

CORNELIO MACANDILE, PETITIONER, VS. HON. ARTEMIO C. MACALINO, AS EXECUTIVE JUDGE OF THE COURT OF AGRARIAN RELATIONS AND PRESIDING JUDGE OF THE COURT OF AGRARIAN RELATIONS, SEVEN...

G.R. No. L-24874. September 30, 1978

Ponente: SANTOS, J.

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SANTOS, J.:

This is an original action filed August 10, 1965, for a writ of certiorari to review and annul, on the grounds alleged, the resolution dated July 15, 1964, of respondent Judge, then Executive Judge of the CAR, in CAR Case No. 59-San Pablo City, by which he -- (1) set aside his own resolution of May 5, 1964, in which he recognized petitioner as the tenant on the coconut holding, on the ground of "comity among judges"; (2) revived the decision of Judge Pastor L. de Guzman dated March 15, 1963, which held that petitioner is not an agricultural tenant and which he, Executive Judge Macalino, had set aside in said resolution of May 5, 1964; and (3) ordered that the Motion for Reconsideration of March 29, 1963, and the opposition thereto of June 12, 1963 (which he, Judge Macalino resolved on May 5, 1964), should instead be resolved by said Associate Judge de Guzman, who had by then been reassigned from San Pablo City to Branch III, Fifth Regional District, CAR, at Angeles, Pampanga.

On August 16, 1965, the petition was given due course.[1] On August 24, 1965, the Clerk of Court of the Court of Agrarian Relations was required pursuant to Sec. 8, Rule 43, New Rules of Court to forward to this Court the complete records in CAR Case No. 59-Laguna '61 and pursuant to Sec. 9, Rule 43, respondents were required to answer.[2] The records of Cornelio Macandile, et al. vs. Sotera Guevarra, et al., CAR Case No. 59 (S.P.C.) Laguna '61, were elevated to this Court on September 16, 1965.[3] Private respondents filed their answer on September 11, 1965[4] whereas the public respondent filed his on October 1, 1965.[5] Thereafter, petitioner filed his brief on Nov. 15, 1965;[6] respondents theirs on Dec. 10, 1965.[7]

The relevant factual and procedural antecedents which gave rise to this petition are as follows:

(1) On September 29, 1961, petitioner and his wife, Melicia Guevarra, filed a complaint, to be declared agricultural tenants in a 7-parcel, 4-1/2 hectare coconut holding planted to other crops, e.g. lanzones, in the lower court with seat at San Pablo City which was docketed as CAR Case No. 59-San Pablo City (1961), entitled "Cornelio Macandile and Melicia Guevarra vs. Sotera Guevarra, Pepito Ticzon and Beatriz Ticzon.[8]

(2) On August 6, 1962, the parties entered into a compromise agreement and submitted the same to the Court for approval.[9]

(3) On August 8, 1962, the Court, acting through the Presiding Judge, the Hon. Pastor L. de Guzman rendered judgment, approving the terms and conditions of the amicable settlement, as follows.[10]

"The parties in the above-entitled case submitted to this Court a compromise agreement, dated August 6, 1962, the pertinent terms and conditions of which are hereunder quoted:

"1. That respondents hereby agree to retain the petitioners on the landholding subject of this litigation;

"2. That respondents agreed to give 1/6 of the net harvest realized from the coconut trees planted thereon as share of the petitioners for each and every harvest to take effect upon the signing of this compromise agreement;

"3. That with respect to the lanzones trees, respondents and petitioners agreed to observe the local practices;

"4. That the petitioners will be preferred to cultivate, clean, manage and plant whatever crops the respondents may later on decide to introduce on the landholding under consideration, for compensation to the petitioners, the parties agreed to observe the prevailing custom at the place;

"5. That the respondents agreed not to employ other persons aside from the petitioners herein in performing whatever work the land is susceptible;

Paragraph (2) of the compromise agreement seems to show that the sharing allowed the petitioners is not in consonance with the prevailing customs but the Commissioner who heard the case informed the Court that the petitioners are not the tenants but are merely sort of watchers such that the amount of 1/6 of the net harvest realized from the coconut trees planted on the landholding as share of the petitioners looked (sic) to be justified.

