

TIMOTEO ANDRES, CORNELIO BUMAGAT, ALBERTO BUMAGAT, CIRILO BUMAGAT, PEDRO BUMAGAT, RAYMUNDO BUEN, PABLO BENZON, DELFIN CAYAPAN, BENIGNO CABATBAT, URBANO CARBONEL, ALFREDO CARBONE...

G.R. NO. L-20672. February 28, 1974

Ponente: MUNOZ PALMA, J.

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MUNOZ PALMA, J.:

Petitioners who number forty-six of them as listed in their Petition for Certiorari filed with this Court on January 17, 1963,[1] were tenants of respondent De Santos Agricultural Development Co., Inc. whose complaint for a change of sharing arrangement for the agricultural year 1961-62 was dismissed by respondent Court of Agrarian Relations, Guimba, Nueva Ecija, in CAR Case No. 728 solely on the ground of lack of timely notice.

The complaint of Petitioners dated February 10, 1962, filed in CAR Case 728 alleged: on March 1, 1961, the first group of petitioners sent a letter through their counsel, Atty. Eliseo Tenza, to Alberto de Santos, manager of the "hacienda" owned by respondent De Santos Agricultural Development Co., Inc. expressing their desire to change their crop-sharing basis from 55%-45% to 70%-30% in their favor effective the agricultural year 1961-62, and copies of the letter were sent to the Court of Agrarian Relations at Guimba, Nueva Ecija, the Provincial Fiscal, the municipal treasurer of Guimba, and to Attys. Florencio Florendo and Jose Dacquel, lawyers of respondent corporation; on March 15, 1961, the rest of petitioners sent a similar notice to the same parties mentioned above; notwithstanding these notices respondent landowner refused to deliver their share of the harvest on the 70%-30% sharing basis, hence, the filing of the complaint.[2]

The respondent-landowners answered the aforementioned complaint and specifically denied the allegations made therein.[3]

The court a quo in its decision of November 9, 1962, dismissed petitioners' complaint on the ground that the evidence failed to show that a notice for change of the sharing arrangement was sent to and received by respondent-landowners at least a month before the commencement of the agricultural year 1961-62 as required in section 14, R.A. 1199 as amended. The dispositive portion of the decision follows:[4]

"IN VIEW OF ALL THE FOREGOING CONSIDERATIONS, judgment is hereby rendered in favor of respondents Alberto de Santos and the De Santos Agricultural Development Inc., and against herein petitioners in the tenor and disposition hereinbelow provided, to wit:

"(1) Denying the petition for a change of sharing arrangement from 55-45 to 70-30 in favor of petitioners of the palay harvest for the agricultural year, 1961-1962; Hence, the petition dated February 10, 1962 is hereby, DISMISSED;

"(2) Ordering said respondents to pay and deliver to each of the forty-seven (47) remaining petitioners named in the body of the decision, the landholder's share equivalent to 1/2 of the transplanting and final harrowing

expenses for the agricultural year, 1961-1962 in accordance with their previous arrangement;

"(3) Ordering the Clerk of Court to pay and deliver to Alberto de Santos the proceeds of the 15% disputed portion of the palay harvest for the said agricultural year under official receipts Nos. G-7383959, G-7383960, G-7383961, G-7383962, G-7383963, G-7383694, G-7383695, G-7383980, and G-7383931, with a total amount of P15,302.10 only upon the finality of this decision;

"(4) Ordering Rosalina Cabangcla to pay and deliver to Alberto de Santos the amount of P248.87 corresponding to the proceeds of the sale of the 15% disputed portion of the harvest for the agricultural year 1961-1962 minus the landholder's share of one-half of the transplanting and final harrowing expenses for said agricultural year;

"(5) Declaring the interlocutory order issued by the Court Commissioner dated March 19, 1962 permanent; and

"(6) Dropping the names of the seventeen (17) petitioners named in the body of the decision together with Alfredo de los Santos." (pp. 48-49, record)

