

REMIGIO ISIDRO, PETITIONER, VS. THE HON. COURT OF APPEALS (SEVENTH DIVISION) AND NATIVIDAD GUTIERREZ, RESPONDENTS.

G.R. No. 105586. December 15, 1993

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-105586/>

PADILLA, J.:

This is a petition for review on certiorari of the decision* of the respondent Court of Appeals dated 27 February 1992 in CA-G.R. SP No. 26671 ordering petitioner to vacate the land in question and surrender possession thereof to the private respondent; and its 21 May 1992 resolution denying petitioner's motion for reconsideration for lack of merit.

The facts which gave rise to this petition are as follows:

Private respondent Natividad Gutierrez is the owner of a parcel of land with an area of 4.5 hectares located in Barrio Sta. Cruz, Gapan, Nueva Ecija. In 1985, Aniceta Garcia, sister of private respondent and also the overseer of the latter, allowed petitioner Remigio Isidro to occupy the swampy portion of the abovementioned land, consisting of one (1) hectare, in order to augment his (petitioner's) income to meet his family's needs. The occupancy of a portion of said land was subject to the condition that petitioner would vacate the land upon demand. Petitioner occupied the land without paying any rental and converted the same into a fishpond.

In 1990, private respondent through her overseer demanded from petitioner the return of the land, but the latter refused to vacate and return possession of said land, claiming that he had spent effort and invested capital in converting the same into a fishpond.

A complaint for unlawful detainer was filed by private respondent against petitioner before the Municipal Trial Court (MTC) of Gapan, Nueva Ecija which was docketed as Civil Case No. 4120. Petitioner set up the following defenses: (a) that the complaint was triggered by his refusal to increase his lease rental; (b) the subject land is a fishpond and therefore is agricultural land; and (c) that lack of formal demand to vacate exposes the complaint to dismissal for insufficiency of cause of action.[1]

Based on an ocular inspection of the subject land, the trial court found that the land in question is a fishpond[2] and, thus, in a decision dated 30 May 1991, the said trial court dismissed the complaint, ruling that the land is agricultural and therefore the dispute over it is agrarian which is under the original and exclusive jurisdiction of the courts of agrarian relations as provided in Sec. 12(a) of Republic Act No. 946 (now embodied in the Revised Rules of Procedure of the Department of Agrarian Reform Adjudication Board).[3]

An appeal was filed by private respondent before the Regional Trial Court (RTC) of Gapan, Nueva Ecija, docketed as Civil Case No. 889. In due course, the RTC rendered a decision on 5 November 1991 concurring with the findings of the MTC and affirming in toto the trial court's decision.

The RTC decision held that:

“Even conceding for the sake of argument that the defendant-appellee was allowed by the plaintiff-appellant, through her sister Aniceta Garcia (her administratrix over the land in question) to occupy and use the landholding in question on condition that the defendant would vacate the same upon demand of the owner or plaintiff herein, without paying any rental either in cash or produce, under these facts there was a tenurial arrangement within the meaning of Sec. 3(d) of RA 6657, thereby placing the dispute involved in this case within the jurisdiction of the DARAB. Perhaps, it would be different if the defendant was merely a trespasser, without any right whatsoever, when he entered and occupied the subject landholding. The defendant, as a matter of fact, was a legal possessor of the land in question and therefore to determine his rights and obligations over the said property, the DARAB is the proper forum for such issue.”[4]

Not satisfied with the decision of the RTC, private respondent appealed to the respondent Court of Appeals and the appeal was docketed as CA-G.R. SP No. 26671. On 27 February 1992, as earlier stated, the respondent Court of Appeals reversed and set aside the decision of the RTC, ordering petitioner to vacate the parcel of land in question and surrender possession thereof to private respondent, and to pay private respondent the sum of P5,000.00 as and for attorney’s fees and expenses of litigation.[5]

The respondent Court of Appeals ruled that:

“The agrarian dispute over which the DAR may have jurisdiction by virtue of its quasi-judicial power is that which involves tenurial arrangements, whether leasehold, tenancy, stewardship or other-wise, over lands devoted to agriculture. Tenurial arrangement is concerned with the act or manner of putting into proper order the rights of holding a piece of agricultural land between the landowner and the farmer or farmworker.

