JOSE SANTOS, PETITIONER, VS. CECILIA LOPEZ VDA. DE CERDENOLA, AND HON. JUDGE PASTOR DE GUZMAN, OF THE COURT OF AGRARIAN RELATIONS, FIRST REGIONAL DISTRICT, LINGAYEN, PANGASINAN,...

G. R. No. L-18412. July 31, 1962

Ponente: BARRERA, J.

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BARRERA, J.:

This is a special civil action for certiorari with preliminary injunction, charging the Court of Agrarian Relations (First Regional District, Lingayen, Pangasinan) with having allegedly "(1) acted without jurisdiction and/or with grave abuse of discretion in depriving petitioner herein, his 'day in Court', and (2) acted without jurisdiction and/or with grave abuse of discretion in ordering petitioner herein to pay damages to respondent herein Cecilia Lopez Vda. de Cerdenola, without trial and the opportunity to be heard." Specifically petitioner assails the lower court's partial decision dated October 25, 1960, as well as its order of March 21, 1961, in CAR Case No. 650-P-58.

The facts of the case are succinctly stated in the decision dated October 25, 1960 of the trial court, to wit:

> "This is an action for reinstatement filed by petitioner Cecilia L. Vda. de Cerdenola, against respondents Jose Santos, as administrator and Juan Blanco as the new tenant who took her (petitioner's) place in the landholding in question. In her petition, she alleges among others, that she and her late husband Lucio Cerdonola were the tenants over a portion of 10,000 square meters more or less, of Hacienda Esperanza. located at Pataquid, Sta. Maria, Pangasinan; that she and her husband had been the tenants thereat for more than thirty (30) years and when the said Hacienda was sold by the former owner to one Roman Santos of Navotas, Rizal, sometime before the outbreak of the last World War, she and her husband continued as such tenant until November, 1952 when she alone succeeded to the farm work left by her husband because of the latter's death; that when she succeeded as such tenant she had complied, with all the conditions and requirements of the hacienda; that in 1958, the new Manager-Administrator of the Hacienda. Jose Santos, one of the respondents herein, without the knowledge and consent and without any lawful cause, ejected her therefrom and her place was given to the other respondent, Juan Blanco and, that as result of her unlawful ejectment, she suffered P250.00 as actual damage representing her due shares of the crops for 1958 which she will continue to suffer until reinstated, plus P1,000.00 as moral damage and P500.00 as attorney's fees.
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> "To this petition, respondents filed separate answers. Respondent Juan Blanco, in his answer, denies specifically all the material allegations of the petition with the exception of those referring to the death of petitioner's husband. By way of special defenses, he alleges that he is the tenant of the landholding in" question; and that petitioner's tenancy relationship with the landholder has terminated by virtue of the death of petitioner's husband in Nov. 1952. He put up a counterclaim of P5,000.00 as moral damage and P600.00 as attorney's fee.
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> "Respondent Jose Santos also specifically denies in his answer, all the material allegations of the petition and, alleges by way of special defense, that the tenancy relationship of the petitioner with the landholder has

terminated in November, 1952. He put up a counterclaim of P5,000.00 as damages. Both counterclaim are denied by the petitioner.

"After the petitioner had presented part of her evidence, respondent Juan Blanco, through counsel, moved to dismiss the case on the ground of insufficiency of evidence. As the said motion was denied, the Court considered the case as submitted for decision in accordance with the evidence on record.

"On March 21, 1960, Atty. Antonio C. Carag, counsel for the other respondent, Jose Santos, filed a motion to reconsider" the order of the Court considering the case as submitted for decision. However, the said motion was also denied by the Court for lack of merit.

