

**DOMINGO FERRER, IRENEO SANTOS, ADRIANO VELASQUEZ,
ALFREDO MEMBRADO, BRAULIO CARGO, JOSE GONZAGA, CIRILO
DRAPITE, ALFREDO FERRER, AMADO CUBOS, JULIAN BAUTISTA,
RUFINO BALMEO, AND...**

G.R. NO. L-33293. September 30, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

The plea of lack of jurisdiction notwithstanding, respondent Judge of the Court of First Instance, Florencio Villamor,[1] acting on a motion for demolition during the pendency of an appeal, authorized the issuance of an alias writ of execution, petitioners as defendants and losing parties in an ejectment case apparently having failed to post a supersedeas bond. That in brief is the situation that led to the filing of this certiorari proceeding. The question of lack of power was raised in the municipal court of Lupao, Nueva Ecija, the contention of petitioners being that as agricultural lessees, it is the Court of Agrarian Relations, not the ordinary courts, that could entertain such action. While the municipal court did not sustain their allegation as to being agricultural lessees, it ruled that they were agricultural laborers. The trial was conducted with only private respondent submitting evidence, petitioners' counsel not being present and their motion for postponement having been denied. Nonetheless, judgment in favor of private respondent was rendered, one considered a nullity by petitioners on the ground that the municipal court lacked jurisdiction. A perusal of the unbroken line of decisions from *Ojo vs. Jamito*, [2] decided in 1949, to *Lacson vs. Pineda*, [3] promulgated in 1971, indicates that the plea of petitioners possesses merit. We grant certiorari.

Now as for the facts. A complaint was filed by Private respondent Santiago Cajucom on March 19, 1970 in the Municipal Court of Lupao, to eject petitioners from their respective home lots situated at Barrio Parista, Lupao, Nueva Ecija. While the petition stated that the ground was the expiration of the lease contract, respondent would deny, but hardly in a categorical manner, such relationship, alleging merely that petitioners were hired laborers whose contracts had already expired.[4] In the answer filed on April 11, 1970, petitioners denied the material allegations of the complaint and raised as one of the affirmative and special defenses the lack of jurisdiction of such court, they being agricultural lessees.[5] There was scheduled a pre-trial which did take place. No compromise was, however, reached. On April 25, 1970, notwithstanding the plea of petitioners to have the case postponed to another date in view of the absence of their counsel, the case was heard with private respondent offering its evidence. It was then considered submitted for decision on the basis thereof.[6] The decision came on April 29, 1970. It ordered all the petitioners to vacate their, respective home lots and to remove the houses constructed by them.[7] An appeal was taken to the Court, of First Instance of Nueva Ecija, Fourth Judicial District, presided by respondent Judge Florencio Villamor.[8] On October 5, 1970, during the pendency of such appeal, private respondent filed a motion for demolition of the houses erected by the petitioners in their respective homelots.[9] There was an opposition on the part of petitioners.[10] Respondent Judge, acting on such motion for demolition of the houses constructed by petitioners on their respective home lots, authorized the issuance of a writ

of execution commanding the Provincial Sheriff of Nueva Ecija to forthwith remove from the premises the land in question, and the houses erected thereon.[11] Hence this petition for certiorari.

Petitioners, as noted at the outset, are entitled to the writ prayed for.

1. The grave and serious problems that tenancy and agricultural labor have spawned, dating from the period the Philippines was under the Spanish rule, were given serious attention by the framers of the 1935 Constitution. There was, as a result, the mandate on the State itself to "afford protection to labor, especially to working women and minors, and [to] regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture." [12] There was, moreover, the equally exigent social justice provision. [13] In line with such constitutional objectives, it was thought best to create separate agencies to deal with controversies between landed proprietors and tillers of the soil. As far back as 1939, the then National Assembly enacted a statute providing: "Any agreement or provision of law to the contrary notwithstanding, in all cases where land is held under any system of tenancy the tenant shall not be dispossessed of the land cultivated by him except for any of the causes mentioned in section nineteen of Act Numbered Four thousand fifty-four or for any just cause, and without the approval of a representative of the Department of Justice duly authorized for the purpose. Should the landowner or the tenant feel aggrieved by the action taken by this official, or in the event of any dispute between them arising out of their relationship as landowner and tenant, either party may submit the matter to the Court of Industrial Relations which is given jurisdiction to determine the controversy in accordance with law." [14] Since then, the ordinary courts have been relieved of any responsibility and shorn of power where suits of this nature are concerned. This Tribunal, as already stated, has never betrayed reluctance or hesitancy in vigorously implementing such basic policy.

