

MAXIMO AQUINO, PETITIONER, VS. INTERMEDIATE APPELLATE COURT, PEDRO PERALTA AND LOLITA PERALTA, RESPONDENTS.

G.R. No. 65102. September 28, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

The question in this case is whether the Urban Land Reform Law bars the ejectment of the Peralta spouses from a 50-square meter portion of a lot located at 31 19th Avenue, Cubao, Quezon City, considering that the owner, Maximo Aquino, would construct on the lot a five-door apartment to be used by his five married children who reside in rented houses.

That small portion was leased to Maximo Siobal in writing at ten pesos a month (p. 134, Rollo). However, the parties and the lower courts assumed that the lease was for fifteen years and that the real lessee was Exequiel Peralta, Siobal's uncle, who allegedly built thereon a house. Exequiel sold the house in 1967 to another nephew, Pedro Peralta, who supposedly had been staying with him since 1962.

Aquino refused to extend the lease when it expired in 1975. But upon the pleading of Peralta's wife, the lease was extended to February 18, 1976. Other occupants of the lot had voluntarily vacated it.

After the expiration of the additional one-year period, Aquino made demands upon the Peraltas to vacate the lot. Since they refused to restore possession of the lot, he sued them for ejectment in the city court on January 2, 1980. The city court, and later, the Regional Trial Court, ordered the Peraltas to vacate the lot. They found the ejectment to be justified under section 5(c), Batas Pambansa Blg. 25.

The Peraltas appealed to the Intermediate Appellate Court which held that the ejectment was not sanctioned by the Urban Land Reform Law which provides:

"SECTION 6. Land Tenancy in Urban Land Reform Areas. - Within the Urban Zones, legitimate tenants who have resided on the land for ten years or more, who have built their homes on the land, and residents who legally occupied the land by contract, continuously for the last ten years shall not be dispossessed of the land and shall be allowed the right of first refusal to purchase the same within a reasonable time and at reasonable prices, under terms and conditions to be determined by the Urban Zone Expropriation and Land Management Committee created by Section 8 of this Decree."

We hold that the instant case is not covered by the Urban Land Reform Law because 19th Avenue, Quezon City is not an urban land reform zone, or is not among the sixty-six blighted areas for priority development (APD) enumerated in Proclamation No. 1967 dated May 14, 1980, 78 OG 6809.

In No. 36, what is mentioned as a blighted area is "5th to 7th Avenue, an area composed of two blocks bounded on the north by Liberty Avenue, 5th Avenue on the west, Santolan Road on the south and on the east by 7th Avenue".

Moreover, the facts of this case indubitably show that the Peraltas are not the legitimate tenants envisaged in

section 6 of the law who can justifiably invoke the Urban Land Reform Law.

WHEREFORE, the judgment of the Appellate Court is reversed and set aside. The decisions of the city court and the Regional Trial Court are affirmed. Costs against the private respondents.

SO ORDERED.

Makasiar (Chairman), Abad Santos, Escolin, and Cuevas, JJ., concur.

Concepcion and Guerrero, JJ., on leave.

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