SUPREME COURT
SECOND DIVISION

VICENTE SALANDANAN,
***Petitioner*,**

-versus-

G.R. No. L-30290
February 24, 1975

HON. TITO V. TIZON, Judge of the Court of First Instance of Bataan, and ANTUSA M. MAGNO,
***Respondents*.**
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D E C I S I O N

FERNANDO, *J.*:

It was the failure of respondent Judge to accede to the plea of petitioner that a tenancy dispute being involved, the matter was beyond its jurisdiction, certainly an infirmity attended by fatal consequence, that led to the institution of this *certiorari* proceeding. For to ignore the clear legislative purpose of Congress in creating the

Court of Agrarian Relations and vesting it with full competence to pass upon and adjudicate on controversies of such character to the exclusion of ordinary tribunals would be to show less than full respect for the legislative power to create inferior tribunals and delineate the ambit of their power.[1] As if that were not enough, respondent Judge, again heedless of the procedural right to due process, an even more imperative requirement in litigation of this character, went ahead and decided the case in favor of private respondent, Antusa M. Magno, without according a hearing to petitioner. Our constant holding from the 1949 case of Ojo vs. Jamito,[2] to Jalandoni vs. Vinson,[3] decided only last October, leaves us no choice but to grant the remedy sought.

The facts are not in dispute. There was on Aril 25, 1967, a complaint for ejectment and recovery of possession filed by respondent Antusa M. Magno against petitioner in the Court of First Instance of Bataan presided by respondent Judge, the alleged cause of action being predicated on the sale and conveyance of what was denominated petitioner's "real right, interest and participation" over a parcel of land located at Culis, Hermosa, Bataan, and the sale of one male carabao.[4] In his responsive leading filed on June 22, 1967, petitioner set forth as a special and affirmative defense the allegation that he was as far back as 1960 "an agricultural leasehold tenant over the landholding in question," the rental being agreed upon at fifty cavans but that previous to the filing of the action, he had been agitating for the reduction of the annual rentals of the land without success, private respondent having warned him that if he persisted, she would get back the land if defendant insisted. The action therefore was one of harassment and one moreover beyond the jurisdiction of respondent Judge involving as it did a tenancy dispute.[5] What happened next was that on July 2, 1968, respondent Judge allowed private respondent to present her evidence ex parte before the Clerk of Court.[6] Instead of dismissing the case for lack of jurisdiction, respondent Judge went ahead and even decided the case in favor of private respondent, without petitioner being heard.[7] Respondent Judge specifically admitted the facts alleged, although he did sustain his jurisdiction. Private respondent qualified her admissions, but the substance of the above allegations remained uncontroverted. She, too, did argue for the competence of the respondent Judge.

Certiorari, as noted at the outset, is the appropriate remedy, the jurisdictional claim of respondent Judge being devoid of support in law.

1. A decision of recent date, Ferrer vs. Villamor,[8] recounted the background of tenancy statutes as well as the creation of the Court of Agrarian Relations to resolve disputes of such character. It was the realization of the need for specialized agencies to deal with the multi-faceted agrarian problems that led the then National Assembly under the 1935 Constitution to vest in the Department of Justice the determination of whether or not tenants could be dispossessed.[9] "Since then," as was stressed in Ferrer "the ordinary courts have been relieved of any responsibility and shorn of power where suits of this nature are concerned. This Tribunal, as already stated, has never betrayed reluctance or hesitancy in vigorously implementing such basic policy."[10] We start with Ojo vs. Jamito,[11] decided in 1949, where Justice Feria, as ponente, stated: "Act No. 461, as amended, which grants special jurisdiction to the Department of Justice to determine cases in which a tenant may be dispossessed by the landlord, being a subsequent special law, must be construed to have taken that jurisdiction out of the general jurisdiction of the Court of First Instance. There is no doubt that Congress has power to diminish the jurisdiction of the Court of First Instance, and confer the jurisdiction in question upon the Department of Justice, and the Court of Industrial Relations. Section 3, Article VIII of the Constitution empowers the Congress to define, describe and apportion the jurisdiction of the various courts, with the only limitation that it can not derive the Supreme Court of its appellate jurisdiction over the cases therein specified."[12] That same year another juridical basis was invoked by the then Justice, later Chief Justice, Bengzon in Infante vs. Javier:[13] "Such congressional authority must furthermore be acknowledged in connection with the express constitutional duty of the state 'to regulate the relations between landowner and tenant and between labor and capital in industry and in agriculture.'"[14] Then in June of 1955, the Court of Agrarian Relations came into being for the

enforcement of all laws and regulations governing the relation between capital and labor on all agricultural lands under any system of cultivation with original and exclusive jurisdiction over the entire Philippines, to consider, investigate, decide, and settle all questions, matters, controversies or disputes involving or arising from such relationship.[15] To quote anew from Ferrer: "The scope of such power was defined by Justice Padilla in Militar vs. Torcillero. Thus: 'Section 7, Republic Act No. 1267, as amended, vests in the Court of Agrarian Relations exclusive and original jurisdiction to determine controversies arising from landlord-tenant relationship. From this it may inferred that it also has jurisdiction to hear and determine actions for recovery of damages arising from the unlawful dismissal or dispossession of a tenant by the landlord, as provided for in Act No. 4054 and Republic Act No. 1199, as amended. To hold otherwise would result in multiplicity of suits and expensive litigations abhorred by the law. For that reason the reinstatement to his landholding of a tenant dispossessed or dismissed of such landholding without just cause and his claim for damages arising from such illegal dispossession or dismissal should be litigated in one and the same case.' What is more, not even the consent of a arty to a litigation of this character could empower the regular courts to assume jurisdiction. As was clearly pointed out by the then Justice, later Chief Justice, Concepcion in Espiritu vs. David, a 1961 decision: 'With respect to defendants' alleged voluntary submission to the jurisdiction of the court of first instance, which is not a fact, suffice it to say, that jurisdiction over the subject matter is determined by law and cannot be conferred by the will of the parties.'"[16]

