

JOSE Y. AREVALO AND CECILIO Y. AREVALO, JR., PETITIONERS, VS. HON. MARIANO V. BENEDICTO, AS JUDGE OF THE COURT OF FIRST INSTANCE OF NUEVA ECIJA, AND LUCIANO MATIAS, RESPONDENTS.*G.R. NO. L-27895. July 31, 1974*

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b63600f29c00/>**ANTONIO, J.:**

This is an original action for certiorari and prohibition, with prayer for preliminary injunction, to set aside the Order dated March 13, 1967, granting private respondent's petition for relief from judgment, and the Order dated July 26, 1967, denying petitioners' motion for reconsideration, both issued by respondent Judge in Civil Case No. 236 of the Court of First Instance of Nueva Ecija, Branch V, Gapan.

Petitioners Jose and Cecilio, both surnamed Arevalo, are brothers and co-owners of a 3.5-hectare riceland situated at Pambuan, Gapan, Nueva Ecija. The said riceland was leased verbally to Gertrudes Mangulabnan in 1956, and when Gertrudes' husband died in 1958, she hired other persons to help her work the land. Among them was herein private respondent Luciano Matias. A 50-50 sharing ratio was arranged between Gertrudes and Matias in 1959, until she returned the leased property to the Arevalos after the harvest in March, 1966. The Arevalos, refusing to recognize Matias as their tenant on the land, told him to vacate the property. When Matias refused to leave, the Arevalos filed against him, on March 29, 1966, an action of forcible entry with the Municipal Court of Gapan, Nueva Ecija (Civil Case No. 1043).

Claiming that he was a tenant on the aforesaid riceland under Gertrudes Mangulabnan since 1959 and notwithstanding the termination of Mangulabnan's lease of the property he still remained as tenant of the property, Matias, through the Office of the Agrarian Counsel, filed on June 3, 1966, with the Court of Agrarian Relations, Cabanatuan City, a complaint (CAR Case No. 4255-NE'66) to prevent his ejectment from the land. He, therein, prayed that the Arevalos and their agents be restrained from disturbing him in the peaceful and lawful possession of the landholding, and that after hearing, the said injunctive order be made permanent and the Arevalos sentenced to pay him P200.00 as damages. The Arevalos filed a motion to dismiss the complaint, but their motion was denied.

On July 25, 1966, judgment was rendered by the municipal court in the forcible entry case in favor of the Arevalos, the dispositive portion of which states:

"WHEREFORE, the preliminary injunction is hereby made permanent, the plaintiffs to remain in possession of the property with the obligation to reimburse, as the plaintiffs Arevalo are hereby ordered to reimburse, to defendant Luciano Matias, all expenses incurred by him in the cultivation and/or planting of the property after its return to the plaintiffs by Gertrudes Mangulabnan up to the time it was delivered by the defendant to them in June 1966 by virtue of the writ of injunction."

Upon receiving the decision on August 4, 1966, Matias filed on August 22, 1966, in the Municipal Court of Gapan, his Notice of Appeal, Motion to Appeal as Pauper, and a request for the transmittal of the records to the

