

**URSULA CALDERON AND AGAPITO PASCUAL,
PLAINTIFFS-APPELLANTS, VS. VICTORIANO DE LA CRUZ,
DEFENDANT-APPELLEE.**

G.R. No. L-29359. August 16, 1985

Ponente: MAKASIAR, C.J.

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MAKASIAR, C.J.:

This is a petition for certiorari to review the decision dated April 5, 1968 of the defunct Court of Agrarian Relations ordering the plaintiff-appellant to maintain the defendant-appellee in the peaceful possession and cultivation of the landholding with an area of 2.5 hectares and to deliver to defendant-appellee 27 cavans and 34.5 kilos of palay of the "wagwag" or "intan" or the equivalent thereof in money at P11.00 per cavan.

In a complaint for ejectment dated November 23, 1966 which was filed by plaintiff-appellant before the defunct Agrarian Court, it was alleged that he is the owner of two parcels of land situated at Sto. Niño, Barangka, Baliwag, Bulacan, covered by TCT Nos. T-17899 and 17900 and registered in the name of his wife Ursula Calderon; that defendant is an agricultural lessee of the aforesaid parcels of land with an area of about 2½ hectares; that plaintiff and his son Gregorio Pascual who is unemployed, verbally and in writing, informed defendant of their desire to personally cultivate the land; that despite said notices and after one agricultural year had elapsed, defendant refused to deliver the landholdings. Defendant-appellee in his answer with counterclaim dated January 6, 1967 alleged that plaintiff is not and has never been a farmer and would not be physically able to work in the farm due to his advanced age; that plaintiff's children are not farmers and are pre-occupied in their respective profitable business and/or calling; that in the remote event that he is ejected, he should be entitled to a reasonable disturbance compensation. As a counterclaim, defendant alleged that he had been short-shared in the liquidation of his harvests for the last four years and prayed for a reliquidation of the same, and that plaintiff be ordered to deliver to him whatever is due under the liquidation.

On February 7, 1967 the parties entered into the following stipulation of facts:

- "1. That Exhibit 'A' is the sketch of the landholdings in question;
- "2. That parcel I, which is about a hectare and a portion of parcel II, on the northern part of about 1½ hectares, are the parcels of land being worked by the defendant, and that parcels I and II are situated in Barangka, Baliwag, Bulacan;
- "3. That the landholdings in question are owned by Ursula Calderon, wife of plaintiff Agapito Pascual;
- "4. That the defendant is an agricultural lessee over the landholdings in question;
- "5. That before the institution of CAR Case No. 1324-Bulacan, the parties' system of tenancy was that of sharing basis under a 50-50 ratio of crop partition, and that during those periods, the only contributions of the plaintiff was his land and one-half (½) of the transplanting expenses;
- "6. That parcel I and 1½ hectares in parcel II are seeded in the aggregate amount of two (2) cavans" (pp. 31-32,

ROA; p. 17, rec.).

During the hearing of the case on June 21, 1967, Ursula Calderon, wife of the plaintiff, was impleaded as a necessary party on motion of plaintiff's counsel. After trial, the lower court rendered the questioned decision dated April 5, 1968 in favor of the defendant.

The lower court's denial to eject the agricultural lessee is based on the ground that the plaintiff's son Gregorio Pascual, who will personally cultivate the land, is not equipped with sufficient knowledge of farm practices which would qualify him to cultivate the land. As to the counterclaim, the court a quo ruled that the defendant's claim for reliquidation is not barred by a previous case which was for recognition of tenure of status of defendant-appellee and for fixing of rentals; that the evidence reveal that defendant-appellee was short-shared by 12.5% every agricultural year for four (4) agricultural years.

On May 4, 1968, plaintiff filed a motion for new trial which was denied on May 24, 1968. Not satisfied with the questioned decision, plaintiff instituted the present petition.

The main question posed for resolution is whether or not under RA 3844, otherwise known as the Agricultural Land Reform Code, which allows a landowner to eject an agricultural lessee on the ground of personal cultivation, it is necessary that a member of the immediate family of the landowner must first possess sufficient knowledge in farming.

Section 36(1) of RA 3844 allows a landowner to dispossess an agricultural lessee on the ground that the owner or a member of his immediate family will personally cultivate the land. A landholder who owns a small parcel of land which is farmed by a tenant and desires to get it back because he has a son who is jobless and who can do the farming for him comes within the provision. As found out by the lower court, plaintiff-appellant's son will personally cultivate the land in question. Such finding is enough to warrant authority to eject the defendant. There is no provision in RA 3844 which requires that before a lessor or a member of his immediate family can dispossess a tenant, the farmer must be an experienced tiller and well-informed in the methods and phases of farming.

Furthermore, even assuming that the appellant's son has no sufficient knowledge in farming, still the land in question can be cultivated productively. The law does not preclude him from availing himself of the labor of the members of his farm household or the use of the Filipino practice of exchange of labor system, commonly known as the "amuyo" or "tagnawa" in the Ilocos regions, "palusong" or "bayanihan" to the Tagalogs and "salibot" or "ayon-ayon" in the Western Visayas.

