

BALDOMERO TACAD, ET AL., PETITIONERS VS. POTENCIANA VDA. DE CEBRERO, RESPONDENT.

G.R. No. L-7738. May 30, 1955

Ponente: REYES, A., J.

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REYES, A., J.:

This is an appeal by certiorari from a decision of the Court of Industrial Relations.

The decision authorizes the ejectment of the herein petitioning tenants from their landholdings at the close of the 1953-1954 agricultural year and decrees that the 1952-1953 harvest be reliquidated on a 60-40 basis in favor of the respondent landowner.

Ground for the ejectment is the finding that the tenants were guilty of disobedience and negligence for "concertedly disappearing on the appointed dates for threshing" with the result that the thresher, who was then and there with his machine and a crew of not less than ten employees, was not able to do any threshing, and was for that reason requiring the landowner to compensate him for damages suffered. Petitioners dispute this conclusion on the ground that it is not supported by the evidence. But the question raised is factual, and findings on the weight of evidence by the Court of Industrial Relations are conclusive on this Court.

The question of reliquidation was submitted below on the following stipulation:

"(1) That the only year involved is the last agricultural year 1952-1953;

"(2) That in that agricultural year, the landlord:

- (a) shouldered the planting expenses;
- (b) furnished the seedlings;
- (c) and shared equally in the threshing expenses;

"(3) That the tenants also in that agricultural year:

- (a) supplied the farm implements and work animals;
- (b) shouldered the harvesting expenses which was 5 cavans per cavan of seedlings;
- (c) plowed and harrowed;

"(4) That the crop sharing basis was 50-50."

On the basis of the above stipulation the lower court ordered a reliquidation on a 60-40 basis in favor of the landowner, stating its reasons as follows:

"* * * the Court should be guided by precedents particularly that laid down by our Supreme Court in the case of Sibulo vs. Altar, G. R. No. L-1916. In that case the highest court established a fixed computation to be the basis in the determination of the proportionate shares in the harvest to which the tenant and the landlord are entitled, to wit:

First Class

Second Class

Capital (land)

30 percent

25 percent

Labor

30 percent

35 percent

Expenses

30 percent

30 percent

Work animals

5 percent

5 percent

Farm animals.....

5 percent

5 percent

'On the basis of the computation laid down by the Supreme Court, and considering the conditions as stipulated by the parties, there cannot be any doubt that the petitioner who is the landlord is entitled to 30 percent for her capital (land) and another 30 percent for shouldering the expenses, including the seedings, and the respondents are entitled to 30 percent for labor, 5 percent for work animals, and another 5 percent for farm implements, or a total of 40 percent.'

This ruling is disputed by the tenants as a misapplication of the formula adopted in the case cited, it being contended that the respondent landowner should not here be credited with the whole 30 % allotted by that case to the expenses of planting and cultivation because, according to the stipulation, she only shouldered "the planting expenses." In answer respondent's counsel maintains in his brief that the expenses of planting must be deemed to include expenses of cultivation, if any. To this we can not agree. Cultivation, which has to do with the tilling of the land, promoting the growth and taking care of the plants, is an operation distinct from the planting itself, and if no expense was incurred for such operation it must be assumed that the work was done by the tenant himself. Such being the case, one-half of the 30% allotted to planting and cultivation expenses must be credited to the tenant. It results that the liquidation should be made on the following basis:

For the landlord:

30 percent for the land (capital)

15 percent for the planting expenses

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45 percent

For the tenant:

30 percent for labor aside from cultivation

15 percent cultivation

5 percent for work animals

5 percent for farm implements

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55%

In view of the foregoing, the decision below is affirmed in so much as it authorizes the ejectment of the tenants and modified as to the reliquidation of the 1952-1953 crop in the sense that the basis thereof, should be 55-45 in favor of the tenants. Without costs.

Pablo, Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, and Reyes, J. B. L. JJ., concur

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