Court of First Instance of Nueva Ecija. The motion to appeal as pauper was denied by the Municipal Court on August 31, 1966, but on September 3, 1966, the same court reconsidered its order and gave due course to the appeal, and the case was docketed as Civil Case No. 236 in the Court of First Instance, Nueva Ecija, Branch V. The Arevalos subsequently filed with the latter court a motion to dismiss the appeal. In an order dated October 5, 1966, the court dismissed the appeal and ordered the remand of the case to the municipal court on the ground that it was interposed beyond the 15-day reglementary period. Copy of this order was received by Matias on October 17, 1966. On December 16, 1966, or within sixty (60) days after receipt of said order, Matias filed a "petition for relief" in the same case, from the order of October 5, 1966, explaining that his failure to perfect an appeal seasonably from the judgment of the Municipal Court of Gapan was due to accident or excusable negligence, for, according to him, he went to the municipal court on August 19, 1966 to file a notice of appeal, a motion to appeal as pauper, and a motion to transmit the record of the case to the court of first instance, but that day being a special holiday, no one was in court, so he returned the following day, August 20, 1966, which was a Saturday, but the courtroom and the office of the Clerk of Court were again closed. Consequently, he was able to file the appeal papers only on Monday, August 22, 1966, and he therefore prayed that in view of said circumstances the court should set aside the order dismissing the appeal. The Arevalos filed a motion to dismiss the petition for relief. On March 13, 1967, respondent Judge Mariano V. Benedicto issued an order stating that as established by the testimonies of Matias and two persons who accompanied him to the municipal building on August 20, 1966, accident and excusable negligence prevented Matias from perfecting his appeal on time. In the said order, respondent Judge granted the relief prayed for, gave due course to the appeal and set the case for pre-trial and trial on May 4, 1967. The Arevalos moved for reconsideration, but their motion was denied in an order dated July 26, 1967.

In the meantime, the following proceedings were taking place in the agrarian case filed by Matias against the Arevalo brothers: On November 15, 1966, the Arevalos filed a motion for reconsideration of the order of the Court of Agrarian Relations denying their motion to dismiss the complaint on the ground of *res judicata*. On March 8, 1967, the said court issued an order dismissing Matias' complaint on the ground that "[c]onsidering that the decision rendered by the Municipal Court of Gapan has become final and duly executed and that the appeal therefrom was dismissed, the decision in the forcible entry had disposed of the issues raised in the instant case and concluded the controversy between the parties." Matias perfected his appeal to the Court of Appeals from the said order of dismissal.

The petition in this case was filed on August 9, 1967. After giving due course thereto, We issued a writ of preliminary injunction upon petitioners' posting of a bond.

The present petition must be denied.

The important consideration in this case is whether or not the Municipal Court of Gapan had jurisdiction to decide questions raised by the parties in Civil Case No. 1043. This issue was raised by respondent Matias in the said forcible entry case, where he pleaded the defense of tenancy relationship.

While on the face of the complaint filed by the Arevalos in the Municipal Court of Gapan the action was ostensibly one for forcible entry, it became evident during the trial, as said court had found, that it was in reality an action to dispossess a tenant of his agricultural landholding. It was found therein as an established fact that after the riceland of the Arevalos was leased to Gertrudes Mangulabnan, private respondent Luciano Matias was employed as a share-tenant of the land from 1959 until after the harvest in March, 1966, when Gertrudes Mangulabnan allegedly returned the said property to the Arevalos. And the question raised by respondent Matias was whether or not, as tenant of the aforesaid property, he was still entitled to remain in the landholding notwithstanding the expiration of the lease of Mangulabnan. This question has been definitely resolved in favor of

the tenant in *Joya, et al. vs. Pareja*,^[1] wherein We held that since the return by the lessee of the leased property to the lessor upon the expiration of the lease involves a transfer of legal possession, and pursuant to Section 9 of Republic Act 1199, as amended by Section 3 of Republic Act 2263, the tenancy relationship is not extinguished by the transfer of legal possession of the land, the termination, therefore, of the lessor-lessee relationship did not divest the tenant of the lessee of the right to remain and continue on his cultivation of the land. But to avoid the effects of the doctrine in *Joya, et al. vs. Pareja*, supra, the Municipal Court of Gapan concluded that Gertrudes Mangulabnan, in employing Matias as tenant of the land, had in effect sub-leased the property to Matias in a manner violative of Section 27, paragraph 2, of the Agricultural Land Reform Code, and, therefore, in view of said violation, respondent Matias was not entitled to remain in possession of the land. Whether or not the agricultural tenant or lessee has violated any of the provisions of the Agricultural Land Reform Code, is a matter which appertains to the original and exclusive jurisdiction of the Court of Agrarian Relations (Section 154, Republic Act 3844, as amended by Republic Acts 4366 and 4886 [Agricultural Land Reform Code]). Consequently, the decision of the said court in Civil Case No. 1043 ordering the ejectment of respondent Luciano Matias from the landholding, is legally ineffective, the same having been rendered by a court which had no jurisdiction over the subject-matter of the case. In the premises, the granting by the court of first instance of respondent Matias' petition for relief cannot be considered as an abuse of discretion. Indeed, the relief granted would enable the court to correct a patent error committed by the inferior court in assuming jurisdiction over the case.

