

AGATON MATEO, PETITIONER, VS. GREGORIO DURAN AND THE COURT OF AGRARIAN RELATIONS, SECOND REGIONAL DISTRICT, CABANATUAN CITY, RESPONDENTS.

G.R. No. L-14314. February 22, 1961

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Petition to review on certiorari the decision of the Court of Agrarian Relations, dated April 11, 1958, in CAR Case No. 25-ISA-57, rendered upon a tenant's complaint for re-liquidation of harvests, the dispositive part of which reads:

"Wherefore, the Court finds and so holds that the sharing ratio of fifty-fifty (50-50) upon which was based the liquidation of the parties' harvest for the agricultural year 1953-54 to 1956-57 inclusive, although this sharing basis was agreed upon by the parties, is contrary to Sec. 11-A, par. (a) of Republic Act 1199, and hence, void.

The respondent is hereby ordered to deliver to the petitioner the quantity of ninety-three (93) cavans and twenty-one (21) kilos of palay "Ordinario", at forty-six (46) kilos per cavan. The same represents petitioner's short-share for the agriculture years 1953 1954, 1954-1955, 1955-1966, and 1956-1967.

SO ORDERED."

In this appeal by the petitioner landlord, Agaton Mateo, he contends that the area of the landholding in question is only a little over two (2) hectares, not four (4) hectares as found by the court below; that accordingly, the total harvest for the agricultural years in question was very much less than the 620 cavans found by the Agrarian Court; that petitioner landlord shouldered the cost of transplanting and should be credited with that item of production; and that the reaping expenses fixed at "6 cavans of palay for every cavan of seedlings" was excessive and unreasonable.

In finding that the area of the landholding was four (4) hectares, the Agrarian Court took account of the fact that as testified to by Gregorio Duran, petitioner landlord furnished the former four and a half (4-1/2) cavans of seedlings yearly for transplanting on the land; that under the usual proven farm practices, it takes less than one cavan of seedlings to transplant one hectare of land; and that since it is not made to appear that the transplanting methods employed by Duran deviated from proven farm practices, the area could not be less than four hectares. Lending credence to the above finding, it appears that Iluminada de la Cruz herself, a witness for appellant Mateo, asserted that on the average, she supplied, as labor contractor, for every transplanting 36 persons, at P1.50 each but admitted that from her experience, it takes only about 8 persons to plant a hectare of land. Based on four hectares as the area, it needs no elaborate argument to see that the 620 cavans found by the Court below as total harvest for the 1953-54 to 1956-57 agricultural years, inclusive, is a more realistic approximation than the 381 cavans as claimed by petitioner landlord.

This Court is not impressed by the claim that petitioner landlord shouldered the cost of transplanting. As observed

by the court below, the testimony of Iluminada de la Cruz on this point was hardly credible. Not being a farmer, she claimed to be some sort of "cabecilla" who contracted farm laborers for supplying labor to other tenants; that she contracted and supplied the laborers who transplanted the seedlings in petitioner landlord's riceland. Her assertion that she dealt directly with Mateo in the matter of transplanting expenses appears belied by Mateo himself, who declared that Duran, in his first year as tenant, asked P50 from him (Mateo) for transplanting expenses. Mateo also claimed that for transplanting, he spent P38 in 1954 and 1956, and P37 in 1957. Iluminada, however, asserted that in 1954, she employed 35 persons to plant the land, at P1.50 each, or a total of P52.50; and that on the average, she supplied 36 laborers at P1.50 each for every transplanting, at a cost of about P54. On the other hand, the court below expressly found that Duran's testimony, to the effect that he shouldered the cost of transplanting through the "bayani" or "suyuan" system, rang with sincerity and candor. That no cash was paid by respondent-tenant for the labor of those who transplanted the land under the "bayani" system does not in any way militate against the testimony of Epifanio Saraza, witness for Duran, that the latter shouldered the transplanting expenses.[1] The fact is that he paid for the food of the helpers under the so-called "bayani" system, hence, the tenant ultimately shouldered the burden of transplanting and should rightly be credited with that item of production. Likewise, the finding of "6 cavans of palay for every cavan of seedlings", as reaping expenses, is not shown to be so excessive or unreasonable as to require reduction by this Court. On the whole, the factual findings of the Court below in this case have not been shown to be unsupported by substantial evidence and should not be disturbed. (Paz vs. G. Santos, et al., L-12047, September 30, 1959; Cahilo vs. De Guzman, 106 Phil., 520; 57 Off. Gaz. (14) 2486; Yusay vs. Alojado, 107 Phil., 1156)

