

JOAQUIN ULPIENDO, VICENTE JOVES, DALMACIO DABURAL, CATALINA DOYANEN AND JOSE RAGUDO, PETITIONERS, VS. THE COURT OF AGRARIAN RELATIONS, ARMANDO LIM AND PEDRO DE LA CRUZ, RESPONDE...

G.R. No. 13891. October 31, 1960

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review of a judgment rendered by the Court of Agrarian Relations under the provisions of sections 2, 12 and 13, Republic Act No. 1267, as amended by Republic Act No. 1409.

On 20 August 1956, Vicente Joves, Joaquin Ulpiendo, Jose Layno, Dalmacio Dadural, Jose Ragudo and Catalina Doyanen filed a petition, dated 17 August 1956 in the Court of Agrarian Relations praying for their recognition as tenants in certain agricultural lands owned by the respondents Armando Lim and Pedro de la Cruz; a division of the produce of their respective landholdings on the sharing basis of 70-30; and for the execution of an appropriate tenancy contract on the same yearly sharing basis until changed by the petitioners at their option. They further prayed for an interlocutory order directing the respondents or any person in their behalf not to molest or prevent the petitioners from tending the growing crops in their respective landholdings and harvesting them (CAR Case No. 197-T [567], Annex A). After hearing, on 22 July 1957 the Court rendered judgment, the dispositive part of which is, as follows:

(a) Finding that there has existed agricultural tenancy relationship between respondents Armando Lim and Pedro de la Cruz on one hand and each of the petitioners, Vicente Joves and Joaquin Ulpiendo on the other after the agricultural year 1954-1955; Jose" Ragudo as tenant since March, 1956;

(b) With respect to Catalina Doyanen, the Court finds that she has been tenant in her own right since 1953. Likewise, the Court finds that Dalmacio Dadural has been tenant in his own right since 1953;

(e) With respect to Jose" Layno, the Court finds that he has been tenant in his own right over the land occupied by him since May, 1954.

(d) There being no cause or causes of ejectment having been proven, as provided for in sees. 49 and 50 of R.A. 1199, the herein respondents Armando Lim and Pedro de la Cruz, are hereby ordered to maintain peacefully petitioners Vicente Joves, Joaquin Ulpiendo, Jose Layno, Dalmacio Dadural, Jose Ragudo and Catalina Doyanen as tenants on their respective landholdings which are parts of the Hacienda situated in the municipalities of San Manuel and Mon-cada, Province of Tarlac (Sec. 7, R. A. No. 1199);

(e) That the palay deposited with the respondent Armando Lim's bodega in the amount of 53 cavans and 42 kilos of palay is hereby ordered to be delivered to Joaquin Ulpiendo; the amount of 64 cavans and 38 kilos of palay deposited with Armando Lim's bodega should be delivered to Dalmacio Dadural; the amount of 49 and 15 kilos of palay deposited with Armando Lim's bodega is hereby ordered to be delivered to Vicente Joves; the amount of 50 cavans and 13 kilos of palay deposited with Armando Lim's bodega should be delivered to Jose"

Layno; the amount of 60 cavans and 43 kilos of palay deposited with Armando Lim's bodega should be delivered to Jose Ragudo; the amount of 59 cavans and 9 kilos to Catalina Doyanen. Failure on the part of Armando Lim to deliver to, upon demand by, the herein petitioners the amounts of palay herein mentioned, said Armando Lim is required to pay the petitioners their equivalents in Philippine tender and in accordance with the nearest Naric's or Facoma's quotation of palay prices at the time of payment;

(f) The claim of the respondents that this Court has no jurisdiction over the subject-matter is hereby denied;

(g) The relief prayed for by the petitioners that the Court should require the respondents to execute a written contract as regards their agricultural tenancy relationship particularly the sharing ratio is hereby denied. Agricultural tenancy relationship can be established either verbally or in writing, expressly or impliedly. (Annex E.)

