

**ROMAN TOLEDO, ET AL., PETITIONERS AND APPELLANTS, VS.
COURT OF AGRARIAN RELATIONS (8TH REGIONAL DISTRICT)
BACOLOD CITY, ET AL., RESPONDENTS AND APPELLEES.**

G.R. No. 16054. July 31, 1963

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16054/>

PADILLA, J.:

This is a petition for review under section 13 of Republic Act No. 1267, as amended by Republic Act No. 1409, of a judgment rendered on 27 May 1959 by the Court of Agrarian Relations 8th Regional District, Bacolod City, in CAR cases Nos. 148, 172, 178, 220, 289, 293, 294, 295 and 296.

In CAR cases Nos. 289, 293, 294, 295 and 296 the respondents were declared in default for failure to answer within the reglementary period and the petitioners allowed to submit their evidence before a commissioner of the court. The other cases enumerated above were jointly tried.

It appears that on 8 August 1956 Jose Rongo brought an action against Bernardino Erillana for ejectment and recovery of the plaintiff's share in the produce of Lot3 Nos. 743 and 748 of the cadastral survey of Pontevedra situated in the municipality of La Castollana, Negros Occidental, in the crop year 1956-1957 (CAR case No. 148). Rongo alleged that defendant Erillana was his tenant or share cropper (about three hectares of Lot No. 743 where defendant planted rice and about a hectare of Lot No. 748 where he planted corn on the sharing ratio of 3/5 for the tenant and 2/5 for the landholder of the net produce) and that in 1956-1957 the defendant unlawfully refused to deliver the share of the plaintiff in the crop of corn; and for that reason he prayed that the defendant because he had refuse to recognize the plaintiff as owner of the land be ejected therefrom and required to render a liquidation of the corn crop, to deliver the plaintiff's share in the rice to be harvested the following November 1956. In his answer the defendant denied being a share cropper of the plaintiff and alleged that he was tenant of Roman Toledo and the other heirs of Silvestra Lubrico.

On 3 November 1956 a group composed of Loreto Perez, Bernardino Erillana, Daniel Mercurio, Gervasio Hilario and Margarita Hilario appeared as plaintiffs in a petition docketed as CAR case No. 172 against Roman Toledo and Jose Rongo for the delivery of their shares as tenants of Roman Toledo in Lot No. 743. The petition was signed by all the plaintiffs except Daniel Mercurio. In an affidavit (Annex B; p. 91, record of CAR case No. 172) respondent Roman Toledo admitted the existence of tenancy relation on Lot No. 743 between him and the plaintiffs. However, respondent Jose Rongo denied such tenancy relation, objected to the petition and prayed for its dismissal, and alleged that in May 1955 Roman Toledo, and Gervasio Hilario forcibly entered upon a part of Lot No. 743 (about four hectares) and for that reason an action of forcible entry was brought against them, and that during that time the action was pending Roman Toledo, Gervasio Hilario, Loreto Perez, Margarita Hilario and many others forcibly entered upon and occupied additional part of Lot No. 743, thereby dispossessing the tenants of Jose Rongo and Perpetuo Fuerto who are the registered owners and in possession thereof. Hence, he further prayed that the plaintiffs or petitioners be ordered to vacate the parts of the lot unlawfully entered upon

and occupied by them.

On 17 November 1956 Daniel Mercurio filed a complaint against Roman Toledo and Jose Rongo for the delivery to him (Mercurio) of his share of 70% of the palay produced as tenant of Felix P. Amante in a part of Lot No. 743 (CAR Case No. 178). Felix P. Amante appeared as an intervenor and asked for delivery of his share as landholder of petitioner Daniel Morcurio. Respondent Roman Toledo objected to the claim of the intervenor alleging that the petitioner was his tenant and not intervenor's.

On 3 January 1957 CAR case No. 220 was filed by Gervasio Hilario, Margarita Hilario, Agaton Francisco, Jovito Aguilar, Valentin Galida, Basilio de las Marias, Lorenzo Tuario, Aquilino Caballero, Felipe Ibañez, Nicolas Pisca, Bernardino Erillana, Loreto Perez, Alfredo Perez and Alfredo Manalo against Roman Toledo for the delivery to them as tenants of respondent Roman Toledo in Lot No. 743 of their shares in the harvest during the crop year 1956-1957. In his answer Roman Toledo admitted the tenancy relation between him and the plaintiffs and offered no objection to their prayer; whereas Felix P. Amante, Daniel Mercurio, Tereso Teologo, Eugenio Medina, Alejandro Quiatchon, Ceferino Quiatchon, Avelino Jeruta and Carlos Ocido appeared as intervenors and objected to the petition, alleging that Daniel Mercurio was the tenant of Felix Amante and other intervenors, of Jose Rongo in Lot No. 743.

