

ANING SUCDAD AND MATHEW SUCDAD, JR., PETITIONER, VS. JUDGE SERGIO N. CRUZ, BRANCH II, AGRARIAN COURT, 2ND REGIONAL DISTRICT, AND ROBUSTIANO CHOY, RESPONDENTS.

G.R. No. 52171. August 24, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the jurisdiction of the municipal court or the Agrarian Court over the ejectment of Robustiano Choy, Chinese, who was the lessee since 1949 of a parcel of registered agricultural land, with an area of 27,005 square meters, located at Barrio Pico, La Trinidad, Benguet, and owned by Aping Sucedad and Mathew Sucedad, Jr.

On January 21, 1977, Choy filed in the municipal court of La Trinidad a forcible entry case against the Sucedads for having occupied through duress and stealth about one-half of said land. Sometime later on that same day, the Sucedads filed in the same court an unlawful detainer case against Choy on the ground that his right to occupy the land had expired. (Civil Cases Nos. 856 and 857.)

The two cases were consolidated. Long after the issues had been joined, Choy filed a motion to dismiss on the ground that the case falls within the jurisdiction of the Agrarian Court. The municipal court in an order dated January 17, 1979 allowed Choy to deposit the accrued rentals.

In its order of February 26, 1979, the municipal court directed that the cases be referred to the Ministry of Agrarian Reform pursuant to Presidential Decree No. 1038. The regional director of that Ministry in two certifications dated June 26, 1979 stated that the two cases were triable by the municipal court because the land involved was planted to vegetables and Choy was not a tenant-farmer.

The municipal court in its order of October 1, 1979 ruled that it would try the cases on the merits. In the meantime, or on August 27, 1979, Choy filed against the Sucedads in the Agrarian Court at San Fernando, La Union an action wherein he prayed that he be restored to the possession of the one-half portion of the disputed land which the Sucedads had forcibly occupied (Annex Z, pp. 139-143, Rollo). He asked for a writ of preliminary mandatory injunction.

After the Sucedads had filed their answer, or on December 6, 1979, the Agrarian Court issued a writ of preliminary mandatory injunction against the Sucedads. This is the order being assailed in this certiorari and prohibition case. Chief Justice Fernando issued a temporary restraining order on December 21, 1979 enjoining the enforcement of the mandatory injunction and the hearing in the Agrarian Court (p. 208, Rollo).

Choy also filed a petition for certiorari and prohibition in the Court of First Instance of Baguio and Benguet to restrain the municipal court from hearing the ejectment cases. The court issued a restraining order on May 22, 1980 (pp. 372, 414-415, Rollo).

We hold that the municipal court has jurisdiction over the ejectments suits. The controversy is not an agrarian dispute. The Agrarian Court has no jurisdiction over the case filed by Choy against the Sucedads. It should be

dismissed.

Choy's lease of the land from the Sucdads from 1949 to 1969 (20 years) was a civil lease, not an agricultural tenancy. The Ministry of Agrarian Reform correctly certified that the municipal court had jurisdiction over the ejectment suits.

WHEREFORE, the petition is granted. The restraining order of December 21, 1979 is made permanent. The writ of mandatory injunction issued by respondent Judge is set aside. The municipal court of La Trinidad is directed to hear the unlawful detainer and forcible entry cases. Costs against respondent Choy.

SO ORDERED.

Concepcion, Jr., Guerrero, Escolin, and Cuevas, JJ., concur.

Makasiar, J., (Chairman), on leave.

Abad Santos, J., reserves his vote.

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