The tone was set forth by *Ojo vs. Jamito*, [14] where this Court made clear that the aforesaid Commonwealth Act is to be interpreted as a conferment of the jurisdiction formerly exercised by the judiciary to an executive agency, the Department of Justice. Thus: "Act No. 461, as amended, which grants special jurisdiction to the Department of Justice to determine cases in which a tenant may be dispossessed by the landlord, being a subsequent special law, must be construed to have taken that jurisdiction out of the general jurisdiction of the Court of First Instance. *** There is no doubt that Congress has power to diminish the jurisdiction of the Court of First Instance, and confer the jurisdiction in question upon the Department of Justice, and the Court of Industrial Relations. Section 3, Article VIII of the Constitution empowers the Congress to define, describe and apportion the jurisdiction of the various courts, with the only limitation that it can not deprive the Supreme Court of its appellate jurisdiction over the cases therein specified." [16] Such a doctrine received reinforcement from *Infante vs. Javier*, [17] decided a few months later, where this Court through the then Justice, later Chief Justice, Bengzon stated: "Such congressional authority must furthermore be acknowledged in connection with the express constitutional duty of the state 'to regulate the relations between landowner and tenant and between labor and capital in industry and in agriculture.'" [18] An excerpt from an opinion of the same jurist, in *Marcelo vs. De Leon*, [19] is even more relevant: "In *Tumbagan vs. Vasquez*, L-8719, July 17, 1956, we impliedly held that where a farmhand occupies agricultural land and erects a house thereon, the tenancy relationship continues subject to tenancy laws – not to those governing leases." [20]

The year 1954 saw the enactment of another tenancy statute. [21] It foreshadowed the creation of new tribunals to which competence over questions of this character would be lodged. As was specifically set forth therein: "All cases involving the dispossession of a tenant by the landowner 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." [22] Soon after, in June of 1955, the

Court of Agrarian Relations was created for the "enforcement of all laws and regulations governing the relation of capital and labor on all agricultural lands under any system of cultivation,****"[23] The jurisdiction of such court was set forth thus: "The Court shall have original and exclusive jurisdiction over the entire Philippines, to consider, investigate, decide, and settle all questions, matters, controversies or disputes involving all those relationship establish by law which determine the varying rights of persons in the cultivation and use of agricultural land where one of the parties works the land, and shall have concurrent jurisdiction with the Court of First Instance over employer and farm employee or labor under Republic Act Numbered Six hundred and two and over landlord and tenant involving violations of the Usury Law (Act No. 2655, as amended) and of inflicting the penalties provided therefor."[24] The scope of such power was defined by Justice Padilla in *Militar vs. Torcillero*,[25] Thus: "Section 7, Republic Act No. 1267, as amended, vests in the Court of Agrarian Relations exclusive and original jurisdiction to determine controversies arising from landlord-tenant relationship. From this it may be inferred that it also has jurisdiction to hear and determine actions for recovery of damages arising from the unlawful dismissal or dispossession of a tenant by the landlord, as provided for in Act No. 4054 and Republic Act No. 1199, as amended. To hold otherwise would result in multiplicity of suits and expensive litigations abhorred by the law. For that reason the reinstatement to his landholding, of a tenant dispossessed or dismissed of such landholding without just cause and his claim for damages arising from such illegal dispossession or dismissal should be litigated in one and the same case."[26] What is more, not even the consent of a party to a litigation of this character could empower the regular courts to assume jurisdiction. As was clearly pointed out by the then Justice, later Chief Justice, *Concepcion in Espiritu vs. David*,[27] a 1961 decision: "With respect to defendants' alleged voluntary submission to the jurisdiction of the court of first instance, which is not a fact, suffice it to say, that jurisdiction over the subject matter is determined by law and cannot be conferred by the will of the parties."[28] Towards the close of that year, this Tribunal in *Santos vs. Court of Industrial Relations*[29] emphasized the exclusive character of the competence possessed by a Court of Agrarian Relations, which is supposed to be free from intrusions emanating from the Court of Industrial Relations: "With regard to our conclusion that the present controversy comes under the exclusive jurisdiction of the Court of Agrarian Relations, suffice it to state that the latter court was created for the enforcement of all laws and regulations governing the relation of capital and labor on all agricultural lands under any system of cultivation.' **** Complainants, therefore, should have lodged their complaint with the agrarian court for the redress of their grievance considering this broad power given to it by law even if nothing is said therein relative to unfair labor practice. The subsequent enactment of Republic Act No. 2263 which grants to agricultural workers the right to file any action of this nature merely serves to confirm this jurisdiction of the agrarian court. The conclusion is, therefore, inescapable that the industrial court has improperly assumed jurisdiction over the present case for it comes under the exclusive jurisdiction of the agrarian court."[30]

