

PAULINA ANTONIO, ET AL., PETITIONERS, VS. CEFERINO NATIVIDAD, ET AL., RESPONDENTS.*G.R. No. 14631. March 30, 1962*

Ponente: DIZON, J.

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On July 29, 1958 Ceferino Natividad filed a petition (CAR Case No. 1499-NE-58) with the Court of Agrarian Relations, Cabanatuan City Branch, against his grandparents, the spouses Raymundo Ruz and Paulina Antonio, and Angeles Natividad, to restrain them "from molesting the petitioner in the peaceful cultivation of the landholding in question" situated in Casanaitan, Sto. Domingo, Nueva Ecija, alleging therein that, after he had been engaged as tenant by Paulina Antonio in the landholding aforesaid, the latter, without any reason whatsoever, replaced him with Angeles Natividad.

In their answer to the petition, respondents averred the petitioner, their grandson, had never been their tenant, and alleged by way of special defense, that in Ejectment Case No. 907 of the Justice of the Peace Court of Sto. Domingo filed by them against petitioner, judgment had been rendered against the latter ordering him to vacate the land in question and deliver its possession to said spouses. They also filed a counterclaim for damages in the amount of P150.00. After three postponements of the hearing of the case at the instance of the respondents, the case was finally set for September 18, 1958. As on said date they and their counsel failed to appear, the court proceeded to receive petitioner's evidence and afterwards rendered judgment as follows:

"IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered commanding respondent-landholders, the spouses Baymundo Buz and Paulina Antonio, and/or their successors in interest, to reinstate petitioner Ceferino Natividad as tenant on the two-cavan landholding located at Casanaitan, Sto. Domingo, Nueva Ecija, and to maintain the latter in the peaceful possession and cultivation thereof, with all the rights granted and obligation imposed by law, and ordering respondent Angeles Natividad to vacate said landholding and to cultivation of petitioner Ceferino Natividad".

In this appeal interposed by the Ruz spouses, the main issue is whether or not a tenancy relationship existed between them on the one hand, and their grandson, Ceferino Natividad, on the other, in accordance with the provisions of Republic Act No. 1199. If such relationship existed, it is clear that the Justice of the Peace Court of Sto. Domingo, Nueva Ecija, had no jurisdiction over the controversy between the parties, because under section 21 of Republic Act No. 1199, the Court of Agrarian Relations has original exclusive jurisdiction over all "cases involving the dispossession of a tenant by the landholder or by a third party"

Petitioner's evidence on this question consists of his own testimony and that of Ricardo Nicolas — a municipal policeman — Geronimo Alcantara and Narciso Maglayo.

Petitioner's testimony is to the effect that on December 25, 1957, he and his grandmother went to the house of Geronimo Alcantara, then the tenant of the landholding in question, to take such landholding from him because it was to be cultivated by petitioner; that Alcantara agreed to surrender the property to his landlords and that

thereafter petitioner started preparing the seedbed and later planted the palay seedlings in the months of May and June, 1958; that when the seedlings were about a foot high, he uprooted 700 bundles to be transplanted, but before he could do so and while certain differences he had with his grandparents remained unsettled, his grandmother filed an action for forcible entry against him on June 23, 1958, which action was decided against him; that upon receipt of the decision of the Justice of the Peace of Sto. Domingo, Nueva Ecija, on August 7, 1958, he discontinued working or abandoned the landholding and then filed the present action with the Court of Agrarian Relations.

It is clear from petitioner's own testimony that whatever tenancy agreement he had with his grandparents was merely oral, and that his testimony does not establish the particular conditions under which he was allegedly taken as tenant. Moreover, although he filed a written answer in the Justice of the Peace Court, the same consisted exclusively of denials and petitioner never questioned the jurisdiction of said court over the subject matter. According to the record of this case, it was only after he had appealed to the Court of First Instance of Nueva Ecija, that he raised the question of lack of jurisdiction of the Justice of the Peace Court, by filing therewith a motion to dismiss, which, as far as the record of this case shows, still remains undecided. As a matter of fact, neither one of the parties herein has informed this Court as to the status of the case in the Court of First Instance of Nueva Ecija.

Nicolas' testimony is substantially to the effect that on June 20, 1958 Dionisio Ruz, a son of the Ruz spouses, went to his house with an order of the Chief of Police of Sto. Domingo, directing him to investigate Ruz's complaint against petitioner who had illegally occupied the land which he, Dionisio, was cultivating for his parents; that when they went to the landholding he saw petitioner plowing the land; that he advised Dionisio and petitioner to talk matters over but they could not settle their controversy.

It is obvious that while this testimony shows that petitioner had really entered the land, it does not prove that he was doing so as tenant of the owners. Precisely, the latter admits his entry, but claimed that it was illegal, this having prompted them to bring suit against petitioner in the Justice of the Peace Court of Sto. Domingo.

Alcantara's testimony, on the other hand, is to the effect that he had been the tenant of the landholding in question since 1954; that on December 25, 1957 petitioner and his grandmother went to his house to ask him to give up the landholding because it would be cultivated by petitioner, to which demand he acceded.

This testimony is also unsatisfactory in view of the fact that it does not show that petitioner had actually entered into any tenancy agreement with the owners and actually took possession of the landholding as such. Moreover, assuming Alcantara's testimony was true, it does not negate the possibility that after December 25, 1957 and before any formal tenancy agreement could be entered into between petitioner, on the one hand, and his grandparents, on the other, the latter had decided to make their own son, Dionisio, instead of petitioner, cultivate the aforesaid landholding. Besides, there appears to be good grounds to believe that Alcantara was not an entirely unbiased witness, considering the circumstance that the owners of the land had taken it away from him.

Regarding the testimony of Maglayo to the effect that in the month of May, 1958, he saw the petitioner working in the landholding in question, we can make the same observation we have already made in connection with the testimony of Nicolas.

It is clear, therefore, that neither petitioner nor any one of his witnesses had testified regarding the conditions under which he was allegedly taken in as tenant by the owners; that when petitioner was sued for ejectment in the Justice of the Peace Court of Sto. Domingo he did not allege in his written answer that he was the tenant of the plaintiffs therein and that for that reason said justice of the Peace Court did not have jurisdiction over the case, and that it was only after he lost the case that petitioner filed this action with the Court of Agrarian Relations in an

obvious attempt to take away the dispute from the jurisdiction of the regular courts.

Due to the circumstances mentioned above we are of the opinion that the finding of the Court of Agrarian Relations that petitioner was actually the tenant of his grandparents is not supported by substantial evidence. Furthermore, the question of whether or not petitioner was a mere intruder or a tenant of his grandparents being still pending in the regular courts, the present case appears to have been filed prematurely.

IN VIEW OF THE FOREGOING, the appealed decision is here by reversed and another rendered dismissing the case, with costs.

Bengzon, C.J., Padilla, Baustista Angelo, Labrador, Concepcion, Barrera, Paredes, and De Leon, JJ., concur.

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