The respondents filed a motion for reconsideration of the judgment thus rendered, except as to Jose Layno whose status as tenant was accepted by them as held by the trial court (Annex H); the petitioners, an opposition thereto (Annex I). On 26 November 1957 the Court modified its judgment, insofar as the petitioners Dalmacio Dadural, Catalina Doyanen and Jose Ragudo were concerned, by holding that they had no tenancy relation with the respondents and dismissing their petition, but affirmed the judgment as to the petitioners Joaquin Ulpiendo and Vicente Joves (Annex J). Both parties filed motions for reconsideration of the last resolution just mentioned (Annexes K & L). The petitioners filed another motion dated 14 December 1957 "to declare the resolution of November 26, 1957 null and void and/or to strike out or disregard the respondents' motion for reconsideration of the resolution of November 26, 1957, dated December 7, 1957, and to declare the decision dated July 22, 1957 to be final and executory" (Annex M); the respondents, a reply thereto (Annex O). After conducting a hearing on the above mentioned motions, on 21 April 1958 the Court held that the petitioners Joaquin Ulpiendo and Vicente Joves had no tenancy relation with the respondents and without right to stay in their respective landholdings as tenant; affirmed its resolution dated 26 November 1957 insofar as Dalmacio Dadural, Catalina Doyanen and Jose Ragudo were concerned; denied the petitioners' various motions dated 14 December 1957 (Annex M), 18 January 1958 (Annex Q) and 25 January 1958 (Annex R); dismissed the petitioners' complaint; and affirmed the parts of the judgment dated 22 July 1957 and resolution dated 26 November 1957 not inconsistent with the last resolution (Annex T).

The petitioners in the court below, except Jose Layno, have filed this petition for review of the judgment of the Court of Agrarian Relations set forth in its resolutions dated 26 November 1957 (Annex J) and 21 April 1958 (Annex T).

The petitioners raise procedural questions. On 2 August 1957 the respondents received a copy of the decision dated 22 July 1957 (See Annexes E & F). On 15 August they filed a "petition for extension of time to file motion for reconsideration," dated 13 August, because of lack of material time to read the voluminous transcript of stenographic notes and for that reason they could not readily formulate their arguments in support of the motion for reconsideration (Annex F). On the same day, 15 August, the Court entered an order granting the respondents "fifteen (15) days counted from today within which to file their motion for reconsideration of the decision rendered on July 29, 1957 (should be 22) in the instant case." (*Italics supplied.*) On 30 August the respondents mailed their motion for reconsideration in the post office of Cuyapo, Nueva Ecija. The petitioners claim that counting from 15 August, the day the 15-day period commenced to run, to 30 August, when the respondents mailed their motion for reconsideration, 16 days already had elapsed, and contend that the Court already had lost jurisdiction of the case and could no longer reconsider its decision dated 22 July.

Section 10, Republic Act No. 1267, as amended by Republic Act No. 1409, authorizes the Court of Agrarian Relations to adopt its rules of procedure. The pertinent part of section 1, Rule 17, of the rules of procedure

promulgated and adopted by the Court pursuant thereto, provides:

Within fifteen (15) days from receipt of notice of the order or decision of the Court, the aggrieved party may file a motion for reconsideration of such order or decision, together with a proof of service of one (1) copy thereof upon the adverse part. * * *[1]

Extensions of time to file motions for reconsideration sought before the expiration of the original period are addressed to the sound discretion of the court and if granted for valid and justifiable reasons, and without grave abuse, will not be reversed on appeal.

Rule 20, as amended, of the rules of procedure of the Court of Agrarian Relations provides:

The provisions of the Rules of Court applicable to proceedings before the Courts of First Instance, which are not inconsistent with the preceding rules, shall be applicable to cases pending before the Court unless, in any given case, the Court, in the exercise of its discretion, fixes a shorter period for the filing of pleadings and other papers.

Rule 28 of the Rules of Court provides:

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the time shall run until the end of the next day which is neither a Sunday nor a holiday. (Italics supplied.)

This rule adopts the exclude-the-first and include-the-last day method for computing any period of time.[2] Therefore, excluding the day when the order granting their petition for extension of time to file motion for reconsideration was entered by the Court (15 August) and including the day the respondents mailed their motion for reconsideration (30 August), only 15 days had elapsed. Hence, the respondents' motion for reconsideration was filed within the extension of time granted by the Court.

The petitioners further claim that the respondents' second motion for reconsideration (Annex L), dated 7 December 1957, concerning the petitioners Ulpiendo and Joves, should not have been entertained because it was filed out of time and that the rules of procedure of the Court of Agrarian Relations do not allow the filing of a second motion for reconsideration except when the ground invoked did not exist when the first motion was filed.

