

ELENA P. VDA. DE REYES, FOR HERSELF AND AS GUARDIAN AD LITEM OF THE HEIRS OF HER DECEASED HUSBAND, SEVERINO REYES, PETITIONER, VS. COURT OF APPEALS, AND THE HEIRS OF PEDRO TABUB...

G.R. No. L-43297. December 15, 1986

Ponente: FERNAN, J.

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FERNAN, J.:

This is a petition for review on certiorari of the decision of the Court of Appeals dated January 7, 1976, affirming the decision of the Court of Agrarian Relations, Cuyapo, Nueva Ecija, but suspending the execution of the same pursuant to Sections 1 and 3 of Presidential decree No. 316, and its resolution dated March 3, 1976 denying the motion for reconsideration. After considering the allegations, issues and arguments adduced in said petition, private respondents' comments thereon and petitioner's reply thereto, as well as the separate comment of the Secretary of the Department of Agrarian Reform, the Court resolved to treat the petition as a special civil action of certiorari.

On November 24, 1970, Pedro Tabubuca, predecessor-in-interest of private respondents, instituted in the agrarian court against the petitioner an action for fixing of rentals. On December 1, 1970 the complaint was amended to include as additional defendants the heirs of Severino Reyes [the deceased spouse of petitioner] and to seek as additional relief the reliquidation of past harvests.

After trial, the Court of Agrarian Relations rendered a decision on October 30, 1973, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered, dismissing the complaint for lack of merit and insufficiency of evidence.

"The interlocutory order dated January 6, 1971, which allowed plaintiff to possess and plant palay on the landholding, pending trial on the merits, is hereby dissolved, and consequently, the plaintiff is hereby declared without any right to further possess or cultivate the landholding in question.

"The plaintiff is further ordered to deliver the provisional rental fixed by the Court for the agricultural year 1971-72 in the amount 65 cavans of palay, and the balance of the provisional rental for the crop year 1972-73 in the amount of 35 cavans of palay, or its equivalent in cash.

"No pronouncement as to costs.

"IT IS SO ORDERED."

From the above dispositive portion, petitioner appealed to this Court arguing that as a consequence of respondent Court's suspending the execution of its aforesaid decision, after affirming in full the finding of fact of the Court of Agrarian Relations that plaintiff Pedro Tabubuca was not a bona-fide tenant-farmer on the land in question, said

decision was rendered ineffectual, meaningless and nugatory. Petitioner contends that Presidential Decree No. 316 was erroneously applied to the instant case.

Without passing upon the constitutionality of Presidential Decree No. 316, because the point has not been "specially pleaded, insisted upon and adequately argued" [*Asociacion de Agricultores de Talisay-Silay, Inc. vs. Talisay-Silay Milling Co., Inc.*, February 19, 1979, 88 SCRA 294, 471], we agree with petitioner.

Sections 1 and 3 of Presidential Decree No. 316 provide:

"SECTION 1. – No tenant-farmer in agricultural lands primarily devoted to rice and corn shall be ejected or removed from his farmholding until such time as the respective rights of the tenant-farmer and the landowner shall have been determined in accordance with the rules and regulations implementing Presidential Decree No. 27.

x x x x x x x x

"SECTION 3. – In all cases, efforts shall be exerted by all government officials to maintain the status quo in the relation between tenant-farmer and the landowner as already embodied in Presidential instructions."

and Presidential Decree No. 27 states:

"This shall apply to tenant?farmers of private agricultural lands primarily devoted to rice and corn under a system of share-crop or lease-tenancy, whether classified as landed or not."

Private respondents, who had in the meantime substituted for the plaintiff upon the latter's death, appealed to the Court of Appeals. The principal issue raised in said appeal was whe-ther or not the plaintiff Pedro Tabubuca was the bona-fide tenant-farmer on the land in question.

On January 7, 1976, the Court of Appeals affirmed the decision appealed from and agreed with the trial court that:

"x x x In the first place, plaintiff [the late Pedro Tabubuca] was never a tenant on this land in 1966, for although it is true that he was a tenant of the parents of defendant Elena Reyes before 1966, under Castro Pineda, it was on another landholding in Cacapasan, Cuyapo, Nueva Ecija, and not on the landholding in question which was precisely converted into a mango plantation by the Blue Ribbon Food's Corporation in 1966 [Paragraph 6, Stipulation of Facts, pp. 47-48, Record]. Plaintiff's Exhibit's A and B show very clearly that the lands on which he claims for reliquidation are different lands. The land in question is admittedly located in San Antonio [Butao], Cuyapo, Nueva Ecija, while the lands mentioned in the liquidation sheets Exhibits A and B are located in Curba and Cacapasan, Cuyapo, Nueva Ecija [Exhibits 16 and 16-A]. It is not true, therefore, that plaintiff was a share tenant on the very landholding in dispute in 1966. True, he was a tenant of the Hacienda Carmen, then under Castro Pineda as a landholder, but on different landholdings [par. 6, Stipulation of Facts], situated in Curba and Cacapasan [Exhibits 16 and 16-A]."

x x x x x x x x

then finally disposed of the case in the following manner:

"WHEREFORE, the decision appealed from is hereby affirmed, without pronouncement as to costs. However, this decision shall not in the meantime be executed pursuant to Sections 1 and 3, Presidential Decree No. 316."

It is already well settled that, like Presidential Decree No. 27, Presidential Decree No. 316 applies and operates only in favor of bona-fide tenant-farmers [*Geronimo vs. Court of Appeals*, April 28, 1983, 121 SCRA 859, 863-864; *Jacinto vs. Court of Appeals*, December 14, 1978, 87 SCRA 263, 274].

And the finding of fact of the Court of Appeals that plaintiff Pedro Tabubuca was not a bona-fide tenant-farmer on the land in question is final and conclusive [*Teruñez vs. Intermediate Appellate Court*, January 31, 1985, 134

SCRA 414], all the more so since private respondents did not appeal from said decision.

WHEREFORE, that portion of the judgment of respondent Court of Appeals which provides that "However, this decision shall not in the meantime be executed pursuant to Sections 1 and 3, Presidential Decree No. 316" is hereby deleted and the decision of the former Court of Agrarian Relations is declared final and executory.

SO ORDERED.

Alampay, Gutierrez, Jr., Paras, and Feliciano, JJ., concur.

Feria, (Chairman), J., no part.

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