

**SIMPLICIO ALVAREZ, PETITIONER, VS. HON. SIXTO R. GUANZON,
JUDGE OF THE MUNICIPAL CIRCUIT COURT OF
MURCIA--PULUPANDAN AND THE SPOUSES LUIS ACOT AND PURITA
BLANCA ACOT, RESPONDENTS.**

G.R. No. 51901. August 31, 1984

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

This Petition for Certiorari seeks to annul the Orders of respondent Municipal Circuit Court Judge, in an Ejectment Case filed by private respondents against petitioner, deny-ing for lack of merit petitioner's Motion to Dismiss and Motion for Reconsideration, respectively, based on the ground that the Municipal Court lacks jurisdiction over the subject matter of the case.

It was on May 8, 1977 when Luis and Purita Acot (SPOUSES), private respondents herein, filed a Complaint for Illegal Detainer with Damages against Simplicio Alvarez (PETITIONER) with the Municipal Court of Murcia, Negros Occidental (EJECTMENT CASE). They alleged that, sometime in 1972, they had acquired ownership over 5.41 hectares of agricultural land planted to sugarcane and situated in Cansilayan, Murcia, Negros Occidental (Lot No. 421-A); that prior to their acquisition of ownership, or on July 1970, PETITIONER had entered into a civil lease with their predecessor-in-interest over 4.25 hectares of the said lot, at a rental of P1,487.50 for each crop year, which contract of lease expired in October 1976; that notwithstanding expiry of the lease and the SPOUSES' repeated demands, PETITIONER refused to vacate, claiming that he was an agri-cultural tenant.[1]

In an Order dated June 21, 1977, the Municipal Court, at petitioner's instance, referred the Complaint to the Department of Agrarian Reform. Initially, said Department certified the case as improper for trial; but upon a re-investigation sought by the SPOUSES, an Amended Certification was issued on July 17, 1978 declaring the case as proper for trial.[2]

While the case was pending re-investigation, a Complaint for "Maintenance of Status Quo and Fixing of Rentals" was filed on January 6, 1978 by PETITIONER against the SPOUSES with the Court of Agrarian Relations (CAR), Bacolod City (AGRARIAN CASE), alleging that he had always been a tenant, personally cultivating 4 hectares of the said lot since 1967 with the aid of the members of his family and paying rentals at 50 cavans of palay per crop year; that in 1970, he planted sugarcane on the half portion of said lot with the consent of the previous owner and was made to pay a fixed rental; that in April, 1977, the SPOUSES demanded possession of the lot but he refused to vacate as the said lot was his only source of income since he had no other real property.[3]

In answer, the SPOUSES denied the existence of tenancy, alleging instead a civil lease covered by a contract which stipulated that the leased premises should be devoted sole-ly to sugarcane; that the annual rental was P1,487.50 with-out any sharing in the produce; that the contract of lease expired on October 15, 1976 and had not been extended; and that after the expiration of the lease, the PETITIONER, without authority, planted palay in

violation of the lease contract. A Motion to Dismiss filed by the SPOUSES was denied by the CAR pursuant to Section 17 of P.D. No. 946 providing that no motion to dismiss shall be entertained at any stage of the proceedings.[4]

Meanwhile, in the EJECTMENT CASE, an Answer was filed by PETITIONER contending that the Municipal Circuit Court had no jurisdiction over the controversy since an agricultural tenancy relationship was involved and that another action, the AGRARIAN CASE, was pending between the same parties; that PETITIONER refused to vacate the landholding because he enjoys security of tenure, which subsists notwithstanding the expiration of the lease contract or the change of ownership. Subsequently, PETITIONER filed a Motion to Dismiss reiterating his allegations in the Answer; contending that the cause of action of the parties would be fully ventilated and adjudicated in the AGRARIAN CASE; and stressing the original and exclusive jurisdiction of the CAR pursuant to Section 12 (a) of P.D. No. 946. In opposing dismissal, the SPOUSES argued that the ejectment of a civil law lessee from an agricultural land is outside the jurisdiction of the CAR especially taking into account the certification by the Department (now Ministry) of Agrarian Reform that the case was a proper one for trial.

As stated earlier, respondent Municipal Circuit Court denied the Motion to Dismiss as well as the Motion for Reconsideration filed subsequently.

