

SEBASTIAN S. TOMACRUZ, PETITIONER, VS. THE HONORABLE COURT OF AGRARIAN RELATIONS, FILEMON SILVA, SEVERINO MANIEGO, PEDRO SIMBULAN, JUAN MIRANDA, AND LAURENTINO AUSTRIA, RESPOND...

G.R. No. L-16542-43. May 31, 1961

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is a petition to review a decision of the Court of Agrarian Relations, Third Regional District, sitting at San Fernando, Pampanga, dated December 3, 1959, in CAR Cases Nos. 383-P'58 and 391-P'58, respectively entitled "Severino Maniego, Filemon Silva, Pedro Simbulan, Juan Miranda and Laurentino Austria, petitioners, versus Sebastian S. Tomacruz, respondent" and "Sebastian S. Tomacruz, petitioner, versus Juan Miranda @ Orio, respondent." The dispositive part of the decision sought herein to be reviewed is as follows;

"IN VIEW OF ALL THE FOREGOING, decision is hereby rendered: 1. dismissing the petition in CAR No. 391-P for lack of merit;

2. recognizing and declaring petitioner Filemon Silva as the landholder of Lot No.2633 of the San Luis Cadastre;

3. ordering respondent Sebastian Tomacruz and/or all persons acting in his behalf, to desist from molesting or harassing petitioners-tenants Pedro Simbulan, Juan Miranda and Laurentino Austria in the production and cultivation of Lot No. 2633;

4.ordering respondent Tomacruz to pay and deliver to petitioner Silva the amount of One Thousand Two Hundred and Ten Pesos and Four Centavos. (P1,210.04) in Philippine Tender which he received corresponding to the proceeds of one-half (1/2) of the landholder's share of the harvest from the crop year 1957-58, minus the amount of One Hundred Eighty-Five Pesos and Two Centavos (P185.02) which has been deposited by him with the Clerk.of Court x x x;

5. The amount of palay deposited with the Silva's Rice Mill at San Jose, Baliuag, Bulacan, represented by warehouse receipt Nos. 1101 dated January 16, 1959 and 1141 dated March 24, 1959 and which is part of the landholder's share of the harvest should belong to petitioner Filemon Silva and, therefore, he should be entitled to withdraw the same from the warehouse, x x x;

6. dismissing petitioners claim and respondent's counterclaim for attorney's fees and damages, for lack of sufficient evidence and lack of merit, respectively; and

7. The motion (petition) filed with the Clerk of Court on November 20, 1959 in CAR Case No. 383-P to stay execution of the Order of this Court issued by Commissioner Ignacio Mangosing dated November 7, 1959, is hereby dismissed. The said Order dated November 7, 1959 is hereby made permanent.11 (pp.18-20, Decision).

In CAR Case No. 383-P'58, Severino Maniego, Filemon Silva, Pedro Simbulan, Juan (Orio) Miranda, and

Laurentino Austria filed against Sebastian S. Tomacruz, on May 4, 1958, an amended petition alleging that Filemon Silva is the landholder of a parcel of land located at Bo. San Isidro, San Luis, Pampanga, while Maniego is his overseer, and Simbulan, Miranda and Austria are his tenants thereon; that on or about April 8, 1958, respondent Tomacruz, who claims to be the owner of the land, with threats and force, took from the petitioners 10 cavans of the produce of the land; that there are still stacks of palay to be threshed, but because of respondent's attitude, petitioners fear to thresh the same; and that said palay would be destroyed unless threshed at once. Petitioners prayed for an interlocutory order directing the Philippine Constabulary to Supervise the threshing of the palay, enjoining the respondent from molesting the petitioners, and ordering the respondent to return the ten cavanes of palay which he took from them.

Acting upon said amended petition, the lower court, through Commissioner Ignacio Mangosing, issued an interlocutory order, dated April 21, 1958, directing the threshing and temporary liquidation of the palay harvested during the agricultural year 1957-58 under the supervision of the JAGO or the PC and directing further the deposit with the FACCMA, nearest the landholding in question of the corresponding share of the owner in the harvest. The interlocutory order was complied with, with the deppsit in the San Luis FACOMA of 135 cavans of palay harvested, in the names of both petitioner Silva and respondent Tomacruz.

On May 23, 1958, petitioners filed a second a, amended petition, wherein they allege that petitioner Silva is the owner of the land in question, having purchased the same from the spouses Jose Laxamana and Agapita Gonzales on March 30, 1957; that petitioners Simbulan, Miranda and Austria are Silva's tenants on the land; that petitioner Silva has borne the expenses for seedlings and for cultivation, while respondent Tomacruz has not contributed anything in the production; that Silva's share in the harvest was not yet delivered to him because of the interlocutory order of April 21, 1958, depositing said share in the San Luis FACCMA. Petitioners prayed that the palay deposited be delivered to Silva and that his co-petitioners Simbulan, Miranda and Austria be declared his bona fide tenants.

