

PEDRO DAHIL, PETITIONER-APPELLANTS, V.S. ANTONIO CRISPIN, RESPONDENT-APPELLEE.*G.R. No. L-7103. May 16, 1956*

Ponente: ENDENCIA, J.

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For about five years up to the riling of the original complaint in this case, on February 19, 1953, Pedro Dahil, the herein petitioner, was the tenant of Antonio Crispin, the herein respondent, on an agricultural land located at barrio Santiago, municipality of Botolon, province of Zambales.. In the agricultural year of 1950-1951, the land produced 42 caverns of palay, from which 2 cavans were taken by the respondent In payment of the 2 cavans of seedlings used for that year. When the 40 cavans were to be divided, the petitioner demanded from the respondent that the division be made on the basis of 75-25% in his favor, in accordance with Sections 7 and 8 of Act No. 4054, in view of the fact that there was no previous written agreement between the parties and principally because the tenant furnished the necessary implements and work animals and defrayed all the expenses for planting and cultivation of the land. The respondent did not agree to this demand, and the petitioner, for fear of being ejected from the land by the respondent, yielded to the wishes of the latter and the crop was divided on a 50-50 basis, to wit: 20 cavans for the petitioner and 20 cavans for the respondent. In the agricultural year 1951-1952, he continued working on the land which produced 51 cavans and 4-1/2 gantas of palay in that year. When tills last crop was to be divided, a dispute arose again ac to the share each should receive, hence, the petitioner Initiated this case to secure his lawful share In both crops of 1951-1951 and 1951-1952. Before the trial of the case, the liquidation of the crop of 1951-1952 was amicably settled, thus the case was tried only with regard to the reliquidation of the 1950-1951 crop.

After the trial, the Court of Industrial Relations, in a decision penned by the Hon. Associate Judge V. Jimenez Yanson, denied the reliquidation prayed for by the petitioner. Immediately thereafter the latter filed a motion for reconsideration alleging that the decision is contrary to law, but the Court of Industrial Relations sitting in banc affirmed .the decision on the ground that there was no sufficient justification for altering or modifying it. Hence, this appeal on the ground that the lower court erred (1) in denying the reliquidation of the net harvest during the agricultural year 1950-1951 illegally divided between the ten suit-petitioner and landlord-respondent; (2) in not finding the provisions of Act No. 4054. as amended, regarding the apportionment of the shares between the landlord and the tenant as mandatory; and (3) in not finding the proportion of shares for the tenant and the landlord established In Act No. 4054, as amended, a right granted by statute and as such right prescribes only after the lapse of ten (10) years.

In denying the petition, the lower court ruled that the crop for the year 1950-1951 had been divided long before the tenant filed his complaint; that to permit the re liquidation prayed for by the petitioner would be opening the door to further confusion in the relationship of the parties herein; that the petitioner had long slept on his right; and that the grievances, if any, should have been brought to the' attention of the court immediately after his harvest of the crop in question, and for him to bring the same after the lapse of an duller agricultural year was too

late. It appears, however, that the petition was filed in the month of February of 1952 and that only one agricultural year had elapsed from the time the crop of 1950-1951 was divided between the parties in March 7 1951." There is, therefore, no unreasonable delay on the part of the petitioner in bringing the action "and the lower court was not justified in concluding that petitioner's action has prescribed because of Ms inaction for nearly a year. Besides, Act No. 4054, as amended, contains no provision as to prescription of action that may arise thereunder and consequently Art. 1145 of the now Civil Code, which provides that action based upon oral contract can be filed within six years, may be applicable to the present case.

On the other hand, Section 8 of Act No. 4054, as amended by Republic Act No. 34—clearly provides that "in the absence of any written agreement to the contrary and when the tenant furnished the necessary implements and work animals and defrays all the expenses for planting and cultivation of the land, the crop shall be divided as follows: xxx 75% for the tenant and 25% for the landlord in case of land the average normal production of which is not more than 40 cavans of palay per one cavan of seeds. This provision of law is completely applicable to the case at bar and the 40 cavans of palay in question should have been divided in accordance therewith to wit." 30 cavans for the petitioner and 10 cavans for the respondent. Consequently, the latter who received 20 cavans, or more than what the law authorizes, is bound to return 10 cavans to the petitioner to complete the latter's share in accordance with the aforequoted provision of law. Moreover, under Section 7 of the aforementioned Act No. 4054, as amended by Commonwealth Act No. 78 and Section 3 of Republic Act No. 34, the tenant should receive not less than 55% of the net produce and that any stipulation between the landlord and the tenant to the contrary is declared to be against public policy. The petitioner herein was given in the partition complained of a share less than 55%, so it is very clear that the policy of the law was violated and, therefore, the herein petitioner has right to the reliquidation sought for in the petition and to claim the 10 cavans the respondent received in excess of his lawful share.

"WHEREFORE, the decision appealed from is hereby reversed and the respondent Antonio Crispin ordered to deliver to the petitioner the ten cavans of palay prayed for in the petition and to pay the costs,

Paras, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur

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