

**PEDRO CHICO, REPRESENTED BY WILFREDO CHICO, AS
ATTORNEY-IN FACT, PETITIONER, VS. THE HON. COURT OF
APPEALS, AND MARTIN MANANGHAYA AND LEONILA
MANANGHAYA, RESPONDENTS.**

G.R. No. 122704. January 05, 1998

Ponente: VITUG, J.

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VITUG, J.:

Claiming to be the lawful owner of a lot located in Sta. Barbara, Baliuag, Bulacan, pursuant to a final court verdict,[1] herein petitioner filed, on 31 July 1992, an action for the recovery of possession of the property with the Regional Trial Court (“RTC”) of Malolos, Bulacan, against private respondents. Petitioner averred that private respondents were occupying a portion of the adjudicated lot which he would need for his own personal use and that of his family but that because private respondents, despite repeated demands, had refused to vacate the premises, he was constrained to initiate the case.

In their answer, private respondents disputed petitioner’s cause of action. Respondent spouses assert that the true owners of the property in question, namely, Don Rafael and Doña Salud Chico, were succeeded upon their death by their son Delfin Chico; that private respondents had long been in lawful possession of the subject parcel of land as tenants of the deceased spouses and their son to whom rentals had been paid; and that, in any case, petitioner’s action had already prescribed.

On 12 January 1994, the Malolos RTC, Branch 14, rendered its decision sustaining the complaint and ordering private respondents to vacate the subject lot and to surrender its possession to petitioner.

Private respondents did not take an appeal from the decision; instead, they initiated with the Court of Appeals a petition for certiorari under Rule 65 of the Rules of Court to annul and set aside the RTC decision for allegedly being void. Private respondents claimed that their tenancy relationship with the original owner was an agrarian dispute cognizable exclusively by the Department of Agrarian Reform Adjudication Board (“DARAB”), pursuant to E.O. No. 229 and No. 129-A and R.A. No. 6657, and that, consequently, the decision of the trial court was a complete nullity for want of jurisdiction.

On 16 June 1995, the Court of Appeals, acquiescing to the claim of tenancy relationship between the parties, promulgated its judgment granting the petition and setting aside the assailed decision of the Regional Trial Court. The appellate court viewed the dispute between petitioner and private respondents to be an agrarian reform matter; it thus held that the Department of Agrarian Reform, not the trial court a quo, had lawful jurisdiction over the case. A motion for a reconsideration of the decision proved to be futile.

In the instant petition for review, petitioner Pedro Chico asseverates that -

- The Honorable Court of Appeals [has] erred in not giving petitioner an opportunity to file his comment or answer to the petition before rendering its decision thereon, thus denying him procedural due process.

- The Honorable court of Appeals [has] erred in not dismissing the petition as the proper remedy is ordinary appeal and not a petition for certiorari.

- The Honorable Court of Appeals [has] erred in finding that the dispute between the parties is agrarian in nature.

The Court finds merit in the petition.

The rule has always been to the effect that the jurisdiction of a Court, as well as the concomitant nature of an action, is determined by the averments in the complaint and not by the defenses contained in the answer.[2] If it were otherwise, it would not be too difficult to have a case either thrown out of court or its proceedings unduly delayed by simple stratagem.

The complaint filed by petitioner before the trial court is one for recovery of possession, also known as accion publiciana, and it is this averment of the complaint that has conferred jurisdiction on that court. In order for a tenancy relation to take serious hold over the dispute, it would be essential to first establish all its indispensable elements, to wit: (1) That the parties are the landowner and the tenant or agricultural lessee; (2) that the subject matter of the relationship is an agricultural land; (3) that there is consent between the parties to the relationship; (4) that the purpose of the relationship is to bring about agricultural production; (5) that there is personal cultivation on the part of the tenant or agricultural lessee; and (6) that the harvest is shared between the landowner and the tenant or agricultural lessee.[3] It is not enough that these requisites are alleged; these requisites must be shown in order to divest the regular court of its jurisdiction in proceedings lawfully began before it. These conditions have not been met in the case at bar.

The records of the case would fail to show any juridical tie binding between private respondents and petitioner or their predecessors-in-interest, let alone that which would so characterize the relationship as an agrarian dispute. It would appear that the owner of the land, Don Rafael Chico, gave the property to petitioner Pedro Chico in 1954[4] and, since then, the latter or his representative had taken over the land and had exercised acts of ownership thereover.[5] There was no evidence adduced that any tenancy agreement had been concluded between Pedro Chico and private respondent Martin Mananghaya. Indeed, the latter admitted that he only dealt with Delfin Chico, the son of the late Don Rafael Chico.[6] Worse, the land subject matter of the controversy was not shown to be an agricultural land; to the contrary, the land would appear to be located within a residential area, in Barangay Sta. Barbara, Baliuag, Bulacan, adjacent to the National Highway. On the disputed parcel, a mere 3,865 square meters, was the old residential house of petitioner, as well as the portion occupied by private respondents consisting of an area of 500 square meters, and a few mango trees, numbering about seven or eight.[7] Compounding the matter, no receipt, or any other evidence, was presented by private respondents to prove their claim that the harvest was shared between petitioners and private respondents.[8]

Self-serving statements in pleadings are inadequate; proof must be adduced. This burden private respondents have failed to discharge before the trial court; if private respondents have felt otherwise, the remedy should have been a timely appeal. Certainly, Rule 65 of the Rules of Court cannot be a substitute for lost appeal.

WHEREFORE, the instant petition is GRANTED; the assailed decision of the Court of Appeals of 16 June 1995 and Resolution of 06 November 1995 are hereby SET ASIDE and the questioned decision of the Regional Trial Court of Malolos, Bulacan, in Civil Case No. 487-M-92, is REINSTATED. Costs against private respondents.

SO ORDERED.

Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

[1] Joint Decision in Civil Case No. 7368-M and Civil Case No. 7380-M, RTC, Malolos, Bulacan.

[2] Sarmiento vs. CA, 250 SCRA 108; Santos vs. CA, 214 SCRA 162.

[3] Cuaño vs. CA, 237 SCRA 122.

[4] Rollo, p. 44.

[5] Ibid., pp. 35-36.

[6] Ibid., p. 36, see Berenguer, Jr. vs. CA, 164 SCRA 431.

[7] Rollo, pp. 35-36.

[8] Ibid., p. 36.

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