

VICENTE CAHILO, PETITIONER, VS. JUDGE PASTOR DE GUZMAN AND SIMEON LA FUENTE, RESPONDENTS.

G.R. No. 13431. November 24, 1959

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Simeon La Fuente filed a petition before the Court of Agrarian Relations praying for his reinstatement as tenant of a portion of a lot situated in Himamaylan, Negros Occidental, and for a liquidation of the sugar crop harvested therefrom corresponding to the agricultural year 1956-1957.

The action was brought against respondent who is the receiver appointed by the Court of First Instance of Negros Occidental in Civil Case No. 2435. He set up the defense that petitioner had no right to work as tenant on the land in question because he was placed there as such by one Francisco Sanicas whose ownership over the land is subject to controversy in said Civil Case No. 2435; that petitioner is now estopped to file this petition because of his failure to assert his right as tenant during the trial of the aforementioned case; and that the whole sugar crop harvested from the land in question for the agricultural year 1956-1957 had been mortgaged by Francisco Sanicas to the Philippine National Bank to guarantee certain crop loan obtained from the latter.

After the reception of the evidence of both parties, the court, presided over by Judge Pastor de Guzman, rendered judgment (a) declaring petitioner to be the tenant of the land in question from 1953 up to 1957; (b) ordering respondent to pay petitioner the sum of P421.65 as his share of the sugar produce for the agricultural year 1956-1957; and (c) ordering respondent to deliver to petitioner 667.8 kilos of molasses as his share for the same agricultural year or its equivalent in money computed at the current price in the locality. It is from this decision that respondent interposed the present petition for review.

It appears that Lot No. 1687-B of Himamaylan cadastre was originally owned by Juan Labansawa as evidenced by Original Certificate of Title No. 442 of Negros Occidental. Upon his death, the lot was inherited by his brothers and sisters who had been in possession thereof since then up to 1952. In this year, Isabel Senoro, et al, fraudulently executed a declaration of heirship wherein they declared themselves to be the heirs of Juan Labansawan by virtue of which they were able to secure from the register of deeds the issuance of a new transfer certificate of title in their name. So on thereafter, Isabel Senoro, et al. executed a deed of sale in favor of Socorro Suldivilla married to Francisco Sanicas who in turn secured the issuance of a transfer certificate of title over the land in her name, and armed with this title, the spouses succeeded in ejecting from the lot the heirs of the original owner. So on August 20, 1952, the Labansawan heirs filed a complaint before the Court of First Instance of Negros Occidental against the spouses Sanicas for the recovery of the property plus damages (Civil Case No. 2435"). In due time, Vicente Cahilo, respondent herein, was appointed by the court receiver of the property in litigation with authority to administer the same until the final termination of the case. After his appointment, respondent took possession of the property and gave notice to petitioner to cease working on the land as tenant of Francisco Sanicas. This ejectment gave rise to the present proceedings.

One of the questions raised by appellant is that the agrarian court erred in finding that appellee is a tenant of the land in question from 1953 to February, 1957 for the reason that he was placed there as such by Francisco Sanicas whose title to the property is disputed and is subject to litigation in a case pending appeal before the Court of Appeals.

To meet this point, suffice it to quote the following finding of the agrarian court: "The Court finds that the tenancy relationship between the plaintiff and Francisco Sanicas, former possessor of the land, has been sufficiently established by reliable and convincing evidence. The negative testimony of the witnesses for the defendant denying such tenancy relationship cannot prevail over the positive testimony of the plaintiff and his witnesses besides documentary evidence on record to" prove such claim. The entries found in Exhibit 'D' are, in the opinion of the Court, indubitable writings which deserves such credence and of which no evidence to the contrary was ever presented by the defendant. Besides the defendant Vicente Cahilo admits having no knowledge as to whether or not plaintiff Simeon La fuente is the tenant of Francisco Sanicas or to have inquired from anybody regarding such circumstance when he took over the possession of the property as receiver." This is a question of fact which we cannot now look into it appearing that the same is supported by substantial evidence.

It is true that petitioner-appellee has not intervened in the civil case wherein the ownership of the property is being litigated between the heirs of the original owner and the spouses Sanicas, but this is because he did not consider it necessary for he had every reason to expect that the Sanicas would protect his interest. Even then we believe that such failure cannot be considered as an estoppel on his part to file the present action before the Court of Agrarian Relations because his claim for reinstatement and liquidation of crop comes under the exclusive jurisdiction of said court as provided for in Section 21 of Republic Act 1199.

Appellant likewise disputes the finding of the agrarian court to the effect that petitioner-appellee is entitled to a 70% share of the 1956-1957 sugar crop and that considering the current price then of sugar said share amounts to P421.65. We also find no merit in this claim for, according to the agrarian court, in 1953 Francisco Sanicas entered into an oral contract of tenancy with petitioner-appellee granting the latter a sharing participation of 70% because it was agreed that the tenant would provide for all items of production as well as for the cultivation expenses. And as regards the liquidation made, the agrarian court made the following finding: "As regards the liquidation issue, the evidence proved that in the year 1956-1957, the ratoon crop (calaan) of the plaintiff realized the quantity of 44.62 piculs of sugar and 954 kilos of molasses representing the net share of the planter (Francisco Sanicas) (Exhibit A). The defendant in his capacity as receiver of the property sold said 44.62 piculs of sugar at P13.50 and realized total amount of P603.37. The defendant up to the trial of this case has made no accounting of the 954 kilos of molasses. Legally, the plaintiff herein is entitled to the sum of P421.65 as his share of the sugar crop and 667.8 kilos of molasses computed at their sharing agreement of 70-30." This is also a question of fact which cannot now be looked into it being supported by substantial evidence.

The final question raised by appellant refers to the lack of jurisdiction of the agrarian court over his person because it is claimed, he sued in his capacity as receiver in Civil Case No. 2435 and as such cannot be sued without the consent of the court. This contention is also untenable for under Section 7, Rule 61, "Subject to the control of the court in which the action is pending, a receiver shall have power to bring and defend, as such, actions in his own name," and it is precisely under this rule that the present action was instituted. This is more so when the ejectment of appellee was effected by appellant after he has taken over the property as receiver in the aforementioned case.

Finding the decision appealed from to be in accordance with law and the evidence, the same is hereby affirmed, with costs.

Paras, C J., Bengzon, Padilla, Montemayor, Labrador, Endencia, Barrera, and Gutierrez David, JJ., concur.

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