

**LUCIANO VALENCIA AND FRANCISCO OCAMPO, PETITIONERS, VS.  
HON. JOSE T. SURTIDA, JUDGE OF THE COURT OF FIRST INSTANCE  
OF CAMARINES SUR, AND RUFINA SUBASTIL, RESPONDENTS.***G.R. No. 17277. May 31, 1961*

Ponente: CONCEPCION, J.

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Original action for a writ of certiorari to annul a decision and an order issued by respondent, Hon. Jose T. Surtida, as Judge of the Court of First Instance of Camarines Sur, in Civil Case No. 4457 thereof, entitled "Rufina Subastil vs. Luciano Valencia and Francisca Ocampo".

In the complaint filed therein, on or about February 14, 1959, Rufina Subastil, the main respondent herein, alleged that she is the owner and possessor of a riceland situated in Sampaloc, Gainza, Camarines Sur, and more particularly described in said pleading; that, at the inception of the agricultural season, sometime in July, 1950, defendants therein, namely, Luciano Valencia and Francisco Ocampo, husband and wife, who are petitioners herein, entered into a verbal contract with her whereby they agreed to cultivate the southern portion of said lot and pay her five (5) cavanese of clean palay, by way of rental for each agricultural year; and that, after complying with this obligation during the year 1950-1951, petitioners thereafter failed and refused to do so, as well as to vacate the land, despite repeated demands, for which reason Rufina Subastil prayed that petitioners be sentenced to vacate the land and deliver the same to her, as well as to pay her the equivalent of the unsatisfied rentals and those which may accrue until possession shall have been given to her, in addition to P500 as moral, actual and consequential damages, P200 as attorney's fees and the costs.

Not having filed a responsive pleading, petitioners were declared in default on August 24, 1959. Respondent Judge then received the evidence for Rufina Subastil, and later on, rendered judgment, on or about October 27, 1959, finding that petitioners were, since 1950, tenants of Rufina Subastil under a 70-30 sharing basis, representing five (5) cavanese of palay a year for her, which were paid by petitioners during the agricultural year 1950-1951, but not subsequently thereto, and sentencing petitioners to vacate the land and to pay P400.00, as well as the costs, to Rufina Subastil.

Petitioners moved for a reconsideration of said decision upon the ground: (a) that the Court had no jurisdiction over the subject matter of the action, the same being exclusively cognizable by the Court of Agrarian Relations; (b) that defendants' failure to file their answer was due to fraud, accident, mistake or excusable negligence because, when the papers, presumably consisting of the summons and the complaint, were delivered to petitioner Luciano Valencia around May, 1959, he was bed-ridden, suffering great pains due to a fallen log that had rolled over his legs and broken the same—as attested to by a physician whose certificate was appended to said motion—because of which, he and his wife forgot all about said papers and were unable to answer the complaint; and (c) that petitioners have a good and valid defense in that they have proof—consisting of a document executed on August 11, 1892 in favor of their parents, as well as several tax declarations and tax receipts from 1949 to

1953—showing that the land in question is theirs.

This motion for reconsideration was denied, and, soon thereafter, respondent Judge issued an order directing the execution of said decision, whereupon petitioners instituted this action for certiorari upon the ground that the Court of First Instance of Camarines Sur had no jurisdiction over said case No. 4457, it appearing on the face of the complaint therein that its purpose was to eject the petitioners as tenants of an agricultural land and respondent Judge having, in his aforementioned decision, ordered the ejectment of petitioners herein as such tenants of an agricultural land, which is within the exclusive competence of the Court of Agrarian Relations.

In their answer, respondents herein alleged, inter alia, that there could have been no tenancy relationship between petitioners herein and Rufina Subastil because petitioners asserted in their motion for reconsideration that the land in question belongs to them; that, assuming that said relationship had existed, non-compliance with the conditions thereof terminated said relationship; and that, in any event, Republic Act No. 1199, which took effect on August 30, 1954, is inapplicable to the parties in said Case No. 4457, their relationship as landlord and tenants having begun prior thereto.

Respondents' pretense is clearly untenable for Civil Case No. 4457 was begun on or about February 14, 1959, when Republic Act No. 1199 was already in force. The application of this statute to said case would, therefore, be prospective in nature, aside from the fact that it is already settled that laws enacted in the exercise of the police power, to which said Act belongs, may constitutionally affect tenancy relations created before the enactment or effectivity thereof (*Viuda de Ongsiako vs. Gamboa*, 86 Phil., 50; 47 Off. Gaz., [11] 5613).

Again, respondent Judge having found that petitioners are tenants of an agricultural land, it is clear that their ejectment is beyond the jurisdiction of the Court of First Instance of Camarines Sur (*Bakit vs. Asperin*, 111 Phil., 923), for pursuant to section 21 of Republic Act No. 1199:

"All cases involving the dispossession of a tenant by the landholder or by a third party and/or the settlement and disposition of disputes arising from the relationship of landholder and tenant, as well as the violation of any of the provisions of this Act, shall be under the original and exclusive jurisdiction of such court as may now or hereafter be authorized by law to take cognizance of tenancy relations and disputes."

and Republic Act No. 1267, creating the Court of Agrarian Relations, provides, in section 7 thereof, as amended by Republic Act No. 1409, that:

"The Court shall have original and exclusive jurisdiction over the entire Philippines, 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: Provided, however, That cases pending in the Court of Industrial Relations upon approval of this Act which are within the jurisdiction of the Court of Agrarian Relations, shall be transferred to, and the proceedings therein continued in, the latter court."

Wherefore, the decision complained of is hereby annulled, with costs against respondent Rufina Subastil. It is so ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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