

DOMINGO NATIVIDAD, PETITIONER, VS. PASTOR L. DE GUZMAN, JUDGE OF THE COURT OF AGRARIAN RELATIONS, 7TH REGIONAL DISTRICT, CEBU AND CLODUALDA C. MANUBAG, RESPONDENTS.*G.R. No. 15267. March 27, 1961*

Ponente: LABRADOR, J.

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Petition for a writ of certiorari to reverse an order of the Court of Agrarian Relations sitting at Cebu in Court of Agrarian Relations Case No. 155, entitled "Domingo Natividad, petitioner vs. Rosendo Cabal and Clodualda C. Manubag, respondents." The order appealed from dismisses the case without prejudice to the filing of the claim under Rule 3, Section 17, of the Rules of Court.

On February 26, 1958, Domingo Natividad filed a petition against Rosendo Cabal and Clodualda C. Manubag, father and daughter respectively, for damages resulting from the unlawful and illegal ejectment of the petitioner from his landholding. On March 4, 1958, Cabal and Manubag filed an answer alleging that the land over which Natividad was a tenant, which was originally owned by Rosendo Cabal, was subsequently donated by Cabal to his co-respondent Clodualda C. Manubag Cabal retaining for himself the use and enjoyment of the same during his lifetime. When the case was called for trial on July 17, 1958, the court was informed that Rosendo Cabal had died for which reason counsel for Natividad moved for the dismissal of the case against Cabal and for the action to proceed against Clodualda C. Manubag, daughter and heir of the deceased. Trial having been held on August 4, 1958, during which the tenant introduced his evidence and closed his case, counsel for respondent moved for the dismissal of the case. The Court did not dismiss the case but ordered Natividad to amend his petition pursuant to Section 17 of Rule 3 of the Rules of Court and Section 9 of Republic Act No. 1199. Whereupon, Natividad filed an amended petition only against Clodualda C. Manubag as "legal representative of Rosendo Cabal and as successor in interest of the latter." On November 12, 1958 counsel for Manubag filed a motion for the reconsideration of the above order of the court and the court revoked the order and dismissed the case. A motion for the reconsideration of this order having been presented, the court, Hon. Pastor M. de Guzman presiding issued an order dated January 29, 1959, dismissing the case "without prejudice to the filing of an action for damages against the heirs of the decedent Rosendo Cabal, pursuant to the last paragraph of Section 17, Rule 3 of the Rules of Court." It is this order that is sought to be reversed by the petition for certiorari.

The record discloses that Natividad has expressly waived his right to be returned or reinstated as tenant on the land. In the petition for certiorari, it is argued that the original defendants were Rosendo Cabal, as donor-usufructuary and Clodualda C. Manubag, as donee-owner of the land where petitioner was a tenant. It is further argued that upon the death of Rosendo Cabal, his usufruct over the land came to an end and title in fee simple to the landholding as well as the obligations under the tenancy contract were transmitted to and concentrated in the person of the surviving respondent Clodualda C. Manubag. It is lastly argued that the application of Section 17 of Rule 3 of the Rules of Court violates the injunction contained in Republic Act No. 1199 and Republic Act No. 1267 that strict rules of procedure should not be followed. We find these arguments to

be of weight.

It is to be noted that at the time the owner-tenant relationship existed between Cabal and Natividad, the bare ownership to the land had already been conveyed by Cabal to his daughter Clodualda C. Manubag, such that the latter was made party-defendant in the original petition of Natividad, and the fact of her bare ownership over the property, with Cabal as the usufructuary, was alleged in the answer to the petition. I Therefore, whatever obligations the deceased usufructuary, Cabal, had contracted in relation to the land, such obligations were transmitted to the bare owner of the land, namely, Manubag. The provisions of Section 17 of Rule 3, under whose authority the court ordered the dismissal of the case, would seem to apply to obligations of a decedent transmissible to his heirs in general, not to obligations of the decedent in particular relation to land or properties under tenancy. The obligations sought to be enforced in the case at bar are presumably obligations in favor of the tenant in respect to the property ownership of which had been transferred to Manubag. Manubag is naturally responsible for such obligations, as these fall upon the assignee or transferee of the land, not upon the other heirs who do not have any claim to such land. To this effect is Section 9 of Republic Act No. 1199, which expressly provides:

"Section 9. The tenancy relationship is extinguished by the voluntary surrender of the land by, or the death or incapacity of, the tenant, but his heirs or the members of his immediate farm household may continue to work the land until the close of the agricultural year. The expiration of the period of the contract is fixed by the parties, and the sale or alienation of the land do not of themselves extinguish the relationship. In the latter case, the purchaser or transferee shall assume the rights and obligations of the former landholder in relation to the tenant. In case of death of the landholder, his heir or heirs shall likewise assume his rights and obligations." (Italics supplied)

For the foregoing considerations, we hold that the court below abused its discretion in ordering the dismissal of the case, without prejudice to bring the same against the heirs of the deceased Cabal, instead of allowing it to proceed against the transferee and owner of the land subject of the tenancy contract, herein respondent Manubag. The writ prayed for is hereby granted and the order subject of the petition is set aside, without costs.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Parades and Dizon, JJ., concur.

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