The holding of the Court of Agrarian Relations of Cabanatuan City in CAR Case No. 4255-NE' 66 that the complaint filed with that court by respondent Matias was barred by *res judicata*, is incorrect. The agrarian court's conclusion is anchored on the dismissal of private respondent's appeal from the judgment of the municipal court in the forcible entry case, the court holding that the dismissal of the appeal resulted in "making the decision final and executory." Considering that on March 13, 1967, or shortly after the order dismissing the agrarian case had been issued on March 8, 1967, private respondent's petition for relief was granted by the court of first instance, it results that the March 8, 1967 order of the agrarian court has lost any leg to stand on: the defense of *res judicata* is now unavailing for the simple reason that there is no final judgment to speak-of in the forcible entry case. Furthermore, the want of jurisdiction by a court over the subject-matter renders its judgment void and a mere nullity, and considering that a void judgment is in legal effect no judgment, by which no rights are divested, from which no rights can be obtained, which neither binds nor bars any one, and under which all acts performed and all claims flowing out of are void,^[2] and considering, further, that the decision, for want of jurisdiction of the court, is not a decision in contemplation of law, and, hence, can never become executory,^[3] it follows that such a void judgment cannot constitute a bar to another case by reason of *res judicata*.

Wherefore, the petition is denied, with costs against petitioners. The writ of preliminary injunction previously issued in this case is hereby ordered dissolved.

Zaldivar, (Chairman), Fernando, Fernandez, and Aquino, JJ., concur.
Barredo, J., concurs in separate opinion.

[1] 106 Phil., 645.

[2] *Gomez vs. Concepcion, etc. et al.*, 47 Phil., 717, 722-723; *Chavez vs. CA, et al.*, L-29169, Aug. 19, 1968, 24 SCRA 663, 685; *Comia, et al. vs. Nicolas, etc., et al.*, L-26079, September 30, 1969, 29 SCRA 492, 503-04.

[3] *Planas vs. Collector of Internal Revenue*, L-15934, Oct. 31, 1961, 3 SCRA 395, 399.

CONCURRING OPINION

BARREDO, J.:

I concur in the result. It could be questionable whether or not respondent judge acted properly in granting the petition for relief, the same being directed against the order of October 5, 1966 dismissing the appeal of respondent Matias from the municipal court, there being no showing of any ground for relief under Section 2 of Rule 38 insofar as said order is concerned. In other words, the excusable neglect present here is in relation to the appeal from the decision of the municipal court and not to the appeal from the order of October 5, 1966. But inasmuch as it is manifest that the municipal court had no jurisdiction over the ejectment case filed by the petitioners, the Arevalos, against Matias, it is just as well that the judgment therein should be set aside, as the respondent judge has done. In equity, the subject certiorari petition has no basis and should be dismissed. And the Municipal Court of Gapan is not supposed to take any further action in the case before it, except to dismiss the same.

Therefore, the only case alive between the Arevalos and Matias now is that pending in the Court of Appeals. Strictly speaking, this Court cannot pass on any question which should properly be raised in that court with respect as to whether or not the defense of res adjudicata raised by the Arevalos was correctly upheld by the Agrarian Court. I would prefer that that point be passed upon by the Court of Appeals.

Limiting, as We must, our judgment in this case to the petition for certiorari against respondent judge of the court of first instance, and considering that the proceedings in the Agrarian Court and the Court of Appeals are not before Us now, my vote is to dismiss the petition for certiorari, on the ground that in equity it has no basis, with instructions to the Municipal Court of Gapan, Nueva Ecija to desist from taking further action in Civil Case No. 1043, except to dismiss the same.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.