

ACSAY MANDIH, PLAINTIFF AND APPELLANT, VS. GREGORIO TABLANTIN, DEFENDANT AND APPELLEE.*G.R. No. 12795. March 30, 1960*

Ponente: LABRADOR, J.

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Appeal from an order of the Court of First Instance of Zamboanga del Norte, Hon. Wenceslao M. Ortega, presiding, dismissing the complaint of the plaintiff in Civil Case No. 754 of said court, entitled "Acsay Mandih, plaintiff, versus Gregorio Tablantin, defendant."

Plaintiff-appellant filed a complaint in the Justice of the Peace Court of Sindangan, Zamboanga del Norte on December 10, 1954, alleging among other things that he is the owner of a piece of agricultural land situated in the barrio of Mandih, Sindangan, Zamboanga del Norte; that the land has been declared for taxation purposes and that he has been in possession thereof for more than fifteen years; that defendant in his capacity as tenant of plaintiff worked and cultivated the eastern portion of the land in 1952; that in the month of October, 1954, after the palay harvest, plaintiff demanded from defendant his share in the produce, but defendant refused and still refuses to deliver his share; that by reason of defendant's refusal to deliver the harvest, plaintiff demanded that he vacate the premises, but defendant refused, claiming ownership of the land; that plaintiff's share in the harvest is 5 cavans of corn and 10 cavans of palay yearly, etc. Defendant filed an answer in the Justice of the Peace Court, alleging that the land described in the complaint has been occupied, cultivated and possessed by him in concept of owner, except only as against the government, from the year 1947 until the present; that the defendant and his predecessors-in-interest have introduced improvements thereon since 1947; that defendant had filed a Homestead application for the land. He filed a counterclaim for P200.00 as attorney's fees and P1,000.00 as damages. The Justice of the Peace Court, after trial, rendered judgment ordering the defendant to vacate the premises and pay a monthly rental of P10.00 from October, 1954, until the possession is restored. The court also dismissed defendant's counterclaim.

Not satisfied with the decision, defendant appealed, and upon the docketing of the case in the Court of First Instance he filed an answer, and later, an urgent motion to dismiss. In this motion, defendant alleges that the court has no jurisdiction to try the case because Republic Act No. 1199, known as the Agricultural Tenancy Act of the Philippines, passed on August 30, 1954, expressly provides that all cases involving the dispossession of a tenant by, the landlord shall be under the original and exclusive jurisdiction of the Court of Industrial Relations; that upon the creation of the Court of Agrarian Relations by Republic Act No. 1267, all such actions were to be filed in the Court of Agrarian Relations. Plaintiff opposed said motion to dismiss, arguing that the case at bar was covered by Rule 72, Sec. 1 of the Rules of Court; that the real cause of action is not the tenancy relationship, but the failure of defendant to recognize plaintiff as his landlord, for instead of doing so he has claimed the land himself. Acting upon the motion to dismiss, the court below sustained the same, citing the case of *Ojo, et al., vs. Jose Jamito, et al.*, (46 Off. Gaz., Supp. to No. 11, 1950, p. 216). Against the said order of dismissal, plaintiff has come to Us on appeal.

It is argued on behalf of the appellant that the Court of Agrarian Relations has jurisdiction over tenancy cases when a landlord-tenant relationship exists and is not disputed by the tenant, and in the case at bar since the defendant claims the land himself, upon the making of said claim by the defendant, his occupation ceases to be one of a tenant but a usurper, who may be ejected by an act of unlawful detainer. In other words, it is argued that once the relationship of tenant and landlord is denied, such relationship becomes terminated, and the Court of Agrarian Relations loses jurisdiction over the case. Section 21 of Republic Act No. 1199 reads as, follows:

"All cases involving the dispossession of a tenant by the landlord or by a third party and/or the settlement and disposition of disputes arising from the relationship of landholder and tenant, as well as the violation of any of the provisions of this Act, shall be under the original and exclusive jurisdiction of such court as may now or hereafter be authorized by law to take cognizance of tenancy relations and disputes."

An examination of the above-quoted provision discloses, that the Court of Industrial, Relations is granted jurisdiction over all cases involving dispossession of a tenant by the landlord. The complaint alleges that defendant is plaintiff's tenant, and since the law does not exclude, from the jurisdiction of the Court of Industrial Relations (now Court of Agrarian Relations), cases in which a tenant claims ownership over the land given to him for cultivation by the landlord, we can not see eye to eye with the argument of plaintiff-appellant. The same ruling, has been adopted by Us in the case of Basilio vs. David, 98 Phil., 955; 52 Off. Gaz. [7] 3556.

Finding that the order of dismissal is justified by the above quoted provision of law, we hereby affirm the order appealed from, with costs against plaintiff-appellant.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

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