It is quite obvious then that the controlling statute supplies the final and exclusive rule. Its very purpose is to substitute uniformity for diversity. Its supremacy must be upheld. It admits of no doubt that as of the time of the decision now subject of this *certiorari* proceeding was rendered, nothing is better settled than that the matter was beyond the jurisdiction of respondent Judge.[17] The law as

authoritatively interpreted is quite clear as to the direction to be taken; respondent Judge took the opposite path.

2. Respondent Judge apparently was under the imrpession that the jurisdictional issue could be glossed over because of certain procedural impediments. That approach is infected with the corrosion of substantial legal error. The question of authority to the act is basic. It goes to the roots of the matter. It cannot be cured by the contention set forth in his answer that there was no denial under oath of the alleged contract on which private respondent would predicate her right to dispossess. Moreover, the applicable jural norm calls upon a lower court whenever there is an allegation of the existence of tenancy relationship to ascertain in a preliminary hearing whether he could continue to act, even if on the face of the complaint his competence could be discerned. The existence of such a duty has doctrinal confirmation in a recent decision, Derecho vs. Abiera,[18] this Court, speaking through Justice Teehankee. Thus: "We hold that when the factual question of the existence of a leasehold tenancy relation between the parties is raised, in an ejectment case, which if true, would vest original and exclusive jurisdiction over the case in the court of agrarian relations and not in the municipal court, it is essential that the court of first instance, hold a preliminary hearing and receive the evidence solely on the facts that would show or disprove the existence of the alleged leasehold tenancy. On the basis of such evidence, the court would then determine whether or not it has jurisdiction, and summarize the facts in an order upholding its jurisdiction and that of the municipal court or declaring the lack thereof."[19] That is not the worst of it. Witness this Order of July 2, 1968, issued by respondent Judge: "When this case was called again today, the defendant did not appear notwithstanding the fact that his counsel of record has been duly notified of the hearing of this case for today; finding the motion of the plaintiff to be justified, the latter is hereby allowed to resent evidence ex-parte before the Clerk of Court who is authorized to receive the same and to submit his report within five (5) days after the termination of hearing."[20] Without holding a hearing then on the question

of jurisdiction respondent Judge allowed the case to proceed and, on the basis of the evidence submitted by private respondent, without petitioner being heard, rendered the challenged decision. The due process failing is thus apparent. If procedural deficiency were taken into account, it appears that respondent Judge had much to answer for. Nor is it a matter of proceeding according to doctrinal requirements alone that vitiated his actuation. The due process mandate was likewise aid scant respect, considering the circumstances of the case, more specifically, petitioner being a pauper litigant.

WHEREFORE, the writ of *Certiorari* is granted and the Decision of respondent Judge of August 13, 1968 is nullified and set aside. Since respondent Judge has in the meanwhile retired from the judicial service, his successor is hereby ordered to dismiss Civil Case No. 3157 for ejectment and recovery of possession with damages and preliminary injunction, ending in the Court of First Instance of Bataan, Fifth Judicial District. Costs against private respondent.

Barredo, Antonio, Fernandez and Aquino, *JJ.*, concur.

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[1] According to Article VI, Section 1 of the 1935 Constitution: "The Legislative power shall be vested in a Congress of the Philippines, which shall consist of a Senate and a House of Representatives." The resent provision is found in Article VIII, Section 1 and reads thus: "The Legislative power shall be vested in a National Assembly."
[2] 83 Phil. 764.
[3] L-22180, October 23, 1974.
[4] Petition, par. 2. The complaint was amended to make it for specific performance and recovery of possession with damages.
[5] Ibid, par. 4.
[6] Ibid, par. 5.
[7] Ibid, par. 6, Annex E.
[8] L-33293, September 30, 1974.
[9] Cf. Commonwealth Act No. 461 (1939).
[10] Ferrer vs. Villamor, L-33293.
[11] 83 Phil. 764.
[12] Ibid, 767.
[13] 84 Phil. 614
[14] Ibid, 617.

[15] Cf. Republic Act No. 1267.
[16] Ferrer V. Villamor, L-33293, Militar vs. Torcillero, L-15065, Aril 28, 1961, is reported in 1 SCRA 1124 and Espiritu vs. David, L-13135, May 31, 1961, in 2 SCRA 350.
[17] Cf. Samson vs. Enriquez, L-15264, December 22, 1961, 3 SCRA 641; Alarcon vs. Santos, L-18431, June 30, 1962, 5 SCRA 558, Almodiel vs. Blanco, L-17508, July 30, 1962, 5 SCRA 647; Toledo vs. Court of Agrarian Relations, L-16054, July 31, 1963, 8 SCRA 499; Davao Steel Corporation vs. Cabatuando, L-19866, Aril 29, 1964, 10 SCRA 704; Tuvera vs. De Guzman, L-20547, Aril 30, 1965, 13 SCRA 729; Casaria vs. Rosales, L-20288, June 22, 1965, 14 SCRA 368; Latag vs. Banog, L-20098, Jan. 31, 1966, 16 SCRA 88.
[18] L-26697, July 31, 1970, 34 SCRA 58.
[19] Ibid, 64.
[20] Petition, Annex D.