

ARTHUR BARANDA, CESAR BARANDA, GERONIMO APURA, NARITO ARANETA, ROGELIO SORIOSO, GREGORIO ARANO, WILFREDO DONASCO AND ERNESTO AUSMOLO, PETITIONERS, VS. NORBERTO PADIOS, IGNACIO P...*G.R. No. 61371. October 21, 1987*

Ponente: YAP, J.

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The issue litigated in this case is whether the municipal court has jurisdiction over a forcible entry and detainer case involving agricultural tenants.

A complaint for ejectment, with prayer for temporary, restraining order, dated June 5, 1982, was filed by private respondents Roberto Padios, et al., as plaintiffs, and petitioners Rogelio Sorioso, et al., as defendants, before the municipal court of Barotac Viejo, Iloilo, docketed as Civil Case No. 37. The complaint alleged that plaintiffs were among nine (9) tenants of a 33-hectare parcel of land belonging to the Philippine National Bank situated Barrio Vista Alegre, Anilao, Iloilo, each of whom occupying and cultivating portions of the land ranging from 4.5 hectares to 3/4 hectares in area, aggregating a total of 20 hectares, more or less, devoted to rice and corn; that their possession of the area claimed by them were recognized and sanctioned by an order of the Court of Agrarian Relations of Iloilo in CAR Cases Nos. 4046, 4107-4117; that sometime in April 1982, the defendants by means of force and intimidation forcibly dispossessed plaintiffs of the areas cultivated by them. On June, 1982, the municipal court issued an ex-parte temporary restraining order, enjoining the defendants from interfering and disturbing the peaceful possession of their respective areas. On June 17, 1982, the defendants filed a motion to dismiss on the ground that the case involved agricultural tenancy and therefore not within the jurisdiction of the municipal court, and that a case was pending before the Court of Agrarian Relations involving the same subject matter, the same parties and issues, the very case cited by plaintiffs in their complaint; defendants further prayed for the dissolution of the temporary restraining order. On July 29, 1982, the municipal court ordered the complaint temporarily dismissed a lifted the temporary restraining order, but on motion of the plaintiffs the court on August 2, 1982 reconsidered said order and reinstated the complaint together with the temporary restraining order. Hence, the defendants filed the instant petition for certiorari, mandamus, prohibition and injunction with prayer for temporary restraining order. On December 6, 1982, the petition was given due course and the parties required to submit simultaneous memoranda.

We find the petition meritorious. The fact that the parties are agricultural tenants is not disputed. As a matter of fact, private respondents are the plaintiffs in a case pending before the Court of Agrarian Relations of Iloilo, docketed as CAR Cases Nos. 4046, 4107-4117, Iloilo-1979, entitled "Roberto Padios, et al. vs. Philippine National Bank," in which the petitioners herein were allowed to intervene as parties intervenors, having been adjudged bona fide tenants of the same land in CAR Case No. 4048. This being so, the Court of Agrarian Relations has exclusive and original jurisdiction to take cognizance of and to try the case. Moreover, as correctly pointed out by petitioners, Section 1 of Rule 70 of the Rules of Court explicitly provides that said rule shall not

apply to cases covered by the Agricultural Tenancy Act.

Accordingly, we grant the petition and set aside the questioned Order of the respondent municipal court and order said court to desist from entertaining the complaint filed by private respondents, docketed as Civil Case No. 37. Costs against private respondents.

SO ORDERED.

Melencio-Herrera, Paras, Padilla, and Sarmiento, JJ., concur.

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