

J. MARIANO DE SANTOS, PETITIONER, VS. CATALINO CONCEPCION AND HONORABLE GUILLERMO S. SANTOS, AS EXECUTIVE JUDGE OF THE COURT OF AGRARIAN RELATIONS, RESPONDENTS.

G. R. No. L-11068. April 30, 1958

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

Petitioner J. Mariano de Santos is seeking a review of the decision of the Court of Agrarian Relations, dated August 1, 1956, denying his petition for authority to eject his tenant Catalino Concepcion, filed way back in May, 1954.

Petitioner is the owner of an hacienda in the Municipality of Cuyapo, Nueva Ecija, and in the year 1954, Concepcion was cultivating a parcel of three hectares of said hacienda, as a tenant. On May 25, 1954, petitioner filed with the Court of Industrial Relations an action for the ejection of Concepcion on the ground that said tenant of his, for lack of work animals, was always late in planting; that he was lazy and disobeyed the orders of his landlord about cleaning and keeping the dikes and canals in shape, and removing the weeds from the rice plantation, as a result of which, he could harvest only 80 cavans from his holding, instead of the regular harvest of 180 cavans.

Although served with summons, Concepcion failed to file an answer to the petition. The case was assigned by the Industrial Court to a commissioner to receive evidence, but despite notification of the hearing and several postponements thereof, Concepcion failed to appear either personally or through counsel. So, on March 24, 1955, on the date of the last postponement, he was declared in default upon motion of counsel for the petitioner, and the latter was allowed to present his evidence, which consisted of the testimony of one Melecio Rivera, overseer of the petitioner. Said testimony is to the effect that Concepcion had no work animal, and so was always late in planting his parcel; that he was lazy, failed to raise the height of the dikes and remove the weeds that interfered with the healthy growth of the growing crop; that he failed to secure the irrigation of his parcel on time, all this in disobedience to the orders given to him; that as a result, for the agricultural year 1958-54, he could harvest only 80 cavans of palay, which was way below the average production of the land, namely, 180 cavans.

With the approval of Republic Act No. 1267, tenancy cases were transferred to the Court of Agrarian Relations. Acting in the case, and after reading the transcript of the stenographic notes taken of the evidence presented by the petitioner, as already stated, Judge Guillermo S. Santos denied the petition.

As previously said, there was no other evidence except that of the petitioner, which evidence was the testimony of his overseer. Without giving any reason, respondent Judge Santos said that said evidence was not sufficient to establish petitioner's allegation as to Concepcion's wilful disobedience to his orders, in connection with his farm work or his neglect to do the necessary farm work, so as to insure a good harvest, and for that reason, denied the petition to eject Concepcion.

In the lengthy answer to the petition to review his decision, filed on behalf of respondent Judge by his attorneys, it is stated that although a party (Concepcion) was declared in default, and so did not adduce any evidence in his defense, nevertheless, a court is not bound by the uncontradicted evidence of the plaintiff. In his reply memorandum, the same respondent Judge claims that the landlord has the burden of proof to establish the existence of a lawful cause for the ejectment of his tenant, and that considering the announced public policy to afford security of tenure to agricultural tenants, the landlord, to eject said tenant, must prove his case by substantial evidence. We gather from said memorandum that the main, if not the only reason of respondent Judge in not favorably considering the testimony of the overseer was that said testimony was uncorroborated and because he was an interested witness.

We are not prepared to consider such a reason as a valid one. The testimony of a lone witness, if credible, is sufficient to prove a point or claim, and the fact that the witness is an employee or an overseer of a party is not sufficient to discredit his testimony. Respondent Judge could not even gauge the credibility of said witness because of his demeanor on the witness stand because it was not he who received the testimony, but the commissioner to which the case was, originally assigned by the Industrial Court, and respondent Judge only read the transcript of the stenographic notes. For this reason, we are inclined to accept and consider the evidence of the petitioner as substantial and reliable.

However, in the interest of justice, we believe that the tenant should be given another opportunity to present his side of the case and the petitioner given an equal opportunity to present additional evidence, if any, to corroborate the testimony of the overseer as desired by respondent Judge. Moreover, about four years have passed since the petition for ejectment of the tenant was filed in 1954. During the interval, many things may have occurred, such as, if it was true that the tenant by his acts or omission had given valid ground for his ejectment, he may have mended his ways and become a good tenant; or if on the contrary, he had up to now continuously neglected the cultivation of his landholding and disobeyed the orders of his landlord, then this would be additional proof of his incompetence as a tenant, and therefore, he should be ejected; or if on the other hand, said tenant could present evidence to the effect that he had always been a good tenant, and done his farm work as a good father of a family, and that all the claims of his landlord against him were unfounded, then he shall have established his right to continue and preserve the status of tenancy.

In view of the foregoing, the decision sought to be reviewed is hereby set aside and the case is ordered remanded to the Court of Agrarian Relations for further proceedings. No costs.

Paras, C. J., Bengzon, Reyes, A., Bautista Angelo, Labrador, Concepcion, Endencia, Reyes, J. B. L., and Felix, JJ., concur.

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