The pertinent part of section 1, and the whole of section 4, Rule 17, of the rules of procedure of the Court of Agrarian Relations, provide:

Section 1. Time of Filing; When Second Motion for Reconsideration Allowed.-* * *. Only one motion for reconsideration may be filed except that a second motion for reconsideration may be allowed if based on a ground not existing when the first motion was made and is filed within the time herein provided, excluding the time during which the first motion has been pending.

Sec. 4. Effect of Filing of Motion for Reconsideration; When Period to Appeal Not Interrupted.-The filing of the motion for reconsideration shall stay the execution of the order or decision sought to be reconsidered and shall suspend the running of the period within which the appeal to the Supreme Court must be perfected, Provided, however, That a pro-forma motion for reconsideration or a second motion for reconsideration which is a reiteration of a first motion or is founded on a ground available at the time of the filing of such first motion will not interrupt the period of appeal.

As already stated the respondents' first motion for reconsideration mailed on 30 August 1957 was filed on the 15th or last day of the extension of time granted by the Court. After receipt of a copy of the resolution of the

Court denying their first motion for reconsideration, insofar as the petitioners Ulpiendo and Joves were concerned, the respondents' remedy was a petition for review in this Court within 15 days from receipt of notice of such resolution, pursuant to sections 2, 12 and 13 of Republic Act No. 1267, as amended by Republic Act No. 1409. Moreover, the ground relied upon by the respondents in their second motion for reconsideration, that the petitioners Ulpiendo and Joves were but "kasugpons" or helpers of their (the respondents') tenant Mariano Ilustri-simo, was available at the time of the filing of the first motion for reconsideration and was but a reiteration of the first motion. For these reasons the trial court had no jurisdiction to pass upon the respondents' second motion for reconsideration as far as the petitioners Vicente Joves and Joaquin Ulpiendo were concerned. The judgment as to them was final.

On 17 July 1958, while this case was pending decision in this Court, the respondent Armando Lim filed a motion dated 12 July 1968, alleging that the petitioner Ragudo had voluntarily left his landholding in March 1958 to join his father in the latter's farm in Palawan and that he had sold his work animal to one Candido Gravidez. Counsel for the petitioners did not deny the abandonment of the landholding and the sale of the work animal but objected to the dismissal of the petition insofar as he (Ragudo) was concerned, so as not to prejudice his right to participate and share in the produce of his landholding during the agricultural years 1956-1957 and 1957-1958. Considering that the petitioner Ragudo already had voluntarily left his landholding, the petition insofar as he is concerned, should be dismissed, without prejudice to his right to receive whatever may be due him as his share in the produce of his landholding during the agricultural years 1956-1957 and 1957-1958.

It appearing that the respondent Pedro de la Cruz is but a mere "encargado" or overseer of the respondent Armando Lim, the owner of the landholdings in controversy, and the former not being the real party in interest the case against him (Pedro de la Cruz) should be dismissed.

The findings of the Court on the petitioners Dalmacio Dadural and Catalina Doyanen are, as follows:

After considering carefully the motion for reconsideration and the opposition as well as the oral arguments pro and con from both sides, the Court believes that it has to modify or reconsider its decision in some respects. This Court has come to realize that petitioners, Dalmacio Dadural and Catalina Doyanen are not tenants of respondents Lim by mandate of the law. This finding is substantiated not only by the oral evidence but also documentary evidence submitted by the respondents. The evidence disclaims these two persons, Dalmacio Dadural and Catalina Doyanen, being tenants but mere helpers or "kasugpons" of their deceased father and husband respectively who were the true tenants of respondent Lim in their lifetime. While sick beginning with the year 1953, Pedro Dadural continued to be as such tenant of Lim on his land-holding in dispute but the farm work was done by his son, Dalmacio Dadural, petitioner herein, for and in behalf of said tenant, Pedro Dadural. Dalmacio Dadural used to help his father in the farm work even before the latter fell sick. On December 22, 1955, Pedro Dadural died before the end of agricultural year 1955-1956. Immediately after the death of Pedro Dadural, the son, Dalmacio Dadural, as heir succeeded to the rights of his father as tenant but only up to the end of the agricultural year in which he died according to law (Sec. 9, Rep. Act No. 1199). Before the start of the crop year for rice, 1956-1957, respondent Armando Lim advised petitioner Dalmacio Dadural to vacate the landholding. Dalmacio Dadural did not heed the advice, and so an action for forcible entry and detainer was filed by respondent Lim against him in the Justice of the Peace Court, San Manuel, Tarlac, in May, 1956. Contrary to the findings of the Court in its decision of July 22, 1957, this action taken by the respondent is a clear indication that he did not desire the petitioner Dalmacio Dadural to be his tenant on the landholding of his late father. The contention of Dalmacio Dadural that he became tenant of the respondent in lieu of his late father after the latter became sick in 1953 is belied by Exhs. "1" and "2" attached to the records. These Exhibits refer to the liquidation sheets had between Pedro Dadural and respondent Lim in the agricultural year 1954-1955 wherein the tenant, the late Pedro Dadural, thumbmarked the said liquidation sheets, meaning to say, that in spite of his illness, he was still retained as tenant by respondent Lim. Petitioner Dalmacio Dadural acted as witness as shown by his signature on Exh. "2". On the succeeding agricultural year,