“In the case at bar, there can be no dispute that between the parties herein there is no tenurial arrangement, whether leasehold, tenancy, stewardship or otherwise, over the land in dispute. Other than his bare allegation in the Answer with Counterclaim, and his affidavit, private respondent has not shown prima facie that he is a tenant of the petitioner. The affidavits of his witnesses Antonio Samin and Daniel Villareal attest to the fact that they acted as mediators in the dispute between the parties herein sometime in October 1990, but no settlement was arrived at, and that the subject land is a fishpond. To the same effect is the affidavit of Feliciano Garcia. Absent any prima facie proof that private respondent has a tenancy relationship with petitioner, the established fact is that private respondent is possessing the property in dispute by mere tolerance, and when such possession ceased as such upon demand to vacate by the petitioner, private respondent became a squatter in said land. We hold that the Municipal Trial Court of Gapan, Nueva Ecija has jurisdiction over the unlawful detainer case.”[6]

Petitioner moved for reconsideration of the foregoing decision but, also as earlier stated, it was denied in a resolution dated 21 May 1992[7] for lack of merit.

Hence, this petition for review under Rule 45 of the Rules of Court.

Petitioner raises the following issue:

“WHETHER OR NOT THE MUNICIPAL COURT HAS THE JURISDICTION IN THIS CASE AND WHETHER THE PUBLIC RESPONDENT COULD LEGALLY EJECT THE PETITIONER CONSIDERING THE FOLLOWING:

1. THAT THE SUBJECT IS A FISHPOND AND UNDER THE LAW AND JURISPRUDENCE FISHPONDS ARE CLASSIFIED AS AGRICULTURAL LANDS;
2. THAT BEING AN AGRICULTURAL LAND THE SAME IS GOVERNED BY OUR TENANCY LAWS WHERE RULE 70 OF THE RULES OF COURT CANNOT BE SIMPLY APPLIED; AND
3. THAT UNDER THE RULES OF THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD, THE DETERMINATION OF WHETHER A PERSON WORKING ON A FISHPOND IS A

TENANT OR NOT IS CLEARLY WITHIN THE EXCLUSIVE JURISDICTION OF THE DARAB.”[8]

The petition is devoid of merit. We hold for the private respondent.

It is basic that whether or not a court has jurisdiction over the subject matter of an action is determined from the allegations of the complaint. As held in *Multinational Village Homeowners’ Association, Inc., vs. Court of Appeals, et al.*: [9]

“Jurisdiction over the subject-matter is determined upon the allegations made in the complaint, irrespective of whether the plaintiff is entitled or not entitled to recover upon the claim asserted therein - a matter resolved only after and as a result of the trial. Neither can the jurisdiction of the court be made to depend upon the defenses made by the defendant in his answer or motion to dismiss. If such were the rule, the question of jurisdiction would depend almost entirely upon the defendant.”

In her complaint before the court a quo, private respondent stated that she is the owner of a parcel of land situated in Barrio Sta Cruz, Gapan, Nueva Ecija, which petitioner is illegally occupying; that petitioner has taken advantage of the tolerance of her (private respondent’s) sister in allowing him to occupy the land on the condition that he (petitioner) would vacate the land upon demand. Because of petitioner’s refusal to vacate the land, private respondent’s remedy, as owner of said land, was to file an action for unlawful detainer with the Municipal Trial Court.

