

ADRIANO AMANTE, PETITIONER, VS. COURT OF AGRARIAN RELATIONS, 6TH REGIONAL DISTRICT, AND SERGIO PAMA, RESPONDENTS.

G. R. No. L-21283. October 22, 1966

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Petition for review of an order and a decision of the Court of Agrarian Relations dated March 20 and 31, 1963, respectively.

Petitioner Adriano Amante is the owner of a small tract of land in San Isidro, Buhi, Camarines Sur, which was under cultivation by respondent Sergio Pama, as tenant. On June 6, 1962, Pama filed with the Sixth Regional District of the Court of Agrarian Relations, stationed in Naga City, a petition for reliquidation of the harvest from June, 1956 to April, 1960, and for reinstatement, as well as damages, upon the ground that he had not received his rightful share as tenant for the aforementioned period of time and that, on May 28, 1962, petitioner and his wife, with the assistance of Senador Amante, had forcibly ousted him from said land, which, thereafter, was cultivated by the aforementioned Senador Amante and one Dionisio Anapola.

In his answer, dated June 20, 1962, petitioner alleged that, pursuant to a compromise agreement, entered into between them, on December 14, 1960, he would be entitled to take possession of the property after the lapse of one (1) year from June, 1961, unless he could not personally cultivate it. By an order dated July 3, 1962, the case was set for hearing in Buhi, Camarines Sur, on September 18, 1962.

The day immediately preceding the latter, petitioner's counsel filed with the lower court, in Naga City, a motion for postponement of the hearing, upon the ground that his services had been contracted on that very date (September 17, 1962), and that he could not attend the hearing in Buhi, the next day, because he would then appear, at the hearing of a land registration case, before the Court of First Instance of Camarines Sur, in Naga City. When the present case was called for hearing in Buhi, on September 18, neither petitioner nor his counsel appeared. Upon the other hand, Pama and his counsel objected to the aforementioned postponement, which was denied. Thereupon, Pama introduced his evidence and submitted the case for decision on the merits.

On October 12, petitioner moved for a reconsideration of the order of September 18, denying his motion for postponement, but said reconsideration was denied on October 24. A second motion for reconsideration, filed on November 18, had the same fate, on December 10. Three (3) days later, petitioner moved for the approval of the compromise agreement relied upon in his answer, but the motion was denied on March 20, 1963. Soon later, or on March 31, the lower court rendered a decision directing the reinstatement of respondent Pama, but denying his petition for a reliquidation of the harvest and damages, upon the ground of insufficiency of the evidence thereon. A motion to set aside said order of March 20 and this decision, dated March 31, having been denied, petitioner filed the present petition for review by certiorari of said order and decision of the lower court.

We find said petition to be devoid of merit for:

1. Notice of the order setting this case for hearing in Buhi, Camarines Sur, on September 18, 1962, was served upon petitioner herein on July 17, 1962. Yet, he did not engage the services of counsel until (2) months later, or on the eve of the scheduled hearing in Buhi. Moreover, motions for postponement are addressed to the sound discretion of the lower court, the exercise of which will not be interfered with by appellate courts in the absence of abuse of authority.[[1]] In the case at bar there is no such abuse, because the reason why counsel for the petitioner could not appear at the hearing was the latter's unjustified inaction and negligence during the aforementioned period of time.

2. Petitioner's defense, on the merits, is anchored on the compromise agreement dated December 14, 1960. It should be noted, however, that the same was not submitted to the Court of Agrarian Relations for approval until December 13, 1962, or over six (6) months after the forcible ejection of respondent Pama and the filing of this case, and that said approval was denied by the lower court. In fact, even if judicially approved, a writ of execution is necessary for its enforcement.[[2]] Then, too, "the expiration of the period of contract of tenancy as fixed by the parties xxx does not of itself extinguish the relationship" between landlord and tenant.[3] Again, a landlord cannot take the law into his hands, by forcibly ejecting the tenants upon the alleged expiration of their contract. The landlord is required by law, if the tenant does not voluntarily abandon the land or turn it over to him, to ask the court for an order of dispossession of the tenant. The law[[4]] explicitly ordains that:

"x x x Notwithstanding any agreement or provision of law as to the period or future surrender of the land, in all cases where land devoted to any agricultural purpose is held under any system of tenancy, the tenant shall not be dispossessed of his holdings by the landholder except for any of the causes hereinafter enumerated and only after the same has been proved before and the dispossession is authorized by the court.

WHEREFORE, the decision appealed from should be, as it is hereby affirmed, and, considering that this appeal by certiorari is manifestly frivolous, petitioner and his counsel are hereby sentenced to pay, jointly and severally, treble costs.[5]

IT IS SO ORDERED.

Reyes, J. B. L., Dizon, Regala, Makalintal, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

Barrera, J., on leave.

[1] Veloso vs. Ang Seng Teng (1903) 2 Phil. 622; Miranda vs. Municipality of Navotas (1903), 2 Phil. 667; Fabillo vs. Tiongo, 43 Phil. 317; Sunico vs. Villapando, 14 Phil. 352; Linis vs. Rovira, 61 Phil. 138; Dimayuga vs. Dimayuga, 96 Phil. 859; Salva vs. Palacio, (1952) 90 Phil. 731; Bautista vs. Municipal Council of Mandaluyong, (1956), 98 Phil. 409; Salvador vs. Malabayabas, G.R. No. L-11344, May 15, 1959; Adan vs. Pantalla, G.R. No. L-12399, May 29, 1959; Quimson vs. Suarez (1924) 45 Phil. 901; National Lumber & Hardware Co. vs. Velasco, G.R. No. L-14109, Jan. 30, 1960; Ortega vs. Pacho (1956), 98 Phil. 618; Villar vs. de Javier Paderanga (1955), 97 Phil. 604; Siojo vs. Tecson (1951), 88 Phil. 531; De Leon vs. Cruz (1952), 92 Phil. 403; Prieto vs. Cabrera, G.R. No. L-12862, May 29, 1959; De Octube vs. Asuncion, G.R. No. L-15813, Dec. 29, 1960; Martir vs. Jalandoni, G.R. No. L-12870, March 25, 1960; Inocando vs. Inocando, G.R. No. L-16030, November 29, 1960, 58 O. G. 6868; Montelibano vs. Benares, G.R. No. L-18824, February 28, 1958; Wack-Wack Golf and Country Club vs. Court of Appeals, G.R. No. L-11724; Vaswani vs. Tarachand Bros. G.R. No. L-15800, December 29, 1960; Sarreal vs. Tan, February 19, 1953, G.R. no. L-5429, 49 O. G. 499; Republic vs. Gumayan, G.R. No. L-16780, May 31, 1961; Panti vs. Provincial Board of Catanduanes, G.R. No. L-14047, January 30, 1960; Torrieffel vs. Toriano, 91 Phil. (1952) 209; Blue Bar Coconut Co. vs. Hilario, G.R. No. L-12699, May 31, 1961; Sandejas vs. Robles (1948), 81 Phil. 421; Hap Hong Hardware Co. vs. Phil. Milling Co. G. R. No.

L-16778, May 23, 1961 .

[2] Tria v. Lirag, G.R. No. L-13994, April 29, 1961 .

[3] Section 9 of Republic Act No. 1199, as amended by Republic Act No. 2263.

[4] Section 49 of Republic Act No. 1199, as amended by Republic Act No. 2263.

[5] Rule 142, Section 3, Rules of Court.

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