103 Phil. 207

[G. R. No. L-10929. March 27, 1958]

RAMONA ESCOTO DE MIRANDA, ET AL., PETITIONERS, VS. HON. PASTOR P. REYES, ET AL., RESPONDENTS.

D E C I S I O N

BAUTISTA ANGELO, J.:

Jose Quizon filed with the Court of Industrial Relations a complaint against Ramona Escoto de Miranda, et al., praying that the latter be ordered to respect his possession as tenant of a parcel of land situated in Bacolor, Pampanga. The case was later transferred to the Court of Agrarian Relations when the latter was created to act on cases affecting landlord and tenant relations.

Respondents answered the complaint disputing, among others, the jurisdiction of the court over the controversy on the ground that there is no tenancy relation between the litigants. After hearing, Judge Pastor P. Reyes rendered decision ordering respondents to reinstate petitioner to his landholding and to maintain him in peaceful possession thereof at the same time ordering them to pay him the amount of 100 cavanes of palay or their equivalent in value representing his share of the harvest for the agricultural year 1955-1956. Respondents filed the present petition for review.

The facts found by the trial court are: The parcel of land in question contains an area of eight (8) hectares and is situated in Bacolor, Pampanga. This land was originally owned by one Gaudencio Mañalac and was worked by Jose Quizon since the agricultural year 1943-1944. In 1945, one Santiago Ocampo leased the land from Mañalac for a period of ten years retaining Quizon as tenant. On January 16, 1946, Mañalac sold this land, together with other parcels owned by him, to Marcos Miranda, predecessor-in-interest of respondents, hereinafter referred to as landlords. And upon the expiration of the period of lease in 1955, the landlords took possession of the land.

Immediately thereafter, the landlords notified the fourteen tenants, including Quizon, who

were working the three parcels of land bought by their predecessor in interest, of their intention to convert the same into a fishpond and demanded that they surrender their respective land-holding. The thirteen tenants who are not here involved believing that the landlords had the *bona fide* intention of converting the land into a fishpond entered into a verbal agreement with them to the effect that if that is really their intention they would cease to work as tenants. Thereafter, the landlords immediately commenced the work of converting the land into a fishpond by preparing the dikes, cleaning the landholdings and opening the flood-gates to allow salty water to flow in. All this work was undertaken without any objection on the part of the tenants including apparently Jose Quizon. But months thereafter, Quizon re-entered his landholding and began plowing it again whereupon the landlords filed an eject-ment suit against him before the Justice of the Peace of Bacolor, Pampanga. This case was decided on August 26, 1955 ejecting Quizon from the premises, and as a result he appealed the case to the court of first instance.

In the meantime, the landlords sought the aid of the Tenancy Division, Pampanga Branch, of the Court of Industrial Relations. Commissioner Amauri B. Tiglao acted on the matter and the following is what happened: He summoned the landlords and the fourteen tenants to his office for a conference wherein after hearing the views of both parties it was agreed that the tenants would consent to surrender their landholdings if the landlords could present evidence that the property was originally devoted to fishpond. The landlords produced the necessary evidence and the thirteen tenants then and there agreed to the conversion. Jose Quizon was adamant in his opposition, whereupon the commissioner advised him to take the matter to the Court of Industrial Relations. This is how this incident reached the latter court.

With regard to the question of jurisdiction, inasmuch as the agrarian court has found that tenant Quizon never reimquished the possession of his landholding voluntarily, but was practically dispossessed thereof by his landlords when they filed an ejectment case against him before the Justice of the Peace Court of Bacolor, Pampanga, said agrarian court came to the conclusion that it has exclusive jurisdiction over the case and acted accordingly. This holding is correct in view of Section 21 of Republic Act No. 1199 which provides that "All cases involving the dispossession of a tenant by the landholder or by a third party and/or the settlement and disposition of disputes arising from the relationship of landholder and tenant, * * * shall be under the original and exclusive jurisdiction of such court as may now or hereafter be authorized by law to take cognizance of tenancy relations and disputes," which means the Court of Agrarian Relations. In interpreting the conflict that may arise between the jurisdiction of the justice of the peace court and that of the agrarian court over

a dispute between landlord and tenant, this Court, in a decision rendered on April 28, 1956, made the following pronouncement:

> "When on 3 September 1954 the respondents filed their complaint for forcible entry against the petitioner in the Justice of the Peace Court, the facts pleaded thereiai which negative any landlord-tenant relationship between the respondents and the petitioner, the Justice of the Peace Court of Santa Rita, Pampanga, acquired jurisdiction of the case. When on 13 September 1954 the petitioner filed his answer averring, among other defenses, that there was such relationship and for that reason the Justice of the Peace Court had no jurisdiction over the case, the Court by sueh defense did not lose nor was it deprived of its jurisdiction over the case. Nevertheless, when the evidence presented at the hearing showed that the possession of the parcels of land was held by the petitioner's grandfather for many years, and the respondents' evidence to support their claim that he had returned the possession thereof on account of his inability to continue cultivating- the same due to advanced age was contradicted by the petitioner's to the effect that he was holding possession thereof as tenant, successor of his grandfather supported by the fact that he had held possession thereof for at least one agricultural year, because if such possession were not true the respondents would not have prayed for their share in the produce of the parcels of land, the Justice of the Peace Court should have concluded that there was such relationship by preponderance of evidence and dismissed the complaint. Section 21 of Rep. Act 1199, approved on 30 August 1954, provides:

All cases involving the dispossession of a tenant by the landlord or a third party and/or the settlement and disposition of disputes arising from the relationship of landlord and tenant, as well as the violation of any provisions of this Act, shall be under the original and exclusive jurisdiction of such court as may now hereafter be authorized by law to take cognizance of tenancy relations and disputes.'

> "And the conclusion would he reasonable and logical in view of the provisions of section 9, Rep. Act No. 1199, to the effect that upon the extinction of the tenancy relationship by the voluntary surrender of the land by the tenant, 'his heirs or the members of his immediate farm household may continue to work the land until the close of the agricultural year,' and of the finding by the Justice of the Peace

> Court that the defendant had been working together with his grandfather, Ciriaco Basilio, ever since he was fifteen years old on the said land as helper * * *,' His dispossession by the respondents of the four parcels of land is a controversy that falls within the original and exclusive jurisdiction of the Court of Industrial Relations. As a matter of fact on 3 November 1954 the petitioner filed a petition with the Court of Industrial Relations praying that the controversy between him and the respondent Zoila David he determined and that he be reinstated in his landholding (Annex Q).
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> "True, there is a defect of party respondent by the failure of the petitioner to join as respondents the courts whose judgment and order are sought to be annulled. However, the defect may be cured by allowing, as it is hereby allowed, the amendment of the petition to inelude the courts as respondents. But as the courts can allege no new or additional facts which would alter the conclusion arrived at and consequently after the amendment shall have been made within ten days from notice of this decision, let judgment be entered granting the writ prayed for." (Basilio vs. David, 98 Phil., 955; 52 Off. Gaz., [7], 3556.)

There being no voluntary surrender of his landholding on the part of tenant Quizon as found by the agrarian court, it follows that he can only be dispossessed thereof by one of the causes provided for in section 50 of Republic Act 1199. Here none was proven and therefore his separation was unjustified.

It may be contended that the conversion of a palay land into a fishpond is in effect a change of crop and, therefore, the same may be accomplished under section 25, paragraph 1, of Republic Act No. 1199, which provides:

> "(1) The landholder shall have the right to choose the kind of crop and the seeds which the tenant shall plant in his holdings: *Provided, however*. That if the tenant should object, the court shall settle the conflict, according to the best interest of both parties."

While a landowner has the right to make the conversion above referred to, he cannot however undertake such work if the tenant should object, his remedy then being to go to the agrarian court to settle the conflict. This the landlord failed to do, and instead chose to file

an ejectment case against the tenant before the justice of the peace court. This cannot be allowed to the prejudice of the tenant.

Considering, however, that the landlords have apparently begun the work necessary to convert their lands into a fishpond, it is the sense of this Court that if the portion of land worked on by tenant Quizon has already been converted or the work done there is so far advanced that it might work hardship to the landowners to retrace it to accommodate the tenant, the landlords may, for the purposes of this decision, adopt this alternative: they may either retain him as worker in the fishpond if he is qualified, or they may give him another portion of land of the same area where he may continue working as tenant under similar terms and conditions considering that he had been a tenant for many years and has a big family to support. This is in keeping with the spirit of the agrarian laws.

With regard to the award of 100 cavanes of palay aa damages granted by the agrarian court to tenant Quizon, we find it to be warranted by the evidence. It appears that the net share obtained by Quizon in the crop of 1954-1955 is 108 cavanes of palay, in 1953-1954 his gross harvest was 202 cavanes, and in 1952-1953 he harvested 260 cavanes of palay. On the basis of these previous earnings, the award made by the court cannot be unreasonable. Moreover, this is a finding of fact which at this stage cannot now be looked into, the same, under the law, being binding upon this Court (Section 16, Republic Act No. 1267, as amended by Republic Act No. 1409).

Wherefore, the decision appealed from is affirmed, with the only modification as above suggested relative to the alternative the landlords may exercise with regard to the reinstatement of tenant Quizon. No pronouncement as to costs.

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

Reyes, A. J., concurs in the result.

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