# SPOUSES MA. CRISTINA D. TIRONA AND OSCAR TIRONA, SPOUSES MA. PAZ D. BAUTISTA AND CESAR BAUTISTA, SPOUSES MA. ARANZAZU D. ORETA AND CANUTO ORETA, SPOUSES MA. CORAZON D. BAUTISTA ...

*G.R. No. 129313. October 10, 2001*

Ponente: QUISUMBING, J.

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**QUISUMBING, J.:**

This petition for review assails the joint decision[1] dated April 10, 1997, of the Regional Trial Court of Valenzuela, Branch 172, in Civil Cases Nos. 5169-V-97 and 5093-V-97.

The factual background of this petition are culled from the records of the cases.

A. Civil Case No. 5093-V-97:

On March 25, 1996, herein petitioners sued private respondent Luis Nuñez before the Metropolitan Trial Court of Valenzuela, Branch 81. The suit was docketed as Civil Case No. 6633 for ejectment. Petitioners claimed to be owners of various fishpond lots located at Coloong, Valenzuela.[2] They alleged, among others that: (1) on January 20, 1996, private respondent Nuñez, "by means of force, stealth, or strategy, unlawfully entered the said fishpond lots and occupied the same" against their will, thereby depriving them of possession of said fishponds; (2) Nuñez illegally occupied a house owned by and built on the lot of petitioner Deo Dionisio; and (3) Nuñez unlawfully operated and used petitioners' fishponds, despite their demands to vacate the same. Petitioners prayed that the court order Nuñez to vacate Dionisio's house; surrender possession of the fishponds to them; remove all milkfish fingerlings at his expense; and pay a monthly compensation of P29,000.00 from January 20, 1996 to the time he surrenders possession, with interest at twelve percent (12%) yearly until fully paid.

Nuñez admitted in his answer that petitioners owned the fishponds, but denied the other allegations. He raised the following affirmative defenses: (1) the MeTC had no jurisdiction over the case, for petitioners' failure to allege prior physical possession in their complaint; (2) petitioners' action was premature in view of the pendency of a complaint he filed with the Department of Agrarian Reform Adjudication Board (DARAB), docketed as Case No. IV-MM-0099-95R, where the issue of possession in the concept of tenancy is the same as that raised by petitioners in Civil Case No. 6633; and (3) petitioners are guilty of forum-shopping since they were fully aware of the said DARAB case. He moved that the ejectment suit be dismissed.

On October 1, 1996, the MeTC of Valenzuela, Branch 81, decided Civil Case No. 6633 as follows:

> WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against the defendant and all persons claiming rights under him:
>
> 1. To peacefully vacate and surrender the subject premises to the plaintiffs;
>
> 2. To peacefully vacate and surrender the house belonging to plaintiff Deo S. Dionisio;

> 3. To pay the amount of P27,000.00 a month as reasonable compensation from January 20, 1996 up to the time he finally vacates the subject premises;
>
> 4. To pay the amount of P10,000.00 as and for attorney's fees; and
>
> 5. To pay the costs of suit.
>
> SO ORDERED.[3]

On November 15, 1996, Nuñez appealed said decision to the Regional Trial Court of Valenzuela, which docketed the appeal as Civil Case No. 5093-V-97.

B. Civil Case No. 5169-V-97

On March 25, 1996, petitioners also instituted Civil Case No. 6632 for ejectment against private respondent Juanito Ignacio with the Metropolitan Trial Court of Valenzuela, Branch 82. The allegations were essentially the same as those against private respondent Nuñez, except it is alleged that Ignacio "also illegally occupied the house constructed on the lot of, and belonging to the plaintiff Spouses Ma. Paz D. Bautista and Cesar Bautista." Petitioners sought the same relief prayed for in Civil Case No. 6633.

Ignacio raised similar defenses as those offered by Nuñez in Civil Case No. 6633. Like Nuñez, he also moved for dismissal of the ejectment suit against him.