Having failed to secure a reconsideration of the decision, petitioners elevated the case to this Court on appeal by way of certiorari which was given due course on January 24, 1963.[5]

Petitioners submit two errors alleged to have been committed by respondent court, namely:

"1. The CAR erred in not ordering the sharing arrangement for the agricultural year, 1961-62, to be 70-30 in favor of Petitioners." (p. 14, record)

"2. The CAR erred in ruling against the admissibility of EXHIBITS "L" and "M" and in dismissing the Petition." (p. 16, record)

The only issue thus raised in this twelve-year old litigation revolves around the notice of change sent by petitioners to their landowners, and while the issue is essentially a question of fact, the Court gave due course to the appeal because there was a prima facie showing that the conclusions arrived at by the trial Court were not supported by substantial evidence.

It is the general rule that findings of fact of the Agrarian Court are not to be brushed aside on appeal[6] but where these findings are not supported by substantial evidence this Court is not bound to accept them, in which case, it shall re-examine the evidence on hand so as to reach a correct, fair and just conclusion.[7] The case of the herein petitioners easily falls within the ambit of the exception to the general rule.

Under section 14 of the Agricultural Tenancy Act (R.A. 1199 as amended) upon which petitioners base their right to effect a change in the crop-sharing arrangement with their respondent landowners, the latter were entitled to notice at least a month prior to the agricultural year when the change was to be effective. Petitioners insist that they have complied with the law and that their counsel, Atty. Eliseo Tenza, precisely sent the notice of change as early as March, 1961, because the agricultural year was to commence by June of 1961.

We agree with petitioners that their testimonial and documentary evidence amply prove timely notice to respondent-landowners.

Atty. Eliseo Tenza testified that he prepared and sent to the farm manager and co-owner, Alberto de Santos, at the latter's address in barrio Lennec, Guimba, two letters containing the desired change of the crop-sharing basis from 55%-45% to 70%-30% for the agricultural year 1961-1962; that the first letter was sent on the first week of March, 1961, while the second letter was mailed on or about March 15, 1961, the duplicate copies of which were respectively marked as Exhibits L and M; and that copies of the two letters were sent to the Court of Agrarian Relations at Guimba, (Exh. A-5) the municipal treasurer, (Exhs. A, A-1), the Provincial Fiscal (Exhs. B, A-2), and

to Attys. Jose Dacquel and Florencio Florendo, lawyers of respondent corporation (Exhs. C, D, A-3, A-4) in Cuyapo, Nueva Ecija.[8]

Atty. Tenza's testimony was corroborated by no less than the postmaster of Guimba, Mr. Monico Esmundo, who declared that the registry record book of his office showed that they received on March 6, 1961, registered letter No. 7435 which was posted at Quezon City post office on March 2, 1961, addressed by Atty. Eliseo M. Tenza to Alberto de Santos, barrio Lennec, Guimba, Nueva Ecija, and this letter was delivered to the addressee on March 8 and received by one named "Felipe Miguel" who "is a man of Mr. de Santos"[9] [Exh. I]; that his office received on March 20, 1961, registered letter No. 9171 [Exh. F] mailed on March 15, 1961, sent by Atty. Eliseo Tenza to Alberto de Santos but this particular letter remained unclaimed in spite of three registry notices sent to the latter.[10]

Notwithstanding the evidence adduced by petitioners, the trial Court was not convinced that there was timely notice, and it reasoned out thus: 1) Respondent Alberto de Santos denied having received any of the letters sent by petitioners or that he had authorized Felipe Miguel to receive for him his mail; 2) there was no certainty as to the contents of the envelope registered under receipt No. 7435 because upon questioning by the court; Atty. Tenza testified that in the second letter which the latter mailed to Alberto de Santos on March 15, 1961, he also enclosed the first letter which he had mailed on March 2, and if that were so, then it is "but logical to conclude that the contents of the registered letter sent to Alberto de Santos under registry receipt No. 7435 is not the notice which they claim";[11] 3) petitioners failed to produce the original letter mailed on March 15, 1961, under registry receipt No. 9171 notwithstanding the fact that said letter was returned to the sender unclaimed by the addressee; and 4) the documents marked Exhs. L and M are mere duplicate copies of the alleged original letters and they are not admissible in evidence in the absence of proof of loss of the originals.

