident to numerous suits.

TEEHANKEE, ***Acting C.J., concurring*:**

REMEDIAL LAW; COURT OF FIRST INSTANCE; HAS EXCLUSIVE JURISDICTION OVER ISSUE OF OWNERSHIP OF PROPERTY.— Aside from the fact that respondent Young's action to quiet title in the Court of First Instance (now Regional Trial Court) was filed ahead of Luzuriaga's action for forcible entry in the Municipal Circuit Court of Estancia, Iloilo, it is manifest that the Regional Trial Court has equal, if not superior jurisdiction, to resolve the identical issue of who between the contending parties is entitled to possession of the disputed property and to issue a writ of preliminary mandatory injunction to place Luzuriaga in possession of the property, if he establishes a strong right thereto. (*Torre vs. Querubin*, 101 Phil. 53; *De Garcia vs.*

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Santos, 79 Phil. 365). Moreover, the Regional Trial Court has exclusive jurisdiction to resolve with finality the intertwined and overriding issue of ownership of the property. Sustaining the jurisdiction of the Regional Trial Court over that of the Municipal Circuit Court prevents multiplicity of suits and avoids the possibility of conflicting resolutions between the two courts.

APPEARANCES OF COUNSEL

Cirilo T. Ganzon, Jr. for petitioner.
Zosa and Quijano Law Office for private respondent.

D E C I S I O N

RELOVA, *J.*:

Appeal from the decision of the then Court of First Instance Judge Midpantao L. Adil of Iloilo enjoining the presiding judge of the then Municipal Circuit Court of Estancia, Iloilo from proceeding with the trial of Civil Case No. 21-33C, entitled "*Roberto R. de Luzuriaga, Sr. vs. George K. Young*, for forcible entry with damages.

Defendant — herein private respondent George K. Young - among others, challenged the jurisdiction of the inferior court to try and hear said Civil Case No. 21-33C because the issue of possession is intertwined with the issue of ownership earlier raised in an action to quiet title pending in the then Court of First Instance.

The facts as found by respondent Court of First Instance Judge are the following:

"Petitioner George K. Young is the registered owner of a parcel of land, Lot No. 2, being a portion of Fp-9941 situated at the Island of Agho, Concepcion, Iloilo, containing an area of 71,899 square meters more or less and covered by Transfer Certificate of Title No. T-5455 of the Register of Deeds of Iloilo.

"On April 21, 1980, private respondent Roberto R. de Luzuriaga, Sr., together with fifteen (15) other persons, instituted Civil Case No. 13336 in the Court of First Instance against herein petitioner George K. Young, and nineteen (19) other defendants in an action to Quiet Title, Annulment of Titles and Deeds, Declaration of Sole

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Heirship and or Ownership with Damages, involving this property titled in the name of herein petitioner. Later on April 24, 1980, Roberto R. de Luzuriaga, Sr., filed Civil Case No. 21-33C for Forcible Entry with Damages against herein petitioner George K. Young. This latter case is now the subject of this present petition for *certiorari* and prohibition with preliminary injunction.

"According to the complaint of private respondent Luzuriaga, Sr., for forcible entry, the representative of herein petitioner landed at Agho Island on April 19, 1980, and by means of force, intimidation, strategy and/or stealth, without a lawful court order and without the knowledge of private respondent, ejected and dispossessed the representatives of the latter from the disputed property. Accordingly, despite demands made by the representatives of Luzuriaga, Sr., the representative of Young refused to vacate the island in dispute. Hence, the institution of an action for forcible entry by Luzuriaga, Sr., of Civil Case No. 21-33C before Municipal Circuit Court No. 2 of Estancia, Iloilo, presided by respondent judge.

"Petitioner, in his answer to the complaint against him for forcible entry before the court presided by respondent judge, raised three affirmative defenses, namely: that respondent judge has no jurisdiction over the subject matter of the case; that there is a case pending between the same parties involving the same cause of action; and, that the filing of the action for forcible entry violated the rule on multiplicity of suits. These affirmative defenses, being grounds for a Motion to Dismiss, herein petitioner maintains that a preliminary hearing is a must pursuant to Section 5, Rule 16 of the Revised Rules of Court, Instead of conducting a preliminary hearing on the affirmative defenses aforecited, respondent judge ordered the herein petitioner on August 18, 1980 to submit written Motion to Dismiss. Even without having received the written memorandum of Young based on his affirmative defenses, respondent judge set the trial of the forcible entry case before his court on September 28, 1980 per his order dated August 28, 1980. On even date also, although in his order setting the case for the trial of Civil Case No. 21-33C, he admitted not having received the respective memoranda of the parties, he denied the Motion to Dismiss of Young embodied as affirmative defenses in his answer." (pp. 25-28, *Rollo*)

