

CIPRIANO TUVERA AND ROMAN MARQUEZ, PETITIONERS, VS. HON. PASTOR DE GUZMAN, HON. TOMAS P. PANGANIBAN AND ASUNCION V. SANCHEZ, RESPONDENTS.*G.R. No. L-20547. April 30, 1965*

Ponente: BENGZON, J.P., J.

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Petitioners seek review of a decision of the Court of Agrarian Relations. On October 13, 1961 Asuncion V. Sanchez filed a suit for "liquidation [of harvest], injunction: and ejectment", against Cipriano Tuvera and Roman Marquez, in the Court of Agrarian Relations, First Regional District, Tayug, Pangasinan. She alleged, inter alia, that Tuvera and Marquez are share-tenants in her agricultural land of 3.5 hectares, planted to palay and mango, at barrio Unzad, Villasis, Pangasinan; that as such they harvested the produce of said land for agricultural year 1960-61 but, over the objection of her overseer, appropriated all the harvest to themselves instead of delivering her lawful share therein; and that said tenants likewise made known their intention not to deliver her share in the late variety crop still standing on the land.

On November 2, 1961, Cipriano Tuvera filed an answer alleging ownership over the land and setting forth a counterclaim for attorney's fees, improvements and moral damages. Roman Marquez was declared in default on January 4, 1962 but the default order was lifted on January 23, 1962.

At the trial, Asuncion V. Sanchez and her overseer, Jesus Arcega, testified in support of the complaint. After Asuncion V. Sanchez presented her evidence, Tuvera testified on behalf of himself and Marquez. On March 20, 1962, however, the court postponed the hearing and ordered Tuvera and Marquez to submit, within 30 days from said date, a certified copy of the certificate of title allegedly in the name of their predecessor-in-interest.

Subsequently, the hearing was reset to June 6, 1962. It was again reset to June 20, 1962, on a telegraphic motion for postponement by counsel for Tuvera and Marquez, with a warning that no further postponement shall be given.

On June 20, 1962 Tuvera and Marquez did not appear. A motion to dismiss, however, was filed for them, dated April 26, 1962, stating that on March 15, 1962 they filed a suit in the Court of First Instance of Pangasinan, against Asuncion V. Sanchez, asserting their ownership of the land in question.

Pursuant to the order of March 20, 1962 the motion included, as Annex "A", "a certified copy of Original Certificate of Title No. 10514 in the name of Cipriano Tuvera's predecessor-in-interest".

For non-appearance of Tuvera and Marquez on June 20, 1962, the Agrarian Court proceeded to consider the case as submitted for decision on the evidence already on record. On July 9, 1962, therefore, it rendered judgment, the dispositive portion of which stated:

"Wherefore, judgment is hereby rendered in favor of petitioner Asuncion Sanchez, giving her authority to eject respondents Cipriano Tuvera and Roman Marquez from the 3.5 hectares, or less, located at Bo. Unsad,

Villasis, Pangasinan. Petitioner Sanchez is, likewise given the authority to appoint a new tenant or tenants of her own choice to cultivate the landholding in question.

"With respect to the undelivered shares of the petitioner, Court is without basis to adjudicate the same for lack of evidence.

"So ordered."

After their motion for reconsideration was denied on November 6, 1962 Tuvera and Marquez filed the instant petition on November 14, 1962.

Petitioners herein would contend that the filing of their complaint in the Court of First Instance of Pangasinan, to litigate the ownership of the land involved, removed the case from the jurisdiction of the Court of Agrarian Relations.

All cases involving the dispossession of a tenant by the landholder or the settlement and disposition of disputes arising from the relationship of landholder and tenant, fall under the original and exclusive jurisdiction of the Court of Agrarian Relations (Sec. 21, R.A. 1199; Sec. 7, R.A. 1267).

In *Abo vs. Philase (KG) Employees & Workers Union*, L-19912, January 30, 1965, We said that jurisdiction is determined from the allegations in the complaint. *Asuncion V. Sanchez's* complaint alleged, as stated, that she is the landholder of the land in question, that Tuvera and Marquez are her tenants, that they deprived her of the landholder's share in the harvest, and that, therefore, they should be ejected. Accordingly, the complaint forth a cause of action for dispossession of a tenant the landholder of an agricultural land. Such an action within the exclusive original jurisdiction of the Court of Agrarian Relations (*Bakit vs. Asperin*, 111 Phil., 708).

Petitioners' denial of the allegation that they were tenants and their claim of ownership over the land, did not terminate the jurisdiction of the Agrarian Court. As this Court ruled in *Mandih vs. Tablantin*, 107 Phil., 530, said jurisdiction subsists even if the landlord-tenant relationship is denied and the alleged tenant asserts ownership over the land, "since the law does not exclude from the Jurisdiction of the Court of Agrarian Relations, cases in which a tenant claims ownership over the land given to him for cultivation by the landlord".

Similarly, the suit to litigate the question of ownership, filed in the Court of First Instance after the Court of Agrarian Relations had acquired jurisdiction over the case in question, did not divest the latter of its jurisdiction. 'It is axiomatic that once a court had acquired jurisdiction over a case, it continues to have that jurisdiction, until the case is terminated (*States Marine Corporation, et al. vs. Cebu Seamen's Association, Inc.*, L-12444, February 28, 1963).

Substantial evidence supports the Agrarian Court's finding that petitioners herein are tenants of *Asuncion V. Sanchez* in her landholding and that they deliberately failed to deliver said landholder's share in the harvest of agricultural year 1960-61. *Asuncion V. Sanchez*, as well as her overseer, *Jesus Arcega*, testified to the foregoing. She has also shown that the present Transfer Certificate of Title over the land—T.C.T. No. 5995 issued on April 30, 1947—is in her name. Petitioners herein rely on the Original Certificate of Title No. 10514, in the name of *Bernardino Tuvera* and *Maria Duaso*. The same, however, had long been cancelled (on June 14, 1928) by Transfer Certificate of Title No. 3949, in the name of *Flaviano N. Oliva*. Since then a series of five Transfer Certificates of Title had admittedly been issued, before *Asuncion V. Sanchez* obtained the present title.

We therefore find no reason to alter the finding of the Agrarian Court that petitioners herein are tenants of *Asuncion V. Sanchez* who may be dispossessed of the land holding, pursuant to Section 50 (c) of Republic Act 1199, for deliberate failure to deliver the landholder's share.

WHEREFORE, the judgment appealed from is hereby affirmed with costs against herein petitioners.

SO ORDERED.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, Makalintal and Zaldivar, JJ., concur.

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