

QUIRINO DURLAO, ET AL., PETITIONERS VS. HON. PASTOR L. DE GUZMAN, ETC., ET AL., RESPONDENTS.

G.R. No. 12816. January 28, 1961

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

Petition to review on certiorari a decision of the Court of Agrarian Relations. The record shows—and it is not disputed—that on October 7, 1953 in a forcible entry and detainer case (Civil Case No. 190) filed by Epifanio Farrales against herein petitioners Quirino Dumlao, Poincaire Abdon, Modesto de los Reyes, Leonor de Jesus and Felix Abdon in the Justice of the Peace Court of San Narciso, Zambales, that court rendered decision dismissing the complaint and ordering Epifanio Farrales to surrender possession of the land in question to defendants therein, and to pay said defendants P2,000.00 as damages, plus costs. Epifanio Farrales appealed the case to the Court of First Instance of Zambales (Civil Case No. 1611), but the appeal was dismissed on December 28, 1953 for having been filed out of time.

Thereafter, pursuant to a writ of execution issued by the Justice of the Peace Court of San Narciso in Civil Case No. 190, the Deputy Provincial Sheriff of Zambales, with the aid of policemen, restored the defendants, herein petitioners, to the possession of the land in dispute. Epifanio Farrales questioned the legality of the issuance of the writ of execution in a petition for certiorari with preliminary injunction filed with the Court of First Instance of the province (Civil Case No. 1615), but that court dismissed the petition and subsequently denied reconsideration of its decision.

On January 12, 1954, Ambrosio Farrales, Macario Farrales, Benjamin Farrales, Virginio Farrales, Juan Farrala and Alfredo Falsario, respondents herein, filed with the Court of Industrial Relations a petition for reinstatement with damages against herein petitioners, alleging that they were illegally dispossessed of their landholdings and that as a result thereof they suffered damages in the aggregate amount of 220 cavans of palay and P300.00 as attorney's fees. The petitioners, respondents below, in their answer containing a counterclaim for damages, denied the material allegations of the petition and on July 3, 1957, after hearing, the Court of Agrarian Relations—to which the case was transferred—rendered decision finding the petitioners therein to have been illegally dispossessed of their holdings and ordering their immediate reinstatement. In the same decision, Quirino Dumlao and his co-respondents below were ordered to vacate the premises and to pay the sum of P100.00 as attorney's fees. Reconsideration of the decision having been denied, respondents Ambrosio Farrales et al. brought the case to this Court through the present petition for review.

It is not disputed that herein respondents were dispossessed from the landholdings claimed to be tenanted by them by virtue of the writ of execution issued by the Justice of the Peace Court of San Narciso for the enforcement of its decision in the forcible entry and detainer case which had already become final and executory. They were constituted as tenants on their respective landholdings by Epifanio Farrales who by order of the court was ejected from the land. Since said Epifanio Farrales has in effect been held to be an unlawful squatter and intruder in the land, respondents cannot now claim that petitioners are legally bound to maintain them as their tenants. As we

said in the case of *Lastimoza, et al vs. Hon. Ramon Blanco, etc., et al infra*, p. 835), the security of tenure guaranteed by the Tenancy Law (Republic Act No. 1199), may be invoked only by tenants de jure and not those who are not true and lawfull tenants, but who became so only thru the acts of a supposed landholder who had no right to the landholdings. Tenancy relation can only be created with the consent of the true landholder who is either the "owner, lessee, usufructuary, or legal possessor" of the land. (Sec. 5 (b), Republic Act No. 1199.) There being no valid tenancy relation between respondents and their former landholder, petitioners, who have been declared to be the lawful possessors of the land, cannot be compelled to retain them as tenants. And there being no tenancy relation between the parties herein, it is obvious that the Agrarian Court acquired no jurisdiction over the case.

The fact that the decision of the Justice of the Peace Court in Civil Case No. 190, as alleged by the respondents, is now the subject of annulment proceedings instituted by Epifanio Farrales is of no legal consequence insofar as our finding on the Agrarian Court's lack of jurisdiction is concerned. Needless to say, such decision until actually voided is valid and binding upon the parties. Besides, whatever may be the outcome in the annulment proceedings, the fact still remains that the respondents are not, and have never been, petitioners' tenants.

Wherefore, the decision complained of is reversed and set aside, with costs against respondents except the respondent Judge of the Agrarian Court.

Bengzon, Padilla, Bautista Angelo, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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