

PATRICIO MAGTIBAY, PETITIONER, VS. HON. FEDERICO C. ALIKPALA, ET AL., RESPONDENTS. TEODORA O. JULIANO, PETITIONER, VS. THE COURT OF AGRARIAN RELATIONS, ET AL., RESPONDENTS.

G.R. Nos. 17590 & 17627. November 29, 1962

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-17590/>

BAUTISTA ANGELO, J.:

Teodora O. Juliano is the owner of a parcel of rice land located in Calamba, Laguna, while Patricio Magtibay is her tenant therein under a verbal tenancy contract that began since 1957. On May 5, 1960, Magtibay wrote his landowner informing her that he was electing to convert their share tenancy into a leasehold tenancy and fixing the amount of rental he would pay for each agricultural year adding that his election was predicated on Section 14 of Republic Act No. 1199, as amended, which provides, among other things, that "The tenant shall have the right to change the tenancy contract from one of share tenancy to leasehold tenancy."

On May 16, 1960, the landowner, thru her lawyer, wrote Magtibay informing him that she regreted being unable to give her conformity to the conversion of their share tenancy relationship into one of leasehold until the courts shall have finally determined the validity of the portion of the law invoked by Magtibay in an appropriate proceeding which the landowner would shortly institute. Accordingly, on May 25, 1960, the landowner filed with the Court of First Instance of Laguna a petition, docketed as Civil Case No. B-252, for declaratory relief against Magtibay praying that that portion of Section 14 of the Tenancy Act which gives Magtibay the right to change his status from share tenant to that of lessee be declared unconstitutional and void.

In spite of the petition for declaratory relief filed by the landowner before the Court of First Instance of Laguna, Magtibay, the tenant, in turn filed with the Court of Agrarian Relations on June 6, 1960 a petition stating that he is a share tenant on a land about 1 1/2 hectares owned by Teodora O. Juliano to whom he served a written notice on May 5, 1960 of his intention to change their tenancy relationship to leasehold tenancy but that she answered, thru her lawyer, saying that she could not grant his desire for the reasons she stated therein, and so he asked that his landlord be compelled to agree to a leasehold tenancy and fix the number of cavans of palay he would have to pay as rental for the land. The petition was docketed as CAR Case No. 383.

On June 30, 1960, Magtibay filed in the case for declaratory relief (Civil Case No. B-252) a motion to dismiss contending, among others, that the court has no jurisdiction over the case because the same was instituted after the landlord had committed a breach or an actionable violation of the very provision of law whose construction or invalidation she was seeking by obstructing the lawful exercise by her tenant of a right given to him under it, aside from the fact that the issue of constitutionality of the assailed provision of law is but an incident to the controversy then pending between the same tenant and landlord before the Court of Agrarian Relations which case comes under the original and exclusive jurisdiction of the latter under Section 21 of Republic Act No. 1199 and Section 7 of Republic Act 1267.

After considering the motion to dismiss, the opposition thereto by the landlord, and the memoranda submitted by both parties, the Court of First Instance of Laguna denied the motion in an order issued on September 14, 1960. His motion for reconsideration having been denied, Magtibay filed a petition for certiorari with this Court contending that respondent judge committed a grave abuse of discretion or acted in excess of his jurisdiction in denying his motion to dismiss and so he prayed that the order of denial be set aside and that in the meantime a writ of preliminary injunction be issued to restrain said judge from proceeding with the petition for relief. This petition was docketed as G. R. No. L-17590.

In view of the pendency of the petition for declaratory relief in which the landowner raised the constitutionality of the pertinent portion of Section 14 of the Tenancy Act, which was invoked by the tenant in asking for the conversion of the share tenancy relationship to leasehold tenancy, the landowner, in her answer filed in the tenancy case then pending before the Court of Agrarian Relations (CAR Case No. 383), asked that the trial of said case be suspended until the validity of the challenged provision of the Tenancy Act is finally determined. And since notwithstanding this move the court apparently was bent on trying the case on the merits as shown by the fact that it set the case for hearing on August 5, 1960, the landowner filed on July 29, 1960 a petition squarely asking that the trial of the tenancy case be suspended in view of the pendency of the case for declaratory judgment before the Court of First Instance of Laguna.

After the hearing held on this petition wherein the landowner invoked the impropriety for the agrarian court to pass on the constitutionality of the provision of law in question after the Court of First Instance of Laguna had assumed jurisdiction over the petition for declaratory judgment, and after said court had denied the motion to dismiss filed therein, the agrarian court denied the motion to suspend trial filed by the landowner, setting the case again for trial on the merits. And when her second motion for suspension of trial was denied, the landowner filed with this court a petition for certiorari, also with preliminary injunction, imputing grave abuse of discretion to the agrarian court for having denied her motion to suspend trial in view of the pendency of the case for declaratory relief before the Court of First Instance of Laguna. This petition was docketed as G. R. No. L-17627.

