

MIGUEL OJO, CECILIO OJO AND ANGEL OJO, PETITIONERS, VS. JOSE V. JAMITO, AS JUSTICE OF THE PEACE OF VINZONS, CAMARINES NORTE, AND CAYETANO VINZONS, LIGAYA VINZONS, AND SERAFINA V...*G.R. No. L-1511. May 30, 1949*

Ponente: FERIA, J.

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This is a special civil action of prohibition filed by the petitioners to prohibit the respondent justice of the peace from taking cognizance of an action of ejectment or illegal detainer instituted by the other respondents as plaintiffs against the petitioners as defendants, on the ground that the respondent justice of the peace Jose V. Jamito has no jurisdiction over the subject matter of the plaintiff's action.

The complaint filed by the plaintiffs-respondents with the justice of the peace, respondent Jose V. Jamito, alleges that the petitioners are "share-croppers" of two parcels of land consisting of rice and coconut land belonging to the plaintiffs, that are described in the complaint, and "that sometime in March, 1947, defendants' right to stay and remain in possession of the said parcels of land was terminated by their failure to pay to the plaintiffs 48 bocotes of palay in arrears from the year 1942," and prays that judgment be rendered ordering the defendants to vacate the land and surrender it to the plaintiffs.

The defendants denied the allegation in paragraph 3 of the complaint that the defendants failed to pay or deliver in March 1947 to the plaintiffs 48 bocotes of palay in arrears, and set up in their answer, as one of the special defenses, that the Court has no jurisdiction over the subject matter, because the complaint alleges that the defendants were "share-croppers" of the two parcels of land consisting of rice and coconut land belonging to the plaintiffs, from which the latter seek to oust the former for their failure to deliver to the latter their share in the crop for the agricultural year 1946-1947, recollected from said lands.

At the opening of the hearing, the attorney for the defendants insisted that the respondent justice of the peace had no jurisdiction to try the case, because, there being a share tenancy relation between plaintiffs and defendants, and the object of the action was to oust the petitioners as tenants for their failure to pay the plaintiffs as landowners their share in the crop for the year 1946-1947, neither the justice of the peace as such nor the Court of First Instance had jurisdiction to try and decide the case. The respondent justice of the peace denied the petition, and hence the filing of the present special civil action of prohibition.

Commonwealth Act No. 461 entitled "An Act to regulate the relation between landlord and tenant and to provide for compulsory arbitration of any controversy arising between them," as amended by Commonwealth Act No. 608 and by Republic Act No. 44, provides that "in all cases where land is held under any system of tenancy, the tenant shall not be dispossessed of the land cultivated by him except for any of the causes mentioned in section 19 of Act No. 4054 or for any just cause, and without the approval of a representative of the Department of Justice." For the effective exercise of the powers conferred upon the Department of Justice, or its duly authorized representative,

they are authorized, upon proper petition or motu proprio, to make investigations, summons witnesses, require the production of documents under subpcena duces tecum. And "should the landowner or the tenant feel aggrieved by the action taken by the Department of Justice under the authority herein granted, etc." either party may appeal to the Court of Industrial Relations.

Section 19 of Act No. 4054, referred to above, specifies the cases in which a tenant may be dispossessed by the landlords, and one of them is non-compliance with any of the obligation imposed upon the tenant by this Act or by contract, which is the ground on which the plaintiffs' action is based.

Act No. 461, as amended, which grants special jurisdiction to the Department of Justice to determine cases in which a tenant may be dispossessed by the landlord, being a subsequent special law, must be construed to have taken that jurisdiction out of the general jurisdiction of the Court of First Instance. This is confirmed by section 1 of Republic Act No. 44 which provides that should the landowner or the tenant feel aggrieved by the action taken or decision of the Department of Justice, either party may appeal to the Court of Industrial Relations, which is given appellate jurisdiction to determine the controversy in accordance with the law, and the Supreme Court has jurisdiction to review the decision of the Court of Industrial Relations on questions of law. There is no doubt that Congress has power to diminish the jurisdiction of the Court of First Instance, and confer the jurisdiction in question upon the Department of Justice, and the Court of Industrial Relations. Section 3, Article VIII of the Constitution empowers the Congress to define, describe and apportion the jurisdiction of the various courts, with the only limitation that it can not deprive the Supreme Court of its appellate jurisdiction over the cases therein specified.

Therefore, the respondent justice of the peace, as such, has no jurisdiction to take cognizance of the case at bar, in which the plaintiffs-respondents seek to dispossess the petitioners of the lands claimed by them in possession of the petitioners as share-croppers according to the allegations of the respondents-plaintiffs in their complaint.

The fact that the defendants-petitioners allege in their answer, as another special defense, that they are the owners of the lands in question, does not preclude them from impugning the jurisdiction of the respondent justice of the peace over the subject matter, because a defendant may set up in his answer two or more contradictory defenses, and because the parties cannot confer, by agreement or waiver, upon a court jurisdiction over the subject matter which the latter does not have.

Wherefore, the respondent justice of the peace is hereby ordered to desist from further proceeding in the civil case herein referred to, with costs against the respondents. So ordered.

Ozaeta, Paras, Pablo, Bengzon, Tuason, and Reyes, JJ., concur.

PERFECT, J.:

Reiterating our opinion to the effect that the Supreme Court may also review decisions and pronouncements of the Court of Industrial Relations on questions of fact and subject to such opinion, we concur in the above decision.

Writ granted.

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