

JACINTO DECENA, PETITIONER, VS. THE COURT OF AGRARIAN RELATIONS, FAUSTINO BANDALES, AQUILINO SOGONI AND AGAPITO BANDALES, RESPONDENTS.

G.R. No. L-20988. September 27, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

The spouses Timoteo Bandalas and Agatona Decena were owners of three parcels of land in barrio Lumotan, Atimonan, Quezon: Lots 6715, 6731 and 6772. They executed on February 8, 1938 a so-called "deed of extrajudicial partition", purportedly dividing said three lots between themselves and, furthermore, donating the husband's share — Lot 6731 — to Juana Estrada and the share of the wife - Lots 6715 and 6772 — to Pedro Alcala.

Subsequently, the spouses Timoteo and Agatona died, in 1938 and 1950, respectively, without surviving descendants.

On January 25, 1954, Faustino Bandalas, Agapito Bandalas and Aquilino Sogoni - nephews of the deceased spouses - filed Civil Case No. 5507 in the Court of First Instance of Quezon, against the donees Alcala and Estrada, seeking judicial declaration as heirs of the said spouses and the annulment of the donation.

After trial the Court of First Instance, on January 7, 1956, declared Alcala and Estrada the owners of the lots respectively donated to them. Appeal was taken by the nephews to the Court of Appeals. And on August 18, 1960, said Court reversed the lower court's decision, finding the donation mortis causa, and thus void for want of the formalities of a will. It declared the nephews-appellants therein, the legal heirs of the spouses Timoteo and Agatona and the lawful and exclusive owners of Lots 6715, 6731 and 6772 aforementioned.

Said decision became final. As a result of a writ of execution thereafter issued, Jacinto Decena - who had been the tenant of Lot 6772 — a coconut land — and part of Lot 6715 — a riceland — since the time when these were still owned by Timoteo and Agatona — was dispossessed, in November, 1961, of said landholdings.

Alleging that he was dispossessed in violation of the Agricultural Tenancy Act (R.A. 1199, as amended by R.A. 2263), Jacinto Decena filed the present suit for reinstatement and damages through his amended petition dated February 2, 1962 in the Court of Agrarian Relations, Fifth Regional District, San Pablo City, against Faustino Bandalas, Agapito Bandalas and Aquilino Sogoni.

The respondents were declared in default. Petitioner then adduced evidence before a commissioner. On February 2, 1963, the Court of Agrarian Relations issued an order approving the report of the Commissioner in toto, and dismissing the case upon the sole ground that petitioner's previous landholders who entrusted to him the cultivation of the lands in question were not the true owners or legal possessors of said lands.

After denial of his motion for reconsideration, Decena took to this Court the present appeal.

Appellant contends that the Agrarian Court erred in ruling that the person who placed him as tenant of the lands in

question was not their true owner. The record shows the contention to be well taken. The final decision of the Court of Appeals recognized the previous ownership of the spouses Timoteo and Agatona Bandalas over said lands. Thus, its dispositive portion stated:

"ACCORDINGLY, we are constrained to reverse the judgment a quo, and to declare, as we hereby adjudge, the plaintiffs Faustino Bandalas, Agapito Bandalas and Aquilino Sogoni as the sole and rightful heirs of the deceased Timoteo Bandalas and Agatona Decena and as the lawful and exclusive owners by intestate succession of three lots, 6715, 6731 and 6772 of the Atimonan Cadastre. No pronouncement as to costs."

The finding of the court below, upon petitioner's evidence, is that the parcels of land involved herein "were entrusted to Jacinto Decena by Timoteo Bandalas way back in 1927" (CAR Order, p. 1, Annex B to Petition for Review). The same was therefore entrusted to him by the true owner of said lands.

This Court has ruled that death of the landholder alone does not extinguish the tenancy relationship (*Ferreria v. Gonzales*, 55 O.G. 1358). Furthermore, in view of Section 9 of Republic Act 1199, as amended by Republic Act 2263, the present landholders assume the rights and obligations of the former landholder. It provides:

"SEC. 9. Severance of Relations. - The tenancy relationship is extinguished by the voluntary surrender or abandonment of the land by, or the death or incapacity of, the tenant: Provided, That x x x The expiration of the period of the contract as fixed by the parties, or the sale, alienation or transfer of legal possession of the land does not of itself extinguish the relationship. In the latter case, the purchaser or transferee shall assume the rights and obligations of the former landholder in relation to the tenant. In case of death of the landholder, his heir or heirs shall likewise assume his rights and obligations."

Petitioner, therefore, has a right to continue staying in the lots as tenant. Anent the respondents' contention that petitioner should have pressed his right by filing a third party claim under Section 15, Rule 39 of the Old Rules of Court, that is, in the proceedings for execution of the decision of the Court of Appeals, suffice it to note that said remedy is not exclusive. Section 15, Rule 39 abovementioned expressly states: "But nothing herein contained shall prevent such third person from vindicating his claim to the property by any proper action."

No damages, however, should be awarded against respondents herein, since petitioner was ejected by virtue of a writ of execution, and, therefore, upon court order. Part of the damages being sought refers to alleged necessary and useful improvements on the lots. Since petitioner is to be reinstated, such improvements need not now be reimbursed.

WHEREFORE, the order appealed from is reversed and petitioner is hereby ordered reinstated as tenant of Lot 6772 and part of Lot 6715 described in the amended petition. No costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Makalintal, Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Regala, J., no part.

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