

DONATO IGNACIO AND BONIFACIO SUAVERDEZ, PETITIONERS, VS. HON. PASTOR L. DE GUZMAN, JUDGE OF THE COURT OF AGRARIAN RELATIONS AND LAO OH KIM, RESPONDENTS.

G.R. No. L-18541. August 31, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Petitioners Bonifacio Suaverdez and Donato Ignacio seek the review by certiorari a decision of the Court of Agrarian Relations.

Respondent Lao Oh Kim is the landholder of two (2) parcels of land with an area of two and a half (2 1/2) hectares and three (3) hectares, respectively, in Anao, Tarlac. These parcels of land are cultivated, the first by petitioner Bonifacio Suaverdez, and the second by Donato Ignacio as tenants of Lao Oh Kim. On February 24, 1959, the latter filed with the Court of Agrarian Relations a petition, docketed therein as CAR Case No. 684-T59, for permission to eject Suaverdez. On May 5, 1959, a similar petition was presented by Lao Oh Kim, before the same court, where it was docketed as CAR Case No. 725-T59, against Ignacio. Both petitions were based upon the ground that Suaverdez and Jgnacio had reaped the products of said parcels of land without the knowledge and consent of Lao Oh Kim and/or his overseer and agents. Lao Oh Kim further alleged that Suaverdez failed to follow the proven farm practices for the proper care of the land on which he worked and tending to increase its production, and that Ignacio had not given Lao Oh Kim his share of the vegetables grown in the land cultivated by him (Ignacio). After a joint trial, Hon. Pastor L. De Guzman, Judge of the Court of Agrarian Relations, rendered judgment for Lao Oh Kim. Hence, this appeal by certiorari.

Respondent Judge found in the decision appealed from that Lao Oh Kim had advised petitioners herein not to reap their products without his previous permission and that, this notwithstanding, they harvested their respective palay, without said permission. The same is not required, however, by Republic Act No. 1199 (section 39), except when the reaping or threshing of the crops takes place "at any time previous to the date set" therefor, and there is no evidence or finding, either that a date had been set therefor, or that petitioners had harvested their respective crops prior to the customary or usual period. What is more, the very evidence for Lao Oh Kim corroborated the testimony of petitioners herein to the effect that the former's overseer or representative, one Martin Salazar, was present when the harvesting took place.

It appears, also, that the hearing of said two (2) cases had began before January 5, 1961; that when said cases were called for continuation of the hearing on said date, petitioners herein and their counsel were not in the courtroom; that on motion of counsel for Lao Oh Kim, the lower court thereupon issued an order declaring that said cases were deemed submitted for decision; that, immediately thereafter, on the same date, petitioners filed a "manifestation" to the effect that they, their counsel and their witnesses—Sisenando Ignacio, Arsenio Carino, Marcelino Baguisi, Teodoro Gajes and Pedro Abon—had arrived at the courthouse at about 9:55 a.m., and were informed that the cases had been deemed submitted on the evidence already on record, and that said petitioners

had no objection thereto, provided that their testimony be deemed corroborated by the witnesses above mentioned; that on January 16, 1961, the lower court issued an order rejecting the qualification contained in said "manifestation," for the reason, among others, that it would deprive Lao Oh Kim of the opportunity to cross-examine said witnesses; that on January 23, 1961, petitioners filed a motion praying, either that said order of January 16, 1961 be reconsidered, or, else, that they be allowed to present their additional witnesses; that this motion was denied on January 31, 1961; that on March 3, 1961, Lao Oh Kim, in turn, moved that he be allowed, "for the sake of equity and justice" to present a "rebuttal witness" who was "very important" to said movant; that petitioners objected to this motion upon the ground that it would be unfair to grant it, after they had been denied an opportunity analogous to that sought by Lao Oh Kim; that, in their opposition to said motion, petitioners, likewise, alleged that the same had been set for hearing on March 7, 1961, on which date their counsel could not appear before the lower court, because as Vice-Mayor of the Municipality of Moncada, Tarlac, he would have to preside over the municipal council thereof at the hearing, scheduled to be held on the same date, of an administrative case against the chief of police and a patrolman of Moncada, and, accordingly, prayed that the hearing of said motion of Lao Oh Kim be postponed to some other date; that, this notwithstanding, the lower court, without acting on said request for postponement, heard the motion of Lao Oh Kim, in the absence of herein petitioners and their counsel on March 7, 1961 and forthwith received, on that date, the testimony of the rebuttal witness for Lao Oh Kim, without any opportunity for said petitioners to cross-examine said witness, and that, soon thereafter, on March 28, 1961, the decision appealed from was promulgated.

Upon the foregoing facts, we feel that the lower court was not fair to petitioners herein. It should be noted that, taking advantage of the fact that petitioners had not arrived in time at the hearing held on January 5, 1961, counsel for Lao Oh Kim succeeded in securing an order of said court declaring the aforementioned cases submitted for decision on the evidence introduced prior thereto. Petitioners, who arrived a few minutes after the issuance of said order, were thus deprived of the chance to introduce the testimony of their corroborating witnesses. Two (2) motions filed by petitioners to offset the disadvantageous position in which they had been placed thereby were denied by the lower court.

However, counsel for Lao Oh Kim had, in turn, committed the mistake of asking on January 5, 1961, that the cases be deemed submitted for decision without introducing his own rebuttal evidence. He did not undertake to cure such mistake until March 3, 1961 or three (3) months later. He did not give any reason to justify the late reception of said rebuttal evidence, except that it was "important" and that its admission was demanded by "equity and justice". He made no effort whatsoever to show that his negligence in not presenting rebuttal evidence, before asking that the cases be deemed submitted for decision, was excusable. Lao Oh Kim did not attach to his motion of March 3, 1961, an affidavit of his rebuttal witness. In fact, the latter's name was not given in said motion. Neither was the same verified. When the lower court granted it, despite its technical defects, and after being technical in connection with the corroborating witnesses for petitioners herein, it committed to the latter an injustice which we cannot sanction.

That injustice becomes more patent when we consider: (1) that petitioners had asked for the postponement of the hearing of said motion of Lao Oh Kim, invoking a good ground therefor; (2) that petitioners had no notice that the testimony of Lao Oh Kim's rebuttal witnesses would be taken on March 7, 1961; (3) that petitioners were thereby deprived of the opportunity to cross-examine said witnesses; and (4) that the determination of the issues between the parties herein hinge on the credibility of the witnesses, so that the introduction or non-introduction of corroborating evidence is likely to effect the result of the aforementioned cases.

Wherefore, the decision appealed from is hereby set aside, and said cases are remanded to the lower court for reception of the testimony of said corroborating witnesses of petitioners herein and cross-examination by the latter

of the rebuttal witness of Lao Oh Kim, as well as the rendition, thereafter, of such decision as the facts then on record and the law may warrant, with the costs of this instance against Lao Oh Kim. It is so ordered.

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

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