Finding, therefore, the aforesaid compromise agreement not to be contrary to law, morals and public policy, the same is APPROVED; judgment is rendered in accordance with its terms and conditions, and the parties are enjoined to comply strictly therewith, with the understanding further that petitioners are not tenants but merely watchers in the landholding in question.

SO ORDERED.

San Pablo City, Philippines, August 8, 1962."

(4) On August 15, 1962, the above decision was promulgated.[11]

(5) On August 24, 1962, petitioner herein, also the petitioner below, filed a motion for reconsideration praying "... of this Honorable Court to modify its Decision of August 8, 1962 and remove that portion of its finding and ruling to the effect that petitioners are not tenants but merely watchers in the landholdings in question." [12]

(6) On September 6, 1962, private respondents herein, also the respondents below, filed their opposition to the motion for reconsideration.[13]

(7) On October 25, 1962, the Court, through the Hon. Pastor L. de Guzman, set aside the decision of August 8, 1962 and held instead "... that the Amicable Settlement is against the law, morals and public policy." [14]

(8) Thereafter, and upon Motion of Petitioner on November 6, 1962, the CAR set the case for hearing on December 13, 1962.[15]

(9) On January 3, 1963, the CAR, after hearing, issued an Order appointing Mr. Marcelino Bacod, Clerk of Court, as Court representative to conduct an ocular inspection of the holding, thus -

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"In the last hearing of this case, petitioner Cornelio Macandile claimed that he used to plow in-between the rows of coconut trees in his landholding as one of his duties. This fact is important to the Court to determine whether petitioner is really the tenant or not on his landholding.

WHEREFORE, in the interest of Justice, Mr. Marcelino C. Bacod, a clerk of this Court, is hereby delegated as representative of this Court to make an ocular inspection of the landholding in question to look and see whether said petitioner really plows in-between the rows of coconut trees in the landholding or only a portion of the same where he planted his 'oraro' for his personal consumption. He is also directed to see other phase of cultivation which said petitioner has done in the landholding in question and make his report immediately upon termination thereof. In making the ocular inspection, he should inform the petitioners and the respondents so that they may be present during the time of his ocular inspection in the said landholding.

SO ORDERED.

San Pablo City, January 3, 1963." [16]

(10) On January 7, 1963, Mr. Marcelino C. Bacod filed his Report[17]- -

"Pursuant to the Order of this Court dated January 3, 1963, the undersigned on January 5, 1963, went to Bo. Ilog, San Pablo City to inform the petitioners and the respondents of the ocular inspection of the landholding in question. Unfortunately the respondents were out of their residence and was informed by their sister that the respondents went to Manila for urgent family matters. On January 6, 1963, the undersigned went again to Bo. Ilog, San Pablo City and I was able to inform the petitioners and the respondents of the said ocular inspection and we proceeded to the landholding, parcel by parcel, accompanied by Mr. F. Guevarra, 2nd Bo. Lt. Sitio 4, Bo. Ilog, San Pablo City.

On Parcel 1, there are 330 coconut trees more or less, with 33 banana plants, cleaned, 2 bonton of (bonot) coconut husk burned, NOT PLOWED.

On Parcel 2, there are 100 coconut trees more or less, cleaned husked burned, NOT PLOWED.

On Parcel 3, there are 253 coconut trees more or less, with 70 banana plants, 5 lanzones trees (2 years old) NOT PLOWED.

On Parcel 4, there are 140 coconut trees more or less (NOTE: 49 coconut trees are planted with "ORARO") cleaned, NOT PLOWED.

On Parcel 5, there are 194 coconut trees more or less, cleaned, NOT PLOWED.

On Parcel 6, there are 89 coconut trees more or less, with 132 banana plants, cleaned, (NOT PLOWED).

On Parcel 7, there are 44 coconut trees, partially cleaned, (NOT PLOWED)."