"From the evidence on record, it appears that petitioner Cecilia Vda. de Cerdenola and her late husband Lucio Cerdenola were the tenants of the landholding in question consisting of 10,000 square meters; more or less of Hacienda Esperanza, located at barrio Pataquid, Sta. Maria, Pangasinan; that she (petitioner) and her husband had been tenants thereat since 1922 and when the same landholding was still owned by one Don Joaquin Gonzales; that when the Hacienda was sold by its former owner to Roman Santos of Navotas, Rizal, petitioner and her husband continued as such tenant until November, 1952 when she alone continued as such tenant because of the death of her husband; that her assuming the farm works was made known by her to one Andres Cion, then overseer and a responsible person in the Hacienda to whom she delivered the landholder's shares from the years 1952 to 1957 and front whom she asked permission to continue and succeed as such tenant in place of her husband; that since 1953, the said Andres Cion gave her P20.00 as a yearly help of the Hacienda in the cultivation of the holding, that she had complied religiously with all the conditions and requirements of the hacienda including the sharing basis of 45-55 in her favor with the aid of labor from Federico Montano, Mauro Acayan and Minda Peralta, members of her immediate farm household; that sometime in 1958, Jose Santos, the new administrator of the landholding ejected her and her landholding was given to the other respondent Juan Blanco; that in spite of her repeated demands and pleadings with the said Jose Santos, the latter refused and as a result of which, she was forced to go to Court to protect her rights and incurred expenses in the sum of P250.00 representing her shares of the crop for the year 1958, and P500.00 as attorney's fees.

"The respondents were not able to present their evidence, hence, the claim of the petitioner that her ejectment was unlawful remains undisputed. The issues therefore to be received as brought out by the evidence on record and the pleadings of the parties: Whether or not the death of petitioner's husband terminates her tenancy relationship with the landholder; and, whether petitioner can become tenant for being a woman and of old age.

"Before section 9 of Republic Act 1199 was amended, tenancy relationship is extinguished by the death or incapacity of the tenant. However, under the amendment provided for by Republic Act 2263, in, case of the tenant's death or incapacity, the tenancy relationship is continued between the landholder and one member of the tenant's immediate farm household who is related to the tenant within the second degree by consanguinity. In the instant case, the petitioner is not only a member of tenant's farm household but also a wife, who, although riot related to the husband by consanguinity she is an extension of the husband's personality. On this point our Supreme Court in the case of Remedios Saclolo et al. vs. Court of Agrarian Relations, et al., 106 Phil., 1038, CAR Journal, Vol. IV, No. p. 3, says:

'The provisions of the Agricultural Tenancy Act (Rep. Act No. 1199) should be construed in the light of the law, and the legal principles obtaining in this jurisdiction, especially those that regulate the relation between husband and wife. Under legal principle, by the contract of marriage, a man and woman enter a joint life, acting, living and working as one. Whether under the common law or under the Civil Law upon marriage the husband and the wife become one single mutual, spiritual and social being, not only for purposes of procreation but also for the purpose of mutual help and protection, physically, morally and materially. There is between them a fall and complete community of existence.

* * * * * * *"

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> 'If there is unity and community of existence between husband and wife, then to husband may not be considered as a being distinct and different from the wife, and the cultivation of the wife's land should be considered as a joint effort of both. In fact, even if the difficult manual work like plowing, and harrowing is usually done by man, woman take part in the planting of the seedlings, in cleaning of the growing crop, in the harvesting, in the winnowing * * * all of which constitute parts of the raising of crop.
>
> 'Moreover, the law allows a tenant to cultivate a piece of agricultural land, held under a contract of tenancy, either personally or with the aid of labor available from members of his immediate farm household. (Rep. Act No. 1199, Sec. 4, par. 3, as amended by Rep. Act No. 2263) Note that he is not even required to have said cultivation undertaken by immediate farm household, who may or may not belong to the immediate members of his family. Surely no reason exists why the same right should be denied to the landowner herself. The law as it were seeks to extend its protecting arm not only to the tenant but to the landholder as well.

"Even granting that the tenancy relationship of the petitioner with the landholder was terminated by the death of her husband, the fact that from 1952 to 1957, she continued as such tenant of the landholdings in question without being molested by the landholder or his representative, she had established her tenancy relationship by implication. Tenancy relationship may be established either verbally or in writing, expressly or impliedly, (Sec. 7, R.A. 1199, as amended).

