

MARCELO VILLAVIZA, ET AL., PETITIONERS, VS. JUDGE TOMAS PANGANIBAN, ET AL., RESPONDENTS.

G.R. No. L-19760. April 30, 1964

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

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

Review of the decision of the Court of Agrarian Relations, Cabanatuan City, in its Case No. 2088-NE-60, the dispositive portion of which reads:

"Wherefore, judgment is hereby rendered ordering respondent Quirino Capalad to pay the petitioners as follows:

1. Jose Aguilar

P297.00

2. Agapito Neuda

264.75

3. Sixto Malamlat

264.25

4. Rafael Alamon

164.00

5. Petronilo Aguilar

3S5.25

6. Eulogio Samaniego

219.00

7. Castor Rufino

234.00

The following respondents are hereby ordered to vacate their respective landholdings in favor of the petitioners, subject to the provisions of pars. 3 and 4, Sec. 22 R.A. No. 1199, as amended, the indemnity in the aforestated paragraphs, supra, shall be paid by respondent Quirino Capalad:

Respondents

Petitioners

1. Alejo Pramel 1. Jose Aguilar

2. Severino Padilla 2. Agapito Neuda
3. Domingo Villaviza 3. Rafael Alamon
4. Marcelo Villaviza 4. Petronilo Aguilar
5. Cirilo Ramos 5. Eulogio Samaniego
6. Ciriaco Pizaro 6. Castor Rufino
7. Cesario Villaviza 7. Sixto Malarulat

Ben Morelos

Juan Morelos

SO ORDERED."

The lower court found that the above-named respondents (petitioners below) were tenants since 1944 in a riceland situated in Aliaga, Nueva Ecija, and owned by Domingo Fajardo. Fajardo gave out the land for lease (civil lease) to the petitioner, Quirino Capalad, starting with the crop year 1955-56. The said lessee, in June, 1955, plowed the land by machinery, and installed, as his tenants, his above-named co-petitioners in this Court, so that when the respondents went back to their respective landholdings to prepare them for planting they found the land already cultivated. The respondents-tenants demanded their re-instatement, but every time they did, which they did yearly until the present suit was filed, Quirino Capalad promised, but never fulfilled, to reinstate them for the agricultural year following said demands.

As grounds for the petition for review, the petitioners claim grave abuse of discretion by the Agrarian Court and a lack of substantive evidence to support its findings.

The above claim is wild and reckless and definitely without merit, since the decision itself contains the recitals of the testimonies of the witnesses upon which the court based its findings, and the petitioners do not question the existence and adequacy of these testimonies. That the court believed the evidence for the respondents, rather than those for the petitioners is the tenancy court's prerogative, and, as a reviewing court, the Supreme Court will not weigh anew the evidence all that this Court is called upon to do, insofar as the evidence is concerned, is to find out if the conclusion of the lower court is supported by substantive evidence; and the present case is, as hereinbefore explained.

A tenant's right to be respected in his tenure under Republic Act 1199, as amended, is an obligation of the landholder created by law and an action for violation thereof prescribes in ten years under No. 2 of Article 1144 of the Civil Code. The respondents were ousted from their landholdings in June, 1955, and they filed the present action on 31 March 1960; therefore, the period of limitation had not expired.

The tenancy court found that the ejected tenants-respondents have engaged in gainful occupations since their illegal ejectment and had delayed the filing of the case, and for these reasons the court made an award for damages against Quirino Capalad equivalent to only two harvests based on the landholder's share for the crop year 1954-1955.

The premises for the award are erroneous. Under section 27(1) of Republic Act 1199, as amended, a tenant's earnings may not be deducted from the damages because the said section positively provides that the tenant's freedom to earn elsewhere is to be added ("in addition") to his right to damages in case of illegal ejectment (*Lustre, et al. vs. CAR, et al.*, L-19654, March 21, 1964). Nor can it be said that the respondents-tenants are guilty of laches for having unnecessarily delayed the filing of the case, because the delay was attributed to Capalad's

promises to reinstate them.

The amount of the award to each respondent should not, however, be disturbed because the respondents non-appeal from the decision indicates their satisfaction therewith and a waiver of any amounts other than those indicated in the decision (David vs. de la Cruz, et al., 103 Phil., 380; Dy, et al. vs. Kuizon, L-16654, 30 Nov. 1961).

For the foregoing considerations, the decision under review is hereby affirmed, with costs against the petitioners.

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

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