In the light of the above, it is evident that the submission of petitioners that by virtue of Section 154 of the Land Reform Code, taken in connection with Section 166, with its definition of a farm worker as including any agricultural wage, salary or piece worker, only the Court of Agrarian Relations possesses jurisdiction, is impressed with force and cogency. It would be an unjustified departure from what has been so clearly and authoritatively decided by this Court to rule that respondent Judge is vested with the authority he exercised.

2. There was another infirmity that vitiated the actuation of respondent Judge. Petitioners in effect were denied the right to due process, the case having been heard *ex parte*, as their counsel could not be present. Considering that the serious question of jurisdiction was posed, the Municipal Court of Lupao could have granted the postponement sought. As pointed out in, the memorandum of petitioners: "The failure of the respondent judge to require the parties to adduce evidence in order that it may have a basis to resolve the prejudicial factual question raised by the petitioners is, we respectfully submit, an act amounting to grave abuse of discretion. Our authority in

support of this position is the recent decision of the Honorable Tribunal in G. R. No. L-26697 'Enrique Derecho vs. Carlos Abierra, et al.' promulgated on July 31, 1970. In this Abiera case, this Honorable Tribunal held: ... Here in the case at bar, the jurisdictional issue was properly raised by petitioner before respondent court of first instance when respondent sought the execution of the judgment of ejectment pending appeal. Said respondent court summarily ordered the issuance of execution on the ground of non-filing of supersedeas bond and the petition for certiorari challenging the order of execution for lack of jurisdiction is properly before the Court and has not yet been lost as in Evangelista. The Court holds that such summary granting of execution was not in accord with due process. We hold that when the factual question of the existence of a leasehold tenancy relation between the parties is raised, in an ejectment case, which is true, would vest original and exclusive jurisdiction over the case in the court of agrarian relations and not in the municipal court, it is essential that the court of first instance hold a preliminary hearing and receive the evidence solely on the facts that would show or disprove the existence of the alleged leasehold tenancy. On the basis of such evidence, the court would then determine whether or not it has jurisdiction, and summarize the facts in an order, upholding its jurisdiction and that of the municipal court or declaring the lack thereof.' x x x [31]

3. There is still another defect which cannot just be glossed over. In Marcelo vs. de Leon[32] already cited, the then Justice, later Chief Justice, Bengzon minced no words when he declared: "At any rate, this action must fail upon the second ground of defendant's motion to dismiss: the plaintiff is a mere apoderado of the owner, Severino P. Marcelo. The rule is that every action must be prosecuted in the name of the real party in interest (sec. 2, Rule 3)."[33] In this particular case, the very complaint filed by private respondent Santiago Cajucom states: "That plaintiff is the duly appointed administrator of certain parcels of agricultural land situated in Parista, Lupao, Nueva Ecija, by virtues of a substitution of power of attorney executed in his favor by the attorney-in-fact of the owner of said agricultural land, [Juan O. Chioco], *** "[34] Clearly, the remedy of certiorari can be rightfully invoked.