Both petitions for certiorari, involving as they do the same parties and similar issues, are now the subject of this joint decision. In the meantime, this Court issued Writs of preliminary injunction prayed for to maintain the status quo of the two cases from which the two petitions originated.

One thing that should be emphasized is that, as early as May 5, 1960, the share tenant Patricio Magtibay informed his landowner Teodora O. Juliano of his decision to change the nature of their tenancy relationship from share tenancy to leasehold tenancy pursuant to the right granted to a tenant by Section 14 of Republic Act No. 1199, known as the Agricultural Tenancy Act. Instead of expressing her conformity to such desire, the landlord informed her tenant that she regretted her inability to give her approval to the conversion for she was then contemplating to raise the validity of the portion of the provision of law invoked by him in an appropriate proceeding which she was planning to institute shortly. Because of such refusal to agree to his desire as authorized by law, the tenant's counsel adopted the position that the landowner had committed a breach or an actionable violation of the very provision of law whose construction or invalidation she was precisely seeking by obstructing the lawful exercise by tenant Magtibay of the right given to him under it; and, therefore, the court of first instance can no longer assume jurisdiction over the case pursuant to Section 2 of Rule 66 of the Rules of Court which provides that "A contract or statute may be construed before there has been a breach thereof."

We agree to the position taken by counsel regarding the attitude adopted by the landlord concerning the request of the tenant to convert his tenancy relationship from share tenancy into leasehold tenancy, for, judging from the context of Section 14 of the Agricultural Tenancy Act, it is clear that the tenant is given the right to change his tenancy contract from one of share to leasehold tenancy upon his decision. The landlord, it is true, may dispute

such right if he so desires, but then he would run the risk of violating a specific provision of the law. In such eventuality, his remedy is not to file a petition for declaratory judgment, but wait until the case is brought before the Court of Agrarian Relations where he may resist the plea by invoking the invalidity of the law. And if his claim is ignored or overruled, he may bring the matter to the Supreme Court for final determination. We are, therefore, of the opinion that the Court of First Instance of Laguna acted improvidently, if not with grave abuse of discretion, in denying the motion to dismiss filed by the tenant in the case of declaratory judgment.

Since the tenant, consistent with his request for conversion, has filed a petition with the agrarian court seeking to compel his landlord to agree to his decision to convert his share tenancy into a leasehold tenancy, our opinion is that that court can pass upon the validity of the portion of the law disputed by the landowner as an incident of its jurisdiction over the tenancy case. In the event that the agrarian court should uphold the validity of the disputed provision upon the theory that a law is presumed to be constitutional, then the matter may be brought by the landowner to this Court for final determination. In this respect we find correct the following comment made by the Court of Agrarian Relations:

"Contrary to the contention of respondent, if Sec. 14 were to be declared constitutional in the declaratory relief proceedings before the Court of First Instance, the instant petition would have to be heard just the same to resolve certain questions of fact over which the Agrarian Court has exclusive jurisdiction. Those questions are: the date of effectivity of the change from sharehold to leasehold tenancy, depending on whether there is a written registered tenancy contract or whether the tenancy agreement is merely verbal; the amount of rental to be paid by the petitioner to the respondent, depending on whether the land is first or second class land and also on the amount of the production of the past three normal harvests after deducting the amount used as seedlings as well as the harvesting and threshing expenses. Incidentally, the latter question is quite involved and we have seen in many cases that the parties have disputed heatedly the question of rentals.

"As we see it, the only end which could be accomplished in the declaratory relief proceedings before the Court of First Instance is to test, in the first instance, the constitutionality of Sec. 14 and thereby pave the elevation of that constitutional question to the Supreme Court.

"This end, we believe, is not sufficient to justify noncompliance with the duty of this Court to decide or settle tenancy cases with dispatch.

"We arrived at the above conclusion not, as respondent fears, due to want of a 'sense of becoming modesty' or want of 'courtesy' to the Court of First Instance but due to the fact that should we proceed to hear the petition as now filed with this Court, the respondent will have the same opportunity of elevating that question of constitutionality to the Supreme Court.

"At any rate, the only serious objection which respondent could raise against the procedure of hearing the petition now filed with this Court pending final determination of the constitutionality of Sec. 14 is that this Court would have to declare or presume the said provision to be constitutional; that Sec. 14 would thus be enforced before final determination of its constitutionality. But if it should turn out to be so, the execution of the decision to be rendered by this Court could be stayed."

Wherefore, the petition in G. R. No. L-17590 is granted. The Court hereby sets aside the orders issued by respondent judge on August 8, 1960 and October 5, 1960. The writ of preliminary injunction issued by this Court on October 18, 1960 is declared permanent.

The petition in G. R. No. L-17627 is denied. The writ of preliminary injunction issued by this Court on October 31, 1960 is hereby dissolved.

No special pronouncement as to costs in both cases.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Regala, and Makalintal, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.