

FEDERICO PINEDA, PETITIONER VS. DOMINGO CABAÑON, ASSOCIATE JUDGE OF THE COURT OF AGRARIAN RELATIONS, AND MARCELINO TIAMZON RESPONDENTS.

G.R. No. L-14502. June 30, 1961

Ponente: PADILLA, J.

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PADILLA, J.:

Federico Pineda prays for a writ of certiorari to set aside a judgment dated 23 July 1958 of the Court of Agrarian Relations, Third Regional District, in cases Nos. 132-T (56) and 190-T (56), dismissing his petitions for authority to dispossess Marcelino Tiamzon of his landholding and ordering the petitioner to maintain the respondent as tenant (Annex K), and the resolution dated 18 September 1958, denying his motion for reconsideration (Annex O).

On 27 July 1956, in the Court of Agrarian Relations, Third Regional District, Tarlac, Tarlac, the petitioner filed a complaint against the respondent tenant Marcelino Tiamzon and several others praying for an order directing them to desist from planting their crop of palay in the old way or system but to plant it by the "Masagana System," the approved government method, and, should they refuse to do so, for authority to dispossess them of their respective landholdings; and for recovery of damages consisting of 4,000 cavanes of palay and the costs of the suit (case No. 182-Tarlac, Annex A).

On 2 August 1956 the petitioner filed another complaint in the same court against the respondent tenant Marcelino Tiamzon praying for authority to dispossess him of his landholding for failure to "take good care" of his landholding, because aside from his landholding of five hectares, more or less, in barrio San Nicolas, Balas, Concepcion, Tarlac, of the petitioner's land, he has another landholding of two and a half hectares, more or less, in barrio Buenavista, Tarlac, Tarlac, owned by Agapito Ronquillo, which the respondent tenant undertook to cultivate without the petitioner's previous knowledge and consent in violation of the provisions of section 24, Republic Act No. 1199 (case No. 190-Tarlac, Annex B).

On 17 November 1956 the petitioner filed an amended complaint in case No. 182-Tarlac, to add, among others, the allegation that the respondent tenant had "abandoned his landholding; did not cultivate his plants; did not weed his field; did not irrigate his plant and in general, neglected completely his palay because he was holding office daily at the Federation of Free Farmers at Concepcion, Tarlac and as a result thereof, his palay did not grow as expected, and was stunted, which will cause damages in the sum of P500 to the petitioner," and a prayer in addition to that in the original complaint for recovery from the respondent tenant of the sum of P500 as damages and P1,100 and P5.85 as damages from tenants Olimpio David and Emilio Yumol, respectively (Annex C).

On 29 November 1956 the respondents in case No. 182-Tarlac filed an answer setting up the special defense that the petitioner filed the complaint against them out of vengeance and spite and to harass and cause damage to them, because they had insisted on their sharing right to their respective crops on the basis provided for by law and a counterclaim for damages in the sum of P3,000 (Annex unmarked).

On 4 May 1957 the respondent tenant Tiamzon answered the complaint filed in case No. 190-Tarlac, denying the petitioner's allegations therein and praying for dismissal thereof and P200 for attorney's fees (Annex G).

On 27 June 1957 the petitioner filed a second amended complaint in case No. 182-Tarlac, the additional allegations of which did not affect the herein respondent tenant except as to the amount of damages that was increased to P1,000 (Annex D).

On 13 July 1957 the respondents filed an answer to the second amended complaint (Annex E).

On 2 October 1957 the petitioner filed an "ex-parte urgent motion for ocular inspection" of the respondent tenant's landholding to verify whether he has neglected his landholding as claimed by the petitioner." (Annex H).

On 3 October 1957 the Court granted the petition and directed Lieutenant Alfredo Pontejos, JAGO officer assigned to the Court, to conduct an ocular inspection for the purpose of determining "the extent of farm work so far done and accomplished by the respondent herein and to report to this Court within five days from the date he shall have conducted the said ocular inspection of the premises in question." (Annex I).

On 5 October 1957, the JAGO officer conducted the ocular inspection and on 7 October 1957, submitted his report to the Court, with the following observations:

That an ocular inspection was conducted by the undersigned with tenant-respondent Tiamzon, giving the consent, landholder-petitioner, with his son and farm manager Miguel and Ricardo Pineda at 8:20 A.M. 5 October 1957 in the rice farm of Tiamzon, situated at San Nicolas, Balas, Concepcion, Tarlac and found the following observations of tenant's ricefields:

The tenant's farm has an approximate area of four (4) hectares, more or less 500 yards from the barrio proper. That the rice plants at knee-high and a big portion had been attacked or still being attacked by plant pests for the leaves are withered and withering. As per information of the parties the pests attacking the standing crop are stem borers. That the farm is abundant with weeds such as broad-leaf and (data) a Weed named in the dialect of the place. That the pilapiles are not well-kept. That the surrounding or adjacent ricefields are not in the same condition as the ricefields of the respondent-tenant. That there is no sign that the field had been touched except two rice paddies adjacent to a mud road traversing the hacienda. That the standing crop had been planted on 28 August 1957 and tenant Tiamzon had been contracted by the undersigned at their store and office at poblacion of Concepcion . (Exhibit E, quoted on page 2 of the Commissioner's report and recommendation, dated 10 July 1958, Annex P.)

On 11 June 1958 the petitioner filed his memorandum (Annex J).

