

HERMINIGILDO GUEVARA, PETITIONER, VS. HON. JUDGE JOSE M. SANTOS OF THE COURT OF AGRARIAN RELATIONS AND GUILLERMO PONCE, RESPONDENTS.

G. R. No. L-19716. November 23, 1966

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

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In 1958 Guillermo Ponce filed 24 cases of ejectment against 24 defendants in the Court of Agrarian Relations for the Fifth Regional District, Sta. Cruz, Laguna. After hearing all the cases were dismissed except two, namely, Case No. 207 against Herminigildo Guevara and Case No. 221 against Apolonio Javinia, both of whom were ordered to vacate their respective landholdings and surrender possession thereof to the plaintiff. From that joint decision they interposed the present appeal.

The findings of the lower court are as follows:

"There is ample evidence showing that Herminigildo Guevarra and Apolonio Javinia caused the death of twenty-eight (28) and six (6) coconut trees, respectively, in their holdings. In the case of Guevarra, twenty-eight (28) trees were destroyed when hay was heaped at the base of the coconut trees and burned, and in the case of Apolonio Javinia, he failed to exercise caution in plowing his holding to prevent serious damage to the coconut trees. As lessee-tenants defendants Herminigildo Guevarra and Apolonio Javinia are obliged to exercise the diligence of a good father of a family to preserve the improvements existing in their holdings. Herminigildo Guevarra while denying that he actually burned the hay heaped at the base of twenty-eight (28) trees, admitted that at the time the hay was burned he was away from his holding. He may not have had any hand in the burning of the hay but certainly he should be made accountable for depositing hay at the base of the trees, an act which would not be done by a reasonably careful father of a family. It does not require great intelligence to perceive that hay is highly and unpredictably inflammable and if heaped at the base of young coconut trees could cause total destruction of the trees.

On the part of Apolonio Javinia, knowing that young coconut trees were growing in his holding, he plowed too closely to the six (6) trees causing their death. As a farmer of long standing he should have known that by plowing too close to the base of the trees his plow would inevitably cut the trees' roots. He, therefore, failed to exercise sufficient caution in his plowing."

Appellants were tenants-lessees of certain portions of appellee's land, and therefore their rights and obligations are governed by section 43, in relation to Section 50(b) of the Agricultural Tenancy Act (R.A. No. 1199), which

provide:

"SEC. 43. - Rights and Obligations of Tenant-Lessee. With the creation of the tenancy relationship arising out of the contract between the landholder-lessor and tenant-lessee, the latter shall have the right to enter the premises of the land, and to the adequate and peaceful enjoyment thereof. He shall have the right to work the land according to his best judgment, provided the manner and method of cultivation and harvest are in accordance with proven farm practices. Upon termination of the relationship, he shall be entitled to one-half of the value of the improvements made by him, provided they are reasonable and adequate to the purposes of the lease.

The tenant-lessee shall pay the consideration stipulated in the lease contract provided it shall not exceed the limit fixed In Section forty-six. In the absence of stipulation, the consideration shall be that established in said Section forty-six. He shall make proper use of the land and the improvements thereon and shall be under obligation to cultivate it as a good father of a family, by doing all the work considered reasonable and necessary in accordance with proven farm practices. He is likewise obliged to take reasonable care of the work animals and farm implements that may be delivered to him by the landholder, in case it is agreed between the parties that the landholder-lessor shall furnish any or all of them."

"SEC. 50. Causes for the Dispossession of Tenant. - Any of the following, and no other, shall be sufficient cause for the dispossession of a tenant from his holdings:

x x x x

(b) When the tenant violates or fails to comply with any of the terms and conditions of the contract or any of the provisions of this Act: Provided, however, That this subsection shall not apply when the tenant has substantially complied with the contract or with the provisions of this Act."

Appellants take exception to the application of Section 43 aforequoted, and maintain that from the language of the complaint as well as of the decision the ground for ejectment relied upon is section 50(f) of the same Act, which speaks of a case where "the tenant through negligence permits serious injury to the land which will Impair its productive capacity." From this premise appellants argue that the destruction of coconut trees caused by their negligence did not constitute serious injury to the land itself, and did not impair its productive capacity, although the productive capacity of the trees was adversely affected. We find the reasoning here more sophistic than practical, besides which there is nothing in the decision appealed from to indicate that the lower court based its conclusion on the specific section of the law referred to by appellants. What is clear is that they failed "to exercise the diligence of a good father of the family to preserve the improvements existing in their holdings," and therefore were guilty of a violation of section 43, which is a statutory ground for dispossession under section 50(b).

Appellants also stress that the coconut trees that were destroyed were not the subject of the tenancy contract between the parties, and therefore the lessees were not under any obligation to take care of them as a good father of the family. Section 43, however, enjoins the tenant-lessee to make proper use of the land and the improvements thereon, and to observe proven farm practices in his work of cultivation. Moreover, in their testimony at the trial both appellants admitted that from the time the coconut trees were planted on their respective land-holdings they were the ones who had been taking care of them. They also admitted that after the coconut trees were destroyed they made no attempt whatsoever to replace them. Such utter indifference on their part was certainly contrary to standard farm practices on the part of tenants.

There being no error in the decision appealed from the case is affirmed, with costs.

Concepcion, C.J., Reyes, J. B. L., Barrera, Dizon, Regala, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

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