

ALBERTO DE SANTOS, PETITIONER, VS. MARIANO ACOSTA, ET AL., RESPONDENTS.

G. R. No. 13785. October 20, 1959

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On December 22, 1953, Mariano Acosta, et al., filed a petition with the Court of Agrarian Relations praying for a readjustment of the sharing ratio governing their tenancy relationship with Hacienda de Santos No. 5 situated in several municipalities of the province of Nueva Ecija and for other sundry readjustment in connection with said relationship. The petition makes as party respondents the hacienda itself and one Alberto de Santos as manager of the hacienda. This petition was subsequently amended by introducing therein certain changes which do not materially alter the substance of the original petition.

On April 14, 1954, respondents answered the amended petition setting up as special defense the fact that the court has no jurisdiction to order the reliquidation of tenancy matters of previous years because such matters are governed by the tenancy contracts that had been entered into between the tenants and the management of the hacienda.

The case was not tried on the merits but was submitted to arbitration upon direction of the President of the Philippines because of the importance of the issues involved, having been designated as arbiter Hon. Arsenio C. Roldan, presiding judge of the Court of Industrial Relations. On August 5, 1954, Judge Roldan rendered his award wherein he ordered that a reliquidation be made in accordance with certain conditions and findings he made therein designating for that purpose Atty. Francisco Abella and Examiner Crispulo Tria, both employees of the Court of Industrial Relations. On the basis of the reliquidation made, the Court of Agrarian Relations, on January 10, 1958, issued an order awarding in favor of the tenants whose names appear listed therein, certain amounts of palay that were found to be payable to them, and ordering respondents to make delivery of the palay in accordance with the award. This order not having been complied with, the agrarian court directed that a writ of execution be issued and, on March 12, 1958, the clerk of court acted accordingly by requiring the provincial sheriff to collect from respondents the amounts of palay adjudicated to the tenants, or their equivalent in cash at the rate of P10.20 per cavan, and stating in the writ that the sheriff should "levy upon the properties of the above-named respondents, both movable and real and cause to be collected therefrom the total amount due to the petitioners under the aforementioned order dated January 10, 1958." In other words, the sheriff was ordered to levy upon the personal properties not only of the owner of the hacienda but also of Alberto de Santos who was made a co-respondent in the petition. On March 20, 1958, Alberto de Santos filed a motion with the agrarian court praying that the writ of execution issued to enforce the award be quashed insofar as it requires that a levy be made upon his own personal properties considering that he is not involved in the case in his personal capacity, but only as manager of the hacienda. This motion was denied. Hence the present petition for review.

Petitioner claims that the agrarian court acted in excess of its jurisdiction in ordering in the writ of execution issued to enforce the award made in favor of the tenants that a levy be made not only upon the personal properties

of the owner of the hacienda but also upon his own personal properties considering that he is not involved in the case in his personal capacity but only as manager of the hacienda.

There is merit in this claim. It is clear not only from the original petition filed in this case but also in the amended one that the real party respondent is Hacienda de Santos No. 5 whose owner is Felipe de Santos although Alberto de Santos was included as co-respondent he being then the manager of the hacienda. And this has to be so because the issues involved in the petition refer to a reliquidation of the harvests that had been gathered from said hacienda during several years in the past upon the theory that the sharing ratio that had been observed in the original liquidation was not in accordance with law. It is therefore clear that the only party in interest affected by the petition is the owner of the hacienda. Moreover, there is nothing in the award from which it may be inferred that Alberto de Santos has been made personally liable for any amount of palay which may have been withheld from the tenants, his only intervention in the case being merely in his capacity as manager of the hacienda. It is therefore unfair and improper to make him personally liable for the satisfaction of the award or to order the levy upon his personal property to make the execution effective. In this respect, the agrarian court has clearly acted in excess of its jurisdiction.

This Court does not find any plausible reason for the action taken by the agrarian court considering that the owner of the hacienda is known and enough properties that may be levied upon belonging to the hacienda can be ascertained and determined with little diligence and discernment without implicating properties of a person who is foreign to the case. Evidently, there is an intent to cause unnecessary harassment to herein petitioner.

Wherefore, the orders appealed from are hereby set aside. It is ordered that the writ of execution issued by the agrarian court be modified by excluding therefrom the properties belonging to Alberto de Santos and by limiting its scope to those owned by the owner of the hacienda in question. No pronouncement as to costs.

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

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