On February 11, 1997, the MeTC of Valenzuela, Branch 82 issued an order dismissing Civil Case No. 6632 against Ignacio, thus:

> WHEREFORE, PREMISES CONSIDERED, defendant's motion to cite plaintiffs in contempt of court is denied, and his other motion to dismiss the case is hereby GRANTED.
>
> Accordingly, the above-entitled case is DISMISSED without pronouncement as to costs.
>
> SO ORDERED.[4]

In granting Ignacio's Motion to Dismiss, the MeTC said:

> It is now clear to the mind of the Court that the issue of recovery of possession pursued by plaintiffs in this case is pending also for adjudication among other issues in DARAB Case No. IV-MM-0099-95. There is no dispute that both this case and the DARAB case involve the same real property or at least, adjoining lots covered by titles in the names of some of the plaintiffs, which lots are also involved in this case.
>
> x x x
>
> Clearly, said DARAB case is a prejudicial question to the case at bar, and or vice versa (stress in the original). The possibility that this Court and the DARAB may come up with two contradicting decisions on issue of possession shall always be there, and since the DARAB case was filed first, there appears compelling necessity to halt proceedings in this case.[5]

On February 27, 1997, petitioners appealed the foregoing Order to the Regional Trial Court of Valenzuela, which docketed their appeal as Civil Case No. 5169-V-97.

Since Civil Cases Nos. 5093-V-97 and 5169-V-97 involved essentially the same parties, the same subject matter, and the same issues, the cases were jointly heard before Branch 172 of the RTC of Valenzuela.

On April 10, 1997, Civil Cases Nos. 5093-V-97 and 5169-V-97 were jointly decided.

> WHEREFORE, judgment is hereby rendered as follows:


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> - Affirming the appealed Order of the trial court dated February 11, 1997 dismissing Civil Case No. 6632, with the modification that the plaintiffs be made liable to pay the costs of suit; and
>
> - Reversing the appealed decision of the trial court dated October 1, 1996 in Civil Case No. 6633 and dismissing the above-entitled case for the reasons stated above. The plaintiffs are ordered to pay the costs of suit.
>
> SO ORDERED.[6]

In ruling against herein petitioners, the RTC found:

> (1) As correctly pointed out by the counsel for the defendants in his memorandum on appeal, it is now settled that a complaint for forcible entry to fall within the jurisdiction of the inferior court must allege plaintiffs' prior physical possession of the property by any of the means provided in Section 1 of Rule 70 of the Revised Rules of Court. Bare allegation in the complaint that the plaintiff was deprived of the possession of the property is insufficient to make the action one for forcible entry (citation omitted)
>
> In the instant case, while the complainants allege that the defendants (Ignacio in Civil Case No. 6632 and Nuñez in Civil Case No. 6633) by means of force, stealth or strategy "unlawfully entered the said fishpond lots and occupied the same against the will of the plaintiffs," there is no allegation that the plaintiffs had prior physical possession of the property in dispute. The complaint(s) in the above-entitled cases therefore did not fall within the jurisdiction of the trial courts.
>
> (2) The DARAB case (Case No. IV-MM-0099-95R) between the herein parties and covering the same subject matter was filed way ahead of the instant cases. The allegation in the DARAB complaint that the complainants are agricultural or share tenants is opposed to the claim of the respondents in their answer that the complainants are their industrial partners. The DARAB case thus presented a dispute that is clearly agrarian in nature. Under existing laws...the Department of Agrarian Reform, thru the DARAB, is vested with exclusive jurisdiction over all agrarian reform matters or agrarian disputes.
>
> The principal issue in the instant cases for forcible entry - whether or not to eject the defendants from the fishponds - is necessarily connected with the agrarian dispute now pending resolution before the DARAB. It is therefore beyond the competence of the inferior court to resolve.
>
> x x x
>
> (3) The plaintiffs were less than honest in certifying under oath that they have no knowledge of any case pending before any tribunal or agency involving the same issues raised in the instant cases. At the time of their certification, there was pending before the DARAB of a case between the same parties with the same subject matter and where the issue of possession as raised in the instant cases is necessarily included in the larger issue of agricultural tenancy. The plaintiffs therefore violated Administrative Order No. 04-94 of the Supreme Court, which is a ground for dismissal.[7]

On May 6, 1997, petitioners filed with the RTC a joint Motion for Leave to Amend Complaint in Civil Cases Nos. 6632 and 6633 and a Motion for Reconsideration, together with the proposed Amended Complaints. On May 20, 1997, the RTC denied the aforementioned motions.