petitioner Dalmacio Dadural again signed for and on behalf of his father on the liquidation sheet evidenced by Exh. "4". Other documentary evidence whereby petitioner Dalmacio Dadural recognized his father to be the tenant of respondent Lim comprised in Exhs. "5", "9", "10", "11", "12", "13" and "17" which are receipts (vales) or liquidation sheets and convoy receipts. Following the provisions of law, respondent Armando Lim, however, allowed petitioner, Dalmacio Dadural, to continue the farm work on the landholding up to the end of the agricultural year 1955-1956, by reason of the death of petitioner's father in December, 1955 (Sec. 9, Rep. Act No. 119). At the end of the agricultural year of rice, 1955-1956 which used to be sometime in January or February, 1956, by virtue of the law, the tenancy relationship between Pedro Dadural and the respondent was completely extinguished on account of the death of the former. The heir-tenant, Dalmacio Dadural, being entitled to succeed his father's rights only up to the end of the agricultural year 1955-1956, which terminated in January or February, 1956, has no more personality or connection whatsoever with the landholding of his late father. His further stay on the landholding in dispute without the consent of respondent Armando Lim is unauthorized. The contention of petitioner that he became the tenant over the landholding of his father in 1953 after the latter became sick will not hold water even if he has actually been performing all the phases of farm work on the landholding. The provision of Sec. 9, Republic Act No. 1199 referring to severance of relationship by reason of incapacity (not illness) of the tenant whether such incapacity is absolute or temporary cannot be invoked against the right of the tenant. The reason is that this provision of the law is intended as a weapon for the use of the landholder if he wishes to exercise his rights to extinguish or cut off the tenancy relationship with his tenant; there is no compulsion under the law upon the landholding (landowner) to terminate the relationship by reason of the incapacity of the tenant; the landholder (landowner) may, if he so desires, waive his right especially out of charity or benevolence during the remaining life of his ailing tenant who had served him so well and faithfully before said tenant contracted his sickness. The Court realizes the good intention of the landholder. Instead of severing the tenancy relationship between Pedro Dadural and Armando Lim, the latter allowed Dalmacio Dadural as "kasugpon" for and in behalf of the sick tenant Pedro Dadural, to perform all the farm work.

* * * * *

Identical with the circumstances surrounding the situation of petitioner Dalmacio Dadural is the case of petitioner Catalina Doyanen, who should likewise be considered or treated as intruder in the landholding in dispute belonging to the respondent, Armando Lim. The evidence shows that Fernando Gasmin who was the husband of petitioner Catalina Doyanen, was the tenant of Armando Lim. In 1953, Fernando Gasmin became sick rendering him unable to perform farm labor. By reason of such illness, Catalina Doyanen with the help of her children had been doing the farm labor as "kasugpon" or helper with the consent and/or knowledge of respondent, Armando Lim, they being members of the immediate farm household of Fernando Gasmin. In September, 1955, Fernando Gasmin died, and petitioner, Catalina Doyanen was allowed to continue the farm work up to the end of the palay crop year 1955-1956, pursuant to law; thereafter she was given notice to vacate the premises because the tenancy relationship between her husband, Fernando Gasmin, and respondent Armando Lim, was terminated by reason of the death of said Fernando Gasmin. Because of her defiance to such notice, Lim filed a forcible entry and detainer action with the Justice of the Peace Court of San Manuel, Tarlac, in May, 1956, against her. This step taken by the respondent is a clear indication that he did not want to accept her as his tenant on the landholding in question.

