

BRIGIDA MARISTELA, FOR HERSELF AND AS GUARDIAN OF HER MINOR CHILDREN EDUARDO, ROSITA, MARTA, VICTOR, REYNALDO, JESUS, RAMONA AND RAFAEL, ALL SURNAMED RIVERA, LAMBERTO RIVERA, BE...*G. R. No. L-11537. October 31, 1958*

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a194a0134152/>**PADILLA, J.:**

On 8 December 1954, Juan M. Valerio filed a complaint dated 3 December 1954 in the Court of Industrial Relations, Tarlac branch, to dispossess Cecilio Rivera of his agricultural landholding situate at Bamban, Tarlac (Annex 1). Cecilio Rivera moved to dismiss the complaint on the ground that the Court of Industrial Relations had no jurisdiction over the subject matter of the action, there being a pending case between the heirs of the late Alberto Maristela and Juan M. Valerio et al. brought on 16 October 1954 in the Court of First Instance of Tarlac for annulment on the ground of fraud of a deed of sale of a parcel of land, part of which is involved in the complaint for ejectment filed by Juan M. Valerio in the Court of Industrial Relations (Annex A to the complaint in civil case No. 980 of the Court of First Instance of Tarlac), executed by Alberto Maristela by affixing his thumbmark to the deed (Annex 2; Annex A to the motion to dismiss). Juan M. Valerio objected to the motion (Annex 3). Upon the enactment of Republic Act No. 1267, as amended by Republic Act No. 1409, the case was transferred to the Court of Agrarian Relations pursuant to section 7. On 24 July 1956 the Court denied the motion to dismiss and directed Cecilio Rivera to answer the complaint within the reglementary period provided in the Rules of the Court of Agrarian Relations and forwarded the record of the case to the Commissioner of the Court of Agrarian Relations stationed at Tarlac (Annex 4). On the 7 August 1956, the widow and children of the late Cecilio Rivera filed a motion in the Court of Agrarian Relations alleging that they are the surviving heirs, the first being the wife and the rest the children, of Cecilio Rivera who died on 21 March 1955, and praying that they be substituted for the deceased as respondents and that the running of the period within which to file a motion for reconsideration of the previous order denying the deceased's motion to dismiss be suspended until after receipt by them of the order of the Court granting their motion for substitution (Annex 5). Juan M. Valerio objected to the granting of the motion for substitution (Annex 6). On 11 August 1956, counsel for the widow and children of the late Cecilio Rivera moved for reconsideration of the order of 24 July 1956 denying the motion to dismiss (Annex 7). On 14 September 1956 the Court denied the two motions for reconsideration of the order denying the motion to dismiss and for substitution, and ordered the widow and children of the late Cecilio Rivera to deliver after harvest possession of the land to Juan M. Valerio (Annex 9). The Court also denied their motion for reconsideration of the last mentioned order (Annex 12).

The widow and children of the late Cecilio Rivera, Lamberto, Belen and Rodolfo surnamed Rivera petition this Court after hearing to set aside the order of 14 September 1956 of the Court of Agrarian Relations, to declare null and void the proceedings in the ejectment case had in the last mentioned court, to enjoin it from further proceeding in the aforesaid ejectment case and to grant such other remedy as may be deemed just, proper and

equitable, with costs against Juan M. Valerio.

The petitioners claim that the respondent court had no jurisdiction over the subject matter of the action because of the pendency of a case which involved the validity of title to the parcel of land, of a part of which respondent Juan M. Valerio prayed that the widow and children of the late Cecilio Rivera and three others be dispossessed.

The Court of Agrarian Relations proceeded to decide the ejectment case in the way and manner already stated, relying on section 9, Republic Act No. 1199, which provides that—

The tenancy relationship is extinguished by the voluntary surrender of the land by, or the death or incapacity of, the tenant, but his heirs or the members of his immediate farm household may continue to work the land until the close of the agricultural year. * * *.

upon the fact that Cecilio Rivera died on 21 March 1955, as alleged in the motion filed by the widow and heirs of the late Cecilio Rivera to ask their substitution for the deceased in the case, and upon the assumption that there was a tenancy relationship between the respondent Valerio and the late Cecilio Rivera in his lifetime.

Our view is that the Court of Agrarian Relations committed an error by taking for granted the tenancy relationship between the respondent Juan M. Valerio and Cecilio Rivera without taking into consideration the fact that on 16 October 1954, or before the filing of the complaint for ejectment on 8 December 1954, Brigida Maristela, the widow of Cecilio Rivera, together with other interested parties brought an action against Juan M. Valerio to annul the sale of the parcel of land, of a part of which the respondent Juan M. Valerio sought to dispossess Cecilio Rivera, the husband of Brigida Maristela. The respondent court should have held in abeyance the adjudication of the ejectment case brought by the respondent Juan M. Valerio until after the question of title shall have been decided by the Court of First Instance of Tarlac in civil case No. 980.

The petition is granted. The order of 14 September 1956 complained of is set aside. The respondent court is directed to allow the substitution of the widow and minor children of the late Cecilio Rivera and enjoined from proceeding with the ejectment case brought by the respondent Juan M. Valerio against Cecilio Rivera or his successors-in-interest until after final judgment shall have been rendered in civil No. 980, without pronouncement as to costs.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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