

ANTONIO NIPAY, ET AL., PETITIONERS, VS. JOSE M. MANGUIAT, ETC., RESPONDENT.

G.R. No. 15777. May 26, 1960

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On June 10, 1959, Soledad Arguelles filed before the Municipal Court of Lipa City a complaint seeking to eject Antonio Nipay, et al. from a parcel of land situated in barrio Balete of said city on the ground that they are withholding its possession from plaintiff.

Defendants filed a motion to dismiss on the following grounds: (1) that a tenancy relationship exists between plaintiff and defendants; (2) that defendants have been the tenants of Mr. Arsenio Luz, previous owner of the land, and continue to be such up to the present; and (3) that this case being tenancy in nature comes under the original and exclusive jurisdiction of the Court of Agrarian Relations.

On June 29, 1959, the municipal court, assuming jurisdiction over the case, denied the motion.

Defendants filed a motion for reconsideration, and when the same was denied, they brought before this Court the present petition for prohibition seeking to enjoin respondent municipal judge from taking cognizance of the case on the ground of lack of jurisdiction.

Under Section 7 of Republic Act No. 1267, as amended by Section 5 of Republic Act No. 1409, which creates the Court of Agrarian Relations, the latter court is given original and exclusive jurisdiction to consider, investigate, decide and settle all questions, matters, controversies or disputes involving all those relationships established by law which determine the varying rights of persons in the cultivation and use of agricultural land where one of the parties works the land. Said Act No. 1267, as amended, is a complement of Republic Act No. 1199 which originally confers jurisdiction over tenancy cases on the Court of Industrial Relations.

In *Mendoza vs. Manguiat*, 96 Phil., 309; 51 Off. Gaz. (1) 137 this Court, speaking of the scope of the term agricultural lands, said:

"But since then, and more specifically on August 30, 1954, Republic Act No. 1199 entitled 'An Act to Govern the Relations between Landholders and Tenants of Agricultural Lands (Leasehold and Share Tenancy),' has been approved. This law governs the relations between landlord and tenant in all kinds of agricultural lands. It repeals C.A. No. 454, known as the Rice Share Tenancy Act, and C. A. 461. The provisions of the Act are made to apply to all kinds of agricultural lands, whatever may be their nature or character, whether rice, sugar, corn or coconut, and as all controversies between landlord and tenant are placed within the jurisdiction of the Court of Industrial Relations, so any controversy between landlord and tenant, or owner and lessee falls under said court's jurisdiction."

The question now to determine is whether the case instituted before the Municipal Court of Lipa City is one of unlawful detainer or one which involves a tenancy case within the meaning of the law. This requires an

examination of the allegations of the complaint as well as of the motion to dismiss filed by the parties.

In the complaint it is alleged that plaintiff purchased the land in question from Arsenio Luz, its previous owner; that after the purchase plaintiff attempted to take possession of the land but was prevented by defendant Antonio Nipay who claims that he has entered into a contract of lease over the land with Mrs. Arsenio Luz; that Nipay in turn hired his co-defendants Elisa Landicho and Emilio Roxas to plant calamansi thereon, and the latter refused to leave the land notwithstanding demands upon them to do so.

The motion to dismiss, on the other hand, states that there is tenancy relationship between plaintiff and defendants; that defendants have been tenants of Arsenio Luz, previous owner of the land, and continue to be such up to the present; and that the case being tenancy in nature comes under the exclusive jurisdiction of the Court of Agrarian Relations.

While the allegations of the complaint seem to indicate that defendants are merely withholding the land from plaintiff because after having purchased it she demanded that they leave the same and they refused to do so, even if it is alleged that Nipay had a contract of lease on the land and his co-defendants were hired to plant calamansi thereon, which does not necessarily indicate that a tenancy relationship was created thereby, the motion to dismiss avers clearly that between plaintiff's predecessor-in-interest and defendants there existed a tenancy relationship continued up to the institution of the action. This claim of defendants apparently is not disputed by plaintiff although she claims that it is a mere averment which is not substantiated.

From the pleadings, therefore, it does not appear clear the real relationship existing between the parties, and since this matter needs to be clarified in order that we may pass upon the question of jurisdiction, it is necessary that evidence thereon be first presented by the parties. It would then appear that the present petition is premature for defendants should have waited until trial is had and the parties had presented their evidence. Only then there would be sufficient basis for determining which court has jurisdiction over the case.

Wherefore, petition is dismissed, without pronouncement as to costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.

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