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(11) On January 8, 1963, after the ocular inspection had been conducted, the Court set the case for hearing on the nature of the tenure relation between the parties.[18]

(12) On March 15, 1963, the then Presiding Judge of the Court, Judge Pastor L. de Guzman, who conducted the hearing, rendered judgment reiterating that petitioners are mere watchers on the coconut holding and not tenants and reviving the decision of August 8, 1962, thus[19] -

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"WHEREFORE, the Court decides this case declaring petitioner as mere watcher on the landholding in question; that the amount of 1/6 of the net harvest of coconuts is more than sufficient for his compensation as watcher thereof. The decision of this Court dated August 8, 1962 is revived and should be made part of this decision.

SO ORDERED."

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(13) On March 29, 1963, herein petitioner, also the petitioner below, filed a motion for reconsideration of the foregoing decision.[20]

(14) On June 12, 1963, private respondent, also the respondent below, filed their opposition to the motion for reconsideration.[21]

(15) On July 29, 1963, the motion for reconsideration and the opposition thereto were argued before Judge Jose R. Cabatuando, who by that time, was the Presiding Judge of the San Pablo branch of the CAR.[22]

(16) On May 5, 1964, Executive Judge Artemio C. Macalino, then Executive Judge of the CAR, who had taken over as Presiding Judge of the San Pablo branch of the CAR, after Judge Cabatuando's re-assignment to another district, resolved the motion for reconsideration and the opposition thereto, reversing the decision dated March 15, 1963, of Judge Pastor L. de Guzman, declared Macandile a tenant of the holding, not a patao or mere watcher, and sentenced defendants to pay him damages.[23]

(17) On May 29, 1964, private respondents filed a motion for reconsideration of the resolution of Judge Artemio O. Macalino dated May 5, 1964.[24]

(18) On June 15, 1964, petitioner filed his opposition to the above motion for reconsideration.[25]

(19) On July 15, 1964, Judge Macalino resolved the motion for reconsideration of private respondents by setting aside his resolution of May 5, 1964, and reviving the decision of Judge de Guzman of March 15, 1963. At the same time he referred the motion for reconsideration (March 29, 1963) and the opposition (June 12, 1963) to Judge de Guzman and forwarded the records of the case to Angeles, Pampanga.[26]

(20) On July 29, 1964, petitioner filed a motion for reconsideration of the above resolution of Executive Judge Macalino.[27]

(21) On August 18, 1964, Judge de Guzman, then already presiding over the Angeles City branch of the CAR and to whom the records of CAR Case No. 59-San Pablo City (1961) had been forwarded, issued an Order the dispositive portion of which reads as follows:

"WHEREFORE, this Court resolves: First, to abstain from acting on the motion for reconsideration, dated March 29, 1963, for the reason that the same has already been resolved in four squares by the Honorable Executive Judge; second, not to consider the motion, dated July 29, for the reason that to allow the same is tantamount to allowing interminable litigation, this Court cannot act on the said motion for reconsideration filed on July 29, 1964." [28]

(22) On September 12, 1964, petitioners filed a manifestation and motion praying that:

"x x x in the interest of justice, it is most respectfully prayed that the Honorable Executive Judge exercise the jurisdiction that pertains to him; set aside the Resolution of July 15, 1964 and revive his Resolution of May 5, 1964 it being the Resolution conformable to the facts of the case and to law." [29]

(23) On November 6, 1964, Judge Pastor L. de Guzman, to whom the records of the case were forwarded in his new station in Angeles, Pampanga, issued an Order resolving the manifestation and motion above-mentioned, as follows:

"After a perusal of the allegations contained in the manifestation and motion which should be considered as motion filed by the plaintiffs, thru counsel, dated September 12, 1964, and the opposition thereto also filed by the defendants, thru counsel, on September 28, 1964, the Court cannot find way to grant the same. The points therein presented were already taken in the previous resolution of this Court. The decision has long become final and executory.