Hence, the instant petition. Petitioners assign the following as errors committed by the RTC:

> - THE LOWER COURT ERRED IN GIVING PRIME IMPORTANCE TO THE FAILURE OF PLAINTIFFS TO AVER IN THEIR COMPLAINT(S) THAT THEY WERE IN POSSESSION AT THE TIME OF THE FORCIBLE ENTRY MADE BY PRIVATE RESPONDENTS.
>
> - THE LOWER COURT ERRED IN FAILING TO MAKE A FINDING THAT PLAINTIFFS WERE IN POSSESSION OF THEIR PROPERTIES AT THE TIME OF FORCIBLE ENTRY THEREUNTO BY

PRIVATE RESPONDENTS, FOR WHICH RELIEFS SHOULD HAVE BEEN GRANTED TO HEREIN PETITIONERS.

- THE PENDENCY OF THE SUIT FILED BY PRIVATE RESPONDENTS IN THE DEPARTMENT OF AGRARIAN REFORM DID NOT PROSCRIBE THE INSTITUTION OF THE EJECTMENT CASE(S).

- THERE HAD BEEN NO INFRACTION ON THE AFFIDAVIT OF NON-FORUM SHOPPING REQUIREMENTS.

The main issue for our resolution involves the jurisdiction of the metropolitan trial courts: was petitioners' failure to allege prior physical possession in a case for forcible entry fatal to the jurisdiction of the inferior courts? Ancillary thereto, we also must inquire (a) whether the pendency of the Case No. IV-MM-0099-95R before the DARAB barred the filing of Civil Cases Nos. 6632 and 6633 for forcible entry; and (b) whether petitioners violated Supreme Court Administrative Circular No. 04-94 proscribing forum shopping.

On the main issue, petitioners contend that the averment of the identities of the persons in possession of the disputed properties at the time of the forcible entry thereunto is not jurisdictional in character. Petitioners argue that the deficiency, if any, could have been remedied by amended or supplemental pleadings or by the submission of admissible evidence. They point out that the MeTC, Branch 81 in Civil Case No. 6633 had received evidence of petitioners' actual possession, resulting in a finding of fact of actual possession in its Decision of October 1, 1996. It was, therefore, an error for the RTC to have disregarded said finding of fact on the ground that the requisites for the MeTC to acquire jurisdiction over the forcible entry cases had not been complied with. It was likewise error for the RTC to have denied the admission of petitioners' Amended Complaints.

Private respondents argue that a closer scrutiny of the allegations in the complaints in Civil Cases Nos. 6632 and 6633 filed with the court of origin will clearly show that there is no allegation whatsoever of prior physical possession on petitioners' part. All that is averred is unlawful deprivation by private respondents. They submit that this glaring defect is fatal enough to deprive the inferior court of jurisdiction over the forcible entry cases. With respect to the denial of admission of petitioners' Amended Complaints, private respondents point out that amendments for the purpose of making the complaint confer jurisdiction upon the court are not allowed.

The jurisdiction of a court is determined by the allegations of the complaint, and the rule is no different in actions for ejectment.[8] Thus, in ascertaining whether or not the action is one for forcible entry falling within the exclusive jurisdiction of the inferior courts, the averments of the complaint and the character of the relief sought are to be examined. Petitioners' complaints in Civil Cases Nos. 6632 and 6633 are virtually identical, save as to the names of the defendants and the owners of the houses allegedly occupied by private respondents. The pertinent allegations in Civil Case No. 6633 read:

3) That plaintiffs in their individual rights, are respective owners in fee simple of fishpond lots located at Barangay Coloong, Municipality of Valenzuela, Metro Manila, with areas, lot numbers, and titles, xerox copies of which are Annexed hereto...

