

EMILIANO LUSTRE AND FELIPE N. LUSTRE, PETITIONERS, VS. COURT OF AGRARIAN RELATIONS, PAULINO GUTIERREZ AND BENJAMIN GARCIA, RESPONDENTS.

G.R. No. L-19654. March 31, 1964

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

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

Petition to review the decision of the Court of Agrarian Relations, Cabanatuan City, in CAR Case No. 1174NE (59), awarding damages to, and ordering the reinstatement of, the tenants-respondents, Paulino Gutierrez and Benjamin Garcia.

The facts, as found by the trial court, are as follows:

"With respect to Paulino Gutierrez and Benjamin Garcia, the preponderance of evidence shows that in 1957 they were engaged by Dominador Arambulo, former owner of the landholdings in question, as share tenants on 50-50 sharing basis in two (2) hectares each. Said petitioners began working and cultivating the land holdings in the agricultural year 1957-58 under the supervision of Arambulo's duly appointed overseer, Jose Gutierrez (Exhs. "A" and "I"). They realized gross harvests of 27 and 30 cavans of palay in said: agricultural year and after deducting the seeds, reaping and threshing fees the net harvests were divided on the 50-50 sharing basis, petitioner sharing. 8.5 and 9.75 cavans of palay, respectively. Landholder Arambulo received the same amount of shares from the petitioners. Sometime in May 1958, Arambulo, who had incurred and was incurring debts from Salud de Chico, in the form of seeds and tractor fees, entered into an agreement with said Salud Vda. de Chico whereby she agreed to supply the seeds and tractor fees to be payable from the landholder's share, in the harvests in the agricultural year 1958-59, Petitioners Gutierrez and Garcia continued working the same holdings in said agricultural year under Salud Vda. de Chico. The gross harvests from these holdings 1958-59 were 122 and 92 cavans of palay, respectively. After deduction of the proper items from the gross produce, petitioners Gutierrez and Garcia shared 52 and 37.7 cavans of palay, respectively, with the landholder de Chico receiving the same amount of shares. In 1959, Arambulo sold the whole parcel of twelve (12) hectares to Icaciano Ruiz, Maria de Euiz and Leonor de Lustre, who in the same year leased the land to Atty. Felipe Lustre, counsel for and one of the respondents in this case. Emiliano Lustre, was constituted manager of the property On April 2, 1959, Emiliano Lustre, under the direction of Atty. Lustre, began plowing the land by tractor. On April 3, 1959 while the plowing was still going on, petitioners Gutierrez and Garcia seeing that their holdings were being plowed by other persons approached Emilia no Lustre to object, to the plowing but Lustre refused to recognize their status as tenants. Said petitioners therefore repaired to the office of the Mayor of San Antonio and the Agricultural Tenancy Commission in Cabanatuan City and reported the incident. The efforts of the representatives of the Mayor and the Agricultural Tenancy Commission to induce Emiliano Lustre to reinstate petitioners it were of no avail. (Exhibit "B"). Notwithstanding, petitioners. returned to their respective landholdinga and continued cultivating the same until the latter part of May, 1959 when they were again stopped by respondent Emiliano Lustre. Hence, they filed this Action."

In assailing the decision as not supported by substantial evidence (Republic Act No. 1267, section 13), petitioners seem to have lost sight of the fact that substantial evidence in support of the findings of the Agrarian Court does

not necessarily import preponderant evidence, as is required in ordinary civil cases. Substantial evidence has been deemed to be "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion" (Ang Tibay vs. Court of Industrial Relations, 69 Phil. 635, 642), and its absence is not shown by stressing that there is contrary evidence on record, direct or circumstantial, for the appellate court can not substitute its own judgment or criterion for that of the trial court in determining wherein lies the weight of the evidence, or what evidence is entitled to belief. That has been the uniform doctrine of this Court, from Saingco vs. C.A.R., L-13120, Nov. 20, 1957, down to Eugenio Chavez vs. CAR, G.R. No. L-17814, Oct. 31, 1963.

The task of an appellant in agrarian cases, therefore, is to set out the evidence in support of the findings made by the Court of Agrarian Relations and show how no reasonable person would be willing to accept it as adequate proof. For this purpose, it is not enough to indulge in generalities, such as appellant's thesis that one engaged in mechanical farming can not possibly have tenants, a proposition that has been rejected by this Court in Somera, et al., vs. Galman, et al., L-12592, promulgated on 31 March 1959, wherein it was ruled that "the fact that the landholding is under mechanized farming does not x x x necessarily preclude the employment of tenants x x aside from or in addition to hired laborers x x x".

The second ground of contention refers to the measure of damages awardable to unlawfully ejected tenants. The court a quo based its award of damages on the harvest immediately preceding the unlawful ejectment. On the other hand, the petitioners insist that damages should be based on the harvest during the unlawful dispossession, and that the tenants' income during the period of ejectment be deducted therefrom.

Section 27 (1) of Republic Act No. 1199, as amended, provides:

"The landholder shall not dispossess the tenant of his holdings except for any of the causes enumerated in Section 50, and without the cause having been proved before, and the dispossession authorized by, the court otherwise, he shall, aside from the penalty of fine and/or imprisonment provided for any violation of this Act, be liable to the tenant for damages to the extent of the landholder's participation in the harvest in addition to the tenant's right under Section twenty-two of this Act." (Underscoring supplied)

Since the burden of proving damages is on the dispossessed tenant, he cannot be reasonably required to prove the harvest of the land during his absence therefrom. And, as pointed out by respondents, there is nothing to prevent the landlord from leaving the land uncultivated during the years following the tenant's ejection in order to block his claim for damages. The Agrarian Court, therefore, should enjoy discretion in selecting the year of tenure that is to serve as basis for the award, so long as the harvest for that year is not an abnormal one.

The earnings of the tenant during the period of unlawful ejectment are not now deductible from the award of damages. In the case of Potenciano vs. Estefani, L-7690, promulgated on 27 July 1955, this Court, on grounds of equity, ruled to deduct such income; but said case was decided under the prior law. Act 4054. The above-quoted Section 27 (1) of Republic Act No. 1199, as amended, which is the one applicable to the present case, not only provides for a quantum of damages to the tenant, based on the landlord's share in the harvest, but adds thereto his rights under Section 22, which states:

"(1) the tenant shall be free to work elsewhere whenever the nature of his farm obligations warrants his temporary absence from his holdings."

This right, although already granted under Section 20 of Act 4054, was not then a right additional to the recovery of damages consequent to unlawful dismissal, but under Republic Act 1199, as amended, it is to be added to the damages recoverable.

The denial of the motion for a new trial was correct, in as much as what was sought to be introduced in evidence

is not newly discovered evidence within the contemplation of the rules but "forgotten evidence", its admission being within the discretion of the court. (I Moran 506, 1957 Ed.).

IN VIEW OF THE FOREGOING, the decision under review is hereby affirmed, with costs against the petitioners.

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

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