From 13 to 16 March 1957 cases for reinstatement were filed and docketed in the same court as follows:

CAR Case No. 289 filed by Avelino Jeruta as petitioner against Loreto Perez, Porfirio Regalado, Nicolas Pisca, Lucio Balar and Roman Toledo as respondents;

CAR Case No. 293 filed by Alejandro Quiatchon as petitioner against Bernardino Erillana, Salvador Cuevas, Valentin Galida, Arturo Dulana, Alfredo Manalo, Agaton Francisco and Roman Toledo as respondents;

CAR Case No. 294 filed by Ceferino Quiatchon as petitioner against Felipe Ibañez, Emilio Osorio and Roman Toledo as respondents;

CAR Case No. 295 filed by Tereso Teologo as petitioner against Porfirio Regalado and Roman Toledo as respondents; and

CAR Case No. 296 filed by Eugenio Medina as petitioner against Porfirio Regalado and Roman Toledo as respondents.

All the petitioners in these last enumerated cases alleged, that they were tenants of Jose Rongo in Lot No. 743 but were dispossessed by the respondents. As stated at the beginning of this opinion, having failed to answer within the reglementary period the respondents were declared in default and the petitioners allowed to present their evidence.

In CAR Case Nos. 148, 172, 178 and 220, counsel for all the parties agreed during the trial that the evidence taken in one case will be deemed taken for all other cases. After trial the Court of Agrarian Relations, 8th Regional District, Bacolod City, rendered judgment the dispositive part of which is, as follows:

Wherefore, judgment is hereby rendered in the above-entitled Cases as follows: ;

(a) Declaring petitioner Jose Rongo (in CAR Case No. 148 and intervenor Felix P. Amante (in CAR case No. 178) to be the lawful landholders vested by law with the right and authority to, appoint and place tenants on the lot in question;

(b) Declaring respondent Bernardino Erillana (in CAR Case No. 148) to be the tenant of the petitioner Jose Rongo (in CAR Case No. 148) on the lot in question during the crop year 1956-1957; and ordering the respondent to vacate the landholding and to deliver to the petitioner the quantity of 42,180 cavans and .54907

kilos of palay as the latter's share in the produce of the respondent during the crop year 1956-1957. The claim of the petitioner for his share in the corn produce of the respondent in the crop year 1955-1956, and the counterclaim of the respondent against the petitioner for moral damages and attorney's fees are hereby dismissed for lack of sufficient evidence;

(c) Dismissing the complaint of petitioners Loreto Perez, Bernardino Erillana, Gervasio Hilario and Margarita Hilario against respondents Roman Toledo and Jose Rongo (in CAR Case No. 172) for lack of jurisdiction, there being no tenancy relationship between the parties.

(d) Dismissing the complaint of petitioner Daniel Mercurio against respondents Roman Toledo and Jose Rongo (in CAR Case No. 178) for lack of jurisdiction, there being no tenancy relationship: between the parties; and declaring the petitioner to be the tenant of interveror Felix P. Amante (in CAR Case No. 178) on the let in question during the crop year 1956-1957; and ordering the petitioner to deliver to the intervenor the quantity of 8,946 cavans and 11,622 kilos of palay as the latter's share in the produce in the crop year 1956-1957;

(e) Dismissing the complaint of petitioners Gervasio Hilario, Margarita Hilario, Agaton Francisco, Jovito Aguilar, Valentin Galida Basilio de las Marias, Lorenzo Tuaro, Aquilino Caballero, Felipe Ibañez, Nicolas Fisca, Bernardino Erillana, Loreto Perez, Alfredo Manalo, and Alfredo Perez against respondents Roman Toledo (in CAR Case No. 220) for lack of jurisdiction, there being no tenancy relationship between the parties; and declaring tenants-intervenors Daniel Mercurio, Tereso Teoloso, Eugenio Molina, Alejandro Quiatchon, Ceferino Quiatchon, Avelino Jeruta, Carlos Ocido (in CAR Case No. 220). Jorge Rongo, Amado Salavia, Josefino Torrecarion, Rodolfo Pasamante, and Dioscoro Tamayo to be the lawful and De jure tenants of Jose Rongo and Felix P. Amante of the landholdings on the lot in question as shown in the parcellary plan (Exh. X) during the crop years 1956-1957 and 1957-1958;

