

LAND TENURE ADMINISTRATION, ET AL., PETITIONERS, VS. THE HONORABLE HIGINIO B. MACADAEG, IN HIS CAPACITY AS JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA AND ALEJANDRO T. LIM, R...

G.R. No. 13280. February 25, 1960

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Petition for certiorari and prohibition with preliminary injunction to enjoin the respondent Hon. Higinio B. Macadaeg, in his capacity as judge of the Court of First Instance of Manila, from enforcing his order of December 20, 1957 in Civil Case No. 34453.

On December 9, 1957, respondent Alejandro Lim filed a complaint with injunction against the petitioners herein, before the Court of First Instance of Manila. The complaint alleges substantially that the plaintiff was the lessee of two parcels of riceland, known as "Hacienda de Leon", situated in the Municipality of Talavera, Nueva Ecija, with Transfer Certificate of Title Nos. NT-21932 and NT-21866. Sometime in August, 1957, the owners of the said Hacienda sold it to the Land Tenure Administration for purposes of subdivision and resale to tenants, pursuant to Republic Act No. 1400. Plaintiff, however, claims that he has planted rice in the land in dispute with consequent ownership of 30% of the harvest for the agricultural year 1957-58, and prayed that the defendant Land Tenure Administration (petitioner herein) be restrained from preventing the plaintiff's entry in the land for the purpose of gathering the standing crops therein and to enjoin the other defendants, officials of the Land Tenure Administration, from taking and appropriating the same for the benefit of the Administration.

The defendants made a special appearance before the court seeking the dismissal of the complaint on the ground of improper venue. The respondent Judge denied the motion, and in the same order of denial, issued the writ of preliminary injunction prayed for by the plaintiff. Hence this petition.

In a resolution of this Court, dated the 27th of December 1957, the Clerk of Court was authorized to issue, without bond, a writ of preliminary injunction to restrain the enforcement of the lower court's order of December 20, 1957 until further notice from this Supreme Court.

The question of venue is the sole issue here. The petitioners argue that the standing crops referred to in the complaint are real or immovable property under Article 415 (2) of the Civil Code of the Philippines, and, therefore, the action should have been instituted in the Court of First Instance of Nueva Ecija, where the property is situated. Respondent Lim, on the other hand, contends (and the lower court so held) that standing crops, when owned by one other than the owner of the land in which they grow, are considered personality, and thus the suit may be filed in any court of proper jurisdiction where either of the parties reside or may be found at the election of the plaintiff.

In our opinion, the problem was incorrectly posed. Analysis of the complaint filed in the Court below reveals that

respondent Alejandro T. Lim's basic stand, and which he sought to vindicate, was the continuation of his leasehold rights notwithstanding the sale of the Hacienda de Leon to the Land Tenure Administration by the original owners and lessors. The claim of ownership of 30% of the crop is accessory to the leasehold, and but a consequence thereof. This is apparent from the following allegations (Annex A, petition):

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"At the time, however, that the said Hacienda was sold to the Land Tenure Administration as mentioned above, plaintiff was still the lessee of the same and had already planted the property to palay for the agricultural year 1957-58, through his tenants, and which crops now existing on the said Hacienda are now partly being harvested and will be totally harvested by the months of December, 1957, and January, 1958;"

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"After the sale of the said Hacienda de Leon to the Land Tenure Administration, defendants refused to recognize the leasehold rights of the plaintiff over the said property, and now maintain that said property was purchase (sic) by the said government entity from the former owners, free from all liens and encumbrances, and now also refuse to allow plaintiff to enter into possession of the property, and to gather the standing crops, notwithstanding the fact that both the former owners (lessors) and the present owner, the Land Tenure Administration, had nothing to do with the preparation, cultivation and planting of the crops;"

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"As there were already standing crops on the said Hacienda at the time it was sold by the former owners to the Land Tenure Administration, and as said property was then still under lease to plaintiff who made the planting's, the said lease, being one on rural land, was not and cannot be terminated by the defendants who had knowledge of the existence of the lease, until after the harvest. Even assuming that defendants had no knowledge of the said lease, which is not the fact, and that the buyer made use of its right to terminate the same, the plaintiff nevertheless has the right to enter the premises to gather the crops for the current agricultural year (Article 1676, Civil Code).

In other words, the respondent Lim sought to establish an interest in the Hacienda de Leon that ran with the land and one that must be respected by the purchaser", even if the latter was not a party to the original lease contract. That being the case, whether the standing crop is or is not immovable property is not relevant, for venue is determined by the nature of the principal claim. It is apparent that the plaintiff is primarily interested in establishing his right to recover possession of the land for the purpose of enabling him to gather his share of the crops. Hence, his action is real and must be brought in the locality where the land is situated. Section 3, Rule 5 of the Rules of Court, provides:

"SEC. 3. Real action.—Actions affecting title to, or for recovery of possession, or for partition or condemnation of, or foreclosure of mortgage on, real property, shall be commenced and tried in the province where the property or any part thereof lies."

In *De la Cruz vs. Seminary of the Archdiocese of Manila* (18 Phil., 330), this Court, quoting from *Neill vs. Owen*, 3 Tex. 145, laid the rule on venue to be as follows:

"If the action is founded on privity of contract between the parties, then the action, whether debt or conversant, is transitory. But if there is no privity of contract, and the action is founded on privity of estate only, such as a covenant that runs with the land in the hands of the remote grantees, then the action is local and must be brought in the country wherein the land lies." (Italics supplied)

The action brought by respondent Lim falls squarely under the second rule given in the quoted paragraph. It is uncontested that the Land Tenure Administration was neither a party to the lease contract nor an assignee thereof.

The Land Tenure Administration is sued on the theory that it is duty bound to recognize and respect Lim's rights as lessee, the implied premise being that, the lease operates against the new owner of the land leased even if the lease is not recorded, because the Land Tenure Administration's knowledge of the existence of the lease supplies the want of registration. Hence, petitioners correctly contend that Lim's action must be brought in the Court of First Instance of Nueva Ecija, the province where the land lies, and not in the courts of the City of Manila.

Wherefore, the petition for a writ of certiorari is granted. The order of December 20, 1957, appealed from, is set aside and the action instituted by Alejandro T. Lim in the Court of First Instance of Manila (Civil Case No. 34453) is ordered dismissed, but without prejudice to its renewal in the Court of First Instance of Nueva Ecija. The preliminary injunction heretofore issued by this Court is made permanent. Costs against respondent Lim. So ordered.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, Barrera, and Gutierrez David, JJ., concur.

Padilla, J., took no part.

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