Respondent Alberto de Santos' denial of having received the letters sent to him by Atty. Tenza cannot prevail over the positive and direct testimonies of the latter and the postmaster of Guimba to the effect that two letters (the originals of Exhs. L and M) addressed to said respondent as co-owner and manager of the "hacienda" were mailed at the post office in Quezon City, one on March 2 and the other on March 15, 1961; that those two registered letters Nos. 7435 and 9171 were received in the post office of Guimba; that registered letter No. 7435 was delivered to the addressee through Felipe Miguel who according to the postmaster was known to him to be a "man of Alberto de Santos"; that Felipe Miguel received said registered letter because there was "an authority on the registry notice to deliver the registered letter to Felipe Miguel";[12] that registered letter No. 9171 was not claimed by the addressee, Alberto de Santos, notwithstanding the three notices sent to him and the letter remained in the post office for 37 days until it was returned to the sender.[13]

Under Sec. 8, Rule 13, Rules of Court, service by registered mail is complete upon actual receipt by the addressee; but if he fails to claim his mail from the post office within five days from the date of the first notice of the postmaster, service shall take effect at the expiration of such time. In the case of registered letter No. 7435, the service was completed when it was actually received by the addressee's authorized agent or representative Felipe Miguel, because receipt by the latter of the mail matter was receipt by the addressee himself. With regards to registered letter No. 9171, the service to the addressee was accomplished when he failed to claim the letter notwithstanding the three notices sent to him by the post office of Guimba and the letter remained unclaimed for a period of thirty-seven days.[14]

The appealed decision capitalizes on the absence of or rather the failure of petitioners to present the original of the registered letter No. 9171 although said letter was allegedly returned to the sender. We have indeed noted that fact together with the absence of the registry return card of the registered letter No. 7435 which was received by Felipe Miguel. Such deficiency in petitioners' evidence is cured, however, by the testimony of the postmaster of Guimba

who was precisely called by petitioners to take the witness stand because of the non-availability of said pieces of evidence, and the postmaster brought to court the record book of his office and on the basis of the entries appearing thereon he categorically testified in the manner we have narrated above.[15] The trial court as well as the private respondents had the opportunity to examine the record book of the post office of Guimba and, significantly, no reason has been advanced why the entries thereon as testified to by the postmaster are not to be believed, except for, we repeat, the denials of respondent Alberto de Santos. These denials of respondent, however, are insufficient to overthrow the presumption of receipt of mail matter under Sec. 8. Rule 13, quoted above, and the presumption of regularity in the performance of official duties under Sec. 5(m), Rule 131, Rules of Court which are both buttressed in the instant case by satisfactory and credible evidence.

Another reason given by respondent Court for disbelieving petitioners' evidence is that there is no certainty that the letter contained in the envelope sent by registered mail under No. 7435 was the notice of change of sharing agreement dated March 1, 1961, because according to His Honor, Atty. Tenza testified in the following manner:

"COURT:

Q

You said you sent the original copy of the notification, Annex "A" of the petition, to Mr. Alberto de Santos. How did you send it to Mr. Alberto de Santos?

A

I sent the original of Annex "A" to him and it is covered by a registry receipt issued by the Post Office of Quezon City.

Q

Do you mean to say you posted that communication in the Post Office of Quezon City?

A

Yes sir.

Q

What about Annex "B" of the petition, have you sent also Mr. Alberto de Santos?

A

Yes, sir, I sent a copy of that also. I remember that I have sent a copy of that also — that is covered by registry receipt No. 9171, marked as Exhibit "F".