It should be noted that although the agricultural lessor is given the right to eject a tenant, the latter is given ample protection by the law. It is provided in the same Section 36 thereof that should the landholder not cultivate the land himself for three years after the dispossession of the tenant, it shall be presumed that he acted in bad faith and the tenant shall have the right to demand possession of the land and recover damages for any loss incurred by him because of the dispossession.

It is true that RA 3844 is a social legislation designed to promote economic and social stability and must be interpreted liberally to give full force and effect to its clear intent. This liberality in interpretation, however, should not accrue in favor of actual tillers of the land, the tenant-farmers, but should extend to landowners as well, especially those owning small landholdings, like herein defendant (*Diga vs. Adriano*, 133 SCRA 421; *Gonzales vs. GSIS*, 107 SCRA 492). The landowners deserve as much consideration as the tenants themselves in order not to create an economic dislocation, where tenants are solely favored but the landowners become impoverished.

In *Dequito vs. Llamas* (66 SCRA 504), We also said that a tenant ought to know that if he has rights to protection

as a tenant, the landowner has also rights under the law. The protective mantle of social justice cannot be utilized as an instrument to undermine the rights of landowners.

We are not unaware that on September 10, 1971, RA No. 6389 took effect and abrogated the right of the landowners to dispossess the tenants or agricultural lessees on the ground of personal cultivation. We have categorically ruled in *Nilo vs. Court of Appeals* and *Castro vs. Castro* (128 SCRA 519), and reiterated in *Diga vs. Adriano*, supra, that said law cannot be given retroactive effect in the absence of a statutory provision for retroactivity or a clear implication of law to that effect. To hold that landowners can no longer eject their tenants because of RA No. 6389, would deprive them of their right to enjoy their property which they had already asserted before the statute was passed. Precisely, the lawmaking body in providing personal cultivation as a ground to eject tenants intended to encourage and attract the small landowners to go to their respective provinces and till their lands. Furthermore, this Court would be thwarting the policy of encouraging self-reliant and independent small farmers if lessor-lessee relations on tiny parcels of land, as in this case, are perpetuated even when the owners can and desire to cultivate the land themselves.

We therefore hold that defendant-appellee can be ejected from the land in question.

The other issue involved in this case is whether or not the lower court erred in allowing the reliquidation of past harvests and payment of short-shares taking into consideration the previous CAR Case No. 1324 involving the same parties.

Appellant states that on November 24, 1965, herein appellee filed a complaint against the former before the defunct Agrarian Court and docketed as CAR Case No. 1324 for recognition of status of appellee Victoriano de la Cruz and for fixing of rentals. Appellant asserts that the case had been decided and the judgment thereon had become final and executory, hence, the present claim for the payment of short-shares and reliquidation of past harvests cannot prosper on the ground of *res judicata*.

WE do not agree. Although the parties in CAR Case No. 1324 and in the present case are the same, the causes of action in the two cases are entirely distinct and different from each other. CAR Case No. 1324 was instituted by herein appellee pursuant to RA No. 3844 for recognition of his status as an agricultural lessee and for the fixing of the rentals of the land he is cultivating. In said case, the question of whether herein appellee was given his full share in the previous harvests, that was, for four (4) agricultural years from 1961-1965, was neither raised by the parties nor passed upon by the lower court. The issue in the previous case was limited to the exercise of appellee's option to elect the leasehold system in lieu of the share tenancy, and the fixing of rentals thereon pursuant to RA No. 3844. We therefore hold that the court a quo did not err in entertaining and resolving appellee's counterclaim in the present case.

In deciding the counterclaim, the lower court ordered the appellant to deliver 27 cavans and 34.5 kilos of palay of the "wagwag" or "intan" or the equivalent thereof in money at P11.00 per cavan. The records show that the lower court weighed, analyzed and evaluated the evidence to prove whether or not the appellee was given his full share in the liquidation of the previous harvests. The defunct Agrarian Court found that he was short-shared. This factual finding supported as it is by substantial evidence, may no longer be reviewed by this Court.

WHEREFORE, JUDGMENT IS HEREBY RENDERED:

1. ORDERING THE DEFENDANT-APPELLEE TO VACATE THE LAND IN QUESTION AND SURRENDER POSSESSION OF THE SAME TO THE PLAINTIFF-APPELLANT; AND
2. ORDERING THE PLAINTIFF-APPELLANT TO DELIVER TO THE DEFENDANT-APPELLEE 27 CAVANS AND 34.5 KILOS OF PALAY OF THE "WAGWAG" OR "INTAN" OR THE EQUIVALENT

THEREOF IN MONEY AT THE CURRENT VALUE WITH INTEREST AT 12 PER CENT PER ANNUM FROM JANUARY 6, 1967 UNTIL FULLY PAID.

NO COSTS.

SO ORDERED.

Aquino, (Chairman), Concepcion, Jr., Escolin, Cuevas, and Alampay, JJ., concur.

Abad Santos, J., on leave.

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