

ENRIQUE P. SUPLICO, LOLITA T. SUPLICO, ENRIQUE T. SUPLICO, JR., AND DAVID T. SUPLICO, PETITIONERS, VS. HON. COURT OF APPEALS AND FEDERICO ARMADA, RESPONDENTS.*G.R. No. 103103. June 17, 1996*

Ponente: VITUG, J.

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For review in the instant petition is the 29th November 1991 decision[1] of the Court of Appeals affirming that of the Regional Trial Court of Negros Occidental, Branch 54,[2] Bacolod City, in CAR Case No. 109, which has declared private respondent Federico Armada to be a bona fide agricultural lessee, instead of a mere farm laborer, of Isabel D. Tupas in Barangay Taloc, Bago City.

Isabel Tupas was the registered owner of a parcel of rice land, designated Lot No. 901-B-1, with an area of 120,000 square meters (12 hectares), in Taloc, Bago City, under TCT No. T-26014.[3] On 24 February 1977, she leased her landholding, excluding the 33,438-square-meter portion already tenanted by one Jose Jacinto, for the amount of P10,000.00 to petitioner Enrique P. Suplico, her brother-in-law, under a contract that was set to expire on 31 May 1982.[4]

Some time in 1979, Armada started tilling an area of 32,945 square meters, identified to be Lot No. 901-B-1-D, [5] of the farmland under an agreement with Enrique Suplico. Armada undertook to till the land while Suplico agreed to provide the farm implements and work animals. Suplico was to receive from Armada 62 cavans from the palay harvest per crop yield by way of rental for the use not only of the land but also of the work animals and a hand tractor.[6] Private respondent resided with his family in a farmhouse on the land.

When, years later, Suplico threatened to eject Armada from the property, Armada initiated, on 03 May 1982, an action for damages and injunction against Suplico in the Court of Agrarian Relations ("CAR") in Bacolod City.[7] The complaint averred that Armada was the tenant-farmer of around 2.5 hectares of the property of Isabel Tupas having been instituted as such tenant in 1979 by her administrator, herein petitioner Enrique Suplico, to whom he religiously paid the fixed rental of 62 cavans of palay per crop yield.

An order was issued by the CAR meanwhile restraining Suplico, his agents and representatives, from harassing, molesting, threatening, and committing acts of dispossession against, Armada.[8]

In his answer with counterclaim, Suplico interposed the special defense that Armada was not a tenant-farmer but a seasonal hired farm laborer with a fixed compensation, and that his services could be terminated anytime before or, at the worst case, upon the expiration of their contract in May 1982. Suplico added that Armada unlawfully appropriated for himself the whole produce of the first yield for the crop year 1982-83.[9]

On 14 February 1983, Isabel Tupas, represented by her attorney-in- fact Lolita T. Suplico (sister of Isabel and the wife of Enrique P. Suplico), intervened in the case. She alleged that she had no contractual relationship with Armada nor did she impliedly tolerate his continued possession of the land. She prayed that Armada be ejected

from her landholding.[10] On even date, Isabel Tupas filed a complaint for ejectment against Armada and his wife, Leticia, in the Municipal Trial Court ("MTC") of Bago City.[11] The complaint, however, was dismissed on 15 May 1985 for lack of jurisdiction,[12] following the certification issued by the Regional Director of the then Ministry of Agrarian Reform, Region VI, Iloilo City, that the case was not proper for trial and hearing by the MTC on account of the existence of tenancy over the land involved.

On 28 June 1984, the complaint for damages and injunction was referred by the trial court[13] to the Ministry of Agrarian Reform ("MAR") for a summary determination of the relationship of the parties, as well as for a certification on whether or not the case was proper for trial, in accordance with Memorandum Circular No. 29 of the MAR, implementing P.D. No. 316[14] in conjunction with P.D. No. 27.[15] The trial of the case resumed after the MAR Director for Region 6, Iloilo City, had certified that the case was proper for trial and hearing.[16]

On 28 March 1987, Isabel Tupas donated the whole property to her sister, Lolita T. Suplico, and her nephews, Enrique Suplico, Jr., and David Suplico. On 17 May 1988, she moved to be dropped as intervenor and asked that her donees of the property be instead named as substitutes.

Finally, on 18 January 1990, the trial court rendered its decision declaring private respondent a bona fide agricultural lessee. The dispositive portion of the decision stated:

"WHEREFORE, PREMISES CONSIDERED, judgment is hereby rendered:

"1. Declaring plaintiff FEDERICO ARMADA a bona fide agricultural lessee of the landholding in question with an area of two and a half (2 1/2) hectares more or less belonging to the intervenors;

"2. Permanently enjoining the defendant/intervenors from ejecting or removing plaintiff from his landholding aforementioned situated in sitio Langka, Brgy. Taloc, Bago City;

"3. Ordering the plaintiffs to pay to the defendant/intervenors two hundred fifty-four (254) cavans of palay as back rentals or their money equivalent, less whatever amount may have been paid or deposited with the court after this date; and

"4. Dismissing all other claims and counterclaims for damages for lack of and/or insufficiency of evidence.

