

LINO SALES AND VISITACION SALUD SALES, PETITIONERS, VS. HON. JOSE SANTOS, ETC., ET. AL., RESPONDENTS.*G. R. No. 13065. December 29, 1959*

Ponente: MONTEMAYOR, J.

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Lino Sales and Visitacion Salud are appealing the decision of the Court of Agrarian Relations in CAR Case No. 103 (Batangas 1957), dismissing their petition to eject respondent tenant Maximo Macatangay and ordering them to maintain him in the peaceful possession and cultivation of their landholding. The appeal is based on the claim that the appealed decision is not supported by substantial evidence.

Respondent Macatangay had been a tenant of petitioners- appellants since 1939. Sometime in April 1955, he was removed as tenant and the land was given to Santiago Villalobos in May of the same year. Dissatisfied with his dismissal, Maximo filed an action against herein petitioners for reinstatement and damages in the Court of Industrial Relations on April 18, 1955, docketed as CIR Case No. 5674-R. Upon the creation of the Court of Agrarian Relations (Republic Act 1267, as amended by Republic Act 1409), the case was transferred to said Agrarian Court. Judgment was rendered in said case in favor of Maximo, ordering petitioners herein as landlords to reinstate him as tenant on the land in question and to pay him the sum of P482.10, corresponding to his 60 per cent share of the harvest from April 8, 1955 when he was dismissed, to the date of his reinstatement at the rate of P11.00 per cavan. On November 28, 1956, a writ of execution was issued and served on petitioners on December 13, 1956,

Ostensibly, the execution was carried out, including the payment of the P482.10 to Maximo, the petitioners promising to immediately reinstate Maximo as tenant. It is a fact, however, that the new tenant, Villalobos, had planted the landholding to rice, and at the time of the issuance of the execution, had a standing rice crop thereon, consisting of two varieties, one to be harvested in January 1957 and the other in March of the same year. So, it was agreed that Villalobos be allowed to harvest his crop, and that after the harvest, the landlords, petitioners herein, would actually reinstate Maximo. On the basis of said verbal agreement, Maximo refrained from taking possession of the land and waited for the termination of the harvest by Villalobos and for notification by the landlords of the day when he would be reinstated by them. It would appear that he was not notified, and so, he did not immediately occupy the land for purposes of cultivation, following the harvest in March 1957. Because of this, petitioners herein forthwith filed a petition with the Agrarian Court, CAR Case No. 103 (Batangas 1957), to eject Maximo Macatangay on the ground that although he had been reinstated as tenant, on December 13, 1956, he thereafter abandoned the landholding and failed to work and cultivate it for the agricultural period from January to April, 1957, thereby depriving them of the harvest.

Maximo denied the allegations of petitioners and claimed that as already stated, his reinstatement as tenant was postponed until after the harvest of the crop planted by Villalobos. The Agrarian Court found as a fact that Maximo was not actually reinstated as tenant on said landholding after the harvest in January and March, 1957, so that it cannot be said that he had abandoned the land since abandonment presupposes actual and previous

possession of the landholding. As already said, the basis of the appeal is that the finding of the Agrarian Court was not supported by substantial evidence. For purposes of reference, we reproduce the findings of the Agrarian Court.

"It is duly established by evidence that the respondent was reinstated to his landholding upon the enforcement of the writ of execution issue in CIR Case No. 5674-R, on December 13, 1956. Upon his reinstatement the respondent was entitled to take material possession of the landholding in question on said date, but in view of the demand of Santiago Villalobos, for payment of his compensation of the labor performed by him in the cultivation and raising of the standing crop thereon, the petitioners and the respondent have agreed that the former shall actually reinstate the latter to said landholding after the harvest of said crop. This agreement was admitted by the petitioner Visitacion Salud de Sales.

'Q.—Do you mean to say that your agreement with the respondent and Santiago Villalobos was that the respondent should be reinstated actually in the landholding in question after the harvest of the standing crop on December 13, 1956?

'A.—Our agreement was that, the respondent shall be reinstated as tenant after the harvest of the standing crop in January with respect to the one-half planted to wagwag variety and after the harvest in March on the one-half portion planted to pinorsigue.' (t.s.n. June 11, 1957, pp. 104.)

"Under the aforementioned agreement the petitioners were duty bound to notify the respondent of the dates of the harvest of the crop standing on the landholding as of December 13, 1956, and to reinstate the latter after said harvests. These were not done by the petitioners.

"Consequently, the respondent was not actually reinstated to said landholding after the harvests of January and March, 1957.

If the respondent was not actually reinstated to his landholding, how could he abandon something which was not turned over to him. Abandonment of a landholding by a tenant presupposes previous actual possession thereof.

"We, therefore, hold that the respondent is not guilty of abandonment of the landholding in question as charged by the petitioner."

We have carefully examined the record of this case and we are convinced that the appealed decision is supported by substantial evidence. Maximo could not have abandoned the land in question so as to give rise to his ejectment therefrom for the reason that he was never actually reinstated. But in spite of this, lack of reinstatement, Maximo just the same went to the land several times in April 1957, after Villalobos had harvested his crop, in order to prepare the land for cultivation, but that instead of allowing him to work and cultivate the land, petitioners filed the present action for ejectment. It is most unlikely that if Maximo had really been reinstated and placed in possession of the landholding, that he would abandon it, because he depended upon its cultivation for his livelihood, and in fact, he fought his landlords in court to get it back.

We agree with the trial court that Maximo had not abandoned the land, and therefore, could not be ejected therefrom.

In view of the foregoing, the decision appealed from is hereby affirmed, with costs.

Paras, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, Barrera, and Gutierrez David, JJ., concur.

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