Petitioner landlord, however, claims that in determining the class of the land, the produce for the 1956-57 agricultural years should not have been considered, since this was not normal, being unusually low. The contention is untenable. Petitioner landlord did not present evidence to show that the low produce of the 1956-57 crop year was affected by or due to mismanagement, drought, or other unusual cause. The land, in the agricultural years 1954-55, 1955-56 and 1956-57, had a total gross harvest of 465 cavans, or an average of 38.75 cavans per hectare. It was therefore, properly classified as second class land.

On the basis of the parties' contribution to the items of production, the percentage of liquidation should be as follows:

LANDLORD

TENANT

(1) As owner of 2nd class (1) Labor

35%

land

25%

(2) Farm Implements

5%

(2) Furnishing work

(3) Final Harrowing

5%

animals

5%

(4) Cost of Transplanting

25%

30%

70%

Having shared the past harvest on a 50-50 basis, the tenant is still entitled to a further 20% of the net produce for each agricultural year. To be deducted from the gross produce per agricultural year are the following: (1) seeds cavans of seedlings, or 27 cavans; (3) Threshing fee of 4.5% of gross produce.

However, we find merit in the contention that the reliquidation for the 1953-54 agricultural year has prescribed, under Section 17, par. 3 of Republic Act No. 1199, providing that on action therefor should be brought within 3 years from the threshing of the crop in question. It is alleged, and nowhere denied, that the threshing of the 1953-54 crop terminated on May 18, 1954, while the petition for reliquidation was filed only on May 29, 1957. More than three years having elapsed from the threshing reliquidation could no longer be sought by the tenant for that particular crop year. We see no difference between an action for accounting and one for reliquidation, both of which involve the determination, adjustment and settlement of what is due the parties under the law (see *Yusay vs. Alojado*, 107, Phil., 1156; 58 Off. Gaz., [24] 4502). As found by the Agrarian Court, the harvest should be divided between the parties as follows:

1954-1955

Gross Harvest

162 cavs.

Less: Seeds

4.5 cavs.

Reaping

27. cavs.

Threshing (4.5% of 162 cavs.)

7.29 cavs.

Net Produce

38.79 cavs.

20% of 123.21 24.64 cavs. still due to

respondent-tenant

123.21 cavs.

1955-1956

Gross Harvest

173 cavs.

Less: Seeds

4.5 cavs.

Reaping

27. cavs.

Threshing (4.5% of 173 cavs.)

7.78 cavs.

Net Produce

39.28 cavs.

20% of 133.72 26.74 cavs. still due to

respondent-tenant

133.72 cavs.

1955-1956

Gross Harvest

130 cavs.

Less: Seeds

4.5 cavs.

Reaping

27. cavs.

Threshing (4.5% of 130 cavs.)

5.85 cavs.

Net Produce

37.35 cavs.

20% of 92.65 18.53 cavs. still due to

respondent-tenant

92.65 cavs.

The decision appealed from is modified, in the sense that petitioner landlord should deliver to respondent tenant only 69 cavans and 41.86 kilos of palay "Ordinario", at 46 kilos per cavan, representing the deficiency in Duran's share for the agricultural years 1954-55 to 1956-57, inclusive. No costs.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, and Dizon, JJ., concur.

[1] Under the "bayani" "suyuan" or "anuyo" system, a tenant request for the labor of neighbor tenants who are not paid in cash but only fed, the unwritten code being that the tenant who made the request will in turn contribute his labor in transplanting the landholdings of those who helped him.

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