A motion to dismiss the amended petition was filed on May 30, 1958, on the ground that it does not state a cause of action, that the court has no jurisdiction to try the case, and that there is another action pending between Miranda and Tomacruz. This motion was denied, and so the respondent Tomacruz filed his answer, alleging that he is the owner of the land in question and reiterating as affirmative defense the pendency of another action between him and Miranda and the lack of jurisdiction of the court to hear and decide the case.

In CAR Case No. 391-P'58, Sebastian Tomacruz (respondent in CAR Case No. 383-P'58) filed a petition against Juan Miranda (one of the petitioners in CAR Case No. 391), wherein he prayed that the respondent Miranda be restrained from threshing the palay harvested from the land during 1957-58 agricultural year and be ordered to deliver to petitioner Tomacruz possession of the land in question. Respondent Juan Miranda moved to dismiss the petition on the ground that it states no cause of action and that there is another action pending between the same parties in the Justice of the Peace Court of San Luis, Pamganga (Civil Case No. 20), but this motion was denied by the court. Respondent Miranda, therefore, filed his answer, denying existence of a tenancy relationship between him and petitioner Tomacruz and alleging as a defense that he could not deliver the land to the petitioner because Filemon Silva is the owner thereof and the latter defrayed the costs of planting.

The issues having been joined in both cases, the lower court conducted a joint trial thereon.

The facts found by the lower court are not disputed, and we find that there is substantial evidence presented to support its finding that Filemon Silva is the landholder of the landholding in question and that Miranda, Simbulan, and Austria are his tenants. Exhibit "A" clearly shows that Filemon Silva bought the land from the spouses Jose Laxamana and Agapita Gonzales on March 30, 1957[^] the land at the time of the sale was covered

by, Original Certificate of Title No. 1659, in the name of the vendors. Witnesses Miranda, Simbulan and Austria all testified that they are the tenants of Filemon Silva on the land in question and that the latter defrayed the expenses of planting during the agricultural year 1957-58.

In this appeal, the petitioner claims that the lower court erred in making a finding on the ownership of the land because the same is beyond its jurisdiction. He claims that the lower court should have suspended the proceedings pending determination of the question of ownership in the ordinary courts.

We have examined the decision of the trial court and the other records of the case, and we find the argument of the petitioner to be without merit. What the lower court did was only to admit evidence of ownership for the purpose of determining who, as between Silva and Tomacruz, is the landholder to whom landholder's share in the produce should be delivered by the tenants.

Petitioner also argues that Silva's title is not final and undefeasible because the one year period required to make the decree final has not yet expired. Petitioner also questions the finding of the court below that the land in question is not what petitioner is supposed to have purchased. He also argues that the possession of the vendor of petitioner in 1955 antedates the possession of Silva. Petitioner claims, on the strength of the above circumstances, that the court below should have suspended the trial to await the outcome of the case in Court of First Instance for the review of the decree in the Land Registration Case - the basis of petitioners title.

As we have adverted to above, all the arguments are of no avail, in view of the following provision of the Agricultural Tenancy Act:

"All cases involving the dispossession of a tenant by the landholder or by a third party and/or the settlement and disposition of disputes arising from the relationship of landholder and tenant, as well as the violation of any of the provisions of this Act, shall, be under the original and exclusive jurisdiction of such court as may now or hereafter be authorized by law to take cognizance of tenancy relations and disputes. (Sec. 21, R. A. 1199, Underlining supplied).

The court below found that petitioner Tomacruz had entered upon the land and appropriated to himself the landholder's share of the harvest for the year 1947-48. This certainly is a dispossession by a third party of his landholding and comes within the express provision of the law.

Further answering the arguments of the petitioner Tomacruz as set forth above, it being conceded by him that Silva is the holder of a Torrens Title and has been in possession of the property after the year 1955 and before petitioner the Tomacruz entered upon it in 1957, it would be/height of injustice to deprive Silva of his actual possession of the property during the pendency of the case that the petitioner Tomacruz had instituted to contest Silva's title.

As already adverted to above, the facts found by the trial court are not controverted and the conclusion of said court in holding that Silva is the landholder of the landTM holding in question is borne by substantial evidence. There is, therefore, no reason to modify the findings of the lower court. Whether or not the title of Silva to the land in question is inferior to that of respondent Tomacruz is for the ordinary courts to decide. It is sufficient for the purpose of determining who is the landholder or legal possessors that the sale of the land to Silva is in proper form; that Simbulan, Miranda and Austria are his tenants; and that Silva paid the expenses of planting for the agricultural year 1957-58.

WHEREFORE, the decision sought to be reviewed should be as it hereby is, affirmed, without prejudice to the right of the parties to ventilate the question of ownership of the land in a court of competent jurisdiction. With costs against petitioner Tomacruz.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, Barrera, Paredes, De Leon, and Natividad, JJ., concur.

Dizon, J., no part.

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