

**MANUEL IBAVIOSA, PETITIONER, VS. BENIGNO TUAZON, ET AL.,
RESPONDENTS.***G.R. No. L-21641. December 29, 1967*

Ponente: ZALDIVAR, J.

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This is an appeal by certiorari to review the decision rendered, on July 8, 1963, by the Court of Agrarian Relations, Second Regional District, Cabanatuan City, in CAR Case No. 2204-NE '60, relating to an action for a change of tenancy system from crop sharing to leasehold.

Respondent Benigno Tuazon - hereinafter referred to as tenant - is a share tenant of the petitioner, Manuel Ibaivosia - hereinafter referred to as landowner - on a parcel of first class riceland situated in barrio Malabon, municipality of Jaen, province of Nueva Ecija, with an area of 3.75 hectares, more or less, since the agricultural year 1957-1958, under the sharing arrangement of 50-50, with the tenant contributing to the production his labor, work animal, farm implements and expenses for final harrowing, and the landowner his land and expenses for transplanting. The relationship between the parties was not governed by any registered written tenancy contract.

On or about February 20, 1960, the tenant sent a letter, by registered mail, to the landowner, informing the latter of his (tenant's) desire to change their tenancy relationship from share to leasehold effective with the agricultural year 1960-1961. On March 26, 1960, the landowner's son, Constante Ibaivosia, replied to the tenant's letter of February 20, 1960, acknowledging receipt of the same and denying the request contained therein regarding the change of tenancy system.

On October 20, 1960, the tenant filed a petition before the Court of Agrarian Relations, Second Regional District, Cabanatuan City, which was docketed as CAR Case No. 2204-NE '60, praying, among others, that judgment be rendered ordering the landowner to adopt the leasehold system of tenancy with the tenant, effective the current agricultural year 1960-1961 and to fix the legal rental therefor in the amount of 22 cavans.

Meanwhile, during the pendency of the case, the harvests for the agricultural years 1960-1961 up to 1962-1963 were temporarily liquidated by the parties under a sharing ratio of 70-30 in favor of the tenant, the said tenant having contributed all the items of production except the land.

After due hearing, the respondent agrarian court rendered a decision on July 8, 1963, approving the change in the tenancy system between the parties from share to leasehold effective with the agricultural year 1963-1964 and fixing the rental of the landholding at 53 cavans and 28 kilos of palay per agricultural year, consisting of the same variety actually and usually planted on said landholding, payable immediately upon the threshing of the harvest at the threshing site. On July 16, 1963, the landowner filed a motion for reconsideration of the said decision, which motion was denied by the respondent agrarian court on July 23, 1963. Hence the instant appeal.

In this appeal, the landowner raises two issues:

"I

The lower court erred in taking jurisdiction of the instant case in view of the fact that the petition had been filed with-out the period required by law.

II

The lower court erred in not finding Section 14 of Republic Act No. 1199 uncon-stitutional."^[1]

In support of the first assignment of error, the landowner contends that the respondent agrarian court did not acquire jurisdiction over the case because the notice for a change of tenancy relationship supposedly sent by the tenant to him (landowner) was never received by him and that he had never authorized his son Constante Iba-viosa to reply to the letter of the tenant; that it was not shown that Constante Ibaviosa was acting as agent of his father (the landowner); and finally that the tenant's petition asking for a change in tenancy relationship be-ginning with the agricultural year 1960-1961 was not filed on time since the same was only filed in court on October 20, 1960 when it should have been filed at least before May 1, 1960, considering that the agricultural year began in the month of June or July, 1960, at the latest, and further, because the law (Section 14 of Republic Act No. 1199), requires at least one month before the agricultural year when the change shall be effected.

The landowner's contentions are without any merit. Aside from the fact that the reasons advanced by the land-owner relate to questions of fact which this Court will not now review, We find that the evidence on record sup-ports the finding of the respondent agrarian court that the denial of the landowner regarding the receipt of the tenant's letter of notification does not deserve any cre-dence. The record shows that the landowner, himself, "admitted on the witness stand that his son, Constante Ibaviosa, had acted as his representative in dealing with the tenants,"^[2] including tenant Benigno Tuazon. The land-owner's admission, alone, is more than sufficient reason for the respondent agrarian court to reject the landowner's denial of receipt of respondent's letter. Moreover, as it appears in the record, the landowner's son, Constante Ibaviosa, did not only receive the tenant's letter of notification, but also, acting within his authority as his father's representative with the tenants, sent a reply to tenant Tuazon acknowledging receipt of the lat-ter's letter of notification and at the same time denying the request contained therein regarding the change of tenancy system.

Likewise, the conclusion reached by the respondent agrarian court regarding the timeliness and validity of the tenant's exercise of his right to change tenancy sys-tem between him and the landowner being a question of fact should not be disturbed. It is noteworthy that in the decision of the respondent Court of Agrarian Rela-tions, the change in the tenancy system was made effect-ive only beginning with the agricultural year 1963-1964, because as far as the harvests for the agricultural years 1960-1961 to 1962-1963 temporary liquidations were made on the 70-30 sharing basis. The requirement of the law regarding notice by the tenant to the landowner regard-ing the change of tenancy system had, therefore, been duly complied with.

With respect to the issue regarding the constitu-tionality of Section 14 of Republic 1199, We do not consider it necessary to dwell on this subject any more because this Court, in a long line of decisions, has al-ready declared said section constitutional.^[3]

WHEREFORE, the decision appealed from should be, as it is hereby affirmed, with costs against petitioner-landowner, Manuel Ibaviosa.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Bengzon, Sanchez, Ruiz Castro, and Angeles, JJ., concur.
Fernando, J., took no part.

[1] Respondent did not file any brief.

[2] CAR decision, p. 13, Brief for Petitioner-Appellant.

[3] *Primero v. CAR, et al.*, 101 Phil., 675; *Mateo de Ramas v. CAR, et al.*, L-19555, May 29, 1964; *Caridad Vda. de Macasaet v. CAR, et al.*, L-19750, July 17, 1964; *Ui-chanco, et al. v. Gutierrez, et al.*, L20275-79, May 31, 1965; *Gamboa v. Pallarca, et al.*, L-20407, March 31, 1966; *Marta A. Vda. de Cuizon v. Ortiz, et al.*, L-20905, April 30, 1966; *Ilusorio, et al. v. CAR, et al.*, L-20344, May 16, 1966; *Enriquez v. Cabangon, et al.*, L-21697, September 23, 1966; and *Diaz v. Molina, et al.*, L-21550, April 27, 1967.

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