Q

It appears here that this registry receipt No. 9171 is for Annex "B" and is dated March 15, 1961 and Annex "A" is dated March 1, 1961. I am asking you whether these Annexes "A" and "B" were sent to Mr. Alberto de Santos in one envelope?

A

Yes sir.

COURT:

Proceed Atty. Dacquel.

ATTY. DACQUEL:

Q

Atty. Tenza, you claimed that Annexes "A" and "B" of your petition were both sent on March 15, 1961 in one envelope?

A

If I am not mistaken, because that is a year ago."

(tsn, April 25, 1962, pp. 13-14, CAR record, pp. 73-74)

His Honor, the trial Judge, reasoned out that because the letters attached as annexes "A" and "B" to the complaint which have been marked respectively as Exhibits L and M, were enclosed in one envelope and mailed to Alberto de Santos on March 15, 1961, under registry receipt No. 9171 as testified to by Atty. Tenza, then the court is "at a loss to determine the contents of registered letter under registry receipt No. 7435 addressed to Alberto de Santos." [16] The foregoing testimony of Atty. Tenza was, however, explained by petitioners, as so stated in the appealed decision, page 16 thereof, that Exh. L was the duplicate copy of the first notice, so that, the second envelope mailed under registry receipt No. 9171 contained not only a notice of change in behalf of the second group of petitioner-tenants but also a duplicate of the first notice; such explanation, We believe, is valid and acceptable. But even on the assumption that registered letter No. 9171 contained the two notices, still said notices were mailed on time, that is March 15, 1961, and received at the post office of Guimba on March 20, 1961, where as already stated earlier it remained unclaimed for thirty-seven days notwithstanding the three notices sent to the addressee, respondent Alberto de Santos.

In resolving the issue at hand, that is, whether or not the petitioner-tenants gave timely notice to their landlord of the change of the sharing arrangement for the agricultural year 1961-62, we should not lose sight of the principle of social justice underlying the Agricultural Tenancy Act, R.A. 1199, invoked by petitioners which, as restated and reaffirmed by the Court in *Del Rosario vs. de los Santos, et al.*, [17] is to translate into reality the dream envisioned by the late President Ramon Magsaysay that he who has less in life should have more in law. The right of a tenant to change from one crop-sharing arrangement to another is guaranteed to him by Sec. 14 of R.A. 1199 as amended, and the initiative and decision to effect that change lies with him. [18] Any desire of the agricultural tenant to effect a change so as to improve his economic condition and lighten his financial burden is to be given all the encouragement possible under the law and in this regard the judicial branch of the government has its bounden duty not to permit technicalities to stand as roadblocks to the enjoyment of the tenant's rights.

This case that is now before Us presents a situation which rightly entitles the petitioners to effect a change of their crop-sharing arrangement since the year 1961--62. As a matter of fact, petitioners submit in their Memorandum filed on April 15, 1963, that even if they had not proven timely notice for the agricultural year 1961-62, respondent Court could have ordered the effectivity of the change for the year 1962-63 inasmuch as the filing of the complaint in February of 1962 was sufficient notice to the landowner. We find this manifestation justified, and

the probability is that had respondent court acted accordingly this present appeal could have been avoided. As it is, petitioners were compelled to institute the present appeal and file another complaint with the respondent Court for the adjudication of the sharing ratio for the 1962-63 agricultural year docketed as CAR Case No. 991, Guimba Branch '63, entitled: "Timoteo Andres et al., vs. Alberto de Santos, et al." [19] which case appears to have been decided on November 4, 1969. [20]