The claim of petitioner Catalina Doyanen that she became the tenant of the respondent (since she became the tenant of the respondent) since 1953 after her husband became incapacitated by illness is belied by Exhibits "35" and "35-A" attached to the records. These exhibits were acknowledged by her which plainly show that her husband Fernando Gasmin was the tenant and not she herself to the time of his death. To support further that Fernando Gasmin was the tenant over the landholding in dispute are Exhibits "14", "5" and "16" which were signed by Domingo Gasmin, son of Fernando Gasmin. These latter exhibits strengthen the claim that petitioner Catalina Doyanen cultivated the landholding and dipped her hands into the affairs of her husband with the respondent as "kasugpon" being member of the immediate farm household of her husband. Like in the case of

Dalmacio Dadural, the provision of Sec. 9, Rep. Act No. 1199 is not applicable in favor of Catalina Doyanen because illness is not one of the causes of severance of relationship; neither Sections 49 and 50, Rep. Act No. 1199 give illness as one of the causes of ejectment to terminate the tenancy relationship between Fernando Gasmin. and the respondent. Section 9 of Rep. Act No. 1199 applies to sever tenancy relationship in case of death of the tenant. (Annex J.)

Findings of fact of the Court of Agrarian Relations when supported by substantial evidence are binding upon this Court and will not be disturbed on appeal.[3]

Tenancy relationship' is extinguished by the death or incapacity of the tenant, although his heirs or the members of his immediate farm household may continue to work the land until the close of the agricultural year.[4] Considering that, as found by the Court, the real tenants of the respondent Armando Lim, the owner of the landhold-ings in question, were Pedro Dadural, the father of the petitioner Dahnacio Dadural, and Fernando Gasmin, the husband of the petitioner Catalina Doyanen; and that upon the death of Pedro Dadural before the close of the agricultural year 1955-1956 and Fernando Gasmin in September, 1955, the petitioners Dalmacio Dadural and Ca-talinU Doyanen were merely allowed by the respondent landowner to continue working on the land holding of their father and husband, respectively, the two petitioners cannot as a matter of right demand that they be recognized as tenants by the respondent landowner. Notwithstanding the one-sided provisions of the tenancy law in favor of the tenant, still the landowner has the right to choose his tenant to work in his land. The amendment to section 9, Republic Act No. 1199 by Republic Act No. 2263 providing for the continuance of the tenancy relationship in the event of the tenant's death or incapacity "between the landholder and one member of the tenant's immediate farm household who is related to the tenant within the second degree of consanguinity and who shall cultivate the land himself personally * * *," which took effect on 19 June 1959, cannot be applied retroactively.

Insofar as the petitioners Dalmacio Dadural and Ca-talina Doyanen are concerned, the judgment under review set forth in the resolutions of the Court of Agrarian Relations dated 26 November 1957 and 21 April 1958 (Annexes J & T) is affirmed; and that part of the judgment concerning the petitioners Vicente Joves and Joaquin Ulpiendo set forth in the last resolution of 21 April 1958, reversing that set forth in the resolution of 26 November 1957, is set aside, and the one set forth in the last mentioned resolution, which had become final, stands. Petitioner Jose Ragudo's petition for review is dismissed without prejudice to his right to take and receive his share in the produce of his landholding in the agricultural years 1956-1957 and 1957-1958. The case against the respondent Pedro de la Cruz, being only a caretaker (encargado) of Armando Lim, is dismissed. No pronouncement as to costs.

Paras, C.J., Bengzon, Bautista Angelo, Labrador, Reyes, J. B, L., Barrera, Gutierrez David, Paredes, and Dizon, JJ., concur.

Judgment affirmed in part and set aside in part; Ragudo's petition dismissed without prejudice and case against De la Cruz dismissed.

[1] Amended by resolution of the Court of Agrarian Relations dated 1 June 1957 and 1 July 1959. The original rules were published in 52 Off. Gaz., 71. Rule 14 of the original rules was renumbered Rule 17 by amendment of 1 July 1959.

[2] Federal Films, Inc. vs. Judge of First Instance of Manila, 78 Phil., 472.

[3] Section 13, Republic Act No. 1267, as amended by Republic Act No. 1409; Atayde vs. De Guzman, 103 Phil., 187; 55 Off.Gaz., 2234; Cahilo vs. de Guzman, 106 Phil., 620; 54 Off. Gaz., (14) 2486"; Yusay vs. Alejado, 107

Phil.,. 1156; 68 Off. Gaz., (24) 4502.

[4] Section 9, Republic Act No. 1199.

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