

MARTIN CAÑADA AND ISMAEL CAÑADA, PETITIONERS VS. CANDIDO RUBI, ET AL., AND COURT OF AGRARIAN RELATIONS, SEVENTH REGIONAL DISTRICT, CEBU CITY, RESPONDENTS.*G.R. No. L-15595. December 29, 1960*

Ponente: GUTIERREZ DAVID, J.

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In a twice amended petition filed with the Court of Agrarian Relations, Martin Cañada and his son Ismael prayed for reliquidation of crops and reinstatement in their landholdings, plus damages alleged to have been suffered by them as a consequence of their dispossession. Named respondents in the petition were Candido Rubi, Rosario Juarez, Mercedes Rodriguez, Pablo Rubi, Rubin Rubi, Antonio Rubi, Alfonso Torres, Basilio Maranga, Emiliano Maranga, Quirico Tamos and Juan Navarez, the six first named being alleged to be the landholders, while the others (except Antonio Torres, the overseer) are the incumbent tenants working on the landholdings from which petitioners claim to have been ejected. The petition in substance alleged that petitioners were the tenants working on five parcels of land located at Sibonga, Cebu, belonging to the respondent landholders; that one parcel is planted to rice with a seedling capacity of 4-1/2 gantas of palay, while the other four are planted to corn with the aggregate seedling capacity of 6 to 7 gantas ; that petitioners have been tenants in the landholdings for over 30 years, the sharing agreement in the harvest being 50-50 between them and the respondent landholders; that respondent Candido Rubi, in conspiracy with the other respondents and without justifiable cause, prevented petitioners from entering and working on the landholdings on April 11, 1958, as a consequence of which petitioners suffered both actual and moral damages.

Answering the petition, the respondents Candido Rubi, Alfonso Torres, Basilio Maranga, Emiliano Maranga, Quirico Tamos, Juan Navarez and Manuel Alcomendras, thru counsel, claimed that respondent Candido Rubi is the sole and exclusive owner of the parcels of land in question; that Martin Cañada, father of the other petitioner, Ismael Cañada, was merely an "encargado" or overseer and for this reason had no tenancy relationship with respondent Candido Rubi; that said Martin Cañada was dismissed for dishonesty, negligence, high-handed and oppressive treatment of the tenants working on respondent Candido Rubi's properties; that if petitioners worked as tenants of the landholdings in question, they did so surreptitiously or through the connivance of one of the respondents, Antonio Rubi; that as such tenants they should be ejected for negligence, incapacity, dishonesty and willful violation of their duties under the Tenancy Law; that the Agrarian Court has no jurisdiction to hear and determine the case; and that there is collusion between the petitioners and some of the respondents. As counterclaim, they allege that they suffered damages as a result of the filing of the malicious and unfounded petition.

Respondent Antonio Rubi in a separate answer alleged that he appointed petitioner Martin Cañada as "overseer" of all the common properties of the respondents when he was acting administrator thereof from 1953 to 1955; that he has always regarded the petitioners with trust and confidence and has no objection to their being retained as tenants of the properties in question. For relief, he prayed that the petition be dismissed insofar as he is concerned.

The other respondents failed to file their answers as a consequence of which they were declared in default by order of the Agrarian Court.

At the trial, petitioners presented five witnesses, including the respondents Rosario Juarez and Alfonso Torres. For the respondents, Candido Rubi, Manuel Alcomendras, Erniliano Maranga and Juan Navarez testified. Respondent Antonio Rubi also testified.

From the evidence presented, the lower court found that petitioners failed to establish their alleged tenancy of the landholdings claimed by them—petitioner Ismael Cañada even admitting that he was not a tenant but was only helping his father—and that even assuming that petitioner Martin Cañada was really a tenant, he has nevertheless been guilty of acts which constitute valid grounds for his dispossession. In view of said findings, the court below on April 2, 1959 rendered a decision, dismissing the petition. Hence, the present petition for review.

