

MANILA RAILROAD COMPANY (PNR), PETITIONER, VS. THE COURT OF APPEALS AMBROCIO PINEDA, RESPONDENTS.*G.R. No. L-27670. December 27, 1969*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1e1a9db8816c/>**CONCEPCION, C.J.:**

Petition for review on certiorari of a decision of the Court of Appeals.

This case was commenced by respondent Ambrocio Pineda, in the Court of Agrarian Relations, to compel the Manila Railroad Company - now known as the Philippine National Railways or PNR - and one Mariano Mendoza, to recognize said respondent as tenant with respect to a given tract of land and to modify the terms and conditions under which he would hold said property.

The same is a narrow strip of land, 30 meters in width, located at San Mateo, Municipality of Sto. Tomas, Pampanga. It admittedly belongs to herein petitioner, as part of its right of way for railroad purposes in that place. Hence, petitioner's railroad track runs lengthwise across the middle of said land. Prior to March 1, 1961, when the present action was begun, said land - excluding the roadbed of the railroad track, which is from ten (10) to twelve (12) meters in width - had been leased to four (4) or five (5) persons, one after the other, the last of whom was the aforementioned Mariano Mendoza. Respondent Pineda claims to have been working on said land and devoting the same to the production of palay, for twenty-five (25) years, as tenant of whoever was the lessee, up to the immediate predecessor of Men-doza, one Maria Canlas, on a 55-45 share basis. Upon expiration of the contract of lease between Maria Ganlas and petitioner herein, respondent was sued by Mendoza in the Court of Agrarian Relations, because the former (respondent Pineda) objected to the latter's (Mendoza's) entry into the land, for the purpose of cultivating the same. Pursuant to an interlocutory order of the CAR, dated June 6, 1960, respondent remained in possession of the land and planted palay thereon during the agricultural year 1960-1961. Three (3) months after the institution of that case, petitioner herein filed, with the Justice of the Peace Court of Sto. Tomas, Pampanga, against respondent Pineda, an action for forcible entry, which was dismissed, upon the ground of lack of jurisdiction of said court to entertain it. Having subsequently learned that Pineda had already caused the palay produced during said agricultural year to be threshed, soon thereafter, petitioner demanded from him the deposit of the sum of P380.00, as rental for the lease of the land. Accordingly, respondent deposited said amount with the local branch of the Court of Agrarian Relations.

Later, however, or on March 1, 1961, he instituted in that Court the present action against petitioner herein and Mariano Mendoza, for the purpose of compelling both to recognize him as the tenant on the litigated land and of changing the nature of his tenancy, from one of share tenancy to that of leasehold tenancy, as well as of reducing the amount of the rental. On March 2, 1961, petitioner moved to dismiss the case for lack of jurisdiction, which was denied by the CAR. The latter, moreover, declared Mendoza in default for failure to file his answer. In due course thereafter, or on September 23, 1961, the CAR rendered a decision directing that respondent be maintained on the land in question, as petitioner's agricultural tenant; that the sharing of the produce between them be changed, from one of share tenancy to that of leasehold tenancy, effective the crop year 1961-1962; and that the rental for the use and occupation of said land be fixed at P133.74 annually, beginning from said crop year. This

decision was, on appeal taken by petitioner herein, affirmed by the Court of Appeals. Hence, the present petition for review on certiorari, filed by petitioner herein, to which We have given due course.

The main issue in this appeal is whether or not the Court of Agrarian Relations had authority to hear and decide this case, petitioner's contention being that said court had no jurisdiction to do so, the land in question not being an agricultural land within the purview of the Agricultural Tenancy Act (Republic Act No. 1199) and the Agricultural Land Reform Code (Republic Act No. 3844), because said petitioner did not acquire and could not have acquired said land for agricultural purposes, not being authorized either by its charter or by Executive Order No. 399, series of 1951, other-wise known as the Uniform Charter for Government Owned and Controlled Corporations, to engage in agricultural production. In affirming the decision of the Court of Agrarian Relations, the Court of Appeals held the opposite view, upon the ground that "with the use to which the land has been primarily devoted, there can be no doubt that the same falls within the category of an agricultural land contemplated by Republic Act No. 1199," and that "this being the case, any attempt to dispossess the appellee of his landholding would be a case of dispossession contemplated under Section 21 of Republic Act No. 1199 and therefore falls within the original and exclusive jurisdiction of the Court of Agrarian Relations."

