

HATIB ABBAIN, PETITIONER-APPELLANT, VS. TONGHAM CHUA, ET AL., RESPONDENTS-APPELLEES.*G.R. No. L-24241. February 26, 1968*

Ponente: SANCHEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/37ca681918d4/>**SANCHEZ, J.:**

The jurisdictional issue thrust upon this Court was shaped out of background facts to be narrated.

March 12, 1958. Respondent-appellee Tongham Chua commence suit[1] for "forcible entry and illegal detainer" against petitioner-appellant Hatib Abbain with the Justice of the Peace Court of Bongao, Sulu. Pertinent are Tongham Chua's averments therein that he is "the owner of a piece of land together with the improvements thereon mostly coconut trees" located in Maraning, Bongao, Sulu, which contains an area of four hectares more or less; that this land was donated to by his father, Subing Chua, on January 16, 1952 and from that date up to the present time he has "assumed ownership's thereof, taken "possession of the land and paid the corresponding taxes due the government every year"; that "on January 16, 1952 and before this day [March 12, 1958], my tenant has been the herein defendant, and we have been always dividing the fruits or copra harvested therefrom on fifty-fifty basis, that is, I shall have 50% of the sale and the herein defendant gets 50% also"; that during the month of December, 1957, the defendant [herein petitioner] "by means of force, strategy and stealth unlawfully entered and still occupies the land in question after I have repeatedly demanded of him to vacate the premises due to his non-compliance of our agree-ment of [his] giving share of the several harvests he made."

February 27, 1959. Respondent Justice of the Peace Mariano Managula rendered judgment directing Hatib Abbain to vacate the premises and place Tongham Chua in possession of the plantation, with costs. This judgment was predicated upon the findings, after trial, that sometime before World War II, petitioner Hatib Abbain, because of financial hardship, sold for P225.00 to Subing Chua the coconut plantation, subject matter of the suit; that after the sale, Hatib Abbain became the tenant of Subing Chua, the harvests of the land divided on a 50-50 basis; that subsequently, on January 16, 1952, Subing Chua donated the plantation to his son, Tongham Chua, and Hatib Abbain, the same tenant of the father, continued to be the tenant on the land; that the tenancy relation-ship was at the beginning harmonious and cordial, but that during the month of December, 1957, the tenant, Hatib Abbain, "got ambitious, and wanted to assume ownership of the plantation; that the said tenant desisted to give the share of his landlord of the harvests, hence, the plaintiff [respondent Tongham Chua] filed the present case on March 12, 1958."

June 30, 1959. Hatib Abbain filed the present petition in the Court of First Instance of Sulu against respondent Tongham Chua and Judge Mariano Managula. The verified petition, with an affidavit of merits, sought "relief from judgment of the Justice of the Peace Court of Bongao and/or annulment of its decision in Civil Case No. 21 with preliminary injunction." [2] Petitioner there averred that: (1) the Justice of the Peace Court of Bongao did not have jurisdiction over said Civil Case 21 which is within the exclusive original jurisdiction of the Court of Agrarian Relations; and (2) because of "fraud, mistake or excusable negligence," he was deprived of a hearing in said Civil Case 21, and prevented from taking an appeal from the decision therein rendered. Respondent Tongham

Chua traversed the averments of the petition.

October 30, 1964. After trial, the Court of First Instance of Sulu issued the order now the subject of appeal. The court struck down petitioner's prayer for relief upon the finding that there was no fraud, accident, mistake or excusable negligence which deprived defendant (petitioner) of a hearing because he was present at the trial and given opportunity to prepare his defense; and that neither was there evidence that defendant was prevented from taking an appeal therefrom. The court, moreover, noted that the petition for relief was filed more than four months after the oral promulgation of the decision on February 25, 1959. On the jurisdictional issue, the court ruled that "petitioner has not presented any proof or showing of landlord and tenant relationship between the parties" to bring the case within the jurisdiction of the Court of Agrarian Relations, and that upon the allegations of the complaint in Civil Case No. 21, the case is "clearly one of ejectment."

The petition was thus dismissed without costs. The present is a direct appeal to this Court.

The three errors assigned in appellant's brief raise but one issue: Jurisdiction.

1. Appellant plants his case upon the provisions of Section 21 of Republic Act 1199 (approved August 30, 1954), known as the "Agricultural Tenancy Act of the Philippines", which reads:

"SEC. 21. Ejectment; violation; jurisdiction. - All cases involving the dispossession of a tenant by the land-holder or by a third party and/or the settlement and dis-position of disputes arising from the relationship of land-holder and tenant, as well as the violation of any of the provisions of this Act, 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."

The statutory precept just quoted is supplemented by Section 7, Republic Act 1267, creating the first Court of Agrarian Relations, effective June 14, 1955, as amended by Republic Act 1409 which took effect on September 9, 1955. Said Section 7 provides:

"SEC. 7. Jurisdiction of the Court. - The Court shall have original and exclusive jurisdiction over the entire Philippines, to consider, investigate, decide, and settle all questions, matters, controversies or disputes involving all those relationships established by law which determine the varying rights of persons in the cultivation and use of agricultural land where one of the parties works the land: x x x." [3]

As heretofore adverted to, Tongham Chua's complaint was filed on March 12, 1958 - long after Republic Acts 1199, 1267 and 1409 were incorporated in our statute books. Well to remember then is that Tongham Chua's complaint positively avers that Hatib Abbain is his tenant on a 50-50 sharing basis of the harvest; and that he seeks ejectment of Hatib Abbain "due to his non-compliance of our agreement of [his] giving my share of the several harvests he made." The Justice of the Peace Court itself found, after hearing, that Hatib Abbain con-tinued to be the tenant of Tongham Chua after the latter became, on January 16, 1952, owner of the plantation which he acquired from his father by virtue of a donation; and that Hatib Abbain refused to give "the share of his landlord of the harvest."