x x x

4) That on or about January 20, 1996, said defendant Luis Nuñez by means of force, stealth or strategy, unlawfully entered the said fishpond lots and occupied the same against the will of the plaintiffs thereby depriving said owners of the possession of the same;

5) That defendant Luis Nuñez also illegally occupied the house constructed on the lot of, and belonging to, plaintiff Deo S. Dionisio;

6) That said defendant also planted bangus fingerlings in the said fishponds and despite demands for them to


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> remove the same and vacate the fishponds...still continue to unlawfully, illegally, and wantonly occupy said house and operate said fishponds to the great damage and prejudice of the plaintiffs.[9]

Petitioners submit that the phrase "thereby depriving said owners of the possession of the same" in paragraph 4 is tantamount to an averment of prior physical possession since private respondents could not have deprived them of possession unless the latter had been previously in possession of the subject properties.

We are not persuaded. It cannot be inferred from the aforecited phrase that the possession that petitioners were supposedly deprived of is a prior physical possession. The question arises, what sort of prior physical possession is to be averred? The word "possession" as used in forcible entry and unlawful detainer, means nothing more than physical possession, (stress supplied) not legal possession in the sense contemplated in civil law.[10] The allegation must likewise show priority in time. Both requisites are wanting in the phrase relied upon by petitioners.

A reading of the allegations in the complaints leads us to conclude that petitioners' action was one for forcible entry, not unlawful detainer. The distinctions between the two actions are: (1) In an action for forcible entry, the plaintiff must allege and prove that he was in prior physical possession of the premises until deprived thereof, while in illegal detainer, the plaintiff need not have been in prior physical possession; and (2) in forcible entry, the possession by the defendant is unlawful ab initio because he acquires possession by force, intimidation, threat, strategy, or stealth, while in unlawful detainer, possession is originally lawful but becomes illegal by reason of the termination of his right of possession under his contract with the plaintiff. In pleadings filed in courts of special jurisdiction, the special facts giving the court jurisdiction must be specially alleged and set out. Otherwise, the complaint is demurrable.[11] Hence, in actions for forcible entry, two allegations are mandatory for the municipal court to acquire jurisdiction: First, the plaintiff must allege his prior physical possession of the property. Second, he must also allege that he was deprived of his possession by any of the means provided for in Section 1, Rule 70 of the Rules of Court, namely: force, intimidation, threats, strategy, and stealth.[12] Recall that the complaints in Civil Cases Nos. 6632 and 6633 failed to allege prior physical possession of the property on the part of petitioners. All that is alleged is unlawful deprivation of their possession by private respondents. The deficiency is fatal to petitioners' actions before the Metropolitan Trial Court of Valenzuela. Such bare allegation is insufficient for the MeTC to acquire jurisdiction. No reversible error was, therefore, committed by the RTC when it held that the Metropolitan Trial Court acquired no jurisdiction over Civil Cases Nos. 6632 and 6633 for failure of the complaints to aver prior physical possession by petitioners.

But was the deficiency remedied, however, when petitioners submitted their Amended Complaints?

The policy in this jurisdiction is that amendments to pleadings are favored and liberally allowed in the interests of substantial justice. Thus, amendments of the complaint may be allowed even if an order for its dismissal has been issued so long as the motion to amend is filed before the order of dismissal acquired finality.[13] Note, however, that it is not a hard and fast rule. An amendment is not allowed where the court has no jurisdiction over the original complaint and the purpose of the amendment is to confer jurisdiction upon the court,[14] or where the action originally pleaded in the complaint was outside the jurisdiction of the court.[15] We have carefully perused petitioners' proposed amendments and found them to include the allegation that petitioners were in prior physical possession of the disputed fishponds before said possession was allegedly disturbed. Clearly, the purpose is to sidestep the RTC ruling that MeTC had no jurisdiction over their complaints and allow the inferior court to acquire jurisdiction. This we cannot allow. Where the court of origin had no jurisdiction over the original complaint in the first place, amendments may not be had. It is axiomatic that before an amendment can be permitted, the trial court must have acquired jurisdiction over the case in the first instance.[16]

Regarding the second issue, petitioners contend that the DARAB had no jurisdiction over Case No.


