

GABRIEL MARUKOT, PLAINTIFF AND APPELLEE, VS. AMADO JACINTO AND THE DIRECTOR OF LANDS, DEFENDANTS AND APPELLANTS. LORENZO BALTAZAR, PLAINTIFF AND APPELLEE, VS. AMADO JACINTO AND ...

G.R. Nos. L-8036-38. December 20, 1955

Ponente: PARAS, C.J.

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PARAS, C.J.:

Lots Nos. 35-B, 35-D and 35-E are portions of lot No. 35, block No. 12 of the Tambobong Estate located in Malabon, Rizal, and containing an area of some 500 square meters. Lot No. 35-B contains an area of about 100 square meters, lot No. 35-D an area of about 40 square meters, and lot No. 35-E an area of about 70 square meters. Gabriel Marukot has held possession of lot 35-B since 1940, having a house thereon wherein he and his family have been residing. Felipe Baisa has held possession of lot No. 35-D since 1946, having a house thereon wherein he and his family have been residing. Lorenzo Baltazar has held possession of lot No. 35-E since 1944, having a house thereon wherein he and his family have been residing.

The Tambobong Estate was purchased by the Government from the Roman Catholic Church on December 31, 1947, under the provisions of section 1 of Commonwealth Act 539, which authorizes the President of the Philippines "to acquire private lands or any interest therein, through purchase or expropriation, and to subdivide the same into home lots or small farms for resale at reasonable prices and under such conditions as he may fix to their bona fide tenants or occupants or to private individuals who will work the lands themselves and who are qualified to acquire and own lands in the Philippines." In due time, Amado Jacinto filed an application with the Rural Progress Administration for the purchase of lot No. 35 (including of course lots Nos. 35-B, 35-D and 35-E), claiming that he and his predecessors in interest have held possession thereof as lessees who paid corresponding rentals to the former owners of the Tambobong Estate. Gabriel Marukot, Felipe Baisa and Lorenzo Baltazar filed their oppositions to Jacinto's application with respect to the portions actually occupied by them. The Bureau of Lands, which took over the functions of the Rural Progress Administration, rendered a decision on December 22, 1951, dismissing the oppositions and adjudicating to Amado Jacinto lot No. 35 in its entirety. Gabriel Marukot, Felipe Baisa and Lorenzo Baltazar instituted in the Court of First Instance of Rizal separate actions against Jacinto and the Director of Lands, for the purpose of having said adjudication annulled, and obtaining a declaration that they are entitled to purchase the lots respectively occupied by them. After joint trial, a decision was rendered, with the following dispositive parts:

"In view of the foregoing, the Court, in Civil Case No. 1705, hereby renders judgment in favor of the plaintiff and against the defendants, declaring; as null and void the adjudication dated December 22, 1951, made by the Director of Lands in favor of the defendant Amado Jacinto of lot 35-D, Block 12 of the Tambobong Estate; declaring the plaintiff entitled to purchase said lot 35-D, block 12; and ordering the defendant Director of Lands to approve the application of Felipe Baisa to purchase lot 35-D, block 12. Without any pronouncement as to costs.

"In Civil Case No. 1696, the Court hereby renders judgment. in favor of the plaintiff and against the defendants, declaring as null and void the adjudication dated December 22, 1951, made by the Director of Lands in favor of the defendant Amado Jacinto of lot 35-E, block 12 of the Tambobong Estate, declaring the plaintiff entitled to purchase said lot 35-E; block 12 of the Tambobong Estate; and ordering the defendant Director of Lands to approve the application of Lorenzo Baltazar to purchase said lot 35-E, block 12. Without pronouncement as to costs.

"In Civil Case No. 1690, the Court hereby renders judgment in favor of the plaintiff Gabriel Marukot and against the defendants, declaring as null and void the adjudication dated December 22, 1951, made by the Director of Lands in favor of the defendant Amado Jacinto of lot 35-B, block 12 of the Tambobong Estate; declaring the plaintiff entitled to purchase said lot 35-B, block 12; and ordering the defendant Director of Lands to approve the application of Gabriel Marukot to purchase lot 35-B, block 12. Without any pronouncement as to costs."

Both Amado Jacinto and the Director of Lands appealed to the Court of Appeals, on the ground that the decision is contrary to the facts and the law. Said Court, in its resolution of March 8, 1954, however certified the case to us, because in the light of the findings of the trial court and the assignments of error in appellant's briefs, no question of fact is involved and the whole controversy boils down to a purely legal question, namely, who is entitled to preference in the purchase of lots 35-B, 35-D and 35-E: the plaintiffs-appellees who are sublessees but the actual occupants, of the defendant-appellant Amado Jacinto who is the lessee but not in possession.

As a matter of fact, there is no dispute that appellant Jacinto was the lessee of the entire lot. No. 35, who had paid rentals thereon prior to the acquisition by the Government of the Tambobong Estate; that since 1931, he has lived in his house built on his lot located in Caloocan, Rizal; that the three appellees Gabriel Marukot, Felipe Baisa and Lorenzo Baltazar have respectively occupied lots 35-B, 35-D and 35-E, the first since 1940, the second since 1946, and the third, since 1944, and all the three have their own houses thereon and have been paying rentals as sublessees of appellant Jacinto.

In our opinion, the trial court did not err in giving judgment in favor of the appellees. It is not necessary to decide herein whether a "tenant" should enjoy priority over an "occupant" who is a sublessee, because the effect of the appealed decision is to accommodate both; and this certainly cannot be said to be violative of the intents and purposes of Commonwealth Act No. 539. It is striking to note that appellant Jacinto even gets about 300 square meters, or 100 square meters in excess of the total area of the three lots awarded by the trial court to the three appellees.

The appellees are unquestionably bona fide occupants within the meaning of Commonwealth Act No. 539 because they have their respective houses on the lots sublet to them by the tenant Amado Jacinto; and there is absolutely no showing that they were ordered to vacate either before or after the acquisition by the Government of the Tambobong Estate. These circumstances differentiate the cases at bar from *Enrique Bernardo, et al. vs. Crisostomo S. Bernardo, et al.*, 96 Phil, 202 decided on November 29, 1954, wherein the majority of this Court awarded the lot there in question (containing an area of only 208 square meters) to the tenant or lessee, as against the actual occupant (1) who remained on the lot due to the tolerance of, and out of charity from, the lessee; (2) who had already sold his house thereon to the tenant or lessee prior to the purchase in 1947 by the Government of the Tambobong Estate; (3) who since 1945 had been required by the tenant or lessee to vacate.

The cases now before us are also distinguishable from *G. R. No. L-8032, Crisostomo Grande vs. Dalisay Santos and Director of Lands*, and *G. E. No. L-8033, Domingo Josef vs. Dalisay Santos and Director of Lands*,[*] decided on December 10, 1955, wherein we awarded the lot therein involved to the lessee, and not to the latter's sublessees, it appearing that the lot contains a total area of only 144 square meters and that "pursuant to the

stipulation of facts, Dalisay Santos is not an absentee owner, but an actual occupant of part of said lot."

It is also contended that the appellees should have first appealed the decision of the Bureau of Lands to the higher administrative authority, and their failure to do so rendered said decision final. In reply it is sufficient to state that the matter in controversy did not fall within the purview of the Public Land Act, and was under the cognizance of the Rural Progress Administration, the functions of which were only assumed subsequently by the Bureau of Lands. Moreover, there is no pretense that the alleged administrative remedy has been made a condition precedent to the filing of a judicial action.

Wherefore, the appealed decision is affirmed and it is so ordered without costs.

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

[*] Supra, p. 62.

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