WHEREFORE, and for lack of merit, the said manifestation and motion is denied." [30]

which order was received by petitioner thru counsel on December 1, 1964. [31]

Then on August 10, 1965 -- or some nine (9) months thereafter -- this special civil action for certiorari was filed with this Court. [*]

Upon the foregoing set of facts, petitioner contends - (1) that respondent Executive Judge of the CAR cannot set aside his own resolution, purely on the ground of "comity among judges" while all the time justifying the legality and validity of said resolution; and (2) that under Section 157 of the Agricultural Land Reform Code, judges of Courts of Agrarian Relations who have been transferred to another district cannot decide a motion for reconsideration of a decision which said judge rendered in a case he heard and decided in his previous district; and (3) that respondent Judge acted in excess of jurisdiction and with grave abuse of discretion in issuing the order of July 15, 1964, setting aside his resolution of May 5, 1964. [32]

Private respondents, in turn, through counsel, contend - (1) that petitioner cannot legally elevate this case to this Court by way of certiorari after failure to interpose an appeal, in accordance with Section 156 of Agricultural Land Reform Code, from the resolution of respondent Judge of July 15, 1964, which set aside the first resolution of May 5, 1964 and allowing the decision of Judge Pastor L. de Guzman of May 15, 1963 to "stand". [33]

Public respondent, Executive Judge, by counsel, on the other hand, argue - (1) that Judge Pastor L. de Guzman who heard the case, and in fact decided it, had authority to resolve the motion for reconsideration under Section 157 of Republic Act 3844 in greater interest of justice and judicial comity among judges; (2) that petitioner should have appealed as a plain, speedy and adequate remedy, and, therefore, where the same was not, availed of within the reglementary period, certiorari will not lie even if the period for appeal has already lapsed. [34]

The issues then -- in their logical bearing on the facts of this case which We have taken extreme pains, to determine as above detailed -- should be considered as follows:

(1) Whether petitioner can legally elevate this case to this Court by way of a special civil action for certiorari, after he had lost his right to appeal from the judgment rendered by Judge Pastor de Guzman on March 15, 1963 in accordance with Section 156 of the Agricultural Land Reform Code; [35]

(2) Whether Judge Pastor de Guzman who heard the case and in fact decided it had authority to resolve the motions for reconsideration which were referred to him by Executive Judge Macalino under Sec. 157 of the same Code and, finally;

(3) Whether Executive Judge Artemio Macalino acted without jurisdiction or with grave abuse of discretion when he issued the order of July 15 which set aside his resolution of May 5, 1964 and revived the decision of Judge de Guzman of March 15, 1963.

1. The first issue. It appears that the original judgment of Judge de Guzman on August 8, 1962 approved the amicable settlement and held that petitioner is not a tenant but merely a watcher (Item 3, *supra*). Petitioner moved for reconsideration of the same (Item 5, *id.*). As a result, the said decision was set aside (Item 7, *id.*). The case was set for another hearing (Item 8, *id.*). A court representative was even appointed to conduct an ocular inspection (Item 9, *id.*). The court representative, Mr. Marcelino Bacod, Clerk of Court, filed a Report finding that the petitioner is not a tenant (Item 10, *id.*). On January 8, 1963, the Court set the case for hearing on the nature of the

tenure relation of the parties (Item 11, id.). On March 15, 1963, Judge de Guzman rendered judgment again declaring petitioner a mere watcher not a tenant of the holding in question (Item 12, id.). On March 29, 1963, petitioner again moved for reconsideration of said decision (Item 13, id.). The Motion for Reconsideration was argued before another judge, Jose R. Cabatuando (Item No. 15, id.). On May 5, 1964, Executive Judge Artemio Macalino reversed the decision of Judge de Guzman dated March 15, 1963 (Item 16, id.). On May 29, 1964, private respondent, in turn, moved for reconsideration of Judge Macalino's Resolution (Item 17, id.). On July 15, 1964, Judge Macalino set aside his own resolution of May 5, 1964 and revived the decision of Judge de Guzman of March 15, 1963 (Item 19, id.). The Motion for Reconsideration of March 29, 1963 and the opposition thereto of June 12, 1963 were referred to Judge de Guzman for resolution (id.). Petitioner moved for reconsideration of the foregoing resolution (Item 20, id.). On August 18, 1964, Judge de Guzman abstained from acting on the motion for reconsideration "for the reason that to allow the same is tantamount to allowing interminable litigation (Item 21, id.). On September 12, 1964, petitioner herein, also petitioner below, moved that the Executive Judge take jurisdiction of the case (Item 22, id.). On November 6, 1964, Judge de Guzman denied the same for lack of merit and in effect affirmed his decision of March 15, 1963 -- which was revived by Judge Macalino's order of July 15, 1964 -- finding petitioner not a tenant but a mere watcher or patao of the holding in question (Item 23, id.).