Unsuccessful in his bid for dismissal before that Court, PETITIONER instituted these Certiorari proceedings. We issued a Temporary Restraining Order enjoining respondent Municipal Judge from proceeding with the hearing of the EJECTMENT CASE, and subsequently gave due course to the Petition.

At issue is, which Court has jurisdiction over the subject matter of the case, the Municipal Circuit Court or the Court of Agrarian Relations?

The EJECTMENT CASE filed by the SPOUSES assumed that a civil lease was involved. On the other hand, the AGRARIAN CASE instituted by PETITIONER was predicated on the theory that an agricultural tenancy relationship existed between the parties.

We note that in the contract of lease signed by PETITIONER[5], he had bound himself to devote the leased premises solely for sugarcane production. However, sometime after the lease contract had expired, PETITIONER converted the land to palay without any previous authority from the SPOUSES.[6]

The question of jurisdiction lends itself easily to solution considering the Amended Certification issued by the Department of Agrarian Reform, upon referral to it of the case by the Municipal Circuit Court, that the case is proper for trial. The penultimate and last paragraphs of Section 12 of P.D. No. 946 explicitly provide for such a referral precisely to determine preliminarily the relationship between the contending parties. Thus,

"No Judge of the Courts of Agrarian Relations, Courts of First Instance, municipal or city courts, or any other tribunal or fiscal shall take cognizance of any ejectment case or any other case designed to harass or remove a tenant of an agricultural land primarily devoted to rice and/or corn, unless certified by the Secretary of Agrarian Reform as a proper case for trial or hearing by a court or Judge or other officer of competent jurisdiction, and if any such case is filed, the case shall first be referred to the Secretary of Agrarian Reform or his authorized representative in the locality for a preliminary determination of the relationship between the contending parties. If the Secretary of Agrarian Reform or his authorized representative in the locality finds that the case is a proper case for the Court or Judge or other hearing officer to hear, he shall so certify and such court, Judge or other hearing officer may assume jurisdiction over the dispute or controversy.

"The preliminary determination of the relationship between the contending parties by the Secretary of Agrarian Reform or his authorized representative, is not binding upon the court, judge or hearing officer to

whom the case is certified as a proper case for trial. Said court, Judge or hearing officer, after hearing, may con-firm, reverse or modify said preliminary determination as the evidence and substantial merits of the case may warrant."

Where referral is made by a Court of general juris-diction and the certification is that the case is proper for trial, it means that the case is not an agrarian one involving tenancy relationship between the contending parties triable by the Court of Agrarian Relations and that the civil Court can proceed to decide the case. As offi-cially interpreted, the effect of certification that the case is proper for trial or hearing is that the Judge or Fiscal shall assume jurisdiction over the controversy or dispute.[7] The Court does not lose nor is it deprived of its jurisdiction by a defense of tenancy but has the authority to hear the evidence for the purpose of determi-ning whether or not it has jurisdiction.[8]

The inevitable conclusion is that it is the respondent Municipal Circuit Court that should proceed and decide the case which, however, is not precluded from arriving at a finding different from that of the Department of Agra-rian Reform, as the evidence may warrant, pursuant to the provisions of P.D. 946 above quoted. When upon hearing, tenancy is shown to be the real issue, the Court should dismiss the case for want of jurisdiction.[9]

WHEREFORE, this Petition for Certiorari is hereby dismissed; the Temporary Restraining Order is hereby lifted; and this case is ordered remanded to the Municipal Circuit Court of Murcia-Pulupandan, for continuation of proceed-ings. No costs.

SO ORDERED.

Teehankee, Acting C.J., Plana, Relova, Gutierrez, Jr., and De La Fuente, JJ., concur.

[1] Original Record, p. 1.

[2] Ibid., p. 29.

[3] Ibid., p. 77.

[4] Ibid., p. 91.

[5] Annex "1", Answer.

[6] Rollo, pp. 20 & 83.

[7] DAR Memorandum Circular No. 29, Series of 1973.

[8] Concepcion vs. Presiding Judge, Branch V, CFI of Bulacan, 119 SCRA 222 (1982).

[9] Ignacio vs. Court of First Instance of Bulacan, 42 SCRA 89 (1971); Salandanan vs. Tizon, 62 SCRA 388 (1975).

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