This issue is not a novel one. Under substantially identical conditions, We held in *Philippine National Railways vs. V.A. del Valle*[1] that the Court of Agrarian Relations has no jurisdiction over cases of this nature. We quote from our decision in that case:

"According to Section 3 of the Agricultural Tenancy Act, '[a]gricultural tenancy is the physical possession by a person of land devoted to agriculture belonging to, or legally possessed by, another for the purpose of production through the labor of the former and of the members of his immediate farm household, in consideration of which the former agrees to share the harvest with the latter, or to pay a price certain or ascertainable, either in produce or in money, or in both.'[2] The term 'agricultural land' as understood by the Agricultural Land Reform Code is not as broad in meaning as it is known in the constitutional sense. As interpreted in *Krivenko vs. Register of Deeds*, 79 Phil. 461, 471, the phrase 'agricultural land', constitutionally speaking, includes all lands that are neither mineral nor timber lands and embraces within its wide sweep not only lands strictly agricultural or devoted to cultivation for agricultural purposes but also commercial, industrial, residential lands and lands for other purposes. On the other hand, by Section 166(1) of the Agricultural Land Reform Code, "[a]gricultural land" means land devoted to any growth, including but not limited to crop lands, salt beds, fish ponds, idle land and abandoned land as defined in paragraphs 18 and 19 of this section, respectively.'[3]

"It is obvious then that under the law, the land here in controversy does not fit into the concept of agricultural land. PNR cannot devote it to agriculture because by its own charter, Republic Act 4156, PNR cannot engage in agriculture.

"Indeed, the land - which adjoins the railroad track on both sides - is part of PNR's right of way. That right of way is not limited to the particular space occupied by the roadbed or its main track. It also includes the portions occupied by the telephone and telegraph posts. It extends to a width of 30 meters which reasonably gives the train locomotive engineer a clear commanding view of the track and its switches ahead of him.

"The entire width is important to PNR's rail-road operations. Which should not be hampered. And, communication lines must not be disturbed. Buildings should not be constructed so close to the track. Because, it is not so easy to prevent people from walking along the track; animals, too, may stray into the area; obstructions there could be along the track itself which might cause derailment. All of these could prevent the locomotive engineer from taking the necessary precautions on time to avert accidents which may cause damage to the trains, injury to its passengers, and even loss of life.

"Besides, the use of the strips of land on both sides of the track in railroad operation is inconsistent with

agricultural activities. The contract of lease authorizes the railroad company to enter upon the premises to make repairs, place its materials on the land. It may even take soil from the land to fill up any part of the railroad track destroyed by water during rainy days. What if PNR should decide to construct another parallel track on the land leased? The occupant of the land cannot prevent or stop PNR from doing any of these. Security of tenure so important in landlord-tenant relationship may not thus be attained.

"The foregoing are considerations sufficient enough to deter us from adopting the view that the disputed land - in narrow strips - is agricultural land within the meaning of the Agricultural Tenancy Act and the Agricultural Land Reform Code. By destination, it is not agricultural."

Finding no reason to depart from the foregoing view, which We hereby reiterate, the decision of the Court of Appeals is, accordingly, reversed, and the present case dismissed, without special pronouncement as to costs.

IT IS SO ORDERED.

Reyes, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Teehankee, and Barredo, JJ., concur.

[1] G.R. No. L-29381, September 30, 1969.

[2] 'Emphasis supplied.'

[3] Emphasis supplied. Paragraphs 18 and 19 of Section 166, Agricultural Land Reform Code, provide:

'(18) 'Idle lands' means land not devoted directly to any crop or to any definite economic purpose for at least one year prior to the notice of expropriation except for reasons other than force majeure or any other fortuitous event but used to be devoted or is suitable to such crop or is contiguous to land devoted directly to any crop and does not include land devoted permanently or regularly to other essential and more productive purpose.

(19) 'Abandoned lands' means lands devoted to any crop at least one year prior to the notice of expropriation but which was not utilized by the owner for his benefit for the past five years prior to such notice of expropriation.'"

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