From the foregoing recitals, it is obvious that the proceedings before the CAR - which found petitioner on three occasions, including one after an ocular inspection of the holding and a second hearing, not an agricultural tenant but a mere watcher - have been the subject of a chain of interminable motions for reconsideration of two decisions, which have been originally issued as early as 1962 and then in 1963. But counsel for petitioner, who received the last order of Judge de Guzman denying his Motion for Reconsideration on December 1, 1964 instead of appealing therefrom, pursuant to Section 156 of the Agricultural Land Reform Code, filed this special civil action for certiorari instead, before this Court nine months thereafter or on August 10, 1965.

This issue should, therefore, be answered in the negative. Section 156 of the Agricultural Land Reform Code, which was approved and took effect on August 8, 1963, provides as follows:

"SEC. 156. Appeals. - Appeals from an order or decision of the Court of Agrarian Relations may be taken to the Court of Appeals on questions of fact and law or to the Supreme Court on pure questions of law, as the case may be, in accordance with rules governing appeals from the Court of First Instance as provided in the Rules of Court."

Under the foregoing provision, petitioner herein, also the petitioner in the CAR Case No. 59 (San Pablo City 61') could and should have appealed from the latest decision of Judge de Guzman to the Court of Appeals on questions of fact and law in accordance with the rules governing the appeals from Courts of First Instance. This he did not do. Having thus failed to exercise that recourse of appeal, it is settled that he cannot avail of the special civil action for certiorari as a substitute therefor. The rule is that certiorari will not lie where appeal is an adequate remedy, even if the period for appeal has already lapsed.[36]

2. The second issue. Section 157 of the same Code provides as follows:

"SEC. 157. Detail of Judges to Another District.- Whenever any judge in any of the Court shall certify to the Executive Judge that the condition of the docket in his Court is such as to require the assistance of an additional judge, or when there is any vacancy in any Court, the Executive Judge may, in the interest of justice, with the approval of the Supreme Court, assign any judge of the Court of Agrarian Relations whose docket permits his temporary absence from said Court, to hold session in the Court needing such assistance or where

such vacancy exists.

"Whenever a judge appointed or assigned in any branch of the Court shall leave his district by transfer or assignment to another Court of equal jurisdiction without having decided a case totally heard by him and which was duly argued or opportunity given for argument to the parties or their counsel, it shall be lawful for him to prepare and sign his decision in said case anywhere within the Philippines and send the same by registered mail to the clerk of court to be filed in the Court as of the date when the same was received by the clerk, in the same manner as if the judge had been present in the Court to direct the filing of the judgment; Provided, however, that if a case has been heard only in part, the Supreme Court, upon petition of any of the interested parties to the case and the recommendation of the respective district judge, may also authorize the judge who has partly heard the case to continue hearing and to decide said case notwithstanding his transfer or appointment to another court of equal jurisdiction."

The section - in providing for flexibility in the detail of CAR judges to other districts and the procedures to be observed in respect to the cases heard fully and/or partly by them - takes into consideration the nature, composition and mission of the CAR. A Special Court created under RA 1267[37] for the enforcement of agrarian reform legislation and conceived to resolve and decide with promptitude landlord - tenant disputes, it consisted of several judges - originally nine, then fifteen under Republic Act No. 3844, and now sixty under PD No. 946. CAR judges are assigned in various districts of the country where their services are urgently needed in view of the high incidence of tenancy cases and landholder-tenant disputes.

