

ERNESTO DELA CRUZ, PETITIONER, VS. SPOUSES NESTOR F. MENDOZA AND MARCELINA G. MENDOZA, RESPONDENTS.

G.R. NO. 152027. September 27, 2006

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for review[1] assailing the 30 April 2001 Decision[2] and 25 January 2002 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 44074.

The Antecedent Facts

Pedro Mendoza ("Mendoza") was the owner of a parcel of land, with an area of 11,328 square meters, covered by TCT No. T-56.007(M) located in Tabing Bakod, Sta. Maria, Bulacan. Bonifacio San Luis ("San Luis") was allegedly a tenant of the land. San Luis was assisted by his daughter Sofia San Luis and petitioner Ernesto Dela Cruz ("petitioner") in tending to the land. Upon San Luis' death in 1989, petitioner allegedly became the tenant of the land.

Mendoza mortgaged the land to Amando Tetangco ("Tetangco"). Later, the land became the subject of a suit between Mendoza and Tetangco. The case was resolved in favor of Tetangco and a new title, TCT No. T-136898, was issued to the Spouses Amando and Erlinda Tetangco.

On 9 September 1993, Tetangco sold the land to the Spouses Nestor and Marcelina Mendoza ("respondents"). TCT No. T-136898 was canceled and TCT No. 200656(M) was issued in the name of respondents. Respondents built a fence and a nipa hut and placed a "no trespassing" sign on the land. Petitioner, together with his sons and several unidentified persons, allegedly entered the land, removed the "no trespassing" sign, and prevented respondents from entering the premises.

Respondents filed an action for forcible entry with damages and with prayer for preliminary mandatory injunction or temporary restraining order against petitioner before the Municipal Trial Court of Santa Maria, Bulacan (MTC). The case was docketed as Civil Case No. 1039.

During the pendency of Civil Case No. 1039, petitioner filed a complaint against respondents before the Department of Agrarian Reform Adjudication Board ("Provincial Adjudicator"). The Provincial Adjudicator dismissed the complaint and declared that petitioner was not a tenant of the land. Petitioner appealed the Decision of the Provincial Adjudicator. In its 10 November 2003 Decision, the Department of Agrarian Reform Adjudication Board Central Office ("DARAB") reversed the Decision of the Provincial Adjudicator and declared petitioner a lawful tenant of the land. Respondents filed a petition for review before the Court of Appeals. The case, docketed as CA-G.R. SP No. 81238, is still pending before the Court of Appeals.

On 23 May 1996, the MTC rendered its Decision in Civil Case No. 1039 in favor of respondents.

Petitioner filed a notice of appeal. On 10 March 1997, the Regional Trial Court of Bulacan, Branch 8 (RTC)

affirmed the MTC Decision with modification by deleting the award of moral damages.

Petitioner filed a petition for review, docketed as CA-G.R. SP No. 44074, before the Court of Appeals.

The Ruling of the Court of Appeals

In its 30 April 2001 Decision, the Court of Appeals affirmed the Decision of the RTC. The Court of Appeals ruled that the land is an orchard, not a riceland. The Court of Appeals further ruled that petitioner failed to substantiate his claim that he is a tenant of the land. The Court of Appeals cited the ruling of the Provincial Adjudicator that petitioner is not a tenant of the land. Finally, the Court of Appeals held that in the absence of a tenancy relationship between petitioner and respondents, the case is outside the coverage of the Agricultural Tenancy Act and the MTC has jurisdiction over the case.

Petitioner moved for reconsideration of the Decision. In its 25 January 2002 Resolution, the Court of Appeals denied petitioner's motion for reconsideration.

Hence, the petition before this Court.

The Issues

Petitioner raises the following issues:

- Whether the Court of Appeals erred in not dismissing the action for forcible entry and damages considering that petitioner, as tenant, did not give his conformity to the sale of the land to respondents.
- Whether the Court of Appeals erred in classifying the land as an orchard instead of riceland.
- Whether the Court of Appeals erred in not dismissing the action for forcible entry and damages when respondents were the ones who forcibly entered the land tenanted by petitioner.

The Ruling of This Court

The petition has merit.

In dismissing the petition, the Court of Appeals ruled that petitioner failed to substantiate his claim that he is a tenant of the land. The Court of Appeals noted that the Provincial Adjudicator had declared that petitioner is not a tenant of the land.

However, after the promulgation of the 30 April 2001 Decision of the Court of Appeals, the DARAB in its 10 November 2003 Decision reversed the Decision of the Provincial Adjudicator and declared that petitioner is a tenant of the land. The issue of whether petitioner is a tenant of the land is still pending before the Court of Appeals in a petition filed by respondents, docketed as CA-G.R. SP No. 81238, questioning the ruling of the DARAB.

While the case before the Court is a forcible entry case, the Decision in CA-G.R. SP No. 81238 has a bearing on this case. If the issues between the parties are intertwined with the resolution of an issue within the exclusive jurisdiction of the DARAB, such dispute must be resolved by the DARAB.^[4] Should the Court of Appeals sustain the DARAB's ruling that petitioner is a tenant of respondents, jurisdiction over the forcible entry case will be removed from the MTC. It is therefore necessary to await the ruling of the Court of Appeals in CA-G.R. SP No. 81238 because the present forcible entry case cannot be resolved without considering the outcome of CA-G.R. SP No. 81238.

In *Spouses Tirona v. Hon. Alejo*,^[5] this Court sustained the RTC which dismissed on appeal the forcible entry cases on the ground of *litis pendentia*. The RTC's dismissal of the cases was due to a pending case before the DARAB where the issue was whether there was possession in the concept of tenancy. The Court ruled that the

parties in the DARAB case and the

forcible entry cases filed with the MeTC were the same, and there was identity of rights asserted and reliefs prayed for. The Court ruled:

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 of the rights and status of persons.[6]

By analogy, we have to await the final resolution of CA-G.R. SP No. 81238 before the Court of Appeals considering that the tenancy relationship between petitioner and respondents is in issue in CA-G.R. SP No. 81238. The Court of Appeals in this case declared that petitioner failed to substantiate his claim that he is a tenant of the land while the DARAB ruled that petitioner is a tenant of the land. The issue of tenancy relationship between petitioner and respondents still has to be resolved in CA- G.R. SP No. 81238. Until there is a final resolution of the issue of tenancy adverse to petitioner, the forcible entry case should be dismissed since a finding of tenancy relationship between the parties will remove the jurisdiction of the case from the MTC. However, the dismissal is without prejudice to the filing of a similar action in the future in case of final resolution of the issue adverse to petitioner.

WHEREFORE, we SET ASIDE the 30 April 2001 Decision and 25 January 2002 Resolution of the Court of Appeals in CA-G.R. SP No. 44074. We DISMISS Civil Case No. 1039 without prejudice to the filing of a similar future action if the issue of tenancy is resolved with finality against petitioner Ernesto Dela Cruz.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Penned by Associate Justice Eloy R. Bello, Jr. with Associate Justices Eugenio S. Labitoria and Perlita J. Tria Tirona, concurring. Rollo, pp. 15-22.

[3] *Id.* at 28.

[4] *Heirs of Dela Cruz v. Heirs of Cruz*, G.R. No. 162890, 22 November 2005, 475 SCRA 743.

[5] 419 Phil. 285 (2001).

[6] *Id.* at 303.

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