

PEDRO TUMBAGA, PETITIONER, V.S. CONRADO M. VASQUEZ AND GREGORIO AGONCILLO, RESPONDENTS.*G.R. No. L-8719. July 17, 1956*

Ponente: BAUTISTA ANGELO, J.

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This is a petition for certiorari wherein petitioner disputes the jurisdiction of respondent judge to take cognizance of the forcible entry case initiated by respondent Gregorio Agoncillo before the Justice of the Peace Court of Tuy, Batangas, and contends that such case should be remanded to, and decide by, the Court of Industrial Relations.

Gregorio Agoncillo filed a case for forcible entry and illegal detainer in the Justice of the Peace Court of Tuy, Batangas wherein, after due trial, defendant (now petitioner) was ordered to vacate the property in question and to pay damages in the amount of P150.00. Defendant appealed to court of first instance and gave notice of his desire to file a supersedeas bond. While the case was pending in the latter court, plaintiff moved for the execution of the judgment in view of defendant's failure to put up a supersedeas bond or deposit the amount of damages awarded in the judgment as required by the Rules Court and, finding the motion meritorious, the court acceded to the motion without prejudice to the continuance of the case on the merits. Defendant filed a motion for reconsideration but before it could be acted upon, he also filed a motion to dismiss disputing for the first time the jurisdiction of the court over the case upon the ground that the relation between plaintiff and defendant is one of tenancy which comes under the exclusive jurisdiction of the Court of Industrial Relations. The court found no merit in the motion for reconsideration. As to the motion to dismiss, it ruled that since the issue involved is evidentiary in nature, resolution thereon should be postponed until the case is tried on the merits, But, not satisfied with this ruling, defendant interposed the present petition for certiorari.

In ruling on the motion to dismiss on the ground of lack of jurisdiction, respondent judge said: "The records of this case show that this contention was previously set up by defendant in a previous motion to dismiss, and that it was resolved by the Court in its order to dismiss, and that it was resolved by the Court in its order dated September 15, 1954, stating that the nature of the question raised as to the jurisdiction of the Court over the subject matter 'being evidentiary in character, the Court holds its resolution on it until after the case shall have been tried on the merits.'" Apparently, this ruling is only basis of the present petition for certiorari for the question raised really needs the presentation of some evidence to establish certain facts which may serve as basis for determination of the question affecting the jurisdiction of the court. Undoubtedly, the court needed to clarify certain question of fact before passing judgment on the question of jurisdiction.

But, brushing aside this question of procedure, we find however in the record, which is not disputed by petitioner, certain facts established in the court of origin which show that, at least with regard to the main controversy, the portion of land, as well as the house erected thereon, from which petitioner is being ejected, is not covered by any tenancy relation that would place the case under the exclusive jurisdiction of the Court of Industrial Relations.

Said facts show that petitioner was a tenant of respondent for a period of more than fifteen years on a piece of agricultural land whereon he erected a house for him and his family, but that on May 29, 1953 he constructed another house on a parcel of land distinct and separate from that cultivated by him without the consent of his landlord. The house and lot last mentioned are the ones involved in the ejectment case and this comes under the jurisdiction of ordinary courts.

It therefore appears that, while petitioner is a tenant of respondent in contemplation of law, such relation is entirely foreign to the present case for he appears to be a mere intruder on a property which has not been turned over to him for cultivation and use. And while under the law (Section 26, Republic Act 1199) a landholder "shall furnish the tenant an area of not less than one thousand square meters where the latter may construct his dwelling", this provision does not here apply for it refers to a property that is given to a tenant for his cultivation and not to one where he is merely an intruder. Verily, this case does not come under the jurisdiction of the Court of Industrial Relations.

Wherefore, petition is denied, without costs.

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

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