Sustaining herein private respondent George K. Young, respondent judge said:

"The failure of Luzuriaga, Sr. to embody in Civil Case No. 13336 the act of dispossession allegedly committed by Young's

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representative, although it already existed at the time said Civil Case No. 13336 was filed, cast a serious doubt about the viability of Civil Case No. 21-33C for forcible entry as an independent suit. The dispute between Young and Luzuriaga, Sr. about the possession of Agho Island arises out of their conflicting claims of ownership of the said island. Therefore, the two causes of action must be joined in one suit, otherwise, if the questions of possession and ownership be the subject of two complaints, the filing of one will abate that of other complaint, according to the rule on the splitting of a single cause of action. (Section 4, Rule 2). (p. 29, *Rollo*)

xxx xxx xxx

"In sum, Civil Case No. 21-33C pending before Municipal Circuit Court No. 2 of Estancia, Iloilo, should be dismissed on two procedural grounds, namely: (1) The cause of action therein pleaded is abated by the filing of Civil Case No. 13336 which was instituted first. This is pursuant to Section 4, Rule 2 of the Revised Rules of Court; and, (2) The cause of action in said case is necessarily included in Civil Case No. 13336 which is principally between the same parties who are involved in Civil Case No. 21-33C. Under Section 1(e), Rule 16, Revised Rules of Court, a motion to dismiss will lie when there is another action pending between the same parties for the same cause." (pp. 31-32, *Rollo*)

WE find no merit in the petition.

In the forcible entry case (Civil Case No. 21-33C), the dispute between petitioner Luzuriaga and respondent Young about the possession of Agho Island arose out of their conflicting claims of ownership over the said island. The issue of ownership is indispensably involved. In a long line of cases We have ruled that a party may institute only one suit for a single cause of action. (Section 3, Rule 2 of the Rules of Court; *Laperal vs. Katigbak*, 4 SCRA 582). If two or more complaints are brought from different parts of a single cause of action, the filing of the first may be pleaded in abatement of the other or others, and a judgment upon the merits in anyone is available as a bar in the others. (Section 4, Rule 2; *Bacolod City vs. San Miguel, Inc.*, 29 SCRA 819). The reason for the rule against the splitting of a cause of action is intended to prevent repeated litigation between the same parties in regard to the same subject of controversy; to protect the defendant from unnecessary vexation;

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and to avoid the costs incident to numerous suits.

In the case at bar, Civil Case No. 13336 (an action to quiet title) was filed on April 21, 1980, whereas Civil Case No. 21-33C (the forcible entry case) was instituted before the Municipal Circuit Court of Estancia, Iloilo three (3) days thereafter, or on April 24, 1980. In his complaint for ejectment, petitioner Luzuriaga anchored his claim for rightful possession on his alleged ownership over the subject property. Thus, it is clear that the issue of possession is connected with that of ownership and, therefore, respondent CFI Judge Adil rightfully enjoined the Municipal Circuit Court of Estancia, Iloilo from proceeding with the trial of the ejectment controversy in Civil Case No. 21-33C. Besides, the respondent court could also grant the relief sought by petitioner by issuing a writ of preliminary mandatory injunction ousting private respondent from the property and placing him in possession thereof.

WHEREFORE, petition is hereby DENIED for lack of merit.

SO **ORDERED**.

Plana, Gutierrez, Jr., De la Fuente, and *Alampay, JJ.*, concur.

Melencio-Herrera, J., concur in the result.

TEEHANKEE, Acting *C.J., concurring*:

Aside from the fact that respondent Young's action to quiet title in the Court of First Instance (now Regional Trial Court) was filed ahead of Luzuriaga's action for forcible entry in the Municipal Circuit Court of Estancia, Iloilo, it is manifest that the Regional Trial Court has equal, if not superior jurisdiction, to resolve the identical issue of who between the contending parties is entitled to possession of the disputed property and to issue a writ of preliminary mandatory injunction to place Luzuriaga in possession of the property, if he establishes a strong right thereto. (*Torre vs. Querubin*, 101 Phil. 53; *De Garcia vs. Santos*, 79 Phil. 365). Moreover, the Regional Trial Court has exclusive jurisdiction to resolve with finality the intertwined and overriding issue of ownership of the property. Sustaining the jurisdiction of the Regional Trial Court over that of the Municipal Circuit Court prevents multiplicity of suits and avoids the possibility of conflicting resolutions between the two courts.