Concluding, it is our finding that there is sufficient evidence to prove that petitioners gave timely notice to respondent-landowners, and that, consequently, they are entitled to change their crop-sharing arrangement from 55%-45% to 70%-30% ratio in favor for the agricultural year 1961-62. The record shows that the 15% disputed portion of the harvest for said year was sold upon orders of the Court a quo and the cash value corresponding to the tenants' respective 15% portions were computed and embodied in a three-page Report of the legal assistant of respondent Court, Atty. Alfonso V. Barrozo, which was made part of the trial court's Decision as its Annex "A". The correctness of this Report is not assailed in this Petition for review. [21] The record also shows that the total cash value of P15,320.10 was ordered by respondent Court to be deposited with the municipal treasurer of Guimba, Nueva Ecija, pending final termination of this case; however, in an Order dated January 11, 1963, the amount was released to respondent-landowners upon motion of the latter that the trial court's decision be executed pending appeal. [22]

PREMISES CONSIDERED, the appealed decision rendered in favor of respondent-landowners is hereby set aside. Petitioners are declared entitled to change their crop-sharing arrangement with the respondent-landowners from 55%-45% to 70%-30% ratio in their favor for the agricultural year 1961-62, and all succeeding years. Private respondents are ordered to pay to the petitioners the latter's corresponding shares in the 15% disputed portion of the harvest for the year 1961-62, the respective cash value of which appears in the Report marked annex "A" of the trial court's decision of November 9, 1962, with exception of petitioner Rosalina Cabangcla who had received her share of P248.87 as found by the trial court. With costs against respondent-landowners.

Makalintal, C.J., Castro, Teehankee, Makasiar, and Esguerra, JJ., concur.

* Rosalina Cabangcla is the wife of petitioner Emeterio Cabrera and she merely substituted the latter upon her husband's death; hence, there are only forty-six petitioners.

[1] Pp. 10-19, rollo.

[2] Pp. 20-25, rollo.

[3] Pp. 26-27, rollo.

[4] Pp. 48-49, rollo.

[5] P. 60, rollo.

[6] Tomacruz vs. Court of Agrarian Relations, et al., L-16542 & 16543, May 31, 1961, 2 SCRA 568; Mateo vs. Duran, et al., L-14314, Feb. 22, 1961, 1 SCRA 508; Toledo vs. Court of Agrarian Relations, et al., L-16054, July 31, 1963, 8 SCRA 499; Casaria vs. Rosales, L-20288, June 22, 1965, 14 SCRA 368; Del Rosario vs. De los Santos, et al., L-20589-90, March 21, 1968, 22 SCRA 1196.

[7] De Guzman vs. Guillermo E. Santos, et al., L-16568. November 30, 1962, 6 SCRA 795, 798; Sec. 3, 2nd par., Rule 43, Rules of Court.

[8] Tsn, April 25, 1962, pp. 4-9, pp. 64-69, CAR record.

[9] Tsn, May 14, 1962, p. 7, p. 99, *ibid*.

[10] Tsn, July 16, 1962, pp. 3-4, CAR Record, pp. 150-151.

[11] P. 43, rollo.

[12] Tsn, May 14, 1962, pp. 8-9, CAR record, pp. 100-101.

[13] Tsn, July 16, 1962, pp. 3-5, CAR record, pp. 150-152.

[14] See *Garganta et al. vs. Court of Appeals, et al.*, L-12104, March 31, 1959; *Grospe, et al. vs. Court of Appeals, et al.*, L-11443, Sept. 30, 1959; *Pielago vs. Generosa*, 73 Phil. 654.

[15] Tsn, May 14, 1962, pp. 5-9, CAR record pp. 97-101.

[16] Pp. 15-16, Decision, CAR record pp. 271-272.

[17] L-20589-90, March 21, 1968, 22 SCRA 1196, decision penned by Mr. Justice Enrique Fernando.

[18] See *Pineda et al. vs. Pingul and CIR*, L-5565, September 30, 1952; *Gomez vs. Sagmit et al.*, L-5460, September 30, 1952.

[19] Respondents' Memorandum, p. 100 rollo.

[20] See p. 128, rollo.

[21] See pp. 50-51, rollo or pp. 279-281, CAR record.

[22] See pp. 346 CAR record.

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