

COSME CABIO, TIMOTEO CABIO, ROBERTA CABIO, AND MARIA CABIO, AS HEIRS OF ROMAN CABIO, PETITIONERS, VS. BONIFACIO ALCANTARA AND THE HON. COURT OF APPEALS, RESPONDENTS.

G.R. No. L-40533. January 31, 1978

Ponente: ANTONIO, J.

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ANTONIO, J.:

This is a petition for review on certiorari of the decision of the Court of Appeals in CA-G.R. No. 02741-R, entitled "Cosme Cabio, et al. vs. Bonifacio Alcantara".

The case arose out of an ejectment suit based on personal cultivation filed with the Court of Agrarian Relations, Branch II, Lipa City, by petitioners against private respondent over a parcel of land situated at Barrio Mahakot, Batangas City. In his answer, private respondent Bonifacio Alcantara denied petitioners' claim of ownership over the land and instead asserted dominion over the landholding.

After due hearing, the Court of Agrarian Relations rendered judgment on June 19, 1973, the dispositive portion of which reads as follows:

"In view of all the foregoing considerations, judgment is hereby rendered:

- Declaring the plaintiffs as owners of the land covered by Tax Declaration No. 82118 situated at Barrio Mahakot, Municipality of Batangas (now Batangas City), Province of Batangas and the defendant as the agricultural lessee thereof;
- Declaring the landholding in question subject to the provisions of Presidential Decree No. 27 dated October 21, 1972 and Memorandum Circular No. 2-A, Series of 1973 dated June 19, 1973, from the Department of Agrarian Reform;
- Maintaining the defendant in the possession of the landholding subject to the rules and regulations which the Department of Agrarian Reform may issue in further implementation of Presidential Decree No. 27;
- All other claims are dismissed for insufficiency of evidence.
- No pronouncement as to costs."

Private respondent appealed the afore-mentioned decision of the Court of Agrarian Relations to the Court of Appeals (CA-G.R. No. 02741-R). The Court of Appeals, on February 5, 1975, reversed the decision of the Agrarian Court. It ruled that while the lower court had jurisdiction over the case by virtue of the allegations of tenancy made in the complaint, said court nevertheless erred in finding that "the landholding in question is a riceland and that the defendant is a share tenant", in view of the finding of the hearing commissioner that "no

agricultural tenancy relationship exists between the parties. In addition, the Appellate Court said:

"* * * In the second place, while it is true that an agrarian court could admit evidence of ownership in the course of the proceedings, it could only do so in a case where there are two persons claiming ownership over the disputed landholding for the purpose of determining who is the lawful landholder thereof, to whom the share in the produce should be delivered by the tenant, (Tomacruz vs. Hon. Court of Agrarian Relations, etc., 2 SCRA 568) but the said rule does not apply where, as in the present case, the existence of a tenancy relationship is squarely put in issue by the supposed defendant-tenant, Bonifacio Alcantara, who himself claims to be the owner of the disputed landholding. Although defendant-appellant failed to appear in court herein plaintiffs-appellees themselves declared that the original owner of the landholding was their grandmother, Victorina Almero, the mother of their father, Roman Cabio, and when said Victorina Almero was widowed, she remarried and begot an only child by her second marriage, herein appellant * * *, this makes the appellees' father, Roman Cabio and appellant half-brothers. Appellant therefore appears to be also a legitimate heir of the appellees' grandmother, Victorina Almero, the original owner of the land in question. Appellees also admit that during the lifetime of their father, appellant sold the land in question to Mariano Quinery, as a result of which an action to annul the sale made by the appellant was made by Roman Cabio in court * * *. As may be clearly seen from the appellees' own evidence the issue of whether or not they have established a tenancy relationship with the herein appellant as their share tenant over the landholding in question, could not possibly be determined without passing upon the issue of ownership, which incidentally was also raised in the appellant's answer, claiming that the land in question, which presently is still in his possession, represents his inheritance from his mother, Victorina Almero, who is also the mother of the appellees' father, Roman Cabio. Hence the error of the lower court in declaring appellees the owner of the land in issue.