4. This decision goes no further than to state that the jurisdictional question raised by petitioners is impressed with merit. It does not by any means indicate what the outcome would be had the complaint been filed by the proper party in the competent court. It is regrettable that counsel for private respondent did not take greater pains in ascertaining the state of the law. As it is, a great deal of effort was spent needlessly. What is more, this Court had to devote time and attention on a matter that ought to have been within the ken even of a less experienced practitioner. Counsel for parties in cases of this character are well-advised to keep abreast of judicial decisions that bear on the suit that they file.

WHEREFORE, the writ of certiorari prayed for is granted and the alias writ of execution dated December 3, 1970 is nullified and set aside. Costs against private respondent.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] The other respondents are the Provincial Sheriff of Nueva Ecija and Santiago Cajucom as private respondent.

[2] 83 Phil. 764.

[3] L-28523, July 16, 1971, 40 SCRA 22.

[4] Petition, par. 1 and Answer, par. 1.

[5] Petition, par. 2.

[6] Ibid, par. 6.

[7] Ibid, par. 7.

[8] ibid, par. 8.

[9] Ibid, par.10.

[10] Ibid., par. 11.

[11] Ibid. par. 12.

[12] Article XIV, Section 6 of the 1935 Constitution.

[13] According to Article II, Section 5 of the 1935 Constitution: "The promotion of social justice to insure the well-being and economic security of the people should be the concern of the State."

[14] Commonwealth Act No. 461.

[14] 83 Phil. 764 (1949).

[16] Ibid, 767.

[17] 84 Phil. 614 (1949).

[18] Ibid, 617. Cf. *Damasco vs. Montemayor* 87 Phil. 766 (1950); *Santos vs. Vivas*, 96 Phil. 538 (1955); *Escoto de Miranda vs. Hon. Reyes*, 103 Phil. 207 (1958).

[19] 105 Phil. 1175 (1959).

[20] Ibid, 1179.

[21] Republic Act No. 1199.

[22] Ibid, Section 21.

[23] Republic Act No. 1267, Section 1.

[24] Ibid, Section 7.

[25] L-15065, April 28, 1961, 1 SCRA 1124.

[26] Ibid, 1130.

[27] L-13135, May y 31, 1961, 2 SCRA 350.

[28] Ibid, 356. Cf. *Samson vs. Enriquez*, L-15264, Dec. 22, 1961, 3 SCRA 641; *Alaracon vs. Santos*, L-18431, June 30, 1962, 5 SCRA 558; *Almodiel vs. Blanco*, L-17508, July 30, 1962, 5 SCRA 647; *Toledo vs. Court of Agrarian Relations*, L-16054, July 31, 1963, 8 SCRA 499; *Davao Steel Corporation vs. Cabatuando*, L-19866, April 29, 1964, 10 SCRA 704; *Tuvera vs. De Guzman*, L-20547, April 30, 1965, 13 SCRA 729; *Casaria vs. Rosales*, L-20288, June 22, 1965, 14 SCRA 368; *Latag vs. Banog*, L-20098, Jan. 31, 1966, 16 SCRA 88; *Lacson vs. Pineda*, L-28523, July 16, 1971, 40 SCRA 22.

[29] L-17196, December 28, 1961, 3 SCRA 759.

[30] Ibid, 762. Cf. *Elizalde & Co., Inc. vs. Allied Workers' Association of the Phil.*, L-20792, May 31, 1965, 14 SCRA 256; *Del Rosario vs. Court of Industrial Relations*, L-23133, July 13, 1967, 20 SCRA 650.

[31] Memorandum for the Petitioners, 5-6.

[32] 105 Phil. 1175 (1959).

[33] Ibid, 1179.

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