

JUAN BENSON, FRANCISCO RIDERA, JACINTO PADILLA, SEVERO PADILLA, GERVACIO DACUMOS, EUGENIO BARCELONA, MAURO PERALTA, MANUEL ABAT, ALFREDO ALMODOVAR, APOLONIO CABANBAN, JUAN CATBA...

G.R. No. L-18189. December 29, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal from a decision of the Court of Agrarian Relations.

Respondent Isabelo Ocampo is the landholder of a tract of land situated in the barrios of Talugtug and Barroro, municipalities of San Juan and Bacnotan, La Union, respectively, with an area of about fifty (50) hectares. Petitioners Juan Benson, Gervasio Dacumos, Francisco Ridera, Jacinto Padilla, Severo Padilla, Eugenio Barcelona, Mauro Peralta, Manuel Abat, Alfredo Almodovar, Apolonio Cabanban, Juan Catbagan, Juan Abad, Joaquin Abat, Lazaro Cabanban, Marcelino Cabanban, Agustin Cabanban, Jaime Abaya, Jose Cabanban and Teofilo Cabanban, are his tenants therein, each having a definite portion or area of said land for the cultivation of rice, Virginia tobacco and vegetables.

On or about February 15, 1960, Ocampo filed with the Court of Agrarian Relations, First Regional District, a complaint against said petitioners herein, alleging, inter alia, that they had clandestinely cut down trees ("kaingin" system) outside the portions allotted to each of them, and sold the firewood into which said trees had been converted, as well as bamboos, without giving him his share of the proceeds thereof; that petitioners herein and respondents therein, had, likewise, used illegally some tillable parts of the areas respectively assigned to them as pasture, "not only of their animals, but, also, of others", thus causing much damage on said land; that said petitioners herein and respondents therein had similarly refused to give him his share in the proceeds of the sale of vegetables planted in their respective portions as well as violated his instructions as regards the kind of crops to be planted and the period or season of the year when the planting should be undertaken, apart from wilfully neglecting the use of fertilizers to bolster up increased production; and that petitioners herein and respondents therein had, in violation of their agreement with him, refused to flue-cure their tobacco crops in his flue-curing barn and absconded some of their tobacco produce. Ocampo prayed, therefore, that an interlocutory order be issued, directing that the Virginia tobacco leaves of petitioners herein and respondents therein be flue-cured in his flue-curing barns and then deposited in any bonded warehouse in the locality, to be disposed of upon orders of the Court, and that, after due hearing a decision be rendered granting him (Ocampo) the authority to eject or dispossess them, and "that the palay now deposited with the facoma warehouse at Bacnotan, La Union, be now liquidated." In their answer, petitioners herein admitted some allegations of said complaint, denied other allegations thereof, and set-up special defenses, as well as prayed for a reliquidation of their shares. In due course, said Court rendered a decision, the dispositive part of which is as follows:

"WHEREFORE, the Court decides the case, ordering the liquidation of the palay crops of the respondents for

the year 1957, 1958 and 1959 under 30-70 sharing basis in their favor. The petitioner in accordance with this liquidation should pay each of the respondents their short share of the palay for said agricultural years which are as follows: Juan Benson 6.30 baars; Francisco Ridera 4.50 baars; Jacinto Padilla 4.50 baars; Severo Padilla 5.40 baars; Gervacion Dacumos 5.70 baars; Mauro Peralta 2.22 baars; Manuel Abat 5.40 baars; Alfredo Almodovar 1.280 oyon; Juan Cabanban 1.440 oyon; Apolonio Cabanban 1.60 baars and 1.120 oyon; Juan Abad 4.56 baars; Joaquin Abat 76.30 capongos; Lazaro Cabanban 8.10 baars; Marcelino Cabanban 5.40 baars; Agustin Cabanban 3 baars; Jaime Abaya 2.10 baars; and Jose Cabanban 5.40 baars. The harvests for the year 1960, if any, shall also be liquidated under 30-70 sharing ratio in favor of the respondents. The Court also authorizes the petitioner to eject all the respondents from their respective landholdings of 1 to 3 hectares each located in the barrio of Talugtug, San Juan and barrio of Barroro, Bacnotan, both in the province of La Union, subject, however, to the provisions of Section 22, paragraphs 3 and 4 of Republic Act No. 1199, as amended by Republic Act No. 2263 and Rule 18 of the CAF Rules of Court."

A reconsideration of this decision having been denied, the respondents in said action filed the present petition for review by certiorari.

The first question for determination in this appeal is whether petitioners herein are entitled to a reliquidation of their crops beginning from the year 1954, when their tenancy relations began. The lower court ordered the reliquidation of the crops only for the years 1957, 1958 and 1959, relying upon Section 17 of Republic Act No. 1199, as amended, the pertinent part of which reads:

"* * * In the absence of a written accounting in accordance with the preceding paragraph, the tenant may within three years from the date of the threshing of the crop in question petition the court to compel the landholder to render an accounting of the same in accordance with this section."

This provision refers, however, to the right to demand a written accounting, which—petitioners maintain—is different from a reliquidation. Indeed, an accounting between a landowner and an agricultural tenant is a statement made by the former of the contributions made by both, the expenses incurred, the amount harvested, the sharing system followed by the parties and the share actually received by each. Upon the other hand, a reliquidation involves the determination, based either upon the accounting made by the landholder, or upon the facts as determined by the court, of the share to which each party is entitled. The period within which an accounting may be demanded is limited to three (3) years, for the lawmaker evidently deems it unreasonable to expect or require the landholder to remember distinctly or keep a complete record of the pertinent items for a longer period of time. When such items are not disputed, and the only issue refers to the proportion in which the net produce shall be divided—and such is the situation obtaining in the case at bar—the reason for the rule disappears.

At any rate, a reliquidation is sought, not only by petitioners herein, but, also, by respondent Ocampo. Hence, even if the reliquidation were dependent upon the right to demand a written accounting by the landholder, the latter's prayer for a reliquidation necessarily implied a waiver of his right to plead the statute of limitations as regards said accounting.

Petitioners allege, also, that the lower court erred in holding that the liquidation of the crops for 1957, 1958 and 1959 should be made on the 30-70 sharing ratio in their favor, because the property in question is second class land, for it produces less than forty (40) cavanese of palay per hectare, and, hence, the landholder's share, pursuant to Section 33 of Republic Act No. 1199, as amended, should be 25%, and that of the tenant 75%. This pretense is well taken and respondent Ocampo admits it.

With respect to the question whether or not petitioners herein are guilty of the irregularities charged in the complaint, the findings of His Honor, the trial Judge, who resolved the issue in the affirmative are borne out by

substantial evidence, and, hence, should not be disturbed by this Court.

Wherefore, with the only modification that a reliquidation of the share of the parties shall be made beginning from the year 1954 and that such reliquidation shall be on the 25-75 sharing basis in favor of petitioners herein, the decision appealed from is hereby affirmed, in all other respects, without special pronouncement as to costs. It is so ordered.

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

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