The section in par. 1 envisions and insures the mobility of CAR judges, who may be detailed from one district to another where the court dockets demand their presence. In view of this flexibility in the detail of judges to other districts, as the court dockets require, the section in par. 2 specifically authorizes the judge who has totally heard a particular case to prepare and sign his decision in said case anywhere within the Philippines and promulgate the same through the Clerk of Court of the district where the case has been heard, as if the judge had been present in said district; and, where the case has been heard by a judge only in part, the Supreme Court may under certain procedures, authorize the judge to continue the hearing and to decide the case notwithstanding his transfer to another district. This flexibility/mobility in the detail of CAR judges and the procedures laid down is intended to maximize the just, prompt and economical disposition/resolution of agrarian cases in view of the felt need for their early resolution to defuse and mitigate agrarian unrest and satisfy the tenantry's persistent clamor for prompt and inexpensive resolution of their disputes with their landholders.

The provisions whereby the judge is authorized, in the event of transfer/detail to other districts, to continue with the case/cases heard by him completely or partly and decide the same is, in turn, premised on the fact that the judge - who has heard the case, observed the demeanor of the witnesses, otherwise acquired acquaintance with the issues and incidents thereof - is in the best position to resolve the same. It is also based on convenience and expediency; for as between the judge who has heard the case either wholly or partially and another who has not done so, the former, all things considered, would be in a better position to determine the case fairly and expeditiously.

But in this case, which has been heard in full and the decision promulgated in San Pablo by Judge de Guzman, can be, under the terms of the section and after Executive Judge Macalino has referred the case to him, act on the motion/motions for reconsideration of his decision?

We believe so and so hold. In the first place, the section in implementing the legislative policy to insure mobility of CAR judges thru greater flexibility in their detail to other districts, authorizes the judge, who has fully and/or partly heard the same, to decide the case even after he has been transferred to another district. The reasons behind

this authorization - namely that having conducted the trial, he had observed the demeanor of the witnesses, perhaps even conducted the pre-trial and/or amicable settlement proceedings therein and otherwise acquired knowledge of and exposure to the issues involved and the relevant incidents necessary for an intelligent disposition of the case, is in the best position to render judgment - hold true and perhaps with even greater force to make him act on the motion/motions for reconsideration of the decision. It follows then that Judge de Guzman who heard, conducted amicable settlement proceedings, received the Report of the Commissioner and decided the case is in a better position to resolve the motion/motions for reconsideration of the same.

In the second place, the decision contemplated under the provision, which will be promulgated by the judge transferred to another district under the authority of the second paragraph of Section 157 extends to and includes final judgment. Otherwise stated, the decision contemplated by the section is the final judgment in the case. For a case is not terminated until after the judgment has attained finality or until an appeal is timely perfected. Since the philosophy of this special provision which allows the judge transferred to another district to decide the case is premised on the fact that a judge who totally or partly heard the case is in a better position to resolve it, it follows that motion/motions for reconsideration of that decision, should be resolved by the judge who decided the case originally.

Having jurisdiction to decide the case totally heard by him under Section 157, *supra*, and having assumed the responsibility of preparing the decision pursuant thereto, it follows that Judge de Guzman possesses the necessary authority to resolve motions for reconsideration, which are clearly part and parcel of the decision-making process. In this connection, Section 6, Rule 135 of the Rules of Court is pertinent and is thus quoted below:

"Sec. 6. Means to carry jurisdiction into effect: When by law jurisdiction is conferred on a court or judicial officer, all auxiliary writs, processes and other means necessary to carry it into effect may be employed by such court or officer; and if the procedure to be followed in the exercise of such jurisdiction is not specifically pointed out by law or by these rules, any suitable process or mode of proceeding may be adapted which appears conformable to the spirit of said law or rules."

As this Court held in *Go Lea Chu v. Gonzales*,^[38] "(I)ndependent of any statutory provision, We assert that every court has inherent power to do all things reasonably necessary for the administration of justice within the scope of its jurisdiction."

To require another judge to consider and resolve the motion/motions for reconsideration is to require him to restudy the whole case over again with the resultant delay, and loss of time and effort on the part of all concerned.