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IV-MM-0099-95R. They submit that with the passage of Republic Act No. 7881[17] on February 20, 1995, private lands directly and exclusively used for prawn farms and fishponds are exempt from the coverage of the Comprehensive Agrarian Reform Law or Republic Act No. 6657. No agrarian relation thus subsisted between the parties for the DARAB to take cognizance of. Thus, litis pendentia did not bar the filing of Civil Cases Nos. 6632 and 6633. Stated differently, the pendency of Case No. IV-MM-0099-95R did not divest the MeTC of its jurisdiction to hear and try the forcible entry cases.

Private respondents contend that a comparison between DARAB Case No. IV-MM-0099-95R and Civil Cases Nos. 6632 and 6633 would show the same parties, the same subject matter of controversy, and the same issues. In other words, litis pendentia lies and may be availed of to dismiss the cases for forcible entry filed with the MeTC.

At the outset, we must point out that petitioners' reliance upon Republic Act No. 7881 is off tangent. It is not disputed that at the time of the filing of Civil Cases Nos. 6632 and 6633, an agrarian relations dispute was pending before the DARAB. The records show that private respondents as the complainants in Case No. IV-MM-0099-95R, were asserting tenancy rights, including the right to possession of the disputed fishponds or parts thereof, under Republic Act Nos. 3844[18] and 1199.[19] Private respondents were thus claiming vested substantive rights, dating back to 1975 in the case of respondent Ignacio and 1979 in the case of respondent Nuñez, under substantive laws. A substantive law is a law, which creates, defines, or regulates rights concerning life, liberty, or property, or the powers of agencies or instrumentalities for the administration of public affairs.[20] Republic Act No. 7881, in exempting prawn farms and fishponds from the coverage of the Comprehensive Agrarian Reform Law of 1988, is a substantive law. By its very nature and essence, substantive law operates prospectively[21] and may not be construed retroactively without affecting previous or past rights. Hence, in view of the absence of a contrary intent in its provisions, Republic Act No. 7881 should be given a prospective operation and may not affect rights claimed under previous agrarian legislation.

Under Rule 16, Section 1 of the Rules of Court, litis pendentia or pendency of another action is a ground for the dismissal of the second action. Recall that in the motions to dismiss filed by private respondents in Civil Cases Nos. 6632 and 6633, the pendency of the DARAB case was one of the grounds relied upon in seeking the dismissal of both actions. For litis pendentia to lie, the following requisites must be satisfied:

- Identity of parties or representation in both cases;

- Identity of rights asserted and relief prayed for;

- The relief must be founded on the same facts and the same basis; and

- Identity of the two preceding particulars should be such that any judgment, which may be rendered in the other action, will, regardless of which party is successful, amount to res judicata on the action under consideration.[22]

These requisites, in our view, are present in this case. For one, the parties in the DARAB case and in the forcible entry cases filed with the MeTC are the same. Also, there is identity of rights asserted and reliefs prayed for. The action in Case No. IV-MM-0099-95R is for "declaration of tenancy, accounting, recovery of possession, specific performance, recovery of sum of money, plus damages" against petitioners. Note that the properties that private respondents seek to recover possession of in the DARAB case form part of the properties from which petitioners seek the ejectment of private respondents. The evident and logical conclusion then is that any decision that may be rendered in the DARAB case regarding the question of possession will also resolve the question of possession in the forcible entry cases. Undergirding the principle of litis pendentia is the theory that a party is not allowed to vex another more than once regarding the same subject matter and for the same cause of action. This theory is founded on the public policy that the same matter should not be subject of controversy in court more than once in

order that possible conflicting judgments may be avoided, for the sake of the stability in the rights and status of persons. The MeTC of Valenzuela, Branch 82, recognized this doctrine when it dismissed Civil Case No. 6632 to avoid the possibility of two contradictory decisions on the question of possession emanating from the DARAB and the trial court. In turn, the RTC was correct in finding that the issue of possession was inextricably intertwined with the agrarian dispute, an issue which was beyond the jurisdiction and competence of the inferior court to settle. In so doing, the RTC deferred to the primary jurisdiction and administrative expertise of the DARAB to settle agrarian cases. Thus, we are constrained to conclude that under the concept of litis pendentia, the pendency of DARAB Case No. IV-MM-0099-95R served as a bar to the filing of Civil Cases Nos. 6632 and 6633.

