

JACINTO DE GUZMAN, ET AL., PETITIONERS, VS. VICTORIANO UNGSON, ET AL., RESPONDENTS.*G.R. No. L-4827. August 27, 1953*

Ponente: PARAS, C.J.

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In 1948 Victoriano Ungson and others, hereafter to be referred to as the respondents, filed several complaints for unlawful detainer against Jacinto de Guzman and others, hereafter to be referred to as the petitioners, covering various parcels of land situated in Alaminos, Pangasinan. Failing to appear and answer, the petitioners were declared in default by the justice of the peace of Alaminos, and corresponding judgments were entered against them on different dates in 1948. The petitioners appealed to the Court of First Instance of Pangasinan but, upon motion of the respondents, the appeals were dismissed on the ground that, having previously defaulted, the petitioners had lost their standing in court. The justice of the peace of Alaminos subsequently not only refused to execute the final judgments in the detainer cases but, at the instance of the petitioners, proceeded to convert into and hear them as tenancy cases for ejectment, for the alleged reason that the relation between the petitioners and the respondents was one of tenancy under Commonwealth Act No. 461 as amended by Republic Act No. 44. This led to the filing by the respondents in the Court of First Instance of Pangasinan of a special civil action for mandamus against the justice of the peace of Alaminos and the petitioners, to compel the former to execute his final judgments. After the issues had been joined, the trial was set for February 24, 1950, but as the petitioners failed to appear, it was postponed to March 14, 1950, when the petitioners again did not show up notwithstanding due notice. After receiving the evidence for the respondents, the Court of First Instance of Pangasinan still allowed the petitioners to present their evidence on July 7, 1950, which they also failed to do. The court, thus considering the case submitted, rendered its decision dated September 27, 1950, directing the justice of the peace of Alaminos to order the execution of the judgments in the detainer cases; and as the petitioners were unable to perfect any appeal, this decision had become final.

Under date of May 29, 1951, however, the petitioners instituted the present petition for certiorari, to annul all the judicial proceedings above mentioned on the ground that both the justice of the peace of Alaminos and the Court of First Instance of Pangasinan had no jurisdiction, as the relation between the petitioners and the respondents was one of tenancy falling within the province of the Department of Justice.

It appearing from the decision of the Court of First Instance of Pangasinan in the mandamus case that no evidence whatsoever was presented by the petitioners to prove that their contract with the respondents was one of tenancy, we have absolutely no basis for finding, as the petitioners would want this Court to do, that they are tenants of the respondents under Commonwealth Act No. 461 as amended by Republic Act No. 44. Upon the other hand, the respondents had proved in the lower courts that the petitioners were mere lessees of the respondents, paying fixed rentals for the lots respectively held by the petitioners; that the latter actually did not work and cultivate the land, but on the contrary sublet the same to others who have joined as co-petitioners and who actually worked and cultivated said lots. Under the law, the tenant is required to work and cultivate the land. The petitioners could

have availed themselves of the ample remedy of appealing from the judgment of the Court of First Instance of Pangasinan in the mandamus case which directly involved the question whether there was a tenancy relation between the petitioners and the respondents. As the judgments in the detainer cases and the mandamus proceedings had become final and in fact had already been executed, the facts established therein should now be conclusive.

Wherefore, the petition for certiorari is dismissed, and it is so ordered with costs against the petitioners.

Pablo, Bengzon, Padilla, Tuason, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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