

FELICIANO YABUT, JESUS L. MANA-BAT, FRANCISCO FLORES, LEON YABUT, ZOSIMO TOLENTINO, PABLO TALAVERA, GUILLERMO SARMIENTO AND ALVARO SAWAL, PLAINTIFFS APPELLANTS, VS. REMEGIO LILL...

G.R. No. L-28227. July 11, 1973

Ponente: ANTONIO, J.

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ANTONIO, J.:

Appeal by certiorari, from a judgment of the Court of Agrarian Relations, San Fernando, Pampanga, in CAR Case No. 474-P '67 dismissing on the ground of lack of jurisdiction plaintiffs-appellants' action for rein-statement as tenants of defendant-appellee.

There is no question that the eight appellants were originally the tenants of the late Graciana Miran-da Vda. de Lilies, of certain parcels of land situated at Barrio Maniaño, Minalin, Pampanga, consisting of 50 hectares, more or less. Sometime on August 8, 1956, the late Graciana Vda. de Lilies sought in CAR Case No. 155-P '56 authority from the Court of Agrarian Relations of San Fernando, Pampanga, to convert her afore-said riceland into a fishpond. It was proven during hearing that the land was formerly a fishpond until the year 1939 when it was converted into a riceland; that the land is nearly surrounded by big rivers and streams and that it has high dikes with two concrete gates because the land is lower in elevation than the rivers that surround it; and that according to the testimony of the representative of the Bureau of Fisheries, the land was more suitable for fishpond purposes. On August 12, 1957, the Agrarian Court rendered judgment, the dispositive portion of which is as follows:

"IN VIEW OF ALL THE FOREGOING, the Court here-by authorizes petitioner Graciana Miranda Vda. de Lilles to reconvert her riceland situated at San Francisco, Minalin, Pampanga, into a fishpond and consequently, she is, likewise, given the authority to eject her tenants therefrom.

"Considering that one-third (1/3) portion of the landholding will be excavated to more than two (2) feet depth, the petitioner is allowed to reconvert the same into a fishpond within a period of three (3) years, same to commence when this decision becomes final, in order that it may be an ideal fishpond, otherwise, the tenant-respondents would be reinstated with corresponding damages, upon their petition to the Court and after due hearing."

"Moreover, the petitioner is directed to give preference to the tenant-respondents in the employment of fishpond laborers and/or helpers, provided the latter qualify under the new set-up."

The aforesaid judgment became final and upon petition of the landowner, the corresponding writ of execution was issued on November 11, 1958. The tenants, however, did not vacate the land until after they received on December 15, 1958 the amount of P100.00 each, except Jesus Manabat who received P400.00, as well as a proportionate share in the 132 cavans of palay deposited by the landowner as compensation for the removal of their houses from the land. (Exhs. 3 to 10).

In the later part of December, 1958 excavation of the land was commenced with the employment of about 100 workers, cranes, and bulldozers, and the fishpond was completed five months later. As a result of the conversion of the land into a fishpond, the corresponding assessment was increased from P21,920.00 to P65,690.74 in 1969. (Exhs. 12 and 14). In the meantime, on June 6, 1959, a management and operation agreement was executed by respondent Remigio Lilles on behalf of his mother, Graciana Miranda Vda. de Lilles, with Jesus Bonifacio, an experienced fishpond operator, for the operation and management of the fishpond. This agreement was renewed on July 30, 1964 for another period of five years, terminating on April 30, 1969. Upon the death of Jesus Bonifacio sometime in December, 1965, the management was continued by his son, Eufemio Bonifacio, until February, 1969. In compliance with the additional condition contained in the judgment of the Agrarian Court requiring the landowner to give preference to the ejected tenants, defendant-appellee invited and offered to the ejected tenants, the position of laborers and/or helpers in the fishpond. However, only two (2) of the aforementioned tenants accepted the offer. From 1960 the aforesaid lands were actually operated as a fishpond until the agricultural year 1965-1966 when respondent Remigio Lilles, who succeeded his mother as owner of the property, began experimenting with the planting of palay on some portions of the property. Apparently encouraged by the initial results, the area where palay was planted was increased to 25 hectares during the agricultural year 1966-1967. As a result of this development, plaintiffs-appellants filed a complaint with the Court of Agrarian Relations of San Fernando, Pampanga (CAR Case No. 474-P '67), for their reinstatement as tenants of the aforesaid landholdings.

