

CASIANO DE LA CRUZ ET AL., PLAINTIFFS AND APPELLANTS, VS. JACOBO CAPALUNGAN ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-4206. January 31, 1952

Ponente: REYES, J.

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REYES, J.:

This action was brought in the Court of First Instance of Ilocos Norte to rescind a tenancy contract.

The complaint alleges that plaintiffs, as owners of a tract of land in Bacara, Ilocos Norte, have entered into a contract of tenancy with the defendants whereby the latter were to irrigate and till the said land; that in a former action instituted by the defendants against these plaintiffs the latter were sentenced by this Supreme Court to pay a certain amount of damages for every agricultural season until the tenants (herein defendants), who had been excluded from the land, were allowed to return to work; that after paying the damages adjudged in said case, plaintiffs notified the defendants to return to work, but that the defendants, in violation of their tenancy contract and to the damage and prejudice of plaintiffs, refused to do so. The complaint, therefore, prays for judgment rescinding plaintiffs' tenancy contract with the defendants and awarding damages to plaintiffs.

Before answering the complaint the defendants filed a motion for a bill of particulars. The motion was denied; but at the same, time the court, *motu proprio*, dismissed the case for lack of jurisdiction on the theory that an action for the rescission of a tenancy contract should be disposed of in accordance with Commonwealth Act No. 461, as amended by Republic Act No. 44.

From this order the plaintiffs have appealed, contending, in effect, that the lower Court erred (1) in dismissing the action without giving them an opportunity to amend their complaint and (2) in holding that it had no jurisdiction over the case and applying thereto the Acts above mentioned, which, according to them, are unconstitutional.

The appeal is without merit, Commonwealth Act No. 461 is entitled "An Act to Regulate the Relations between Landowner and Tenant and to Provide for Compulsory Arbitration of any Controversy Arising between Them," and, as amended by Commonwealth Act No. 608 and Republic Act No. 44, provides, that in all cases where land is held under any system of tenancy, the tenant shall not be dispossessed of the land cultivated by him except for any of, the causes mentioned in section 19 of Act No. 4054 or for any just cause, and without the approval of a representative of the Department of Justice." Applying this provision in the case of *Ojo et al. vs. Jamito et al.* 46 Off. Gaz., Supp. No. 11, p. 216[*] we there held that, in granting special jurisdiction to the Department of Justice to determine cases in which a tenant may be dispossessed by the landlord, the provision "must be construed to have taken that jurisdiction put of the general jurisdiction of the Court of First Instance." The present action which has been brought for the express purpose of rescinding a tenancy contract, would, if successful, result in excluding the tenants from the land which they have a right to till under said contract. It, therefore, comes within the purview of the statute and cannot be taken out of its operation just because damages are also asked and some question as to water right is said to be involved.

The claim that the statute in question is unconstitutional insofar as it deprives the courts of first instance of their

jurisdiction over tenancy cases is untenable. As already pointed out in the case of *Ojo et al. vs. Jamito et al.*, supra, "There is no doubt that Congress has power to diminish the jurisdiction of the Court of First Instance, and confer the jurisdiction in question upon the Department of Justice, and the Court of Industrial Relations. Section 3, Article VII of the Constitution empowers the Congress to define, describe and apportion the jurisdiction of the various courts, with the only limitation that it can not deprive the Supreme Court of its appellate jurisdiction over the cases therein specified."

The appellants complain that the trial court dismissed their action without giving them an opportunity to amend their complaint. But they fail to specify the particular amendment they have in mind, which, if admitted, would take the case outside the operation of the statute in question.

In view of the foregoing, the order appealed from is affirmed, with costs against the appellant.

Paras, C. J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, and Bautista Angelo, JJ., concur.

* 83 Phil., 764.

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