

DALMACIO DADURAL, JOSE RAGUDO AND CATALINA DOYANEN, PETITIONERS, VS. THE COURT OF AGRARIAN RELATIONS AND ARMANDO LIM, RESPONDENTS.

G.R. No. 18120. April 29, 1964

Ponente: PADILLA, J.

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PADILLA, J.:

As an aftermath of the judgment and resolution rendered and passed by this Court on 31 October, and 18 November, 1960, respectively, in the case of Joaquin Ulpiendo, Vicente Joves, Dalmacio Dadural, Catalina Doyanen and Jose Ragudo, petitioners, vs. The Court of Agrarian Relations, Armando Lim and Pedro de la Cruz, respondents, G.R. No. L-18891, 31 October 1960, the petitioners in said case, together with Jose Layno, filed with the respondent Court of Agrarian Relations a "Motion for Issuance of a Supplemental Order and thereafter for a Writ of Execution" dated 13 December 1960. In their motion the petitioners prayed the respondent Court to order the respondent landholder to deliver to them their respective shares in the agricultural years from 1956 to 1960 harvests stored in the warehouse of the respondent landholder and that the agricultural year 1960-1961 crop of palay to be reaped or harvested be divided or liquidated at a ratio of 70/30 for the petitioners and landholder, respectively.

On 24 January 1961, the respondent Court denied the motion for execution in so far as the herein petitioners are concerned, for the reason that the respondent Court had nothing to execute and that it had no jurisdiction over the petitioners, because they were found by the Supreme Court, in G.R. No. L-13891 referred to above, not to have any tenancy relation with the respondent landholder, and for that reason the determination and delivery of their respective shares in the agricultural year 1956-1967 harvest is within the jurisdiction of the courts of general jurisdiction. Jose Layno having been recognized as tenant by the respondent landholder, and Joaquin Ulpiendo and Vicente Joves and the respondent landholder having amicably settled their dispute, were excluded from the respondent Court's resolution. A motion for reconsideration dated 3 February 1961 of the resolution just mentioned filed by the petitioners was denied on 9 February, 1961.

On 20 February 1961, after their prayer that they be allowed to litigate as paupers in this Court had been granted¹, they filed a petition for review of the resolutions of 24 January, and 9 February, 1961.

In brief, the herein petitioners contend that the respondent Court erred and abused its discretion in refusing to order what they had prayed for in their motion, claiming that part of the judgment rendered by the respondent Court on 22 July 1957 ordering delivery of the shares of the herein petitioners stored in the warehouse of the respondent landholder had not been set aside and altered or modified by the respondent Court's resolutions of 26 November 1957 and 21 April 1958 and by the judgment and resolution of this Court of 31 October, and 18 November, 1960.

The delivery ordered by the respondent Court's judgment rendered on 22 July 1957 was predicated on the finding that the herein petitioners Dalmacio Dadural and Catalina Doyanen had been tenants of the respondent landholder

since 1953 and the petitioner Jose Ragudo since 1956. In the subsequent resolution of 26 November 1957, the respondent Court found that the herein petitioners had had no agricultural tenancy relationship with the respondent landholder. The existence of that agricultural tenancy relationship upon which was predicated the delivery ordered by the respondent Court in its judgment rendered on 22 July 1957 having been found by the respondent Court not to exist or not to have existed¹ in its resolution of 26 November 1957, the delivery ordered by the judgment rendered on 22 July 1957 was a consequence set aside.

The resolutions appealed from or under review may be harsh upon the herein petitioners who should not be compelled to resort to the regular courts of competent jurisdiction, but lack of jurisdiction of the respondent Court to order what the herein petitioners had asked being the ground of the denial of the herein petitioners' motion, there seems to be no other alternative but to affirm the resolutions under review.

The resolutions under review are affirmed. No special pronouncement as to costs.

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

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