

Jurisdiction over the Ejectment of Tenants of Rice Lands

Condensed from the Graduation Thesis of Jeremias U. Montemayor, Law '52

1 ATENEO L.J. 127 (1952)

SUBJECT(S): CIVIL LAW

KEYWORD(S): EJECTMENT

The Article presents the Graduation Thesis of Jeremias Montemayor on the Law on Ejectment. The Article begins by stating the need for the law as one which aims to fight the inroads of communism, which has sadly turned to further the causes they intend to combat. Different laws on ejectment have been promulgated, beginning with the Civil Code of the Philippines. Com. Act No. 461 was passed in 1939, and was amended in 1940 by Com. Act No. 608 and finally revised by Congress in Republic Act No. 44. The Thesis defines the scope of said law to include those systems of tenancy only for which the special tenancy statues have been made and is under the exclusive jurisdiction of the Department of Justice. It has been noted that such definition had been highly criticized, but was lessened through Republic Act No. 44. Tenancy Contracts include a Cropper Contract, a Lease Contract, and a Partnership Contract. However, only Contracts of Lease are contemplated under the Law. For these specific contracts, the elements of, a landlord, who is either the owner or legitimate possessor of the land, a tenant who farms or works the land himself, the subject matter being the rice agricultural land, and the consideration be a share of the crop or fixed rental in kind, money, or both have to be present.