

MAMERTO TUBERA, ET AL., PETITIONERS, VS. MARGARITA FERNANDO, RESPONDENT.

G.R. No. L-18492. March 31, 1964

Ponente: PAREDES, J.

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PAREDES, J.:

Petitioners who are tenants of Margarita Fernando claiming that respondent refused to give their shares for the crop year 1959-1960, without just cause; that respondent has exacted from them usurious interests on their loans at a rate of 33%; and that they have suffered actual and moral damages, instituted before the Court of Agrarian Relations, Cabanatuan City Branch, CAR Case No. 1924-NE-60. After respondent has presented her Amended Answer, the parties entered into a partial "Stipulation of Facts", portions of which are reproduced hereunder:

7. That the petitioners caused the reaping of their harvests in the said agricultural year, and the parties hereby agree that 5% of the gross produce should be deducted therefrom and delivered to the petitioners for payment of the reaping fee;

8. That the petitioners admit that 3/4 of the expenses for transplanting were defrayed by the respondent, and 1/4 of the same by them, while the respondent claims that she shouldered all the said transplanting expenses;

9. That the petitioners deny that they have secured fertilizers from the respondent and applied the same to their landholdings in said agricultural year, while the respondent claims that she furnished each of the petitioner 3 bags of fertilizer per hectare, costing P15.00 per bag;

10. That in accordance with the contracts of tenancy executed by the said petitioners and the respondent, the agreed sharing ratio is 50-50 subject to the terms and conditions stipulated in the afore-said contracts."

The record fails to show whether there was a hearing or not, although the pleadings of the parties clearly state that there was a trial wherein evidence, oral and documentary, was adduced by them. On February 8, 1961, the CAR rendered judgment, the pertinent parts of which recite:

"x x x. The claim of the petitioners that they paid 1/4 of the transplanting expenses, the same having been considered as their indebtedness with the respondent is without merit for nowhere in the memorandum of indebtedness of the petitioners could we find that their share of the transplanting expenses was recorded. x x x. Since the landholdings in question are first class rice lands (stipulation of facts), the legal sharing ratio in the division of crops should be 55% for the respondent (land, 30%, transplanting expenses, 25%) and 45% for the petitioners (labor, 30%, work animal, 5%, implements, 5%, final harrowing, 5%) (Section 42 R.A. No. 1199).

With respect to the claim of the petitioners that they have not used fertilizer in the productions of crops, we find by pre-ponderance of evidence that all of the sixteen (16) tenants of the respondent in the vicinity where the landholdings are located including the petitioners herein have used fertilizer in their respective landholdings in the agricultural year 1959-1960 advanced by her. x x x.

The memoranda of indebtedness duly signed by the petitioners for the agricultural year 1958-1959 and 1959-1960, do not show any proof that the, respondent exacted usurious interest on the loans obtained by them.

x x x. The argument of the petitioners that the allegation of usury in the petitioners has been admitted by the failure of the respondent to deny the same under oath is of no moment for this Court is not bound strictly by the rules of procedure and evidence (R.A. No. 1267, as amended by R.A. No. 1409).

x x x x x.

WHEREFORE, judgment is hereby rendered awarding to the respondent the remaining balance of the palay deposited with the San Jose Facoma, San Jose, Nueva Ecija, under warehouse, receipts Mos. 369Y1 to 36976, and ordering the Manager of said Facoma to release the same in favor of respondent upon payment of the corresponding fees and charges.

The petitioners are hereby ordered to pay respondent the amounts set opposite their respective names, subject to the provisions of Section 19, R.A. 1199, as follows:

x x x x x."

Upon the denial of the motion to reconsider the above judgment, the petitioners appealed to this Court, assigning six (6) principal issues and five (5) sub-topics, among which are hereunder reproduced:

"14. That, the mixed question of law and fact involved in this petition are:

(1). The proper interpretation and application of the right of the petitioners for an accounting of their past harvest pursuant to Section 17 of Republic Act No. 1199 and the unjustified refusal of the respondent court to compel the respondent, Margarita Fernando, to make said accounting.

(2). The proper interpretation and application of section 56 of Republic Act No. 1199 and Article 24 of the New Civil Code in the appreciation of the evidence in the following disputed facts:

(a) Is the respondent, Margarita Fernando, guilty of usury in the dispensation of loans to the herein petitioners during the crop year 1958-1959 or not?

(b) Was there a liquidation of the harvest of the petitioners for the crop year 1958-1959 or not? And did the petitioners receive their shares or not?

(c) Did the petitioners shoulder one fourth of the transplanting expenses for the crop year 1959-1960 or not?

(d) Did the petitioners use fertilizer or not in the crop year 1959-1960?

(e) Did the petitioner, Angel Bermudez, contracted a total indebtedness of P449.76 or not?

The petitioners themselves admit that there are mixed factual and legal issues. Obviously, an examination of the evidence adduced during the trial is imperative in order to resolve the factual issue raised. Moreover, the questions of law which petitioners ask this Court to rule upon, cannot be completely resolved without first passing upon the questions of facts similarly raised.

The present petition prays, among others, that the respondent Court be ordered to make a finding of whether the landholding of the petitioner, Celestino Galdones, was increased from 3 to 6 hectares in the crop year 1959-1960; that a basis should be laid for an arithmetical computation of the respective shares of the parties; that a new trial be held to compel the respondent to make an accounting and liquidation of the harvest of the petitioners for the crop year 1958-1959 and that the indebtedness of petitioner Angel Bermudez should be P349.76, and not P449.76, as found by the trial court. And there being no question of jurisdiction or constitutionality of any of the provisions of Act No. 1199 involved, by virtue of section 156 of the Agricultural Land Reform Code Act No 3844), the Clerk of this Court is hereby directed to forward this case to the Court of Appeals, for proper disposition.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Dizon, Regala and

Makalintal, JJ., concur.

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