"So Ordered."[17]

The contending parties all appealed the decision to the Court of Appeals.

The Court of Appeals, on 29 November 1991, affirmed the decision of the court a quo and considered Armada to be a share tenant.

The instant petition, in main, raises the sole issue of whether or not private respondent Armada should be held a tenant farmer entitled to security of tenure or a mere hired farm laborer.

The Court sees no reason to disturb the findings of both courts below. The facts found by the appellate court, sustaining the court a quo, readily converge towards one conclusion, and it is that tenancy did exist between the parties.

Firstly, private respondent was in actual possession of the land,[18] and he there resided, with his family, in a farmhouse just like what a farm tenant normally would.[19] Secondly, private respondent and his wife were personally doing the farm work of plowing, planting, weeding and harvesting the area. The occasional and temporary hiring of persons outside of the immediate household, so long as the tenant himself had control in the farmwork, was not essentially opposed to the status of tenancy.[20] Thirdly, the management of the farm was left entirely to private respondent who defrayed the cultivation expenses.[21] Fourthly, private respondent shared the

harvest of the land, depositing or delivering to petitioner Enrique Suplico the agreed 62 cavans of palay per crop yield. Jesus Mesias, the licensed ricemiller of Taloc, attested to Suplico's having received from private respondent the cash value of the rental payments from "the first crop of 1979 and each crop thereafter up to the first crop of 1983, inclusive." [22] The rental payments made thereafter were received by petitioner Lolita Suplico, [23] court appointed police officers, [24] or the barangay captain. [25]

Parenthetically, during the pendency of this appeal, the Secretary of Agrarian Reform has issued an emancipation patent denominated Transfer Certificate of Title No. EP-2064 in the name of private respondent over 26,622 square meters of Lot No. 901-B-1-C-2-B, Bsd-06-002040, of the operation land transfer. In a pleading, dated 01 December 1994, [26] petitioners point to anomalies supposedly attending the issuance of TCT No. EP-2064. Regrettably, these allegations are matters that should first be ventilated and tried, not here, but in the proper forum.

WHEREFORE, the instant petition for review on certiorari is DENIED. No costs.

SO ORDERED.

Padilla, Kapunan, and Hermosisima, Jr., JJ., concur.
Bellosillo, J., took no part.

[1] Penned by Associate Justice Cancio C. Garcia and concurred in by Associate Justices Manuel C. Herrera and Alfredo L. Benipayo.

[2] Presided by Judge Jesus V. Ramos.

[3] Rollo, p. 179.

[4] Exh. 16, Records, p. 661.

[5] Exh. 15-A; Records, p. 660.

[6] TSN, April 22, 1988, p. 26.

[7] Records, p. 1.

[8] Ibid., p. 14.

[9] Ibid., pp. 19-22.

[10] Ibid., pp. 103-107.

[11] Ibid., pp. 226-227.

[12] Exh. S, Records, p. 692.

[13] The Regional Trial Court of Negros Occidental, Branch LI, Bacolod City, took over this case from the defunct Court of Agrarian Relations of Bacolod City (Record, p. 168) in accordance with Sec. 1 of Executive Order No. 864 dated January 17, 1983 automatically abolishing Courts of Agrarian Relations in implementation of Sec. 44 of the Reorganization Act of 1980. Later, on motion of private respondent who was residing in Bago City, the case was transferred to Branch LIV of the RTC, Bacolod City. (Records, p. 188.)

[14] P.D. No. 316 prohibited the ejectment of tenant-tillers from their farmholdings pending the promulgation of the rules and regulations implementing P.D. No. 27.

[15] Upon the effectivity of P.D. No. 27, all tenant-farmers of private agricultural lands primarily devoted to rice

and corn production were deemed owners of the land they were tilling. However, no rules and regulations implementing said decree were promulgated until the issuance of Executive Order No. 228 and the enactment of Republic Act No. 6657. The effect was that during said period, the relations between tenants and landowners were on hold. Thus, agricultural leasehold relationships with respect to rice and corn lands of less than seven (7) hectares which were not covered by the operation land transfer were maintained (Barte, LAW ON AGRARIAN REFORM WITH COMMENTARIES, 1991 ed., p. 63).

[16] Exh. 22, Records, p. 200.

[17] Rollo, pp. 32-33.

[18] He would be a laborer if he only went to the farm to work. Cruz vs. Court of Appeals, 129 SCRA 223, 227.

[19] Sec. 24, Republic Act No. 3844.

[20] Cuaño vs. Court of Appeals, 237 SCRA 122, 135 citing Carag vs. Court of Appeals, 151 SCRA 44.

[21] De Borja vs. C.A.R., 79 SCRA 557, 568.

[22] Exh. B, Records, p. 402.

[23] Exh. C, Records, p. 403; see also TSN, January 17, 1989, p. 25.

[24] Exhs. D, E, F, G, I & J, Records, pp. 405-407.

[25] Exhs. K & L, Records, pp. 632-633.

[26] Rollo, pp. 208-209.

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