

VICENTE BASILIO, PETITIONER, VS. ZOILO DAVID, VICENTE DAVID, AMPARO DAVID, ESTELITA DAVID AND LADISLAO DAVID, RESPONDENTS.

G.R. No. L-8702. April 28, 1956

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

This is a pauper's petition for a writ of certiorari to annul the judgment of the Justice of the Peace Court of Santa Rita, Pampanga, dated 20 October 1954, ordering the petitioner to —

- (1) Vacate the four (4) parcels of land described in the plaintiff's complaint, thus, restoring its possession to the plaintiffs;
- (2) Pay the plaintiffs the amount of one hundred and thirty (130) cavanese of palay, as the annual share of the plaintiffs on said land, or its equivalent in the sum of One thousand and forty (P1,040) pesos, at the rate of PS per cavan;
- (3) Pay the plaintiffs the sum of One hundred (P100) pesos, as attorney's fees; and
- (4) Pay the costs of this suit. (Case No. 63.)

and the order of the Court of First Instance of Pampanga, dated 27 December 1954, directing the execution of the judgment for failure of the petitioner to pay the respondents the amount of palay or its equivalent in money as adjudged by the Justice of the Peace Court or to file a supersedeas bond to stay the execution of the judgment pending appeal in the Court of First Instance (Case No. 773).

It appears that on 3 September 1954 the respondents filed a complaint for forcible entry in the Justice of the Peace Court of Santa Rita, Pampanga, against the petitioner praying among other, that he be ordered to vacate the four parcels of land described in the complaint that were being cultivated by him without the respondents' consent. On 13 September 1954 the petitioner answered the complaint and by way of affirmative defense averred that as the case involved the relationship of landlord and tenant, the Justice of the Peace Court had no jurisdiction to hear and decide the case. Notwithstanding such objection the Justice of the Peace Court proceeded to hear and decide the case and on 20 October 1954 rendered judgment as stated at the beginning of this opinion. The petitioner appealed to the Court of First Instance. On 2 December 1954 the petitioner filed a "motion to dismiss and/or to suspend proceeding" in the Court of First Instance of Pampanga on the ground that tenancy cases fall under the exclusive jurisdiction of the Court of Industrial Relations pursuant to Republic Act No. 1199 approved 30 August 1954. On 27 December 1954, upon motion of the respondents, the Court of First Instance ordered the execution of the judgment rendered by the Justice of the Peace Court for failure of the petitioner to pay the respondents the sum of money as adjudged therein or to file a supersedeas bond to stay the execution of the judgment pending appeal.

When on 5 September 1954 the respondents filed their complaint for forcible entry against the petitioner in the Justice of the Peace Court, the facts pleaded therein 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 such 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 Republic Act No. 1199, approved on SO 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" tho 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.[1]

And the conclusion would be reasonable and logical in view of the provisions of section 9, Republic 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,"[2] 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 * * *." [3] 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 be determined' and that he be reinstated in, his landholding (Annex Q).

True, there is a defect of party respondents 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 include 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.

The decision of the Justice of the Peace Court dated 20 October 1954 and the order of the Court of First Instance dated 27; December 1954 are annulled, with costs against the respondents except the Courts.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L, and Endencia, JJ., concur.

[1] In relation to section 1, Republic Act No. 44, and section 17, Executive Order No. 892, 31, December 1950, 46 Off. Gaz. 12, 5917.

[2] Section 9, Republic Act No. 1199. .

[3] Decision of the Justice of the Peace Court of Santa Rita, Pampanga, p. 49, Record of the Case.

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