

**JOSE ROSELLO AND GAUDENCIO MALAZARTE,
PETITIONERS-APPELLANTS, VS. HONORABLE PASTOR P. REYES, AS
JUDGE OF THE COURT OF AGRARIAN RELATIONS, 12TH REGIONAL
DISTRICT BRANCH II, ORMOC...**

G.R. No. L-24733. August 05, 1980

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

Petitioners-appellants Jose Rosello and Gaudencio Malazarte, in this certiorari proceeding by way of review of a decision of the Court of Agrarian Relations, were sued in the Court of Agrarian Relations by private respondent Nicanor Legista, seeking "reinstatement, payment for coconut trees planted by him, reimbursement of unrealized shares in the coconut produce, recovery of the value of his house and claims for moral and exemplary damages." [1] The reinstatement was ordered as well as payment in the amount of P360.00 corresponding to the value of the improvements introduced by private respondent. From the recital of the facts as found by respondent Judge Pastor P. Reyes, the conclusion reached by this Court is that reinstatement is not warranted but reimbursement in the above sum should stand.

According to the decision under review: "It appears that the landholding in question with an area of seven (7) hectares and situated in Buncanag, Pinamudlan, San Francisco, Leyte del Sur, is formerly owned by Patrocinio Ibanez, father-in-law of Jose Rosello. As owner, said Patrocinio Ibanez engaged the services of Nicanor Legista to tenant his landholding planted with coconut and bananas. As a tenant, plaintiff took care of the coconut trees and even constructed a house in his landholding. Sometime in 1947, the owner, (now deceased) with the right to repurchase, sold the property to Jose Rosello. Being in possession of this landholding, the new owner retained the services of plaintiff, permitted him to live in the same house and also allowed him to take care of the coconuts and bananas. As tenant, plaintiff shared the produce equally with his new landholder. The coconuts yield a harvest of 5000 fruits every three (3) months which when converted to copra amounts to 1700 kilos. In the locality, a kilo of copra costs P0.35. From time to time, plaintiff planted some 60 coconuts, 30 of which are now fruit bearing and about 120 banana groups. In accordance with the verbal agreement between the parties, herein defendant agreed to reimburse plaintiff for the plantings he made at the rate of P5.00 for every fruit-bearing coconut, P3.00 for non-fruit-bearing and P1.00 for every group of banana. Prior to August, 1962, Jose Rosello filed a case against his brother-in-law, a certain Alfonso Ibanez. In that case, Nicanor Legista testified in favor of his brother-in-law and against herein defendant. As a consequence of this incident 'our good relationship was severed' (See tsn., p. 10, Hearing of June 26, 1964). As the parties could not see eye to eye nor were they in speaking terms, and for reasons of his own, plaintiff left his landholding, although, he continued to live in his same house unmolested by herein defendant. Necessarily, defendant, in order to protect his property, had to hire Gaudencio Malazarte as tenant. In the light of the foregoing circumstance, we could not see our way clear to uphold plaintiff's claim that he was dispossessed of his landholding by defendant, in or about August, 1962. We are more inclined to believe, that because of that incident, plaintiff left his landholding and chose to take the cudgels with defendant in Court.

We could not reconcile the idea of defendant having ejected plaintiff, and yet the latter still remained and continued to live in the same property owned by the former. Hence, plaintiff's pretenses of having been ejected from his landholding is hereby dismissed." [2] Nonetheless, the judgment under review ordered petitioner Rosello "to reinstate [respondent Legista] immediately over said landholding with an approximate area of seven (7) hectares, situated at Buncanag, Pinamudlan, San Francisco, Leyte del Sur, and to maintain him in peaceful possession and cultivation." [3] Hence this petition.