On the third issue, petitioners maintain that the petitioner-affiant who subscribed the requisite Affidavit of Non-forum Shopping understood that the issues pending resolution before the DARAB had no relation to petitioners' actions for forcible entry, and hence had seen no need to report anymore the pendency of the DARAB case. Moreover, private respondents claim that in their pleadings they early enough disclosed the pendency of the DARAB case to the courts hearing the ejectment cases. Hence, they aver that there was no violation whatsoever of the non-forum shopping requirements.

Private respondents argue that petitioners' explanations on the matter amount to a mea culpa on account of wild speculation and assumption of the facts of the case. They ask us to affirm the findings below that petitioners violated the Court's Circular proscribing forum shopping.

Supreme Court Administrative Circular No. 04-94, imposing additional requisites in civil complaints, petitions, and other initiatory pleadings filed in all courts and agencies to prevent forum shopping, provides in part:

> 1. The plaintiff, petitioner, applicant or principal party seeking relief in the complaint, petition, application or other initiatory pleading shall certify under oath in such original pleading, or in a sworn certification annexed thereto and simultaneously filed therewith to the truth of the following facts and undertakings: (a) he has not theretofore commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (b) to the best of his knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (c) if there is any such action or proceeding which is either pending or may have been terminated, he must state the status thereof; and (d) if should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, he undertakes to report that fact within five (5) days therefrom to the court or agency wherein the original pleading and sworn certificate contemplated herein have been filed.
>
> x x x
>
> 2. Any violation of this Circular shall be a cause for the dismissal of the complaint, petition, application or other initiatory pleading, upon motion and after hearing...

That there was a DARAB case pending involving the same parties with the same subject matter at the time petitioners filed Civil Cases Nos. 6632 and 6633 is not contested. Petitioners admit that they assumed that the issues in the agrarian case and the forcible entry cases were different and hence saw no need to report the pendency of the former to the trial court in their certification of non-forum shopping. We fail to see the basis for this assumption. The records disclose that the issue of possession as raised in the forcible entry cases is necessarily included in the question of agricultural tenancy raised in the DARAB case. Note that petitioners actively participated in the latter case and thus, could not have been unaware that the possession of the subject fishponds or parts thereof was in issue before the Board. Petitioners' failure to see that paragraph 1(b), 1(c), or 1(d) of Administrative Circular No. 04-94 applied to them is simply incomprehensible. We agree with the RTC in

certifying under oath that they have no knowledge of any case pending before any other tribunal or agency involving the same issue raised in their forcible entry cases, petitioners were less than candid.

To determine whether a party violated the rule against forum shopping, the test applied is whether the elements of litis pendentia are present or whether a final judgment in one case will amount to res judicata in another.[23] Recall that as earlier discussed, the requisites of litis pendentia barred the filing of Civil Cases Nos. 6632 and 6633 given the pendency of DARAB Case No. IV-MM-0099-95R. Based thereon, the Regional Trial Court correctly dismissed the forcible entry cases on the additional ground of forum shopping.

WHEREFORE, the instant petition is DENIED, and the Decision of the Regional Trial Court of Valenzuela, Branch 172, in Civil Cases Nos. 5093-V-97 and 5169-V-97 is AFFIRMED. Costs against petitioners.
SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

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[1] Rollo, pp. 243-247.