Petitioners insist that their tenancy of the landholdings in question has been sufficiently established by the evidence presented by them, the respondents Antonio Rubi and Rosario Juarez even admitting said tenancy. The court below, however, observed in the decision complained of that there exists a serious controversy among the Rubi brothers and sisters concerning the ownership of the parcels of land in question, Antonio Rubi and his sister Rosario Juarez claiming co-ownership, while Candido Rubi asserts that they are his own exclusive property. Sustaining the charge of collusion between the petitioners and the respondent Antonio Rubi in an apparent attempt of the latter to wrangle a court settlement of his dispute with respondent Candido Rubi, the Agrarian Court also found that the interest of said respondent Antonio Rubi in the case was inspired by personal feelings of animosity. Considering further that he and respondent Rosario Juarez were not in possession of the property, the lower court did not take their admission that petitioners were their tenants at its face value.

Upon the other hand, petitioner Ismael Cañada himself admitted that he was not a tenant but that he used to help his father, the other petitioner, who, on his part, admitted that the landholdings he claims to have been dispossessed of were worked by hired laborers and his children and that he worked on them when his children were not feeling- well. This admission of the petitioner Martin Cañada, said the lower court, "corroborates the version of respondent Candido Rubi, Manuel Alcomendras, Basilio Maranga and others to the effect that during the time that Antonio Rubi was administrator of the properties, Martin Cañada grabbed the landholdings of other tenants and had the same worked by hired laborers and some of his children." The court, therefore, concluded—and we think correctly—that the dispossession by petitioner Martin Cañada of old tenants on the landholdings in question and his subsequent cultivation thereof by means of hired laborers or the labor of his children did not confer upon him any legal right to work the land as tenant and enjoy the protection of security of tenure under the Tenancy Law.

Petitioners assail the findings of the court below on the ground that the evidence as testified to by their witnesses is more credible than the evidence presented by the respondents. It is well-settled, however, that in the absence of compelling reasons, the determination of the question of credibility is best left to the trial judge who had the advantage of hearing the parties testify and of observing their demeanor on the witness stand. In this case, we are not satisfied that sufficient and valid reasons have been shown to justify a reversal of the findings of the court below.

Petitioners make capital of the letter Exh. "G", written by respondent Candido Rubi and addressed to Antonio Rubi as administrator of the estate, with the instruction that the lands cultivated by Martin Cañada must be taken and given to "the deserving persons." It is argued that Martin Cañada was a tenant because respondent Candido Rubi admitted that there were lands cultivated by the former. It is, however, precisely the theory of the respondent Candido Rubi that Martin Cañada, without his knowledge and consent, grabbed the landholdings of the former

tenants thereof and gave them to his son and other persons to cultivate. Said respondent Candido Rubi testified that by the term "deserving persons" he meant the former tenants ejected by Martin Cañada. Needless to add, petitioners cannot be considered tenants simply because they actually worked as tenants on the landholdings in question. Tenancy relationship can only be created with consent of the landholder through lawful means and not by imposition or usurpation.

Petitioners also contend that even if Martin Cañada grabbed the parcels of land in question from other tenants, he still could not be ejected from them because the act occurred in 1953, or before the passage of Republic Act No. 1199. The contention is untenable. The unauthorized act of Martin Cañada of grabbing and taking over the landholdings of other tenants in 1953 was already an illegal act under the laws then in force. Thus, section 1 of Com. Act No. 461, as amended, provided that any agreement or provision of law to the contrary notwithstanding, a tenant shall not be dispossessed of his holdings except for any of the causes mentioned in Sec. 19 of Act No. 4054, as amended, or for any just cause, and without the approval of a representative of the Department of Justice duly authorized for the purpose.

It should here be also stated that the Agrarian Court likewise found that even assuming that petitioner Martin Cañada was a tenant, he cannot now be ordered reinstated because as established by the evidence he had been guilty of acts which constitute valid grounds for his dispossession; for while the law enjoins him to personally work the land himself or with the aid of the members of his family, he merely hired laborers to work for him. This finding is factual and there being no showing that it is not supported by substantial evidence, the same is binding and conclusive upon this Court.

In view of the foregoing, the decision complained of is hereby affirmed, but without special pronouncement as to costs, petitioners having been allowed to litigate as paupers in this Court.

Paras, C.J., Bengzon, Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

Decision affirmed.

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