In the brief for petitioners, the order of reinstatement was assigned as the first error, reliance being on the applicable statute [4] which includes voluntary surrender or abandonment of the land as a cause for the tenancy relationship being extinguished. The brief for petitioners pointed out that "the acts of the respondent-appellee Nicanor Legista constituted an abandonment of the tenement of the petitioner-appellant herein; and in consequence thereof, the relationship between the petitioner-appellant and respondent-appellee in this case if there was any, was then severed." [5]

So it ought to have been held by respondent Judge. For as categorically stated by him: "Hence, plaintiff's pretenses of having been ejected from his landholding is hereby dismissed." [6] An order of reinstatement ought not to have been issued. It is the settled law that a well-nigh conclusive effect is accorded the findings of fact of the Court of Agrarian Relations. [7] There is thus an obvious incompatibility between the fact of abandonment which, in the well-written opinion, was the conclusion reached and the order of reinstatement. In *Flores v. Flores*, [8] this Court stressed "that for the lower court to make such detailed findings of fact and thereafter disregard with impunity what as a consequence is required by law was to act with manifest unfairness." [9] That would not be in accordance with the requirements of due process. Reinstatement, to repeat, is not warranted.

The award of reimbursement in the sum of P360.00 should stand. The findings of fact demonstrated quite clearly that improvements in that amount were introduced by private respondent Legista. The second error assigned by petitioners-appellants is thus devoid of merit.

WHEREFORE, the judgment is reversed insofar as it ordered reinstatement of private respondent Nicanor Legista and affirmed insofar as it ordered petitioners-appellants to pay and deliver to him the total amount of P360.00 corresponding to the value of the improvements introduced by him in the landholding. Costs against petitioners-appellants.

Barredo, Aquino, Concepcion, Jr., Guerrero, and De Castro, JJ., concur.
Abad Santos, J., on leave.

[1] Decision, Annex A to Petition, 1.

[2] *Ibid.*, 2-4.

[3] *Ibid.*, 5-6.

[4] Section 9, Republic Act No. 1199, as amended by Republic Act No. 2263, provides: "Severance of relations. - The tenancy relationship is extinguished by the voluntary surrender or abandonment of the land by, or the death or incapacity of the tenant."

[5] Brief for the Petitioners-Appellants, 4.

[6] Decision, Annex A to Petition, 4.

[7] *Atayde v. De Guzman*, 103 Phil. 187 (1958); *Escato de Miranda v. Reyes*, 103 Phil. 207 (1958); *Cahilo v. De*

Guzman, 106 Phil. 520 (1959); Yusay v. Alojado, 107 Phil. 1156 (1960); Ulpiendo v. Court of Agrarian Relations, 109 Phil. 964 (1960); Cañada v. Rubi, 110 Phil. 505 (1960); Mateo v. Duran, L-14314, Feb. 22, 1961, 1 SCRA 508; Domingo v. Court of Agrarian Relations, L-12116, April 28, 1962, 4 SCRA 1151; Silva v. Cabangon, L-14801, Jan. 31, 1963, 7 SCRA 33; Bermudez v. Fernando, L-18610, April 22, 1963, 7 SCRA 682; Toledo v. Court of Agrarian Relations, L-16054, July 31, 1963, 8 SCRA 499; Lustre v. Court of Agrarian Relations, L-19654, July 31, 1963, 10 SCRA 659; De Lamera v. Court of Agrarian Relations, L-20299, May 31, 1966, 17 SCRA 368; Gagola v. Court of Agrarian Relations, L-19740, Dec. 17, 1966, 18 SCRA 992; Lapina v. Court of Agrarian Relations, L-20706, Sept. 25, 1967, 1967, 21 SCRA 194; Ibaviosa v. Tuazon, L-21641, Dec. 29, 1967, 21 SCRA 1438; Picardal v. Lladas, L-21309, Dec. 29, 1967, 21 SCRA 1483; Del Rosario v. De los Santos, L-20589-90, March 28, 1968, 22 SCRA 1196; Beltran v. Cruz, L-20973, Oct. 26, 1968, 25 SCRA 607; Teodoro v. Macaraeg, L-20700, Feb. 27, 1969, 27 SCRA 7; Lim, Sr. v. Secretary of Agriculture and Natural Resources, L-26990, Aug. 31, 1970, 34 SCRA 751; Resuena v. Bas, L-19641, Aug. 14, 1970, 34 SCRA 386; De Chavez v. Zobel, L-28609, Jan. 17, 1974, 55 SCRA 26.

[8] L-28930, August 17, 1973, 52 SCRA 293.

[9] Ibid., 300.

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