(f) Ordering the respondents Loreto Perez, Porfirio Regalado, Nicolas Pisca, Lucio Balar, Bernardino Erillana, Salvador Cuevas, Valentin Galida, Arturo Dulana, Alfredo Manao, Agaton Francisco, Felipe Ibañez, Emilio Osorio, Melicio (Hospicio) Tenerife, and Roman Toledo (in CAR Cases Nos. 289, 293-296) to vacate the landholdings of petitioners Avelino Jeruta, Alejandro Quiatchon, Ceferino Quiatchon, Tereso Teologo, Eugenio Medina (in CAR Cases Nos. 289, 293-296), tenants intervenors Daniel Mercurio, Carlos Ocido (in CAR Case No. 220), Jorge Rongo, Amado Salavia, Josefino Torrecarion, Rodolfo Pasamante, and Dioscoro Tamayo and to maintain the latter in the peaceful possession of their landholdings on the lot in question;

(g) Declaring petitioners Basilio de las Marias and Lorenzo Tuaro (in CAR Case No. 220) to be the tenants of Felix P. Amante on the lot in question, during the crop year 1956-1957; and ordering them to vacate the landholding on the lot in question, and to deliver to Felix P. Amante the quantity of 30,518 cavans and 39,726 kilos of palay corresponding to the latter's share in the produce in the crop year 1956-1957;

(h) Ordering the liquidation of the produce of the tenants of Jose Rongo and Felix P. Amante (in CAR Cases Nos. 148, 178, 220) the lot in question during the crop years 1956-1957 and 1957-1958 on the basis of 70-30 of the net produce in favor of the tenants in accordance with the items of contribution of the parties;

(i) Ordering the delivery of the 70% shares (in CAR Cases Nos. 148, 178, 172, 220) of the following tenants in the produce during the crop years 1956-1957 and 1957-1958 as follows: Alejandro Quiatchon—126.072 cavans and 5,472.69 kilos, Bernardino Erillana —98.419 cavans and 1,281.12 kilos, Carlos Ocido—89.330 cavans and 2,602.35 kilos, Ceferino Quiatchon— 39.687 cavans and 2,604.80 kilos, Tereso Teologo—12.410 cavans and 633.78 kilos, Bienvenido. Eladier—53.595 cavans and 2,737.07 kilos, Jorge Rongo—63.745 cavans and 3,255.43 kilos, Amado Salavia—18.395 cavans and 939.44 kilos, Josefino Torrecarion—37.078 cavans and 1,893.55 kilos, Rodolfo Pasamante—28.545 cavans and 1,457.79 kilos, Daniel Mercurio—20.813 cavans and .275 kilos, Lorenzo Tuaro—71.208 cavans and 9,269.1 kilos, and Dioscoro Tamayo—93.041 cavans and 4,751.55 kilos;

(j) Ordering the delivery of the 30% share (in CAR Case Nos. 148, 172, 178, 220) of Jose Rongo in the produce of his tenants on the lot in question during the crop years 1956—1957 and 1957-1958 in the quantity of

243.123 cavans and 9.55849 kilos, and also the delivery of his own produce in the quantity of 30.752 eavans and 1.57048 kilos daring the crop year 1957-1958 on the lot in question;

(k) Ordering the delivery of the 30% shares (in CAR Cases Nos. 148, 172, 178, 220) of Felix Amante in the produce of his tenants on the lot in question during the crop years 1956-1957 and 1957-1958 in the quantity of 79.340 cavans and 2.54986 kilos;

(l) Declaring that the total quantity of palay due Jose Rongo, Felix P. Amante and their tenants (in CAR Cases Nos. 148, 172, 178, 220) amounted to 936.926 cavans and 39.72043 kilos, standard measurement, to be taken from the palay deposited in the Irabela and San Enrique FACOMAS of which they had already withdrawn 446 cavans and 24.260 kilos, thereby leaving a balance of 490.926 cavans and 15.46043 kilos still due;

(m) Declaring that this Court has no jurisdiction to liquidate the produce during the crop year 1956-1957 of the following third parties (in CAR Cases Nos. 172, 220) who are not tenants on the lot in question, namely: Loreto Perez—48.358 cavans and .63087 kilos, Margarita Hilario—26.358 cavans and 34310 kilos, Melicio Tenerife—33.536 cavans and 17619 kilos, Porfirio Regalado—45.438 cavans and .59147 kilos, Valentin Galida—26.404 cavans and 34370 kilos, Emilio Osorio—28.603 cavans and 34232 kilos, Lucio Balar -38.602 cavans and 50248 kilos, Aquilino Caballero—54.587 cavans and 71005 kilos, Felipe Ibañez—51.288 cavans and 66762 kilos, Nicolas Pisca (& Roman Toledo)—67.341 cavans and 87658 kilos, Lorenzo Tuario—71.208 cavans and 92691 kilos, Conrado Gelogo —32.990 cavans and 42943 kilos, Arturo Dulana—28.466 cavans 37055 kilos, Alfredo Manalo—41.733 cavans and .54391 kilos Agaton Francisco—53.329 cavans and 69418 kilos, Roman Toledo— 56.659 cavans and 2.89355 kilos, and Aquilino Caballero—61.878 cavans and 3.16007 kilos;

