

**ISIDRO VILLANUEVA, ANTONIO VILLANUEVA, SERAFIN BUNDA,
HONORATO TANLANGIT, SINFOROSO CHAVEZ, PRUDENCIO
BELONIO, GREGORIO BILBAO, ET AL, PETITIONERS, VS. COURT OF
APPEALS AND CARM...**

G.R. No. L-37653. June 28, 1974

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

In this special civil action for certiorari, the Court sets aside the decision of the Court of Appeals of July 30, 1973 in CA-G.R. No. SP-01877, and consequently affirms the restraining order issued pendente lite on January 11, 1973 by the Court of Agrarian Relations of Bacolod City in its CAR Case No. 4809.

On January 11, 1973 the petitioners Villanueva, et al., 48 all told, filed in the agrarian court a complaint against the respondent Carmen Egido Sola, alleging in essence that at the time of the filing of the complaint and for some time prior thereto, they were tenants of the hacienda San Ramon owned by the respondent, and that the latter threatened to eject them from a portion (about sixty hectares) of the hacienda upon which they had planted, rice and camotes. To prevent their ouster, the petitioners prayed for the issuance of a restraining order pendente lite, which was granted ex-parte on the same day.

On January 15, 1973 the respondent filed a motion to lift the restraining order, alleging that no tenancy relationship existed between her and the petitioners; that the estate involved (about 198 hectares) was under judicial administration and that she is a pro-indiviso owner of only 1/6 thereof; and that she was willing to post a bond to answer for all damages the complainants might incur. The respondent's motion was denied on February 7, 1973 mainly because the alleged non-existence of landlord-tenant relationship between the parties is the basic issue, and no evidence had as yet been adduced thereon by either side. The respondent forthwith went to the Court of Appeals for relief.

The appellate court, on the basis of the respondents averments, found that the petitioners were mere intruders in the hacienda because prior to 1971 —the year the petitioners first harvested their rice and camote crops therein — the estate had already been cleared of tenants either through judgments of eviction rendered against some of the petitioners or by the compensated, voluntary withdrawal of the others sometime in 1959. It was likewise the finding of the appellate court that the questioned restraining order was issued with undue haste and without considering the respondent's offer of a counterbond pursuant to the provisions of Section 6 of Rule 58 of the Rules of Court.[1] And, noting that 138 hectares of the hacienda were planted to sugar and that the petitioners' crops had already been harvested so that the respondent stood to suffer more in damages than would the petitioners, the appellate court, in its decision dated July 30, 1973, directed the lifting of the questioned restraining order and required the respondent to file a bond in the amount of P50,000.

In issuing the questioned restraining order, did the agrarian court gravely abuse its discretion?

We answer this question in the negative.

Whether a restraining order should issue or not is a matter largely addressed to the sound discretion of the trial court, and, absent any manifest grave abuse, the intervention of an appellate court is officious and unjustified.[2]

In the case at bar, it does not seem traversed that the petitioners were actually cultivating and harvesting crops in the hacienda immediately prior to the filing of their complaint. The petitioners' planting of crops therein does not appear to have met with any opposition from the estate's owners, except from the respondent in the latter part of 1971 when she returned to the Philippines from the United States where she had been since 1967. The respondent, however, asserts that prior to her departure from the Philippines she appointed a representative to take care of the hacienda's affairs; nonetheless the record does not disclose that this representative ever did interpose any objection to the petitioners' presence in the estate. And although the respondent adverts to her limited 1/6 undivided interest in the hacienda which at the time in question was under the judicial administration of the owner of the majority interest therein, the latter does not appear to have in any way threatened or actually tried to oust the petitioners. Neither has this majority owner intervened in the action below — a fact not explained in the record of this case.

The appellate court's view that the respondent stands to suffer more in damages than the petitioners do, is, in our opinion, largely debatable and inconclusive. The record shows that the hacienda is only one of several large estates in which the respondent has an interest. In fact, the respondent's interest in the said hacienda appears to be a relatively minor one. Upon the other hand, the petitioners and their families will definitely be denied a livelihood if they are to be ejected while their claims pend in court.

Upon all the foregoing, the conclusion is inevitable that the restraining order issued pendente lite by the agrarian court should be upheld and maintained pending trial of and final action on the case below.

En passant, this Court notes that affording tenants a greater leverage, particularly in the area of security, is a fundamental governmental policy.[3] The most profound recent manifestation of this policy was the promulgation of Presidential Decree No. 27 which proclaimed the emancipation, as of October 21, 1972, of all tenant farmers "of private agricultural lands devoted to rice and corn under a system of share-crop or lease-tenancy, whether classified as landed estates or not," and ordained that the "tenant-farmer, whether in land classified as landed estate or not, shall be deemed owner of a portion constituting a family-size farm of five (5) hectares if not irrigated and three (3) hectares if irrigated." And on October 22, 1973 the President issued a supplementing decree, Presidential Decree No. 316, proscribing the ejectment of any "tenant-farmer in agricultural lands primarily devoted to rice and corn x x x from his farm holding until such time as the respective rights of the tenant-farmer and the landowner shall have been determined in accordance with the rules and regulations implementing Presidential Decree No. 27."

Accordingly, the judgment of the Court of Appeals of July 30, 1973 in CA-G. R. No. SP-01877 is set aside; the restraining order issued pendente lite by the Court of Agrarian Relations of Bacolod City in its CAR Case No. 4089 is affirmed; and the latter court is directed to proceed with dispatch and take whatever action is warranted by the facts, the law and other environmental circumstances. Costs against the respondent.

Makalintal, C.J., Makasiar, Esguerra, and Munoz Palma, JJ., concur.

Teehankee, J., concurs in the result.

[1] "Section 6. Grounds for objection to, or for motion of dissolution of injunction. — The injunction may be refused, or, if granted ex-parte, may be dissolved, upon the insufficiency of the complaint as shown by the

complaint itself, with or without notice to the adverse party. It may also be refused or dissolved on other grounds upon affidavits on the part of the defendants which may be opposed by the plaintiff also by affidavits. It may further be refused or, if granted, may be dissolved, if it appears after hearing that although the plaintiff is entitled to the injunction, the issuance or continuance thereof, as the case may be, would cause great damage to the defendant while the plaintiff can be fully compensated for such damages as he may suffer, and the defendant files a bond in an amount fixed by the judge conditioned that he will pay all damages which the plaintiff may suffer by the refusal or the dissolution of the injunction. If it appears that the extent of the preliminary injunction granted is too great, it must be modified."

[2] Cf. *Detective and Protective Bureau, Inc. vs. Cloribel*, 26 SCRA 266, and cited cases.

[3] See *Quilantang vs. Court of Appeals*, 48 SCRA, 294 and *Tumulin vs. Court of Appeals*, 48 SCRA 450.

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