[2] Specifically, these properties are Lot 1 of the cons. - subd. Plan (LRC) Pcs-20114, with an area of 40,810 square meters more or less, covered by TCT No. T-228752 in the names of the spouses Maria Aranzazu D. Oreta and Canuto Oreta; Lot 2 of the cons.-subd. Plan (LRC) Pcs-20114, with an area of 41,319 square meters more or less, covered by TCT No. T-228753 in the names of the spouses Maria Corazon D. Bautista and Pablo S. Bautista, Jr.; Lot 3 of the cons.-subd. Plan (LRC) Pcs-20114, with a total area of 43,406 square meters more or less, with TCT No. T-228754 in the names of the spouses Maria Cristina D. Tirona and Oscar Tirona; Lot 4 of the cons.-subd. Plan (LRC) Pcs-20114, consisting of 41,349 square meters more or less, with TCT No. T-228755 in the name of Deo S. Dionisio; and Lot 5 of the cons.-subd. Plan (LRC) Pcs-20114, totaling 41,349 square meters more or less, covered by TCT No. T-228756 in the name of the spouses Maria Paz D. Bautista and Cesar Bautista. See Annexes "A" to "F", Complaint, Rollo, pp. 69-74.

[3] Records, Civil Case No. 5093-V-97, p. 111.

[4] Records, Civil Case No. 5169-V-97, p. 250.

[5] Id. at 249-250.

[6] Rollo, p. 210.

[7] Id. at 209-210.

[8] Lavibo v. Court of Appeals, G.R. No. 123462, 271 SCRA 143, 146 (1997) citing Asset Privatization Trust v. Court of Appeals, 229 SCRA 627 (1994).

[9] Records, Civil Case No. 5093-V-97, pp. 1-2.

[10] Mediran v. Villanueva, G.R. No. 12838, 37 Phil. 752, 761 (1918).

[11] Gumiran v. Gumiran, G.R. No. 6364, 21 Phil. 174, 179 (1912).

[12] Pasagui v. Villablanca, G.R. No. L-21998, 68 SCRA 18, 21 (1975).

[13] Constantino, et al. v. Hon. Reyes, et al., G.R. No. L-16853, 118 Phil. 385, 388-389, citing Arranz v. Manila Surety & Fidelity Co., Inc., 108 Phil. 747 (1960).

[14] Rosario and Untalan v. Carangdang, et al., G.R. No. L-7076, 96 Phil. 845, 850 (1955)


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[15] Versoza v. Versoza, G.R. No. L-25609, 135 Phil. 84, 93 (1968), citing Tamayo v. San Miguel Brewery, Inc., 119 Phil. 368 (1964) Campos Rueda Corp. v. Bautista, G.R. No. L-18453, September 29, 1962, and Rosario v. Carangdang, supra.

[16] Gaspar v. Dorado, et al., G.R. No. L-17884, 122 Phil 728, 731 (1965).

[17] Entitled "An Act Amending Certain Provisions Of Republic Act No. 6657, Entitled `An Act Instituting A Comprehensive Agrarian Reform Program To Promote Social Justice and Industrialization, Providing The Mechanism For Its Implementation, And For Other Purposes."

[18] More popularly known as the Agricultural Land Reform Code of 1963. It abolished share tenancy (Sec. 4), by establishing agricultural leasehold relations (Sec. 5). However, fishponds were among those agricultural lands exempted from leasehold (Sec. 35), with the tenancy system prevailing in fishponds to be governed by Republic Act No. 1199. Section 35 of Republic Act No. 3844 was specifically repealed by Section 76 of the Comprehensive Agrarian Reform Law of 1988.

[19] Also known as the Agricultural Tenancy Act of the Philippines.

[20] Primicias v. Ocampo, et al., G.R. No. L-6120, 93 Phil. 446, 452 (1953).

[21] Tolentino, et al., v. Alzate, et al., G.R. No. L-9267, 98 Phil. 781, 783-784 (1956).

[22] Tourist Duty Free Shops, Inc. v. Sandiganbayan, G.R. No. 107395, 323 SCRA 358, 367 (2000).

[23] Solid Homes, Inc. v. Court of Appeals, G.R. No. 108451, 337 Phil. 605, 615 (1997), citing First Philippine International Bank v. Court of Appeals, 252 SCRA 259 (1996).


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