(n) Declaring that the total quantity of palay due Roman Toledo, Aquilino Caballero, and their men including Bernardind Erillana and Lorenzo Tuario sided with Roman Toledo (in CAR Cases Nos. 172, 220) from the produce in the crop year 1956-195 amounted to 845.302 cavans and 15.1340 kilos, standard measurement, of which they had already withdrawn 275 cavans and 45,64 kilos, thereby leaving a balance of 569.302 cavans and 15.64940 kilos still due; '

(o) Ordering that the balance of 490.926 cavans and 15.46043 kilos still due Jose Rongo, Felix P. Amante and their tenants (in CAR Cases Nos. 148, 172, 178, 220), and the balance of 569.30 cavans and 15.64940 kilos still due Roman Toledo, Aquilino Caballero and their men (in CAR Cases Nos. 172, 220) be partly satisfied in palay to be taken from the produce left deposited in the Isabela and San Enrique FACOMAS and partly in cash to be charged against the accountable proceeds of P4,315.46;

(p) Ordering that the balance of 490.926 cavans and 15.46043 kilos of palay still due Jore Kongo, Felix P. Amante and their tenants (in CAR Cases Nos. 148, 172, 178, 220) be satisfied with the delivery of 319 cavans and 2.580 kilos taken from the palay left deposited, and the deficiency of 172.926 cavans" and 12.5804 kilos be paid in cash in the amount of P1,775.66 taken from the accountable cash proceeds;

(q) Ordering that the balance of 569.302 cavans and 15.64945 kilos of palay still due Roman Toledo, Aquilino Caballero and their men (in CAR Cases Nos. 172, 220) be satisfied with the delivery of 320 cavans and 2.580 kilos taken from the produce left deposited, and the deficiency of 249.302 cavans and 13.06940 kilos be paid in cash in the amount of P2,539.80 taken from the accountable cash proceeds;

(r) Ordering the discharge of the surety bonds executed by the parties (in CAR Cases Ncs. 172, 178, 220) as security for the palay withdrawn by them from Isabela and San Enrique FACO- MAS; and

(s) Ordering the dismissal of the claims of the parties against each other for damages and attorney's fees (in CAR Cases Nos, 148, 172, 178, 220, 289, 293-296) for lack of sufficient evidence,

SO ORDERED.

Hence, this appeal.

On 19 February 1960 by resolution of this Court the petitioners were allowed to litigate as paupers and the appeal given due course.

The petitioners in their appeal assign twelve errors! allegedly committed by the respondent Court of Agrarian Relations, to wit:

