

LUCIA JAVIER, PETITIONER, VS. J. ANTONIO ARANETA, IN HIS CAPACITY AS EXECUTOR OF THE ESTATE OF ANGEL S. TUASON AND FIDEL IBAÑEZ, JUDGE OF THE FIRST INSTANCE OF MANILA, BRANCH IX...*G. R. No. L-4369. October 30, 1951*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f31760364192/>**BAUTISTA ANGELO, J.:**

This is a petition for certiorari with preliminary injunction. The injunction was granted upon the filing by the petitioner of a bond in the amount of P1,000.

On December 10, 1948, respondent J. Antonio Araneta, in his capacity as executor of the estate of the late Angela S. Tuason, filed an action for forcible entry against Lucia Javier in the municipal court of Manila. After trial, the court rendered judgment ordering the defendant to vacate the premises and to pay to the plaintiff the sum of P15 a month beginning from the month of July 1948, up to the time she vacates the same, with costs. On appeal to the Court of First Instance, the latter affirmed the Judgment with the addition that the defendant should remove her house and other constructions she had erected on the land in question. Defendant's petition to set aside the Judgment having been denied, she took steps to appeal from the decision, but the court dismissed the appeal on the ground that it was filed beyond the reglementary period. Then plaintiff filed a motion for the issuance of a writ of execution. In the meantime, defendant sued out for a writ of certiorari with the Supreme Court seeking the annulment of the decision, but the petition was dismissed for lack of merit. This attempt having failed, defendant filed a motion for suspension of the order of execution invoking in her favor the provisions of Commonwealth Act No. 538. This motion was denied on November 6, 1950. And this is the order which defendant now seeks to annul with the institution of the present petition for certiorari.

The only issue to be determined is whether the order of execution issued by the respondent Judge in the forcible entry case should be suspended on the ground that the property in question is included in the parcel of land which the Rural Progress Administration is negotiating to purchase from the estate of Angela S. Tuason to be later divided and sold to its actual occupants.

It appears that sometime in 1948, respondent J. Antonio Araneta, in his capacity as executor of the estate of Angela S. Tuason, offered to sell to the Rural Progress Administration a portion of the estate consisting of seven (7) hectares. When the proposal was submitted to the Board of Directors of said Government agency, said Board decided to acquire the property at the price of P7 per square meter. This would bring the total purchase price to the tune of P490,000. These terms were accepted by Araneta subject to certain conditions, one of them being that all squatters and tenants who have no written contracts with the estate will be moved to "segregated portion of 7 hectares. But the negotiation did not go any further. No deed of sale was ever executed, nor has any portion of the purchase price been paid, wherefore, J. Antonio Araneta, in the same capacity aforesaid, filed an action against the Rural Progress Administration for specific performance. This case is now pending appeal in this Court.

These facts are not controverted. It is not also disputed that petitioner herein is but a mere squatter, or one who is occupying a portion of the land without any lease contract with the owner, either verbally or in writing. And because she is a mere squatter, the owner filed an action for forcible entry against her to compel her to vacate the land. This case was decided adversely against her and she now resists the order of execution which would result in her ejectment from the property. What is her ground for opposing the order of execution?

The only ground she is invoking is Commonwealth Act No. 538, which provides that when the Government seeks to acquire, through purchase or expropriation proceedings, lands belonging to any estate, any motion for ejectment against the tenants occupying said lands shall be automatically suspended for such time as may be required by the expropriation proceedings or the necessary negotiations for the purchase of the lands, which time shall not exceed one year (section 1). Petitioner contends that, inasmuch as the Government is seeking to acquire the land which includes the portion she is now occupying, and the negotiation has not yet been completed, there is good reason for suspending the order of execution until the termination of the case involving the acquisition of the land which is now pending determination by the Supreme Court.

Apparently the argument sounds logical, but it loses its force when considered in the light of the express provisions of said Commonwealth Act No. 538. In the first place, the law accords the privilege of suspension of any proceeding for ejectment only when the Government seeks to acquire through purchase or expropriation proceedings the land occupied by the tenant. In this particular case, the Government seems to have desisted from its original plan of acquiring the land in question as shown by the fact that after agreeing on the terms of the purchase it did not take any further step to consummate the sale so much so that the owner had to institute an action for specific performance of the terms of the agreement. And the cause of this desistance may be either lack of money or a change of the original plan. Be it as it may, the fact is that the proposed purchase has not been carried out.

In the second place, the law provides that "to avail himself of the benefits of the suspension, the tenant shall pay to the land owner the current rents as they become due or deposit the same with the court where the action for ejectment has been instituted" (Sec. 1, Com. Act 538). Petitioner herein does not come within the purview of this provision. She is a mere squatter and, therefore, not a tenant within the legal meaning of this word. The word "tenant" does not include a squatter, because a squatter is "a person who settles or locates on land, inclosed or uninclosed, with no bona fide claim or color of title, and without the consent of the owner (Baker vs. State, 71 S.E. 594, 9 Ga., App. 423; Penal Code 1910, sec. 216, subd. 4); and it does not appear that petitioner has paid to the land owner the current rents as they became due or has deposited the same with the court where the action for ejectment has been instituted. Petitioner, therefore, cannot invoke the benefits of said Commonwealth Act No. 538.

Wherefore, the petition is hereby dismissed, without special pronouncement as to costs. The injunction issued is hereby dissolved.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Tuason, Reyes, and Jugo, JJ., concur.

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.