

MONICO CRUZ, PETITIONER, VS. CAMILO PANGAN AND SOTERA (PANGAN) SANTIAGO, RESPONDENTS.

G.R. No. L-19749. May 30, 1964

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from a decision of the Court of Agrarian Relations, Hon. Guillermo S. Santos, presiding, in CAR Case No. 371 and CAR Case No. 368.

CAR Case No. 371

The facts necessary to an understanding of this case (No. 371) are as follows: Camilo Pangan and Sotera Santiago, spouses, are the tenants of a parcel of land of three hectares, more or less, in the barrios of San Isidro and Santo Rosario, Paombong, Bulacan, belonging to Leonila Tiongson. Two hectares of the land is planted to palay, while the remaining one hectare is devoted to other crops, Camilo Pangan cultivated the land under the share tenancy system. Camilo Pangan was a tenant since 1917. In December, 1959, Pangan filed a petition demanding a change in the sharing arrangement from 50 to 70-30 in his favor. Respondent, on February 17, 1960, filed a motion to dismiss the case alleging that she had sold the land subject of the tenancy on September 8, 1958 to Monico Cruz, who, therefore, succeeded her in all the obligations over the landholding.

CAR Case No. 368

In CAR Case No. 368 Monico Cruz filed a petition on December 11, 1959 against Camilo Pangan alleging that he has purchased the land tenanted by Pangan from Leonila Tiongson; that he has notified Pangan of his intention to personally cultivate the land but Pangan refused to accede to his request that he be allowed to cultivate the land.

The above two cases were heard jointly and after trial the court entered judgment, which is as follows:

"(4) Granting MONICO CRUZ authority to eject tenant CAMILO PANGAN from the land in question, subject to the provision of Sec. 22 pars. (3) and (4), RA 1199, as amended, and to the further condition that should the landholder-owner petitioner MONICO CRUZ fail to cultivate the land him-self personally for at least three (3) years after dispossession of tenant PANGAN, it shall be presumed that he acted in bad faith and the latter, shall, upon proper petition, be reinstated in the holding with the corresponding damages for any loss incurred by him because of said dispossession (Sec. 50 (a) in relation to Sec. 22, pars. (3) and (4), RA 1199, as amended) ;"

The above decision was rendered on January 6, 1962. On March 31, 1952, upon motion, the court set aside the above judgment. The findings of fact made by the court in the original decision are as follows:

"It appears that the amount paid for the land in question was realized from the sale of Monico Cruz's holding at Lugam, Malolos, Bulacan which was sold for the amount of THIRTEEN THOUSAND SIX HUNDRED TWENTY TWO AND NINETY FIVE CENTAVOS (P13,622.95) to the spouses Delfin Franco and Leoniza Agustin (Exh. 'D'). The sale of the land in question by Leonila Tiongson to Monico Cruz is evidenced by a

deed of sale and the holding is duly registered in the latter's name (Exhs 'A' & 'A-I'). The holding was sold upon sufficient consideration—224,225. sq. m. for THIRTEEN THOUSAND FOUR HUNDRED NINETY NINE PESOS and TWENTY CENTAVOS (P113,499.20). The Deed of Sale between the parties and the registry of the holding in Monico Cruz's name are presumed to be regular (Sec. 69 (1) & (2), Rule 123, Rules of Court). While Pangan's application of the tenancy law to their relation may have been the reason for the sale of the disputed holding by Tiongzon to Monico Cruz, we cannot believe—in the absence of convincing proofs—that Tiongzon simulated the sale to Cruz, who is also her tenant, merely to eject Pangan from the holding. It is true that the subject holding is located on the middle of a larger tract of agricultural land owned by Tiongzon, but the owner has the right to choose which portion of the property to sell. Pangan purchased the subject holding instead of the 1/2 hectare tumana worked by him, because the same is located in the vicinity of his residence, is bigger in area than the tumana and is planted to palay. We, therefore, do not find sufficient evidence to show that the sale registration of the land were fraudulent transactions solely to effect tenant Pangan's ejectment. It is incumbent upon tenant Pangan to prove that these are fraudulent subterfuges to dispossess him of the holding due to his demand for a lawful sharing basis. This, he failed to do."

In reconsidering the above findings of fact and changing the decision the court said:

"Certain tell-tale circumstance of this case would tend to show that the former owner, Leonila Tiongzon, and petitioner, Cruz, in effecting the transfer of ownership of the landholding contrived to effect the ejectment of respondent Pangan. It appears that the former owner, Leonila Tiongzon, told respondent Pangan that she would eject him from the landholding after respondent Pangan sought the application of the 70-30 sharing basis with her; that the land was sold to petitioner after respondent sought the proper application of the 70-30 sharing basis between them; that the payment for the consideration of the Lugam property—even assuming that there was actual monetary consideration—was made in the house of said Leonila Tiongzon: that the landholding in question is located in the middle—or nearly so—of the 22-hectare, more or less, holding owned by Leonila Tiongzon ; that apart from respondent, no petition for the proper sharing by the other tenants on the landholding against the former owner has been filed; and, finally, that the consideration paid by petitioner Cruz for the landholding in question is P13,499.20 as against its assessed value of P11,560.00, while the purchase price of the Lugam property which petitioner Cruz acquired from Rosa Reyes Tantoco—a relative of Leonila Tiongzon—was P12,463.55 as against its assessed valued of only P2,830.00. These circumstances taken in consideration with the respondent's witnesses' testimonies point to the design of petitioner and the former landowner to effect respondent's ejectment, by petitioner, himself a tenant of the former owner, Leonila Tiongzon—who personally-being a woman—could not have filed, this action. This being so, the intention of petitioner to cultivate the holding cannot be bona fide. It is tainted with mala fide and, therefore, should not be granted."

In view of the above considerations, the court re-considered its previous decision authorizing Monico Cruz to cultivate the land himself, and, reversing its former stand denying the petition of Pangan for a change in the tenancy system in the land of Leonila Tiongzon, declared that he was entitled to such a change from a sharing basis to that of 70-30. In arriving at the above conclusions the court below found that the purchase by Monico Cruz of the property tenanted by Pangan was tainted with bad faith, that Monico Cruz in purchasing the land had conspired with Leonila Tiongzon to deprive Pangan of the tenancy of the land. We are not prepared to hold that the circumstances given by the court to justify its conclusion of the existence of bad faith on the part of Monico Cruz are not sufficient in substance to sustain that conclusion. The court saw the witnesses testify and the above is its conclusion from their testimonies and of the circumstances. That, the three-hectare land is in the middle of a 22-hectare parcel makes the sale, if not improbable, at least suspicious. In any case, We are without authority to set aside the find in that the purchase of the property of Tiongzon by Monico Cruz was tainted with bad faith, there being special reasons justifying the conclusion. In view of Our inability to review this finding of fact, which appears sufficiently justified by the circumstances. We find no reason or ground for disturbing the decision sought to be reviewed and We, therefore, affirm it. Without costs. So ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon and Makalintal, JJ., concur.

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