

**DOMINGO MUÑOZ, EMILIANO RETUYA, CIPRIANO VELASCO,
FORTUNATO GARCIA, VICTOR RAMOS, ADRIANO BIAO, FELICIANO
ORAYAON, RODRIGO RETUYA, ANTONIO AUSTRIA, ERNESTO
MUÑOZ, FELICIANO DE P...**

G.R. Nos. L-32221-38. April 27, 1972

Ponente: CASTRO, J.

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CASTRO, J.:

This is a joint petition for certiorari and prohibition against the Court of Appeals, the Court of Agrarian Relations of Pangasinan and Juan T. Baun. The petitioners seek the annulment of the order of the agrarian court dated August 9, 1969 in CAR Cases Nos. 1543-P' 67 to 1547-P'67, 1551-P' 67 to 1557-P'67, and 1559-P'67 to 1564-P'67, which order directed the immediate execution of its joint decision (in the said cases) dated June 28, 1969. The said order was affirmed by the Court of Appeals in a resolution dated June 22, 1970 (in CA-G.R. Nos. 44047 to 44064-R).

Sometime in 1967, the petitioners, claiming that they are the share tenants of the respondent Juan T. Baun, individually filed against the latter in the Court of Agrarian Relations of Pangasinan (hereinafter referred to as the CAR) an action for reliquidation of their past produce in accordance with the provisions of R.A. 1199, as amended, and for a change of tenancy relation from the share system to leasehold effective as of the agricultural year 1967-68, pursuant to the provisions of R.A. 3844, otherwise known as the Agricultural Land Reform Code.[1]

The respondent Baun, in answer to these complaints, denies the existence of any relationship in tenancy between him and the complainants. According to him, the complainants are either children or relatives of the tenants ejected from his farms in the towns of Bayambang and Alcala, both in the province of Pangasinan, or mere squatters therein. The respondent also claims that the farms involved in the litigation are principally devoted to sugar cane and have been under mechanized cultivation since 1953 when, pursuant to the decision of the Court of Agrarian Relations, the tenants in those farms were lawfully ejected.

After hearing the case, the CAR, on June 28, 1969, rendered a joint decision, dismissing the individual complaints of the petitioners against the respondent Baun. The dispositive portion of this decision reads as follows:

"IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered:

"(1) Dismissing these cases and ordering the immediate ejectment of all the plaintiffs from the land in question;

"(2) Condemning each of the plaintiffs to pay the defendant the sum of P500.00 by way of actual and exemplary damages, it appearing that these actions were filed in utter bad faith, by the plaintiffs who have grabbed the physical possession of the land in question, taking undue advantage of their positions as hired laborers of the defendants."

The petitioners' motion for reconsideration of the foregoing decision was denied on July 26, 1969.

On July 28, 1969, the petitioners, not satisfied with this verdict, perfected an appeal to the Court of Appeals.

On August 9, 1969, the CAR, over the objection of the petitioners who argued that it had already lost jurisdiction over their cases as they have already perfected their appeal, directed the issuance of a writ of execution to enforce its judgment, relying on the phraseology of Section 5 of R.A. 5434.[2] Section 5 provides:

"SEC. 5. Effect of Appeal. Appeal shall not stay the award, order, ruling, decision or judgment unless the officer or body rendering the same or the court, on motion, after hearing, and on such terms as it may deem just, should provide otherwise. The propriety of a stay granted by the officer or body rendering the award, order, ruling, decision or judgment may be raised only by motion in the main case."

The CAR, however, also ordered the respondent Baun to post a bond in the amount of P10,000 to answer for any damages that the petitioners might incur in the event its decision is reversed by the Court of Appeals.

On October 6, 1969, an order was issued by the CAR, directing the petitioners to immediately vacate those portions of the Baun farms in dispute after they have harvested their standing palay and vegetable crops thereon. This order, as may be gleaned from the records, was issued on the basis of an agreement between the contending parties that the petitioners would vacate the landholdings after they have harvested their crops.

The petitioners, on October 20, 1969, contested this order in the Court of Appeals by a motion to dissolve the writ of execution issued by the CAR, but the said motion was denied by the appellate court in a resolution dated November 4, 1969.

The petitioners' motion having been denied by the Court of Appeals, the CAR then issued another order dated December 5, 1969, directing the petitioners to remove their houses from the Baun farms not later than February 28, 1970.

In the meantime, the petitioners, on December 8, 1969, filed a motion for reconsideration of the Court of Appeals' resolution of November 4, 1969; this motion was denied on March 4, 1970. A second motion for reconsideration was then filed by the petitioners on March 31, 1970.

Pending determination of the petitioners' second motion for reconsideration by the Court of Appeals, the CAR, on April 28, 1970, directed the Provincial Sheriff of Pangasinan to demolish the houses of the petitioners that still remained in the Baun farms in violation of the deadline set in its previous order. The petitioners, in due time, filed with the Court of Appeals a motion to restrain the respondent CAR from giving effect to this order.

On June 22, 1970, the Court of Appeals denied both the petitioners' motion for reconsideration as well as their motion for the issuance of a restraining order against the CAR, the basic reason given by the Court of Appeals being that it "cannot grant the said motions without reversing the trial court's finding that appellants are hired laborers or squatters, and this cannot be done at this stage of the proceedings."

On July 7, 1970, the petitioners filed with this Court the instant petition. On July 10, 1970, this Court issued a restraining order to stop the CAR from enforcing its orders dated August 9 and December 5, 1969, and the Court of Appeals, from implementing its resolution of June 22, 1970.

Pending disposition by this Court of the cases at bar, the Court of Appeals disposed of the merits of the main cases (C.A. G.R. 44047-44064-R) in a decision dated August 9, 1971 (which became final and executory on August 30, 1971), affirming in toto the appealed decision of the agrarian court. The records of the main cases were remanded to the Court of Agrarian Relations and were received by the said court on November 3, 1971. On November 12, 1971, the respondent Baun filed a motion to dismiss the instant petition.

On March 8, 1972 this Court issued an order requiring the petitioners (through their counsels, Attys. Teodoro C. San Juan and Ponciano H. Gupit of the Office of the Agrarian Counsel of the Department of Justice) to comment, within ten (10) days from notice, on the motion and prayer of the respondent Baun for the dismissal of the cases at bar. Although this order was served upon the counsels of the petitioners on March 10, 1972, the said counsels have failed to submit their comments up to the present time. The petitioners' inaction demonstrates their conformity to the respondent's averment that the issues posed in the instant petition have been rendered stale by the final and executory decision of the Court of Appeals dated August 9, 1971.

Indeed, adjudication of the procedural issues presented for resolution by the present petition would be a futile exercise in exegesis.

ACCORDINGLY, the instant petition is hereby dismissed for being moot and academic. The restraining order issued by this Court on July 10, 1970 is hereby lifted. No costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Makasiar, and Antonio, JJ., concur.

Concepcion, C.J., on official leave.

[1] This law became effective on August 8, 1963. It was amended on June 19, 1965 by R.A. 4366; by R.A. 4886 on June 17, 1967; and by R.A. 6389 on September 10, 1971. R.A. 3844 is now known as the Code of Agrarian Reforms of the Philippines. Prior to R.A. 3844, the main statute governing tenancy relations was R.A. 1199, otherwise known as the Agricultural Tenancy Act of 1954. This law took effect on August 30, 1954 and was amended on June 19, 1959 by R.A. 2263.

[2] This statute took effect on September 9, 1968. It prescribes a uniform procedure for appeals from the Court of Agrarian Relations, the Social Security Commission, the Land Registration Commission and other special quasi-judicial tribunals.

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