104 Phil. 254

[G. R. No. L-11986. July 31, 1958]

BERNARDO MANALANG, ET AL., PETITIONERS AND APPELLANTS,. VS. ELVIRA TUASON DE RICKARDS, ET AL., RESPONDENTS AND APPELLEES.

D E C I S I O N

FELIX, J.:

Elvira Vidal Tuason de Rickards is the owner of a private subdivision located at Sampaloc, Manila, with an area of 44,561.80 square meters covered by Transfer Certificate of Title No. 40961 (Exhibit 13). In 1954, the lots therein were leased to various tenants among whom were Bernardo Manalang, Vicente de Leon and Salvador de Leon occupying Lots Nos. 174r—C, 160 and 158, respectively. As the City of Manila allegedly increased the assessment of said land effective January 1, 1954, the administrator thereof notified the tenants of the corresponding increase of the rentals of the lots therein, such that the rental for the lot occupied by Bernardo Manalang was raised from P36 to 80; the rental for Lot No. 160 was raised from P10 to P43.12; and from P24 to P51.24 for Lot No. 158. The said tenants, however, insisted on paying the former rate, and as the landowner refused to accept the same, the former consigned them in court.

On April 27, 1954, Elvira Vidal Tuason de Rickards, assisted by her husband, Jose A. Rickards, instituted with the Municipal Court of Manila Civil Case No. 31401 against Bernardo Manalang; Civil Case No. 31406 against Salvador de Leon; and Civil Case No. 31411 against Vicente de Leon, all for ejectment. Therein defendants filed separate motions to dismiss invoking the provisions of Republic Act No. 1162, which was approved on June 18, 1954. The matter was duly heard and on July 14, 1954, the Municipal Judge of Manila issued an order denying the motions to dismiss and suspending the proceedings for 2 years from the enactment of Republic Act No.1162 or until further order from the Court.

On April 13, 1955, upon motion of the plaintiffs, the Municipal Judge issued an order setting the cases for hearing on the merits. Defendants tried to secure a reconsideration of the

aforesaid order, but as their motion was denied, they filed a petition for certiorari and prohibition with the Court of First Instance of Manila (Civil Case No. 26135) against the spouses Rickards and the Judges of the Municipal Court of Manila, alleging that the order of the same Court of July 14, 1954, already disposed of the action and determined the rights of the parties. It was thus prayed that a writ enjoining the respondent Judges from proceeding with the hearing of the cases be issued; that said respondents be declared without jurisdiction to hear the same; and that the orders of Municipal Judge Estrella Abad Santos setting the case for hearing on the merits and the order of Acting Judge Sumilang Bernardo denying their motion for reconsideration be set aside and declared null and void.

To this petition, the respondent spouses filed their answer denying some of the averments of the same. And as special defenses, it was contended that the order of July 14, 1954, did not settle the controversy it being merely an interlocutory order, and as such could not be reviewed by a petition for certiorari. It was, therefore, prayed that the petition be dimissed and the Municipal Judges be ordered to hear the cases on the merits.

On February 6, 1956, the Court of First Instance of Manila dimissed the petition on the ground that the order of the inferior court was merely interlocutory in nature, and that the statements contained in the body thereof were the basis of the court's ruling, as embodied in the dispositive part thereof denying the motion to dismiss and suspending the proceedings therein for 2 years or until further order from the court. From this decision, defendants appealed to the Court of Appeals, but the latter tribunal certified the case to Us on the ground that it involves only a question purely of law.

The main issue presented by the instant action is whether the order of the inferior court of July 14, 1954, is interlocutory or not and consequently, whether the lower court erred in dismissing the petition for certiorari and prohibition filed therein. The aforementioned order of the Municipal Judge dated July 14, 1954, is hereunder copied in full:

"ORDER

> "After a thorough consideration of the Motion to Dismiss and the opposition thereto, this Court is of the opinion and so holds that from the approval of Republic Act No. 1162 no ejectment proceedings should be instituted or prosecuted against any tenant or occupant and that the unpaid rentals of the tenants, if any they have, shall be liquidated and shall be paid in 18, equal monthly installments from the date or time of liquidation and that the landlord

> cannot charge more than the amount being charged or collected by them from their tenants as of December 31, 1953.
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> "It is undisputed fact that the premises occupied by the herein-defendants have been and are actually being leased to tenants, for which reason it is governed by the provisions of the aforesaid Act. But inasmuch as these three cases of ejectment have been instituted before the approval of said Act, it is the considered opinion of this Court that its prosecution should be suspended. As to the motion to dismiss same is untenable and without merit, for if these cases of ejectment will be dismissed as claimed by the herein defendants, the liquidation of the unpaid rentals could not be carried out effectively as provided by said Act.
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> "As to the unconstitutionality of section 5 of the Republic Act in question, the presumption is that same is valid and constitutional until it is declared otherwise by the competent tribunal, for which reason we deem it our bounden duty to enforce the avowed policy of the Republic of the Philippines, as expressed in said Act (Pastor Mauricio et al. vs. Hon. Felix Martinez et al., CA&mdashG. R. 5114—R, promulgated January 31, 1952).
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> "WHEREFORE, this Court orders the denialof the motion to dismiss, and the suspension of the proceedings in the three above-entitled cases during the period of two years from the approval of Republic Act No. 1162 or until further order of this Court".

We see no reason why the ruling of the lower Court should not be affirmed. The order of the Municipal Judge of July 14, 1954, is clear enough to call for any construction or interpretation, for while it opens with the paragraph stating that it was the opinion of the court "and so holds that from the approval of Republic Act No. 1162 no ejectment proceedings should be instituted", etc., the dispositive portion of the order decreed the denial of the motion to dismiss which was based on the same Republic Act No. 1162. And this ruling is understandable. It appears that the actions for ejectment were filed before the enactment of Republic Act No. 1162 and conceivably under the general principle that laws can only be enforced prospectively, the Municipal Judge for one reason or another saw it fit to suspend the proceedings for quite a long period, probably with the expectation that the question of the constitutionality of Republic Act No. 1162 might be in the meantime duly passed upon.

It can be seen from the foregoing that the issues presented in the ejectment proceedings were not settled thereby, for precisely the motion to dismiss filed by defendants based on the provisions of Republic Act No. 1162 was denied. Certainly, said actions having been merely suspended, and the jurisdiction of the court over said proceedings not having been assailed, the said court has the power to reopen the same for trial on the merits in order that the rights of the parties therein could be finally determined. It is argued, however, by appellants that the body of the order recognized the prohibition laid down by Republic Act No. 1162 against the institution of ejectment proceedings after the effectivity of said Act. It is an elementary principle of procedure that the resolution of the Court on a given issue as embodied in the dispositive part of the decision or order is the investitive or controlling factor that determines and settles the rights of the parties and the questions presented therein, notwithstanding the existence of statements or declarations in the body of said order that may be confusing. In the case at bar, considering that the dispositive part of the order merely suspended the proceedings without touching on the merits of the case or disposing of the issues involved therein, said order cannot be said to be final in character but clearly an interlocutory one which in this case cannot be the subject of an action for certiorari.

Wherefore, and acting merely on the question of procedure submitted to Us by the instant appeal, We have to affirm, as We do hereby affirm, the order of the lower Court dismissing appellant’s petition for certiorari and prohibition. Without pronouncement as to costs. It is so ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and *Endencia, JJ.,* concur.

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