

**ESTANISLAO ABAGA, ALEJANDRO COSTA, ET AL., PETITIONERS, VS. HON. PASTOR L. DE GUZMAN, JUDGE OF THE COURT OF AGRARIAN RELATIONS, FIRST REGIONAL DISTRICT, LINGAYEN, PANGASINAN, RE...***G.R. No. L-19930-35. November 30, 1962*

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9fa911388c3e/>**MAKALINTAL, J.:**

In six cases filed in the Court of Agrarian Relations, herein respondent Lichaucos, owners of the hacienda El Porvenir in Pangasinan, sued their tenants for ejectment and collection of unpaid rentals (CAR Nos. 115, 116, 117, 118, 120 and 165). Among those tenants are the present petitioners. The Land Tenure Administration intervened on the ground that the hacienda El Porvenir was the subject of a complaint for expropriation it had instituted and which was then pending in the Court of First Instance of Pangasinan (Sp. Civil Action No. T-434), and that consequently respondent Court of Agrarian Relations had no jurisdiction to entertain the ejectment cases against the tenants in view of section 20 of Republic Act No. 1400[\*]

"Section 20.—Prohibition Against Alienation.—Upon the filing of the petition referred to in sections 12 and 16, the landowner cannot alienate any portion of the land covered by such petition except in irarsuance of the provisions of this Act; or enter into any form of contract to defeat the purposes of this Act, and no ejectment proceedings against any tenant or occupant of the land covered by the petition shall be instituted; or prosecuted until it becomes certain that the land shall not be acquired by the Administration."

The expropriation proceeding, however, was partially settled when the parties therein filed a joint motion in which they presented an agreement for the sale, at prices to be fixed by this Court, of certain portions the hacienda, excluding other portions which were to be retained by the Lichaucos. As to the portions thus excluded the expropriation proceeding was accordingly dismissed.

On March 29, 1962 respondent Judge Pastor L. de Guzman of the Court of Agrarian Relations rendered his decision, ordering that the respondents there (among them petitioners herein) who "have not shown to the satisfaction of the court that their failure to pay their rentals as found in the part of the decision (sic) was caused by the fortuitous events and circumstances beyond their control justifying their failure to complete the payment of their respective rentals are all hereby ordered ejected from their respective landholdings described in the petition except the respondents-tenants whose landholdings are within the area of the portion of the hacienda purchased by the government, through the Land Tenure Administration, which landholdings were segregated on account of the agreement of the landholders and the government, the case of ejectment against them is dismissed, but they are all ordered to pay their landholders (this should be landowners) their full rentals as found by the court."

A copy of the decisioix was. received by petitioners on April 12, 1962. They filed a notice of appeal on April 24, but moved to withdraw the same on April 26, stating that they wished to file a motion for reconsideration, for which they asked for an extension of 10 days. The withdrawal was granted and on May 4, 1962, within the

extended period, they filed the motion for reconsideration, which was denied for lack of merit on the following June 25. Petitioner received a copy of the order of denial on July 5, 1962, two days before the expiration of the period within which to appeal.

Instead of appealing, however, petitioners, filed before us this special civil action for certiorari. The petition contains only bare and summary references, in chronological order, to the different pleadings and other incidents in the court below in the six cases aforementioned, including the decision and the order denying petitioners' motion for reconsideration. The texts of said proceedings are annexed to the petition, but there is no allegation that respondent Judge acted without or in excess of jurisdiction, or with grave abuse of discretion. Much less does the petition allege any errors committed by respondent Judge which would constitute such lack or express of jurisdiction, or grave abuse of discretion. All it alleges, after the summary statement of the proceedings in the lower court, is that there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law except the petition for certiorari.

The procedure to obtain a review of a decision of the Court of Agrarian Relations is that provided in Rule 44, which was made available for that purpose by our resolution of January 5, 1956. This Rule says in section 1: "An appeal by certiorari from an award, order or decision (of the Court of Agrarian Relations) shall be perfected by filing with said Court a notice of appeal and with the Supreme Court a petition for certiorari against the adverse party within ten (10) days from notice of the award, order or decision appealed from "; and in section 2: "the petition shall contain a summary statement of the issues involved and the reasons relied on for the allowance of the writ . . . Only questions of law, which must be distinctly set forth, may be raised in the petition."

The instant petition is not in accord with the Rule above quoted. It is not an appeal but an original action under Rule 67. Under this Rule, however, the petition is insufficient for want of necessary allegations, as already pointed out. But even if, despite petitioners' mistake in the choice of remedy, the petition be considered as an appeal by certiorari, it was still incumbent upon them to file their brief or memorandum within 10 days from receipt of the answers of respondents (Sec. 4, Rule 58). This petitioners have failed to do, and hence dismissal of the petition is in order, as prayed for by said respondents. Under whichever concept the petition is regarded petitioners have not raised any definite issues for this Court to resolve—whether errors of law correctable by appeal under Rule 44, or lack or excess of jurisdiction, or grave abuse of discretion, under Rule 67.

The record before us, in the form of annexes to the petition, is uncommonly voluminous. The decision alone runs to 304 typewritten pages. The formulation of issues devolves upon petitioners. Without them respondents would be at a loss to frame their answers, except to point out, as they did, the procedural lapse of petitioners. This Court, on its part, cannot wade through the mass of materials laid before it in search of points on which respondents Judge may have erred and which petitioners have failed to specify.

For failure of petitioners to file a brief or memorandum within the period prescribed by the Rules, the petition is dismissed, with costs.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and Regala, JJ., concur.

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\* Section 20 of Republic Act No. 1400 provides:

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