

**BIBIANA T. VDA. DE INFANTE AND FEDERICO T. INFANTE,  
PETITIONERS AND APPELLEES, VS. RUPERTO JAVIER, JUSTICE OF  
THE PEACE COURT OF SAN ENRIQUE, AND DEOGRACIAS E. LERMA,  
REPRESENTA...**

*G.R. No. L-2357. September 28, 1949*

Ponente: BENGZON, J.

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**BENGZON, J.:**

This is an appeal from the decision of the Court of First Instance of Occidental Negros requiring the respondent justice of the peace of San Enrique, same province, to issue writs of execution in civil cases numbered 8 and 9 of his docket. The decision also enjoins the respondent Chief of the Tenancy Division of the Department of Justice to refrain from interfering in the same cases.

The main issue concerns the jurisdiction to dispose of a controversy in which the landlord seeks to deprive his tenant of possession of the farm. Appellants claim exclusive jurisdiction for the Department of Justice, whereas the appellees maintain that the justice of the peace has jurisdiction.

It appears that on April 17, 1947, Bibiana T. Vda. de Infante and Federico T. Infante (petitioners-appellees) filed complaints for ejectment in civil cases Nos. 8 and 9 of the justice of the peace court of San Enrique, Occidental Negros. After due hearing the court rendered judgment ordering the defendants therein, Lorenzo Fimeza, et al., to vacate the premises. These were tenants of plaintiff who had returned to their farm after having been driven away. Defendant's attorney received copy of the decision on May 20, 1947.

However, on May 8, 1947, Lorenzo Fimeza and companions filed with the Tenancy Law Enforcement Division of the Department of Justice (hereafter referred to as Tenancy Division) complaints against Bibiana T. Vda. de Infante involving the same parties and properties described in the justice of the peace cases Nos. 8 and 9. And on May 25, 1947, the petitioners and their tenants agreed to submit their dispute to the Tenancy Division in a written stipulation which reads partly as follows:

"3. That the complainant tenants objected to the jurisdiction of J. P. to hear and decide the ordinary civil cases of ejectment as these cases are tenancy cases and the objection of the tenants and the J. P. overruled such objection and hence the decision. (Annex 'A'.)

"4. That the parties agree to submit their above entitled cases upon the strength of the stipulation of facts and should the Dept. rule that the proceedings had by the J. P. were irregular, to set the above entitled cases for reinvestigation. In case of the contrary the parties also agree to abide with the decision.

"5. That the tenants agree to respect the bond filed by the respondent landlord in order to secure the temporary possession and use of the land involved pending final decision of the case by Dept. with respect to these cases."

In the meantime, having been duly informed by the Department of Justice of the provisions of Act No. 461 and its

circulars on the subject, the justice of the peace of San Enrique declared in an order of August 20, 1947, that its actuations in civil cases Nos. 8 and 9 were of no effect and value.

On December 4, 1947, the Tenancy Division found after investigation, for the tenants and issued corresponding orders in their favor. Nevertheless, on December 20, 1947, petitioners moved in the justice of the peace court for execution of the ouster judgment in the cases numbered 8 and 9. Denial of such motion, gave rise to the instant special civil action for mandamus and for injunction, which has been favorably acted upon by the lower court.

The respondents appealed, and their main arguments turn around the proposition that conflicts between land owners and their tenants as to possession or cultivation of the farms do not fall within the jurisdiction of the justice of the peace courts, because such controversies have been placed by law under the jurisdiction of the Department of Justice by Commonwealth Act No. 461, as amended, which reads partly as follows:

"Any agreement or provision of law to the contrary notwithstanding, 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 nineteen of Act Numbered Four thousand and fifty-four or for any just cause, and without the approval of a representative of the Department of Justice duly authorized for the purpose. The Department of Justice is, likewise, charged with the duty of enforcing all the laws, orders and regulations relating to any system of tenancy and it may issue such orders as may be necessary in pursuance thereof, \* \*

.\*" (Sec. 1, Republic Act No. 44.)

In a decision promulgated on May 30, 1949 we concluded that in view of the above statute, a justice of the peace has presently no jurisdiction to entertain complaints for ejectment or illegal detention by landlords against their share-croppers or tenants (*Ojo, vs. Jamito*, G. R. No. L-1511). That decision, penned after this appeal had been submitted and argued, is of course conclusive on the question at issue herein. The justice of the peace of San Enrique had no jurisdiction.

There is truly much to be said in support of the trial judge's view and of appellee's contention that the legislature may not deprive courts of their judicial function. But as we declared in the above-mentioned opinion "there is no doubt that Congress has power to diminish the jurisdiction of the Courts of First Instance" (and of justice of the peace courts), 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 \* \* \* therein specified". Such congressional authority must furthermore be acknowledged in connection with the express constitutional duty of the state "to regulate the relations between landowner and tenant and between labor and capital in industry and in agriculture". (Article XIII, sec. 6, Constitution.)

Our conclusion on the matter of jurisdiction necessarily requires a reversal of the order of mandamus which is premised on the duty of the justice of the peace to carry out its decision in an ejectment case after he has acquired jurisdiction. As we hold the justice of the peace had no jurisdiction over the subject-matter, it follows that his order to vacate (even supposing it had become final) could not be enforced either by himself or by others.

It also follows that injunction against the respondent Deogracias E. Lerma as representative of the Tenancy Division may not properly be issued, because he is acting or has acted within the scope of the authority of the Department of Justice.

Judgment reversed, without costs.

Moran, C.J., Ozaeta, Paras, Padilla, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

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