

ANITA BUENSUCESO DE LAMERA, PETITIONER, VS. COURT OF AGRARIAN RELATIONS, ETC., ET AL., RESPONDENTS.*G.R. No. L-20299. May 31, 1966*

Ponente: BARRERA, J.

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This is a petition filed by Anita Buensuceso de Lamera, to review the decision of the Court of Agrarian Relations (in CAR Case No. 1198-Iloilo-1962), denying her application to dispossess her tenant Silderico Buensuceso of the landholding the latter is working on, on the ground of personal cultivation.

Petitioner is the owner of Lot No. 1233-A-I, with an area of 4.2225 hectares situated in barrio Tiwi, Barotac Nuevo, Iloilo, the three-fourths portion of which is tenanted by respondent Buensuceso. On December 17, 1960, petitioner sent to respondent tenant a notice (which the latter received on December 20, 1960) of her intention to cultivate the landholding personally, copy of which was also filed with the Court of Agrarian Relations. As the tenant refused to give up the landholding, the landowner filed a complaint for ejectment in the Court of Agrarian Relations on January 2, 1962.

In his answer to the complaint, respondent Buensuceso, while admitting" that he is a tenant of petitioner over the landholding in question, claimed that the requirements of the law for dispossessing a tenant were not complied with. He disputed petitioner's alleged bona fide intention to cultivate the land personally, for the reason that petitioner and her husband are both public school teachers the nature of whose positions renders them incapable of personally cultivating said land. Also, it was alleged that the notice to dispossess sent by petitioner was written in English, a language not known to him.

After due hearing, judgment was rendered by the lower court, ordering petitioner to maintain the respondent tenant in peaceful possession of the land, on the ground that being a woman and holding a fulltime job, she would have no time to attend to farm-cultivation personally. Neither can she avail of the services of her husband who, like her, is a public school teacher. Furthermore, the notice sent to the tenant was not in compliance with the law, because even assuming that the respondent knew how to read English, the same was sent "in December, 1960 which was more than two years already prior to January 2, 1962," the date when the petition for ejectment was filed in court.

Under the undisputed facts of this case, as stated above, the only issue to be determined is whether the Agrarian Court was in error in denying the petitioner's application to dispossess her tenant of the landholding. Insofar as pertinent, the Agricultural Tenancy Act (Rep. Act 1199, as amended by Rep. Act 2263) provides as follows:

"Sec. 50. Causes for the Dispossession of Tenant.—Any of the following, and no other, shall be sufficient cause of the dispossession of a tenant from his holdings:

"(a) The bona fide intention of the landholder-owner or his relative within the first degree by consanguinity to cultivate the land himself personally or through the employment of farm machinery and implements: * * *
Provided, further, That the landholder-owner or the aforesaid relative shall, at least one year but not more than

two years prior to the date of his petition to dispossess the tenant under this subsection, file notice with the court and shall inform the tenant in writing in a language or dialect known, to the latter of his intention to cultivate the land himself, either personally or through the employment of mechanical implements: * * *

Admittedly, petitioner and her husband are not, by themselves, going to work on the land. Although it is alleged that on Saturdays and Sundays when there are no classes in school they are going to help in the farm work, it is not denied, in fact it was testified to by petitioner herself, that the cultivation will be undertaken by "hargas" or paid helpers.

Under the law, dispossession of the tenant of his landholding may be allowed in case of bona fide intention, either of the landowner or of his relative within the first degree by consanguinity, to cultivate the land personally or through the employment of farm machinery and implement. To constitute personal cultivation of the landholding which would justify the dispossession of the tenant of such land, the work would have to be done personally or through the employment of farm machinery and implement by the landowner himself or by his first-degree relative. Thus, the provision eliminates the cultivation of the land by hired or paid helpers although allegedly under the direction or supervision of the landowner. To allow the situation might provide a means to the circumvention of the law designed to provide security of tenure to the tenants. The ruling in the case of Feliciano vs. Court of Agrarian Relations[1] cannot be invoked here, because in that case, the cultivation was to be undertaken by the son of the landowner, which is allowed by the Tenancy Act.

On the matter of notice, we have to agree with the lower court that the notification to the tenant did not satisfy the requirement of the law. It is true that the action for dispossession was brought more than one year and less than two years from receipt of the notice by the tenant. However, it was established that the said notice was written in English, a language the respondent professes not to know. And, this was in effect accepted as a fact by the trial court.

It is the doctrine consistently adhered to by this Court that conclusions of fact by the Court of Agrarian Relations are not reviewable on appeal, provided they are supported by substantial evidence. [2] Substantial evidence has been construed to mean not necessarily preponderant proof as is required in ordinary civil action, but such kind of "relevant evidence as a reasonable man might accept as adequate in support of a conclusion." The fact that respondent tenant had finished the fourth grade in the primary school in the 1920's, or that he once served as an election inspector does not establish that he "knows" the English language, especially because, said, tenant testified that he was merely appointed for "political considerations" and that he did not even read the Election Code. We do not find any reason to adopt a conclusion different from that reached by the lower court on this point.

Wherefore, the decision appealed from is hereby affirmed, with costs against the petitioner. So ordered.

Bengzon, C.J., Reyes, J.B.L., Concepcion, Dizon, Regala, Bengzon, J.P., Zaldivar and Sanchez, JJ., concur.

Decision affirmed.

[1] G. R. No. L-14375, May 18, 1962.

[2] Villaviza vs. Panganiban, G. R. No. L-19760, April 30, 1964; Bermudez vs. Fernando, G.R. No. L18610, April 22, 1963; Toledo vs. Court of Agrarian Relations, G.R. No. L16054, July 31, 1963; Chavez vs. Court of Agrarian Relations, G.R. No. L17814, Oct. 31, 1963.

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