Finally, it is a rule of statutory construction that the intention of the law should be considered and given due weight in its interpretation or construction. That construction, therefore, should be adopted which would carry to the fullest extent possible the policy considerations behind the enactment. The legislative intention to establish the CAR which will be responsive to the pressing need for just and economical disposition of landholder-tenant disputes is best carried out by allowing the judge who has decided the case to resolve the motion/motions for reconsideration. Therefore, the interests of justice, convenience and expediency, dictate that Judge de Guzman resolve the motions for reconsideration of the decision rendered by him originally.

3. The third issue. This issue is answered in the negative in the light of the foregoing resolution. The records show that Executive Judge Macalino who took over the sala at San Pablo City when Judge de Guzman was transferred to Angeles, Pampanga where his services were urgently needed, acted upon and resolved the motion for reconsideration filed by petitioner below, also the petitioner herein. Thereafter, however, realizing as rationalized above that par. 2 of Section 157 authorizes Judge de Guzman "... in the greater interest of justice and judicial

comity among CAR judges" to resolve the same, he set aside his resolution of May 5, 1964 and referred the said motion to Judge de Guzman. In thus referring the case to Judge de Guzman, under the terms of Section 157 and for the reasons stated above, Executive Judge Macalino merely adopted an interpretation or construction of the section, to enhance just and expedient resolution of the motions for reconsideration, and, therefore, did not, by any standard, act without jurisdiction nor with grave abuse of discretion. In electing to refer the case to Judge de Guzman, who under the terms of Section 157 is authorized to act on the motion/motions for reconsideration of his own decision in spite of his assignment to another district, Executive Judge Macalino merely acted pursuant to law, and there cannot be grave abuse of discretion if a judge acted under the sanction of law.[39]

IN VIEW OF ALL THE FOREGOING, let this Petition be, as it is hereby DISMISSED for lack of merit. This decision is immediately executory. No costs.

SO ORDERED.

Antonio and Concepcion, Jr., JJ., concur.

Barredo, (Acting Chairman), J., concur in the result. The decision of Judge De Guzman of August 8, 1962 should be allowed to stand. The instant petition is out of time.

Aquino, J., see concurring opinion.

Fernando, J., on leave.

[1] Rollo, p. 85.

[2] Id., pp. 86-87.

[3] Id., p. 113.

[4] Id., pp. 96-106.

[5] Id., pp. 116-127.

[6] Id., pp. 130-144.

[7] Id., p. 153.

[8] Rollo, p. 3; Pet., par. 2; Answer, private respondents, par. 2, Rollo, p. 96; Answer, public respondent, par. 1, Rollo, p. 116. The complaint also sought "reliquidation change of sharing system and damages," public respondents, Answer, Rollo, p. 117.

[9] Pet., Annex "A", Decision, Rollo, pp. 11, 109, for text of Compromise Agreement.

[10] Decision, August 8, 1962, Original Record, CAR Case No. 59 (SPC), pp. 136-137; Rollo, pp. 111-112.

[11] Idem, at p. 137.

[12] Original Record, CAR Case No. 59 (SPC) p. 139.

[13] Id., p. 144.

[14] Id., p. 159.

[15] Id., pp. 162, 164 & 165.

[16] Id., pp. 167-168.

[17] Id., pp. 170-171.

[18] Pet., Annex D, Resolution, Rollo, p. 29.

[19] Id., Annex "A", Rollo, pp. 11, et. seq.

[20] Id., Annex "B", Rollo, pp. 16, et. seq.

[21] Id., Annex "C", Rollo, pp. 25, et. seq.

[22] Id., Annex "G", Resolution, Rollo, p. 63.

[23] Pet. Annex "D", Rollo, pp. 27, et. seq.

[24] Id., Annex "E", Rollo, pp. 44, et. seq.

[25] Id., Annex "F", Rollo, pp. 55, et. seq.

[26] Id., Annex "G", Resolution of July 15, 1964, Rollo, pp. 63, et. seq.