"As to the second issue, that the petitioner can not be the tenant for being a woman and of old age, we will say in passing, that the law does not make sex or age as essential requirements for becoming a tenant. On the contrary, it allows a tenant to cultivate a piece of agricultural land either personally or with the aid of labor available from the members of her immediate farm household. (Remedios Sadolo, et al. V8. Court of Agrarian Relations, supra.)

"WHEREFORE, decision is hereby rendered ordering the respondents to immediately reinstate the petitioner to her holding consisting of 10,000 square meters more or less of Hacienda Esperanza, located at barrio Pataquid, Sta. Maria, Pansasinan. The respondents are likewise ordered to pay the petitioner jointly and severally damages equivalent to the landholder's share every year since 1958 until she is reinstated. But inasmuch as the landholder's share was not proved clearly, the same is held in abeyance until the said share shall have been determined. The respondent, Jose Santos, is also ordered to pay petitioner the amount of P250.00 as attorney's fees.

"So Ordered."

Thereafter, on May 9, 1961, petitioner Santos, apparently without taking any further steps in the lower court, filed directly with us the present special civil action for certiorari with petition for preliminary injunction. In due time, we issued the writ of preliminary injunction prayed for, upon petitioner's filing a bond of P500.00.

As stated at the beginning of this opinion, the orders allegedly issued without: jurisdiction and/or with grave abuse of discretion are the partial decision of October 25, 1960 and the order of March 21, 1961, finally disposing of all the issues raised in the case, that is, the right of petitioner Cecilia L. Vda. de. Cerdenola to be reinstated as tenant and the damages to which she is entitled as a result of her ejectment There is nothing, however, in the petition for certiorari filed with this Court as a special civil action, or in the annexes attached thereto, or in the memorandum submitted in lieu of oral argument which indicates that petitioner Santos asked for the reconsideration of any of these two decisions or orders of the court a quo in order to give it an opportunity to correct its own errors, if any. This failure to comply with the requirement of Section 1, Rule 67, of the Rules of Court is fatal and on this ground alone, the present action may justifiably be dismissed.

For another, appeal would have been the proper remedy. While it is true that petitioner claims that he was deprived of his opportunity to present his evidence when the lower court, in its order of February 9, 1960, considered the case submitted for decision without his evidence, yet he did nothing after his motion to set aside

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that order was denied on June 9, 1960. Hence, on October 25, 1960, the court rendered its partial decision declaring respondent entitled to reinstatement with damages, the amount of which was left to be determined in a succeeding proceeding. Again, petitioner kept silent and said partial decision became final and executory with respect to the matters decided therein. Then on March 21, 1961, after ascertainment of the amount of the damages, a final order was rendered. Petitioner Santos again took no steps whatsoever against this final decision until on May 9, 1961, or after the lapse of more than 45 days, he filed with this Court the instant petition. The decisions or orders complained of could have been appealed in due time, and if the same became final and executory, it was through petitioner's own fault. In such a situation, the special civil action of certiorari does not lie.

But even going into the actual merits of the case, we find no reason to reverse the decision of the lower court. The main contention of petitioner as may be gleaned from the records of this case is that the relationship of landholder and tenant terminated upon the death of respondent Cerdenola's husband in November, 1952. While this may be true, the fact that respondent, assisted by members of her immediate farm household, was allowed to continue to cultivate the, land under the same terms of tenancy from 1952 up to 1958 when she was ejected, made her, in her own right, a tenant by virtue of Section 7 of Republic Act 1199 which provides that tenancy relationship may be established either expressly or impliedly. In this case, such tenancy relationship resulted from the conduct of both the tenant and the landholder represented by his overseer in permitting the tilling of the soil for a period of 6 years. Hence an implied contract of tenancy was created. And the law provides that once such relationship is established, the tenant shall be entitled to security of tenure as provided in the law. Therefore, the respondent's ouster in 1958 for no reason other than the supposed termination of the tenancy relationship as a result of the death of her husband, is contrary to the provisions of the tenancy law.

We find no merit in the present petition for certiorari and the same is hereby dismissed with costs against the petitioner. The preliminary injunction heretofore issued is dissolved. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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