

SILVINO LASTIMOZA AND HONORATA GONZALES, PETITIONERS VS. HON. RAMON BLANCO, JUDGE OF THE COURT OF AGRARIAN RELATIONS EIGHT REGIONAL DISTRICT, ILOILO CITY AND NESTOR PAÑADA, RESP...*G.R. No. 14697. January 28, 1961*

Ponente: GUTIERREZ DAVID, J.

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This is a petition for certiorari and prohibition with preliminary injunction to annul certain orders of Hon. Ramon Blanco, as Judge of the Court of Agrarian Relations and to restrain him from further proceeding with CAR Case No. 724—Iloilo, for lack of jurisdiction over the subject matter in controversy. Giving due course to the petition, this Court issued a writ of preliminary injunction prayed for upon petitioners filing a bond of P200.00.

The facts of the case are not disputed. On September 22, 1956, the Court of First Instance of Iloilo in Land Registration Case No. N-341 (G. L. R. O. Rec. No. N-10795) adjudicated in favor of Silvino Lastimoza and his wife Honorata Gonzales, herein petitioners, a parcel of land identified as Lot No. 14 of Plan PSU-87977. On April 12, 1957, Original Certificate of Title No. 01204 covering the same was issued by the Register of Deeds of the province in their names. They were, subsequently, or on July 29, 1958, placed in possession of the land by writ of possession, the sheriff of the province ejecting therefrom Perfecto, Rosalina, Encarnacion, Lucila and Lydia, all surnamed Gallego.

On September 13, 1958, herein respondent Nestor Pañada, claiming to be a tenant since the start of the 1956-57 agricultural year of Perfecto Gallego, one of those ousted by the writ of possession, filed against herein petitioners a petition with the Court of Agrarian Relations praying, among other things, that he be maintained as tenant on about 2 Hectares of the land in question (Case No. 724-Iloilo). As prayed for in the petition, the Agrarian Court issued an interlocutory order directing the JAGO officer or his authorized representative to supervise the harvest and threshing of the palay crops standing on the landholding, and to deposit, after deducting the expenses therefor, the net produce in a bonded warehouse.

On September 18, 1958, petitioners filed a motion to lift the interlocutory order, and on the following day, moved to dismiss the case on the ground of lack of jurisdiction over the subject matter, it being alleged that there was no tenancy relationship between them and respondent Nestor Pañada. Both motions, however, were denied and reconsideration of the orders of denial having been also denied, the petitioners filed the present petition for certiorari and prohibition.

We find the petition meritorious.

It is not disputed that respondent Nestor Pañada worked on a portion of the land in question by virtue of a so-called oral contract of tenancy with Perfecto Gallego who was then in possession of the land. The latter, however, was ejected from the land after the same had been adjudicated in a land registration proceeding to

herein petitioners by the Court of First Instance of Iloilo, and title thereto issued in their names. Since that court has, in effect, ruled that Perfecto Gallego, the supposed former landholder, was an unlawful possessor and intruder, respondent Nestor Pañada cannot now invoke the security of tenure guaranteed in section 9 of the Tenancy Law (Republic Act No. 1199) and claim that petitioners, as the prevailing party in the land registration proceeding, are duty bound to maintain him as their tenant. Said section 9 of the Tenancy Law—in providing that "the sale or alienation of the land do not of themselves extinguish the tenancy relationship," for in such cases, "the purchaser or transferee shall assume the rights and obligations of the former landholder in relation to the tenant,"—obviously assumes the existence of a valid tenancy relation between the former landholder and his tenants, and contemplates privity of contract or alienation of valid title be it of ownership or possession, between the old landholder and the new. In the instant case, there can be no question that there is no privity of contract or alienation in the sense contemplated by section 9 of the Tenancy Law between Perfecto Gallego, the alleged former landholder and herein petitioners. Neither can it be pretended that there was a valid tenancy relation between said Perfecto Gallego and respondent Pañada. Tenancy relationship can only be created with the consent of the true and lawful landholder who is either the "owner, lessee, usufructuary or legal possessor of the land" (sec. 5 [b], Rep. Act No. 1199), and not thru the acts of the supposed landholder who has no right to the land subject of the tenancy. Perfecto Gallego, the alleged former landholder, having been ousted by writ of possession issued by a competent court and virtually declared a usurper or intruder, respondent Pañada, as his tenant, can have no better right and claim security of tenure, a guarantee afforded only to tenants de jure. To rule otherwise, would be to pave the way for fraudulent collusions among the unscrupulous to the prejudice of the true and lawful landholder. Such anomalous and absurd result certainly could not have been the intention of Congress.

It being evident for the reasons above stated that herein petitioners are not legally bound to assume the former landholder's rights and obligations in relation to his tenants, it results that there is no tenancy relationship between the parties in this case, and consequently, the Agrarian Court erred in assuming jurisdiction to hear and determine respondent Pañada's complaint or petition.

Wherefore, the petition for a writ of prohibition is granted, the orders complained of are set aside and the petition filed with the Agrarian Court by respondent Pañada is dismissed, with costs against him.

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

Barrera, J., concurs in the result.

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