On August 30, 1967, the said Court rendered judgment, the relevant portion of which is as follows:

"Jurisdiction of this Court is also assailed in view of the absence of tenancy relationship between plaintiffs and defendant. Really, there is no contractual establishment of such a relationship. If at all, plaintiffs are banking on an obligation —reinstatement -- allegedly acquired by defendant, as heir of his deceased mother, by operation of law (Sec. 9, Rep. Act No. 1199, as amended). This is correct if the resolutive condition happened, because then the parties (plaintiffs and defendant's predecessor-in-interest), by fiction of law, could be deemed automatically restored to their former situation as the intention to convert, a mental condition, is finally disclosed to be *malafe*, which could make plaintiffs' dispossession unlawful and there the *vinculum juris* could not in fact be considered to have severed. On the other hand, if the resolutive condition did not happen, then plaintiffs' dispossession, as decreed by the Court, would be lawful and would thus sever the parties' juridical tie.

"In this case, it is clear that the resolutive condition did not happen. The Decision (Exh. A) was rendered on August 12, 1957. The writ of Execution was issued on November 11, 1958 (Exh. 2) which was duly enforced in accordance with Rule 39 of the Revised Rules of Court in the same year. Plaintiffs vacated the landholdings in question in 1958. The landholdings in question were actually converted into fishpond after five (5) months or within the period of three (3) years as stated in the Decision. In fact, plaintiffs aver that only sometime in, October 1966 did defendant cause palay to be planted on the lands in question (Par. 7 of the complaint). This statement is conclusive upon plaintiffs *MacDaniel vs. Amparo*, 80 Phil. 227). With the non-happening of the resolutive condition, the juridical tie, therefore, between plaintiffs and the deceased Graciana Miranda Vda. de Lilles was severed. This being so, there is a total absence of tenancy relationship between the parties herein. It follows that defendant could not have acquired any obligations by operation of law. The parties herein not being related in tenancy and the claim for reinstatement with damages not having arisen from, or occasioned by the relationship of landholder and tenant, this Court is clearly devoid of jurisdiction to entertain this case.

"It is worthwhile to mention in passing that the modes of terminating tenancy relationship with the landlord are the following:

(1)

Abandonment

(2)

Voluntary surrender

(3)

Valid judgment of ejectment which had already become final and executory.

"In this particular case, tenancy relation-ship has been terminated by a valid judgment ren-dered by the Court on August 12, 1957 which became final and executory in accordance with Rule 39 of the New Rules of Court.

"There is a need of Court action to estab-lish the cause of ejectment and to authorize the actual dispossession. Once the dispossession, however, is authorized and accomplished, the tenancy relationship is also extinguished. (Page 48, Labor, Agrarian and Social Legislation, First Edition, 1964 by Jeremias U. Montemayor).

"WHEREFORE, let this case be, as it is, hereby DISMISSED."

It is the theory of the appellants that the court a quo had jurisdiction, as the decision of the Agrarian Court of August 12, 1957 in CAR Case No. 155-P '56, authorizing the conversion of the riceland into a fishpond and the ejectment of the tenants from the land did not extinguish the tenancy relationship between the parties but merely suspended it, such that upon reconversion of the fishpond into a riceland, the tenancy relationship was automatically restored.

The infirmity of appellants' position is evident from the fact that not only was the ejectment of the tenants from the land authorized by the judgment of the Agrarian Court in CAR Case No. 155-P '56, which judgment became final and executory, but also the tenants themselves had voluntarily surrendered and abandoned the landholdings after receiving compensation therefor from the owner of the land. There is no question that tenancy relationship may be extinguished, when the disposses-sion of the tenant is authorized by the court in a judgment that is final and executory[1] for any of the causes provided by law, or by voluntary act of the tenant himself, such as by abandon-ment or voluntary surrender of the landholding.[2] In the case at bar, there being no longer any tenancy relationship between plaintiffs-appellants and defendant-appellee, the relationship having been terminated not only by the aforesaid final and exe-cutory judgment of the Agrarian Court but also by the abandon-ment of the landholding by the plaintiffs-appellants, it follows that they have no longer any standing to seek reinstatement as tenants of the land.[3]

WHEREFORE, the judgment of the court a quo dismissing the complaint is hereby affirmed. No pronouncement as to costs.

Makalintal, (Acting C.J.), Zaldivar, Ruiz Castro, Teehankee, Makasiar, and Esguerra, JJ., concur.
Fernando and Barredo, JJ., no part.

[1] Quilantang, et al. v. Court of Appeals, G.R.No. L-34212, December 13, 1972, 48 SCRA 294.

[2] Sec. 9, Republic Act No. 1199, as amended by Republic Act No. 2263; Sec. 8 of Republic Act No. 3844.

[3] Cagola v. Court of Agrarian Relations, G.R.No. L-19740, December 17, 1966, 18 SCRA 992.

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