"However, even admitting *arguendo* that herein appellees are the lawful landholders over the said landholding, still their right to personally cultivate the same may no longer be availed of, in view of the passage of Republic Act 6389 in 1971, abolishing said right. Aside from this, We have occasion to rule on this same issue –

'We believe that our tenancy laws including the pertinent provisions of the Land Reform Code on personal cultivation are deemed modified to conform to the Presidential Decrees already referred to. Otherwise to give course to an ejectment case for personal cultivation even on the grounds provided by the Land Reform Code would defeat the purpose and spirit of the New Constitution and the afore-cited Presidential Decrees to preserve the status of the tenants and ultimately enable them to own the land they are now cultivating.' (Acero, Jr. vs. Calderon, CA-G.R. No. 00764-R, March 7, 1973; she also Salamat, etc. vs. Bartolome, etc., CA-G.R. No. 00420-R, March 7, 1973)."

It is apparent from the afore-quoted portions of the Court of Appeals' decision that said Appellate Court did not categorically resolve the issue of ownership of the landholding in question, although it proceeded to enumerate the circumstances on record which tend to belie petitioners' claim of ownership, without, however making any definite ruling over the question of ownership.

We rule that the Court of Agrarian Relations has the authority to resolve issues of ownership in ejectment cases filed by the landholder, where the alleged tenant denies that he is the tenant of the former and presents claims of ownership over the landholding, adverse to that of the alleged landlord.[1]

In *Tuvera v. De Guzman*,[2] We re-affirmed the rule that the jurisdiction of the Court of Agrarian Relations subsists even if the landlord-tenant relationship is denied and the alleged tenant asserts ownership over the land,

thus:

"In *Abe vs. Philame (KG) Employees and 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 set forth a cause of action for dispossession of a tenant by the landholder of an agricultural land. Such an action falls within the exclusive original jurisdiction of the Court of Agrarian Relations (*Bakit vs. Asperin*, L-15700, April 26, 1961).

"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*, L-12795, March 30, 1960, 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)."

To the same effect is *Abbain v. Chua*, supra, wherein We ruled that jurisdiction is vested exclusively in the Court of Agrarian Relations over all cases involving the dispossession of a tenant by the landholder. This exclusive authority is not divested by mere averment by the tenant that he asserts ownership over the land.

As may be clearly seen from the evidence, the issue of whether or not the parties herein have established a tenancy relationship could not be resolved without passing upon the issue of ownership, considering that both parties are claiming ownership over the land. On the basis of petitioners' own evidence, *Bonifacio*'s claim of ownership by succession from his mother, *Victorina Almero*, is not without basis. Petitioners admit that the original owner of the land, with an area of almost two hectares, was *Victorina Almero*, mother of *Roman Cabio*, father of petitioners. *Victorina* married twice and *Roman Cabio* was her son during her first marriage, while *Bonifacio Alcantara* was her offspring during her second marriage. *Roman Cabio* and *Bonifacio Alcantara* are, therefore, half-brothers. But *Roman Cabio* sold one hectare of the said land and so the remainder is only one hectare. Since it is not clear whether or not the heirs of *Roman* have still any right of ownership over the remainder, it is necessary that the case be re-opened anew to enable both parties to adduce their evidence on this matter. It is not sufficient to dismiss the case on the ground that the ejectment of tenant-farmers on rice and corn lands is prohibited, considering that, should private respondent be declared a tenant, then his right to eventually own the land would be subject to the obligations imposed on him by Presidential Decree No. 27 and the rules and regulations implementing the same. On the other hand, a finding that private respondent is the owner of the land would relieve him of any obligation to the petitioners.

WHEREFORE, in view of the foregoing, the decisions of the Agrarian Court and the Court of Appeals are hereby set aside and the instant case is hereby REMANDED to the Court of Agrarian Relations for further proceedings, in the manner afore-stated.

Fernando, (Chairman), Barredo, and Aquino, JJ., concur.

Santos, J., on leave.

Concepcion, Jr., J., no part.

Guerrero, J., designated to sit in the Second Division.

[1] *Mandih v. Tablantin*, 107 Phil. 530; *Tuvera v. De Guzman*, 13 SCRA 729; *Abbain v. Chua*, 22 SCRA 748.

[2] *Supra*, at pp. 731-733.

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