In his answer to the complaint, petitioner alleged that the land involved in the dispute is an agricultural land and hence, the case must be filed with the Court of Agrarian Relations (not the MTC). Moreover, petitioner contended that it was his refusal to increase his lease rental (implying tenancy) that prompted the private respondent to sue him in court.[10]

It is well settled jurisprudence that a court does not lose its jurisdiction over an unlawful detainer case by the simple expedient of a party raising as a defense therein the alleged existence of a tenancy relationship between the parties.[11] The court continues to have the authority to hear the evidence for the purpose precisely of determining whether or not it has jurisdiction. And upon such hearing, if tenancy is shown to be the real issue, the court should dismiss the case for lack of jurisdiction.[12]

The MTC dismissed the unlawful detainer complaint primarily on the ground that the subject land is agricultural and therefore the question at issue is agrarian. In this connection, it is well to recall that Section 1, Rule II of the Revised Rules of Procedure,[13] provides that the Agrarian Reform Adjudication Board shall have primary jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive Order Nos. 229, 228 and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations.

An agrarian dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture including disputes concerning farmworkers associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements. It includes any controversy relating to compensation of lands acquired under Republic Act No. 6657 and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.[14]

It is irrefutable in the case at bar that the subject land which used to be an idle, swampy land was converted by the

petitioner into a fishpond. And it is settled that a fishpond is an agricultural land. An agricultural land refers to land devoted to agricultural activity as defined in Republic Act No. 6657[15] and not classified as mineral, forest, residential, commercial or industrial land.[16] Republic Act No. 6657 defines agricultural activity as the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry or fish, including the harvesting of such farm products, and other farm activities, and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical.[17]

But a case involving an agricultural land does not automatically make such case an agrarian dispute upon which the DARAB has jurisdiction. The mere fact that the land is agricultural does not ipso facto make the possessor an agricultural lessee or tenant. The law provides for conditions or requisites before he can qualify as one and the land being agricultural is only one of them.[18] The law states that an agrarian dispute must be a controversy relating to a tenurial arrangement over lands devoted to agriculture. And as previously mentioned, such arrangement may be leasehold, tenancy or stewardship.

Tenancy is not a purely factual relationship dependent on what the alleged tenant does upon the land. It is also a legal relationship. The intent of the parties, the understanding when the farmer is installed, and their written agreements, provided these are complied with and are not contrary to law, are even more important.[19]

The essential requisites of a tenancy relationship are: (1) the parties are the landowner and the tenant; (2) the subject matter is agricultural land; (3) there is consent; (4) the purpose is agricultural production; (5) there is personal cultivation by the tenant; and (6) there is a sharing of harvests between the parties. All these requisites must concur in order to create a tenancy relationship between the parties. The absence of one does not make an occupant of a parcel of land, or a cultivator thereof, or a planter thereon, a de jure tenant. Unless a person establishes his status as a de jure tenant, he is not entitled to security of tenure nor is he covered by the Land Reform Program of the government under existing tenancy laws (*Caballes v. DAR, et al.*, G.R. No. 78214, December 5, 1988).[20]

Furthermore, an agricultural lessee as defined in Sec. 116(2) of Republic Act No. 3844, is a person who, by himself and with the aid available from within his immediate farm household, cultivates the land belonging to, or possessed by, another, with the latter's consent for purposes of production, for a price certain in money or in produce or both. An agricultural lessor, on the other hand, is a natural or juridical person who, either as owner, civil law lessee, usufructuary, or legal possessor lets or grants to another the cultivation and use of his land for a price certain.[21]

Based on the statutory definitions of a tenant or a lessee, it is clear that there is no tenancy or agricultural/leasehold relationship existing between the petitioner and the private respondent. There was no contract or agreement entered into by the petitioner with the private respondent nor with the overseer of the private respondent, for petitioner to cultivate the land for a price certain or to share his harvests. Petitioner has failed to substantiate his claim that he was paying rent for the use of the land.

Whether or not private respondent knew of the conversion by petitioner of the idle, swampy land into a fishpond is immaterial in this case. The fact remains that the existence of all the requisites of a tenancy relationship was not proven by the petitioner. And in the absence of a tenancy relationship, the complaint for unlawful detainer is properly within the jurisdiction of the Municipal Trial Court, as provided in Sec. 33 of Batas Pambansa Blg. 129.

