

ESTANISLAO PABUSTAN, PETITIONER, VS. THE HON. PASTOR DE GUZMAN, ETC., ET AL., RESPONDENTS.*G.R. No. L-12898. August 31, 1960*

Ponente: PARAS, C.J.

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On September 20, 1955, Fidel Isip filed a petition with the Pampanga Branch of the Court of Agrarian Relations, and subsequently an amended petition with the Third Regional District of the Court of Agrarian Relations, for the ejectment of Cecilio Bautista and Estanislao Pabustan from a certain landholding, on the grounds that the tenant, Cecilio Bautista, sublet the property to Estanislao Pabustan without the knowledge and consent of Fidel Isip beginning with the crop year 1954-1955; that Estanislao Pabustan was, therefore, a squatter or intruder; and that Estanislao Pabustan had failed to pay the full agreed rentals for the agricultural year 1954-1955 and 1955-1956.

After hearing, the respondent Judge of the Court of Agrarian Relations rendered a decision holding that Cecilio Bautista was the tenant from 1938 to April, 1954, when he surrendered the land to Fidel Isip. Since Bautista had thus ceased as tenant, the court found no necessity for ejecting him. The court ordered Estanislao Pabustan ejected and to pay Fidel Isip 84 cavans of palay as rentals for three agricultural years (1954-1955 to 1956-57), on the ground that he had been working the land from the agricultural year 1954-55 without the knowledge and consent of Fidel Isip and, therefore, was a squatter or intruder.

Estanislao Pabustan has appealed by way of certiorari, invoking lack of jurisdiction because there was no tenancy relationship between the parties, and contending that the agreed rental is contrary to law, morals and public policy.

We find the argument as to want of jurisdiction to be meritorious. Since the respondent court in effect ruled that petitioner Estanislao Pabustan was an unlawful squatter and intruder, it follows that it had no jurisdiction to try the case, there being no tenancy relationship between the parties.

Respondent Fidel Isip, however, claims that Cecilio Bautista had sublet the landholding in question to Estanislao Pabustan without the knowledge and consent of Fidel Isip and that on this ground the respondent judge ordered Estanislao Pabustan ejected. We cannot agree. There can be no question here of sublease, in view of the fact that, as found by the lower court, Cecilio Bautista had already surrendered the landholding in question in April, 1954, and that the same was accepted by Fidel Isip. The lease of Cecilio Bautista having ceased, how could he have sublet the land?

Wherefore, the decision complained of is reversed and set aside, with costs against respondent Fidel Isip. So ordered.

Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Gutierrez David, Parades, and Dizon, JJ., concur.

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