If both the complaint and the inferior court's judgment have any meaning at all, it is that the Justice of the Peace Court had no juris-diction over the case. Right at the outset, the complaint should have been rejected. Failing in this, the case should have been dismissed during the course of the trial, when it became all the mere evident that a landlord-tenant relationship existed. The judge had no power to determine the case. Because, Tongham Chua's suit comes within the coverage of the statutory provision (Section 21, R.A. 1199) heretofore mentioned that [a]ll cases involving the dispossession of a tenant by the landholder," 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" and the broad sweep of Section 7, Republic Act 1267, which lodged wish the Court of Agrarian

Relations "original and exclusive jurisdiction x x x to consider, in-vestigate, decide, and settle all questions, matters, controversies or disputes involving all those relationships established by law which determine the varying rights of persons in the cultivation and use of agricultural land where one of the parties works the land."

Jurisprudence has since stabilized the jurisdiction of the Court of Agrarian Relations over cases of this nature.[4] Such exclusive authority is not divested by a mere averment on the part of the tenant that he 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." [5]

The judgment and proceedings of the Justice of the Peace Court are null and void.

2. We take note of the observation of the Court of First instance that the petition for relief from judgment must have to be ruled out because it was filed beyond the 60-day period after appellant learned of the judgment. But this is beside the point.

The judgment of the Justice of the Peace Court is not merely a voidable judgment. It is void on its face. It may be attacked directly or collaterally. Here, the attack is direct. Petitioner-appellant sought to annul the judgment. Even after the time for appeal or review had elapsed, appellant could bring, as he brought, such an action. More, he also sought to enjoin enforcement of that judgment.[6] In varying language, this Court has expressed its reprobation for judgments rendered by a court without jurisdiction. Such a judgment is held to be "a dead limb on the judicial tree, which should be lopped of or wholly disregarded as the circumstances require." [7] In the language of Mr. Justice Street: [8] "Where a judgment or judicial order is void in this sense it may be said to be a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head." And in *Gomez vs. Concepcion*, [9] this Court quoted with approval, the following from Freeman on Judgments: "A void judgment is in legal effect no judgment. By it no rights are divested. From it no rights can be obtained. Being worthless in itself, all proceedings founded upon it are equally worthless. It neither binds nor bars any one. All acts performed under it and all claims flowing out of it are void. The parties attempting to enforce it may be responsible as trespassers. The purchaser as a sale by virtue of its authority finds himself without title and without redress."

Since the judgment here on its face is void ab initio, the limited periods for relief from judgment in Rule 38 are inapplicable. That judgment is vulnerable to attack "in any way and at any time, even when no appeal has been taken." [10]

Upon the view we take of this case, the appealed order of October 30, 1964 is hereby reversed and set aside; and the decision of the Justice of the Peace Court of Bongao, Sulu, in Civil Case 21, entitled "*Tongham Chua, Plaintiff, vs. Hatib Abbain, Defendant*," is hereby annulled.

No costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] Civil Case No. 21, Justice of the Peace Court, Bongao, Sulu, entitled "*Tongham Chua, Plaintiff, vs. Hatib Abbain, Defendant*."

[2] Case No. 407, Court of First Instance of Sulu, entitled "*Hatib Abbain, Petitioner, vs. Tongham Chua and Honorable Mariano Managula, as Justice of the Peace of Bongao, Respondents*."

[3] Section 154 of Republic Act 3844, otherwise known as the "Agricultural Land Reform Code," effective August 8, 1963, reads:

"SEC. 154. Jurisdiction of the Court. - The Court shall have original and exclusive jurisdiction over:

(1) All cases or actions involving matters, controversies, disputes, or money claims arising from agrarian relations: Provided, however, That all cases still pending in the Court of Agrarian Relations, established under Republic Act Numbered Twelve hundred and sixty-seven, at the time of the effectivity of this Code, shall be transferred to and continued in the respective Courts of Agrarian Relations within whose district the sites of the cases are located; x x x."

[4] *Bakit vs. Asperin*, L-15700, April 26, 1961; *Valencia vs. Surtida*, L-17277, May 31, 1961; *Gabani vs. Reas*, L-14579, June 30, 1961; *Ira vs. Zafra*, L-17439 October 31, 1962; *Tuvera vs. De Guzman*, L-20547, April 30, 1965; *Casaria vs. Rosales*, L-20288, June 22, 1965. See also: *Mendoza vs. Manguiat*, 96 Phil. 309, 311; *Santos vs. Vivas*, 96 Phil. 538, 541; *Basilio vs. David*, 98 Phil. 955, 958.

[5] *Mandih vs. Tablantin*, L-12795, March 30, 1960, cited in *Tuvera vs. De Guzman*, *supra*.

[6] *Banco Español-Filipino vs. Palanca*, 37 Phil. 921, 949.

[7] *Anuran vs. Aquino*, 38 Phil. 29, 36.

[8] *Banco Español-Filipino vs. Palanca*, *supra*.

[9] 47 Phil. 717, 722-723.

[10] *Lipana vs. Court of First Instance of Cavite*, 70 Phil. 365, 367, citing *Banco Español-Filipino vs. Palanca*, *supra*; and *Anuran vs. Aquino*, *supra*.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.