

PABLO ALMAEINEZ, PETITIONER, VS. CRESENCIANA MANABAT POTENCIANO, DIONISIA MANABAT LOPEZ, FLAVIANA MANABAT AND HERMENEGILDO CABISO, RESPONDENTS.

G. R. No. L-17020. November 17, 1964

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

Petitioner was respondents' tenant in their four-hectares riceland in San Antonio, Biñan, Laguna. They filed against him a petition for ejectment on February 12, 1958 in the Court of Agrarian Relations. Among the grounds alleged was that on February 5, 1958 said tenant "made excavations by means of a bulldozer on a considerable portion of the land thus causing untold and serious injury to the property of the petitioners [respondents herein]". On March 5, 1958 the answer was filed stating that the tenant excavated the land with the landowners' knowledge and consent and that the land was not damaged but improved. It included a counterclaim for reliquidation of harvests from 1951 to 1957.

Based on the act of excavation, a prosecution for the crime of malicious mischief was simultaneously instituted against petitioner and the justice of the peace court convicted him. On appeal, the Court of First Instance of Laguna likewise convicted him. Appeal was further taken to the Court of Appeals and this was pending decision when the ejectment case was tried before the Agrarian Court.

Meanwhile, Dionisia Manabat-Lopez acquired the shares of her co-respondents and became sole owner of the land- holding.

On April 30, 1960 the Court of Agrarian Relations rendered judgment, thus:

"IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered:

"(1) Authorizing petitioner-landholder, Dionisia Manabat-Lopez, to dispossess respondent-tenant, Pablo Almarinez, of the latter's landholding, consisting of a four-hectare riceland, situated at Barrio San Antonio, Biñan, Laguna, subject to the provisions of Section 22 of Republic Act No. 1199; and

"(2) Ordering petitioners Cresenciana Manabat-Potenciano, Dionisia Manabat-Lopez, Flaviana Manabat de Vera, and Hermenegildo Cariño, jointly and severally to pay to respondent Pablo Almarinez the sum of three hundred forty-seven pesos (P347.00), with interest at 6% per annum from the date of the promulgation of this decision until fully paid.

"Without costs."

Petitioner has appealed before Us from this judgment and from the order of May 18, 1960 denying his motion for reconsideration.

Appellant contends that in finding he had intentionally damaged the land, the court a quo relied on his conviction for malicious mischief and not on the evidence adduced before it. The record, however, will show that although

the lower court expressed in passing that despite the appeal from the decision convicting herein petitioner, "still the findings of fact stated therein on the very issues subsequently ventilated in this Court, cannot be ignored or disregarded," it proceeded to make an independent assessment of the evidence adduced in the case at bar, thus:

"Independently however of said decision, we find from the evidence submitted before us, firstly, that the excavation of the land, by means of a bulldozer, was through the initiative of respondent Almarinez alone and was not known or consented to be beforehand by the landholders, and, secondly, said excavation definitely did not improve the land, but on the contrary, impaired to a certain degree its productive capacity." (Decision, pp. 6-7.)

To show further that the lower court considered even the minute details of the evidence, it traced how the petitioner obtained the bulldozer which he used in the scrapping and excavation of the land, as can be gleaned from the following paragraph of the lower court's decision:

"It appears from the evidence that on or about February 6, 1958, while a bulldozer was levelling a parcel of land belonging to the Mereado family, situated on the western boundary of the land holding in question, which was being converted into a subdivision, respondent Pablo Almarinez approached the bulldozer operator and requested him to excavate, with the use of the bulldozer, the elevated southwestern portion of petitioners' land. The excavation resulted in the scrapping of about two paddies, the levelling or removal of the pilapiles thereon, and the filling up of the irrigation canal separating the Mercado subdivision and the landholding in question. The earth scrapped by the bulldozer was moved to the Mercado subdivision." (Decision, pp. 3-4.)

The lower court ruled that for the acts committed by the tenant, the latter could be ejected under Section 60 (f) of Republic Act 1199 which provides that "when the tenant through negligence permits serious injury to the land which will impair its productive capacity," the same is sufficient ground for his ejectment. (*Italics supplied.*) Obviously said section has no application in this case where the injury to the land was inflicted by the tenant's positive and deliberate act. (*Lao Oh Kim vs. Reyes*, L-11391, May 14, 1958.) It is Sec. 50(b), in relation with Sec. 23, Par. 1, and Sec. 38, Par. 3, that governs in this case. Section 23, Par. 1, enjoins the tenant "to ... take care of the farm . . . and other improvements entrusted to him as a good father of the family". Under Sec. 38, Par. 3, the tenant's duties include "the maintenance, repair and weeding of dikes, paddies, and irrigation canals in his holdings."

And Section 50 (b) provides that "whom the tenant violates or fails to comply with . . . any of the provisions of this Act," his ejectment is in order. It is clear that petitioner's deliberate acts against the land, specifically "the scrapping of about two paddies, the levelling or removal of the pilapiles thereon, and the filling up of the irrigation canal." are sufficient justification for his ejectment. (*Lao Oh Kim vs. Reyes*, *supra*.)

Petitioner presented a counterclaim for a readjustment of the harvests corresponding to the period from 1951 to 1957. The lower court in considering such counterclaim decided that the tenant was entitled under the Proper sharing basis to 57-1/2% of the net produce of the land tilled by him, and that he had received only 50% of said produce. It therefore awarded the tenant an additional 7-1/2% of the net produce but only corresponding to crop years 1956 to 1957, on the ground that respondents were not yet the landholders before 1955.

Section 9 of Republic Act 1199, on severance of relation- Ship between landlord and tenant, provides in its last portion, as follows:

"...The expiration of the period of the contract as fixed by the parties, or the sale, alienation or transfer of legal possession of the land does not of itself extinguish the relationship. In the latter case, the purchaser or transferee shall assume the rights and obligations of the former landholder in relation to the tenant. In case of death of the landholder, his heir or heirs shall likewise assume his rights and obligations." (*Italics supplied.*)

We have already decided in *Natividad vs. De Guzman*, 111 Phil., 430, March 27, 1961, that the tenant may proceed against the transferee of the land to enforce obligations incurred by the former landholder in relation to said land, for the reason that "such obligations . . . fall upon the assignee or transferee of the land" pursuant to Sec. 9 abovementioned. Since respondents are in turn free to proceed against the former landholder for reimbursement, it is not iniquitous to hold them responsible to the tenant for said obligations. Moreover, it is the purpose of Republic Act 1199, particularly Sec. 9 thereof, to insure that the right of the tenant to receive his lawful share of the produce of the land is unhampered by transfers of said land from one landholder to another.

The evidence disclosed that for the agricultural year 1954-55 the net produce was 200 cavans then priced at P9.00 per cavan. The share actually received by petitioner was only 50% or 7-½% below his legal share of 67-½%. He was therefore entitled to an additional 15 cavans valued at a total of P135.00, aside from the amount of P347.00 awarded by the court *a quo* under the reliquidation corresponding to the 1955-1957 crops. No award can be made on harvests before 1954 since petitioner adduced no evidence thereon.

WHEREFORE, the judgment appealed from is modified so as to raise the tenant's award under the reliquidation to four hundred eighty-two (P482.00) pesos, without prejudice to respondents' filing the proper action for reimbursement for the amount of one hundred thirty-five (P135.00) pesos corresponding to the tenant's share for the agricultural year 1954-55. In all other respects, the judgment is hereby affirmed, without costs.

SO ORDERED.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Dizon, Regala, Makalintal and Zaldivar, JJ. concur.

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