[27] Id., Annex "H", Rollo, pp. 69, et. seq.

[28] Id., Annex "I", Order, Rollo, pp. 74, et. seq., at p. 79.

[29] Id., Annex "J", Rollo, pp. 80, et. seq.

[30] Answer to the Petition of Respondent Judge, Annex "1", Rollo, pp. 116, at p. 127.

[31] Record, CAR Case No. 59 (SPC), p. 503.

[*] On May 10, 1978, considering that the case has been pending for sometime and has been submitted for decision since 1965, the Court resolved inter alia, to determine the actual status of the parties with respect to the holding, its size and actual location, principal crop and participation in the management for production of the holding and whether the petitioner who claims tenancy is still interested in the outcome of this case or that the issues of this case has become moot and academic. (Rollo, p. 154).

Per manifestation of the incumbent Judge of the CAR in San Pablo City, Judge Restituto Q. Luz, he informed this Court, among others, that plaintiff, now petitioner, Cornelio Macandile, is still interested in the outcome of this case; that the landholding consisting of five (5) hectares, is planted to coconut and some lanzones trees, and is situated in Bo. Angel, San Pablo City; that petitioner vacated the landholding more than two years ago and is now a tricycle driver by occupation; that respondent Sotera Guevarra is now deceased, and subject property was inherited by her children, Pepito Ticzon, now also deceased, and Beatriz Ticzon; that subject landholdings has been sold by landowners to four (4) parties, to wit -- (1) Eleuterio Reyes of Lt. Brion, San Pablo City who bought one hectare parcel now (spouse of former caretaker, Pedro Aurelio, now deceased), and a 3/4 hectare parcel now being worked by Protacio Cabrera; (2) Alfredo Capistrano of Sto. Angel, San Pablo City, who bought two parcels consisting of 1/2 hectare and one hectare portion; (3) Feliciano Ticzon (now deceased) of Azucena St., San Pablo City, who bought a one hectare parcel now being worked by Armando Capistrano; and (4) Zacarias Avanzado of Sto. Angel, San Pablo City, who bought a 1/2 hectare parcel now being worked by Pablito Malveda. (Rollo, pp. 161-163).

[32] Rollo, p. 6, Petition.

[33] Id., Answer, pp. 97, 99.

[34] Id., Answer, pp. 120-125.

[35] Republic Act 3844, effective August 8, 1963.

[36] Yucuanseh Drug Co. v. National Labor Union, et al., G.R. No. L-9900, April 30, 1957; 101 Phil. 409; Caisip, et al. v. Hon. Domingo H. Cabangon, et al., G.R. No. L-14684-86, August 26, 1960; 109 Phil. 150; Montejo v. Hon. Domingo H. Cabangon, et al., G.R. No. L-17977, May 30, 1962, 5 SCRA 266; Santos v. Lopez Vda. de Cerdenola, et al., G.R. No. L-18412, July 31, 1962, 5 SCRA 823; and Carandang v. Jose R. Cabatuando, et al., G.R. No. L- 25384, Oct. 23, 1973, 53 SCRA 383.

[37] An Act Creating the Court of Agrarian Relation Prescribing its Jurisdiction and Establishing its Rules and Procedures (August 30, 1954); See Philippine Law Journal, Vol. 31, (Sept. 1956) pp. 487-488.

[38] L-23687, February 26, 1968, 22 SCRA 771.

[39] See Go Lea Chu v. Gonzales, note 38.

SEPARATE CONCURRING OPINION

AQUINO, J.:

Judge Macalino, in his order of July 15, 1964, which, in effect, granted private respondents' motion for reconsideration, should not have referred the case to Judge De Guzman, Judge Macalino should have denied the petitioner's motion of July 29, 1964 for the reconsideration of his order.

Judge De Guzman acted correctly and judiciously in disregarding Judge Macalino's suggestion that he (Judge De Guzman) should resolve petitioner's motion for reconsideration of March 29, 1963 which was already disposed of by Judge Macalino.

The belated petition for certiorari herein is frivolous, baseless and dilatory. Hence, it should be dismissed.

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