

**PABLO NONAN AND CRISTETA ALCANTARA, PETITIONERS, VS.
HONORABLE ANDRES B. PLAN, IRENEO ABUAN AND ANGEL
MAGBALETA, RESPONDENTS.**

G.R. No. L-38206. March 25, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

Petitioners in this suit for certiorari challenge the jurisdiction of respondent Judge in a case[1] where he issued a writ of possession against them and then denied their motion to set aside proceedings instituted by private respondents[2] that could lead to their being held liable for contempt for failure to comply therewith. There is no question about private respondents being entitled to such a writ were it not for this admission by respondent Judge himself: "Let a writ of possession issue against the respondents [petitioners here], without prejudice, however, on their part to pursue their case now pending before the Court of Agrarian Relations." [3] There is therefore weight to the jurisdictional objection to such order of January 15, 1973. At that time, there was already in existence the Presidential Decree,[4] on the emancipation of tenants. Then came the motion of petitioners dated August 3, 1973 to set aside further proceedings that could lead to a contempt citation. It was denied in the order of September 29, 1973. Again the lower court appeared to have been oblivious of the legal effects of the tenancy decrees for in such order, it was admitted: "The respondents on July 25, 1973 filed an answer to the petition for contempt basing their defense on the ground that the respondents became tenants automatically of the land in question since August, 1972, and as such, they can not be ejected under the provision of the Presidential Decree No. 27, Letters of Instructions No. 45, No. 46 and No. 52 and Memorandum of the President on November 25, 1972, the [significance of which is that] no tenant farmer shall be ejected from his farm holding pending the promulgation of the rules and regulations implementing Presidential Decree No. 27 and that there are no rules and regulations implementing said Presidential Decree No. 27 up to the present." [5] The gravity of the misstep of the lower court thus becomes even more apparent. We have to grant the remedy sought.

It is plain on the face of the two aforesaid orders that respondent Judge failed to observe the jurisdictional limits in tenancy controversies. Only recently, in *Ferrer v. Villamor*, [6] it was stressed that as far back as 1939, the regular courts "have been relieved of any responsibility and shorn of power where suits of this nature are concerned." [7] What is more, it was likewise therein stated that this Tribunal "has never betrayed reluctance or hesitancy in vigorously implementing such basic policy." [8] So it has been from *Ojo v. Jamito*, [9] decided in 1949 to *Salandanan v. Tizon*, [10] promulgated only last month.

It is to the credit of respondent Judge that he has shown awareness of the recent Presidential decrees which are impressed with an even more solicitous concern for the rights of the tenants. If, therefore, as he pointed out in his order granting the writ of possession, there is a pending case between the parties before the Court of Agrarian Relations, ordinary prudence, let alone the letter of the law, ought to have cautioned him against granting the plea of private respondents that they be placed in possession of the land in controversy. Then, too, there was a realization on the part of respondent Judge that to implement Presidential Decree No. 27, letters of instructions

had been issued prohibiting the dispossession of tenant farmers, pending the promulgation of the implementing rules and regulations.[11] The two challenged orders thus clearly suffer from the seeds of internal contradiction. Respondent Judge ought then to have heeded the plea of petitioners. At the time the challenged orders were issued, without any showing of how the tenancy controversy in the Court of Agrarian Relations was disposed of, respondent Judge could not by himself and with due observance of the restraints that cabin and confine his jurisdiction pass upon the question of tenancy.

WHEREFORE, the writ of certiorari is granted and the orders of January 15, 1973 and September 29, 1973, nullified and set aside. Respondent Judge is declared to be devoid of jurisdiction in Special Civil Action No. 120, pending in the Second Branch of the Court of First Instance of Isabela, First Judicial District. No costs.

Makalintal, C.J., Barredo, Antonio, and Fernandez, JJ., concur.

Aquino, J., on sick leave.

[1] Special Civil Action No. 120 of the Court of First Instance of Isabela.

[2] The private respondents are Ireneo Abuan and Angel Magbaleta.

[3] Annex C to Petition.

[4] Presidential Decree No. 27.

[5] Annex F to Petition.

[6] L-33290, September 30, 1974, 60 SCRA 106.

[7] Ibid, 110.

[8] Ibid.

[9] 83 Phil. 764.

[10] L-30290, February 24, 1975.

[11] Cf. Presidential Decree No. 316 (1973).

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