On 10 July 1958 the Commissioner submitted to the Court his report and recommended "that the respondent herein be ordered ejected from his said landholding described in the petition." (Annex P).

On 23 July 1958 the Court rendered judgment finding that the instructions given by the petitioner to the respondent tenant to be followed in planting his crop in accordance with the "Masagana System" were "not sufficient;" that the reason why the yield from the respondent's crop of palay was small was because his crop was "attacked with plan pest at the time when the plants were already knee-high and the leaves withered;" and had it not been so, "his landholding would have produced as much amount of palay as those tenants in Exhibit A allegedly having adopted the 'Masagana System;'" that granting that the respondent; tenant's landholding was weedy, as found and reported to the Court by the JAGO officer, the small yield was not due to that state but to the fact that the prop was attacked by, stem borers when the crop was already knee-high; that the the palay stacked in the field after the harvest was not wet; that the evidence is not clear that the respondent tenant was the treasurer of the Free Farmer's Association of Concepcion, Tarlac; and that even if he was, his efficiency was; unimpaired because he had several sub-treasurers assisting him in the collection of dues from members; and dismissing the

petitioner's complaints, ordering the petitioner to maintain the respondent as tenant in his landholding and denying the respondent tenant's claim for attorney's fees (Annex K).

On 11 August 1958 the petitioner filed a motion for reconsideration (Annex L), on 8 September 1958 the respondent tenant, an "opposition to motion for reconsideration" (Annex M).

On 18 September 1958 the Court denied the petitioner's motion for reconsideration (Annex O).

On 9 October 1958 the petitioner filed in this Court a petition for a writ of certiorari claiming that the respondent court had "acted with grave abuse of discretion and there is no appeal." On 31 October 1958 this Court dismissed the petition for lack of supporting papers but on 4 December 1958, on motion for reconsideration and after filing the necessary papers by the petitioner, this Court reconsidered its previous resolution and ordered the respondents to answer the petition.

On 16 December 1958 the respondent court requested, that it be excused from filing an answer to the petition because it believed that its intervention in the case was unnecessary.

On 7 January 1959 the respondent tenant answered the petition pointing out that the mode of appeal from decisions of the Court of Agrarian Relations is by a petition for review under the provisions of section 13, Republic Act No. 1267, as amended by Republic Act No. 1409, where only questions of law may be raised, and that the petition for a writ of certiorari is defective in form and substance because it does not give any reason for the allowance of the writ but merely states allegations of fact, and praying that the petition be dismissed, with costs against the petitioner.

The petitioner claims that the respondent tenant stubbornly refused to adopt the "Masagana System" of planting rice despite the petitioner's order and the advice of the authorities of the Agricultural Tenancy Commission; that the respondent tenant admitted that during the crop year 1956-1957 he did not plant his crop in accordance with the "Masagana System" but that he did so during the ensuing crop year; that in determining whether the "Masagana System" produces a bigger yield of crop the respondent court should have considered the average yield between the maximum harvest under the old system and the minimum harvest under the "Masagana System" that the JAGO officer, an officer of the court, who was appointed by the respondent court to conduct an ocular inspection of the respondent tenant's landholding found that the respondent tenant's landholding was swamped with weeds and the paddies were not well-kept and were dirty; that his land-holding appears not to have been worked on at all; and that when the JAGO officer went to Concepción to conduct the ocular inspection, he found the respondent tenant in the store and office of the Federation of Free Farmers, of which he was the treasurer, all of which constitute sufficient reasons for his ejectment; that it has been established that the respondent tenant's palay got wet because he failed to stack them after harvest in accordance with proven farm practices; and that the petitioner, as landlord, has the right to determine whether or not adopt the "Masagana System" of planting rice and, therefore, there was no need for him to enter into a contract with the respondent tenant on the matter. The petitioner contends that the failure of the respondent court to consider the foregoing established facts for the purpose of granting him the authority to dispossess the respondent tenant of his landholding constitutes a grave abuse of discretion.

The foregoing facts alleged in support of the petitioner's prayer for a writ of certiorari to annul and set aside the judgment of the respondent court raise issues of fact and cannot properly be deemed as proven or established facts in a special civil action or in a petition for a writ of certiorari. A petition for review of a judgment rendered by the Court of Agrarian Relations may be filed in the Supreme Court within fifteen days from receipt of notice of an order or judgment of the Court under the provisions of section 13, Republic Act No. 1267, as amended by Republic Act No. 1409. This petitioner failed to do. The dates when the petitioner received notice of the judgment

rendered on 23 July 1958 and of the order entered on 18 September 1958 denying the petitioner's motion for reconsideration of the judgment are not stated in the petition to enable this Court to determine whether the petition filed in this Court on 9 October 1958 was within the fifteen-day period, as provided for in section 13, Republic Act No. 1267, as amended by Republic Act No. 1409, which took effect on 9 September 1955. Allowing five days for notice of the order denying the motion for reconsideration, the filing of this petition for a writ of certiorari on 9 October 1958 was beyond the fifteen-day period above mentioned. Hence this petition for a writ of certiorari cannot be granted because the petitioner could have appealed from the judgment complained of. Considered as an appeal from the Judgment complained of, it must be disallowed because the petition does not state the dates of receipt of notices of the judgment and of the order denying the motion for reconsideration to show that the petition was filed in this Court within the statutory period of fifteen days.

The writ prayed for is denied, with costs against the petitioner.

Bengzon, C.J., Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, De Leon and Natividad, JJ., concur.

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