

JOSE DE LA CRUZ Y DELFIN, PETITIONER VS. SULPICIO DOLLENTE. ET AL., RESPONDENTS.

G.R. No. 17932. May 30, 1962

Ponente: LABRADOR, J.

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LABRADOR, J.:

Petition for certiorari against the decision of the Court of Agrarian Relations, Eighth District, Iloilo City, Hon. Ramon Blanco, presiding, in CAR Case No. 224 (59), dated October 4, 1960, and its order of November 17, 1960.

The facts that brought about the present petition are as follows: On February 16, 1959, the spouses Sulpicio Dollette and Lourdes Barcelon, filed a petition before the Court of Agrarian Relations, Eighth Regional District, Iloilo City, alleging that they were tenants of respondent Jose de la Cruz in a palay landholding in Barrio Malag-it, Pontevedra, Capiz; that during the agricultural years 1956, 1957, and 1958, they furnished the working animals and farm implements and shouldered the expenses for harrowing, transplanting as well as other cultivation expenses; that all the produce for the said agricultural years were taken by said respondent without giving petitioners their share in the said harvests, in spite of repeated demands made by the latter upon the respondent; that respondent refused and continued to refuse to deliver their shares and even threatened their lives if they should insist on a liquidation of the harvests; that the landholding in question being a second-class holding, they were entitled to a 75-25 sharing basis in their favor; that on February 14, 1959, after petitioners had plowed the field several times and prepared the seedbeds, respondent without justification or legal cause and without previous notice, dismissed petitioners from the land in question, and caused their holding to be worked by Rovellano Fuentes. Petitioners prayed that respondent be ordered to deliver to them the 75% of the total produce of the landholding from 1956 up to 1958; to reinstate them in their landholding; to order Rovellano Fuentes to vacate the land, etc.

In his answer, respondent Rovellano Fuentes alleged that he had no knowledge or information sufficient to form a belief as to the truth or falsity of the material allegations in the petition, and averred by way of affirmative defense that he had been employed as tenant since January, 1959, of the landholding belonging to Jose de la Cruz by one Eliseo Condino, who informed him that he was the lessee of the said land which was formerly tenanted by petitioners, but who voluntarily surrendered the land in question.

Respondent Jose de la Cruz denied the material allegations of the petition, claiming that petitioners had never been his tenants nor was there any tenancy relationship whatsoever between them, and averred that the property which he owns known as Lot No. 610 of the Cadastral Survey of Pontevedra, of which the landholding in question is part, had been leased by him to Eliseo Condino since January 2, 1955.

At the hearing petitioners presented, in addition to their testimony, three more witnesses. On the other hand, Jose de la Cruz testified in his own behalf and presented Exhibit "1" which purports to be a lease contract executed by and between him and Eliseo Condino. Judge Dacayo, after considering the pleadings, came to the conclusion that the issues in the case are whether or not petitioners were tenants of respondent De la Cruz, and if so, whether they

were entitled to reinstatement to the landholding in question and to their claim for shares in the produce of the land in question for the years 1956, 1957 and 1958. The resolution of these issues depended, in the opinion of the Judge, on the determination of who is the real landlord of petitioners, Jose de la Cruz or Eliseo Condino, and that this could not be determined unless the due execution of Exhibit "1" were inquired into. The Court, however, believing that the evidence introduced at the hearing was insufficient to form the basis of its determination on that matter ordered on August 3, 1960, the reopening of the case so that additional evidence may be adduced.

However, Judge Dacayo was transferred to another jurisdiction and the Hon. Judge Ramon Blanco took his place. On October 4, 1960, said Judge Blanco, without any further notice or proceedings, rendered a decision on the merits of the petition, ordering respondent to pay to petitioners the amount of 19 cavans of palay as damages and the sum of P50.00 as attorney's fees. A motion for reconsideration of this judgment was filed by respondent de la Cruz but the same was denied on November 17, 1960, notice of which denial was received by respondent's counsel on December 8, 1960. Hence, respondent brought this appeal by certiorari.

Two grounds are relied upon on this appeal. First, that the Hon. Ramon Blanco erred in rendering a decision which in effect reversed and put at naught an existing prior decision of a former Judge of the same court without further proceedings. It is contended that the order issued by Judge Dacayo on August 3, 1960, directing the re-opening of the case for the reception of additional evidence had become final after 15 days because neither party appealed nor presented a motion for reconsideration; and that only a court of superior jurisdiction could reverse or modify such judgment. It should be noted that the order of August 3, 1960, directing the re-opening of the case, is not a decision on the merits, but an interlocutory order from which no appeal could be had until a decision on the merits is rendered. Being merely interlocutory and therefore not final, the order could be modified, disregarded or set aside by the court which issued it, before a judgment on the merits of the case is rendered. To this effect is the ruling of this Court in *Alvaran, et al. vs. Pingol*, G. R. No. L-9201, May 31, 1957:

"There is nothing to the contention that a judge of the Industrial Court has no authority to suspend, modify, or reverse the effect of a previous order issued by another judge of the said court on the theory that only the whole court sitting in banc has that power. A judge of a court is not prohibited from setting aside an interlocutory order of the same court rendered by a different judge. In the case at bar, the order suspended was merely in connection with an incident of the main case. To sustain the petitioner's theory that only the court in banc could act such order aside would make every order on incidental motion appealable (or final) separately and independently of the decision in the main case."

Therefore, the respondent Judge acted within his authority in rendering the decision complained of.

The second error that the lower court is alleged to have committed is in disregarding the contract of lease (Exh. "1") between the respondent-appellant and a third person, the genuineness and due execution of which has not been denied by the adverse party, and no proof having been presented to the effect that it is not what it purports to be. We cannot agree to this contention. As a matter of fact, the former judge, Hon. Leon P. Dacayo, found in his order of August 3, 1960 directing the reopening of the case, that the petitioners had "objected vigorously" to the acceptance of Exhibit "1" as evidence, and that petitioners in the court below attempted to show that no lease contract was ever executed between Jose de la Cruz and Eliseo Condino. And Judge Blanco, who took Judge Dacayo's place, found the existence of flaws in the evidence offered by respondents as to the due execution of Exhibit "1" and so disregarded its probative value. The findings of fact of the lower court in favor of petitioners, respondents herein, cannot be disregarded, except in the absence of substantial evidence to support it. There was considerable evidence, that petitioners in the court below were actually tenants in the land, cultivating the same for three years. We find ourselves, therefore, without authority to reverse said findings as made by Judge Ramon Blanco.

Wherefore, the petition should be, as it hereby is, dismissed, with costs against herein petitioner. So ordered.

Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes and Dizon, JJ., concur.

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