

GREGORIO ATIENZA, ET AL., PETITIONERS, VS. HON. COURT OF AGRARIAN RELATIONS, ETC., ET AL., RESPONDENTS.

G.R. Nos. L-20028 & L-20029. April 30, 1966

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

Petition to review on certiorari.

Before the Court of Agrarian Relations, Fifth Regional District, forty-four share-tenants of the Ascue spouses claimed for the refund of certain amounts which the spouses had deducted from the said tenants' share as hauling expenses of the sugar-cane produced in their landholdings to the Central Azucarera Don Pedro.

The issue was submitted for decision upon a stipulation of facts "and of all other facts admitted in the pleadings and in the previous hearings upon submission of itemized list of additional hauling expenses charged."

Such hauling expenses (one-half) had been charged against the share-tenants as part of the expenses of production, the spouses having shouldered the other half. And the payment of such expenses resulted from an agreement which the spouses had with Central Azucarera Don Pedro.

The share-tenants object to paying such expenses because, they argue, they were not parties to the agreement with the Central Azucarera.

The Court found, and so declared, that under the circumstances, the share-tenants were represented by the spouses in their dealings with the Central Azucarera. Wherefore, the Court denied the claims for refund. Hence this appeal by the tenants by way of certiorari.

In their petition for certiorari, they assert that they had established by their evidence that the agreement between them and the spouses was that all the expenses of hauling the sugar-cane, shall be for the exclusive account of the spouses (p. 4, petition). And they cite pages of the stenographic notes and the testimony of Nicolas Endoso (p. 2, memo of petitioners), on the alleged verbal agreement to that effect. Other factual issues are raised, which it is not now necessary to enumerate.

Wherefore, as the matter involves questions of fact, and the monetary demand amounts to about five thousand pesos only (p. 8, petition), this record is referred to the Court of Appeals for decision, under the provision of sec. 156 of the Land Reform Code (Republic Act 3844). So ordered.

Bautista Angelo, Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.

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