- The respondent Court erred in assuming jurisdiction over former civil case (8806) and declaring boldly that on October 20; 1936, Silvestra Lubrico and her husband Gregorio Armenio sold all their 9 parcels of land aforementioned to Jose Rongo and Perpetuo Puerto and making conclusion therein that the balance unpaid amounting to P28,000 was made subsequently, thereby making a new decision over the ownership of the parcels of land in question, specially that this matter is sub judice in Civil Case No. 3801, now pending before the Court of Appeals, (Pp. 7-10, Decision)
- The respondent court (CAR) erred in declaring that civil case No. 8806 was dismissed by the Court of First Instance of Negros Occidental on February 14, 1947, when said incident is now one of the subjects in Civil Case No. 3801, pending before the Court of Appeals, and in not holding that the case is sub judice, and that the respondent Court has no jurisdiction to pass judgment on the legality or finality of the decision of the ordinary court over the titles of the land including Lot No. 743, from where the palay in question has been raised, (p. 15, Decision).
- The respondent Court (CAR) erred in holding that Roman Toledo and Aquilino Caballero in May, 1955, occupied and took possession of a portion of four (4) hectares of Lot No. 743, in knowingly open contradiction of the complaint for forcible entry Case No. 3564 (Exh. 1—Toledo) filed by respondents Jose Kongo and Perpetuo Puerto, while same respondent Court admitted that said forcible entry case was dismissed by the Court of First Instance on July 3, 1959 (Exh. 2—Toledo, pp. 15-16, Decision).
- The respondent Court erred in not holding that Roman Toledo and Aquilino Caballero are in possession of the whole Lot No. 743 in question, for purposes of the tenancy law and in not holding that the tenants of Roman Toledo and Aquilino Caballero, co-petitioners herein, are the tenants of the Lot No. 743 in question and that this situation must be maintained in status quo until the issues of possession and of ownership in forcible entry case No. 3564 and civil case No. 3801, respectively, shall have been determined by the appellate court.
- The respondent Court erred in holding that sections 7 and 21 of R. A. No. 1409 work against petitioners, Roman Toledo and Aquilino Caballero, including their tenants, when in fact these sections work in favor of said petitioners and should be valid grounds in not entertaining the claim of Jose Rongo and Perpetuo Puerto (pp. 30-31, Decision).
- The respondent Court erred in holding that the pendency of forcible entry Case No. 3564, involving the possession of Lot No. 743, does not preclude any claim of adverse possession of Jose Rongo and Perpetuo Puerto, and in not dismissing their respective complaints and interventions for want of jurisdiction.
- The respondent Court erred in not recognizing Roman Toledo and Aquilino Caballero, as the landlords and the co-petitioners herein as their tenants in Lot No. 743, and in not dismissing the claims of Jose Rongo and Perpetuo Puerto and the latters pretended tenants therein.
- The Court erred in allowing the admission of the intervention of Jose Rongo, Felix P. Amante, in Case No. 220 and in not dismissing Cases Nos. 289, 293, 294, 295 and 296 for want of jurisdiction.
- The respondent Court erred in partly awarding some produce of the palay to Jose Kongo, Perpetuo Puerto and

Felix P. Amante and their pretended tenants (petitioners in CAR Cases Nos. 148, 178, 289, 293, 294, 295 and 296) and partly to Roman Toledo and Aquilino Caballero and the latter tenants, when the evidence, discloses that the latter are and have been in possession of the land in question (Lot No. 743) even assuming only, from 1955, when the forcible entry case was filed.

- The respondent Court erred in not giving all the palay raised in Lot No. 743 from all the harvest since 1956 and until now to Roman Toledo, Aquilino Caballero and their tenants, co-petitioners in CAR Cases Nos. 172, 178 and 220.

- The respondent Court erred in not declaring that it had no jurisdiction in entertaining the intervention filed by Jose Rongo, Perpetuo Puerto, Felix P. Amante and their pretended tenants CAR Case No. 220, (and) as well as in allowing the admission of CAR Cases Nos. 289, 293, 294, 295 and 296; in denying the motions for dismissal filed by Roman Toledo, Aquilino Caballero and their tenants, and in declaring the petitioners in these cases in default in spite of non-receipt of any order relative to their motion for reconsideration.

- The Court erred in not declaring that the evidence adduced during the hearing indicates that herein appellants have proven their case with preponderance in their favor.

Aware of its limited jurisdiction, the respondent court did not pass upon the matter of ownership of title to the land in litigation. All it did was to determine the legal possession of the land in controversy and ascertain who was the landholder. And in so doing, it could take into account the fact that respondents Jose Rongo and Perpetuo Puerto are the registered owners of Lot No. 743, as evidenced by transfer certificate of title No. RT-8334 (31039) issued in their names (Exhibit A-Rongo), in lieu of original certificate of title No. 30617 issued in the name of Silvestra Lubrico (Exhibit B-Rongo), their predecessors-in-interest.

The respondent Court of Agrarian Relations is by law vested with the "original and exclusive jurisdiction to consider, investigate, decide and settle all questions, matters, controversies or disputes involving all those relationships established by law * * *" which, of course, include dispossession of the tenanted agricultural land committed by third parties. [1] Hence, as all these cases are about tenancy the respondent court is the only court that can take cognizance of them, regardless of the fact that there is an action of forcible entry brought involving controversy on possession of the land subject of the action.

The respondent court committed no reversible error in allowing the intervention of certain parties and ordering the dismissal of the other cases, it appearing that the intervenors have an interest in the subject-matter of the litigation and that the claims dismissed by the respondent court were untenable. By allowing parties to intervene, multiplicity of suits are avoided.

The other errors assigned by the appellants raise questions of facts. The review by this Court of such questions "shall be limited to * * * findings of fact when the decision is not supported by substantial evidence." [2] Such is not the review asked by the appellants.

The judgment appealed from is affirmed, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Reyes, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] Section 21, Republic Act No. 1199, and Section 7, Republic Act No. 1267, as amended by Republic Act No. 1409.

[2] Section 13, Republic Act No. 1267, as amended by Republic Act No. 1409.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.