Having established that the occupancy and possession by petitioner of the land in question is by mere tolerance, private respondent had the legal right to demand upon petitioner to vacate the land. And as correctly ruled by the respondent appellate court:

“xxx. His (petitioner's) lawful possession became illegal when the petitioner (now private respondent) through

her sister made a demand on him to vacate and he refused to comply with such demand. Such is the ruling in *Pangilinan vs. Aguilar*, 43 SCRA 136, 144, wherein it was held:

‘While possession by tolerance is lawful, such possession becomes illegal upon demand to vacate is made by the owner and the possessor by tolerance refuses to comply with such demand (*Prieto vs. Reyes*, 14 SCRA 432; *Yu vs. De Lara*, 6 SCRA 786, 788; *Amis vs. Aragon*, L-4684, April 28, 1957). A person who occupies the land of another at the latter’s tolerance or permission, without any contract between them, is necessarily bound by an implied promise that he will vacate upon demand, failing which a summary action for ejectment is the proper remedy against him (*Yu vs. De Lara*, supra).’ ”[22]

The present case should be distinguished from the recent case of *Bernas vs. The Honorable Court of Appeals*. [23] In the *Bernas* case, the land occupant (*Bernas*) had a production-sharing agreement with the legal possessor (*Benigno Bito-on*) while the records in this case fail to show that herein petitioner (*Isidro*) was sharing the harvest or paying rent for his use of the land. Moreover, the agreement between the overseer (*Garcia*) and herein petitioner was for petitioner to occupy and use the land by mere tolerance of the owner. Petitioner *Isidro* failed to refute that *Garcia* allowed him to use the land subject to the condition that petitioner would vacate it upon demand. In the *Bernas* case, the petitioner (*Bernas*) was able to establish the existence of an agricultural tenancy or leasehold relationship between him and the legal possessor. The evidence in this case, on the other hand, fails to prove that petitioner *Isidro*, was an agricultural tenant or lessee.

WHEREFORE, the petition is DENIED. The questioned decision and resolution of the Court of Appeals are hereby AFFIRMED. Costs against the petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Nocon, and Puno, JJ., concur.

* Penned by Justice Celso L. Magsino and concurred in by Justices Serafin E. Camilon and Artemon D. Luna

[1] *Rollo*, pp. 21-22

[2] *Rollo*, p. 21

[3] *Id.*, p. 23

[4] *Id.*, pp. 28-29

[5] *Rollo*, p. 35

[6] *Id.*, pp. 34-35

[7] *Rollo*, p. 37.

[8] *Id.*, p. 6.

[9] G.R. NO. 98023, October 17, 1991, 203 SCRA 104

[10] *Rollo*, pp. 20-21

[11] *Fortunato de la Cruz, et al. vs. Hon. Crispin V. Bautista, etc., et al.*, G.R. No. L-39695, June 14, 1990, 186 SCRA 517

[12] *Lorenzo Ignacio and Magdalena dela Cruz vs. The Hon. Court of First Instance of Bulacan and Felizardo*

Lipana, G.R. NO. L-27897-98, October 29, 1971, 42 SCRA 89

[13] Rules governing the adjudication, arbitration and settlement of agrarian cases, and the conduct of proceedings before the Department of Agrarian Reform Adjudication Board (DARAB) and its adjudicators.

[14] Sec. 3(d), Chapter I, Republic Act No. 6657

[15] Comprehensive Agrarian Reform Law of 1988

[16] Sec. 3(c), Chapter I, Republic Act No. 6657

[17] Sec. 3(b), Ibid.

[18] Anacleto de Jesus vs. Hon. Intermediate Appellate Court, et al., G.R. NO. 72282, July 24, 1989, 175 SCRA 559

[19] Lea Paz Tuason vs. The Court of Appeals, Sixth Division and Conrado Miranda, No. L-44817, November 19, 1982, 118 SCRA 484.

[20] Prudential Bank vs. Hon. Filomeno Gapultos, etc. and Ramon E. Saura, G.R. No. 41835, January 19, 1990, 181 SCRA 159

[21] Sec. 116(3), Republic Act No. 3844

[22] Rollo, p. 33

[23] G.R. No. 85041, 5 August 1993

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.