

COSME LACUESTA, PLAINTIFF-APPELLANT, VS. BARANGAY CASABAAN, MUNICIPALITY OF CABANGAN, PROVINCE OF ZAMBALES, AND TEOFILO RONQUILLO, DEFENDANTS-APPELLEES.

G.R. No. 56540. October 31, 1984

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

This is an appeal certified to us by the then Court of Appeals as involving a pure question of law.

Plaintiff-appellant, Cosme Lacuesta, was the agricultural lessee of a landholding consisting of 1.6610 hectares, situated in Barangay Casabaan, Cabangan, Zambales. He was devoting a 5,000 square meter portion thereof to the planting of palay.

By virtue of expropriation proceedings against the landowners instituted by defendant-appellee, Barangay Casabaan (the Barangay, for short), before the Court of First Instance of Zambales (the Expropriation Case), the said Barangay was placed in possession of the same 5,000 square meter portion. Lacuesta was not a party in that case. The Barangay thereafter started converting the area into a public plaza and constructed a basketball court, a rural health center, a barangay hall and a stage.

While the Expropriation Case was pending, and claiming that he had been illegally deprived of the right to cultivate the portion expropriated, Lacuesta, litigating as a pauper, filed before the Court of Agrarian Relations of Zambales (CAR, for short), a Complaint for Reinstatement and Damages against the Barangay, represented by its Captain, Teofilo Ronquillo. Lacuesta claimed that the entry of the Barangay into the litigated portion without his consent was illegal as it deprived him of his right to continue with its cultivation and to earn an average annual income of 17.5 cavans of palay or its money equivalent, and that by reason thereof he suffered moral damages of P2,000.00.

In its Answer, the Barangay contended that the 5,000 square meter portion was upland, not suited for the planting of palay or corn, but for sugar cane, as shown by the Tax Declaration covering it; that it was awarded possession by virtue of a lawful Court Order in the Expropriation Case; and that Lacuesta's claim of an annual palay harvest of 17.5 cavans of palay is unfounded.

On July 17, 1980, the CAR rendered judgment dismissing the case essentially on the ground that for reasons of comity, it "may not interfere in the acts of another Court of equal rank, and who has first acquired jurisdiction over the expropriation case." The CAR further held that Lacuesta was not entitled to actual damages since the palay had already been harvested at the time of expropriation, nor to disturbance compensation since dispossession was not due to the causes enumerated in Section 36(1) of the Code of Agrarian Reforms (R.A. No. 3844).[1]

Lacuesta assailed that judgment before the then Court of Appeals claiming that it is the CAR "which has jurisdiction to determine whether (he) ha(d) the right to be re-instated in the cultivation of the landholding".[2]

He also cited Section 12(n) of P.D. No. 946, providing that the Court of Agrarian Relations has original and exclusive jurisdiction over:

"x x x

"(n) Expropriation proceedings for public purpose of all kinds of tenanted agricultural land, whether instituted by the State, its political subdivisions and instrumentalities, or corporations and entities authorized by law to expropriate."

The legal poser is, as between the Court of First Instance (CFI) and the Court of Agrarian Relations (CAR), which Court has jurisdiction over the expropriation of a tenanted landholding?

Although the above-quoted provision of P.D. No. 946 explicitly vests jurisdiction in the CAR, it should be noted that P.D. No. 946 became effective only on June 17, 1976 or posterior to the Expropriation Case instituted on October 8, 1975. Jurisdiction, therefore, vested in the Court of First Instance where we find that no irregularity had been satisfactorily established.

The reinstatement prayed for by Lacuesta is obviously impossible of accomplishment because the public plaza had been constructed and there is no longer any area he could still cultivate.

On the issue of damages, procedurally, that should have been more properly raised in the Expropriation Case, since it was the case first instituted and it was the CFI that had first acquired jurisdiction. The Barangay had raised that point in its "Opposition to Motion for Issuance of Restraining Order and/or Issuance of Preliminary Injunction" but it evoked no reaction from Lacuesta. On the other hand, the Barangay, too, can be faulted for not having included Lacuesta as a party in the Expropriation Case as required by Section 1, Rule 67 of the Rules of Court.

But procedural lapses should not prejudice Lacuesta, whose right to security of tenure as a tenant is, in our opinion, also entitled to protection even where the power of eminent domain is exercised. Although Lacuesta admits that he is not entitled to disturbance compensation because that is only granted to a tenant-agricultural lessee whose landholding has been converted by his landowner/lessor for non-agricultural purposes and not where a tenanted farm-holding is expropriated, yet, it is our opinion that Lacuesta should be entitled to some compensation for the deprivation of his farmholding. Since the amount Lacuesta claimed as damages in the Complaint has not been satisfactorily re-buffed, he may be awarded 17.5 cavans of palay or its money equivalent, for a period of five years, applying by analogy the same period granted in cases where payment of disturbance compensation is warranted.[3]

Lacuesta is not entitled to the moral damages that he prays for since it cannot be said that the Barangay had acted with malice and in bad faith.

WHEREFORE, the appealed judgment is hereby modified in that defendants-appellees shall pay plaintiff-appellant damages of 17.5 cavans of palay or its money equivalent in 1975, the year that expropriation took place, for a period of five years. No costs.

SO ORDERED.

Teehankee (Chairman), Plana, Relova, Gutierrez, Jr., and De la Fuente, JJ., concur.

[1] "Sec. 36. Possession of Landholding; Exceptions.

- Notwithstanding any agreement as to the period or future surrender, of the land, an agricultural lessee shall

continue in the enjoyment and possession of his landholding except when his dispossession has been authorized by the Court in a judgment that is final and executory if after due hearing it is shown that:

(1) The landholding is declared by the department head upon recommendation of the National Planning Commission to be suited for residential, commercial, industrial or some other urban purposes: Provided, That the agricultural lessee shall be entitled to disturbance compensation equivalent to five times the average of the gross harvest of his landholding during the last five preceding calendar years."

[2] Memorandum, p. 2.

[3] Section 36 (1), R.A. 3844, *supra*.

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