

**BERNARDO PICARDAL AND SEBASTIAN PICARDAL, PETITIONERS,
VS. CENON LLADAS, RESPONDENT.***G.R. No. 21309. December 29, 1967*

Ponente: ZALDIVAR. J.

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Petition for review of the decision of the Court of Agrarian Relations, dated December 20, 1962, in CAR Case No. 67, Lanao del Norte - 1960.

Sometime in 1950, petitioner Bernardo Picardal en-trusted to respondent Cenon Lladas a piece of land with an area of about seven hectares, planted to some 812 fruit-bearing coconut trees, located at Samburan, Linamon, Lanao del Norte. This land formed part of the properties belonging to the conjugal partnership between petitioner Bernardo Picardal and his wife, Aurea Burgos, who died in 1941, and was under judicial administration in Special Pro-ceedings No. IL-227 of the Court of First Instance of Lanao del Norte. As of the date of the decision of the lower court, appealed from, this property was not yet partitioned among the heirs. When Bernardo Picardal en-trusted the land to Cenon Lladas they had a verbal agree-ment that they would divide the coconut produce from the land on the basis of 1/3-2/3 in favor of the landowner and that Cenon Lladas, as tenant, would keep the coconut plantation clean. Cenon Lladas entered the landholding, harvested the nuts, processed the same into copra, and divided the harvest, after selling it, on the basis agreed upon.

On November 19, 1959, Demetrio P. Sira, Clerk of Court of the Court of First Instance of Lanao del Norte, wrote a letter to respondent Cenon Lladas informing the latter of his appointment as special administrator of the estate of the late Aurea Burgos, and advised said respondent to take good care of the coconut plantation, with a warning that should he fail to do so within 30 days from receipt of the letter, he would be forced to take the corresponding action under the tenancy law.

In February, 1960, respondent Lladas harvested coconuts and processed them into copra. This was sold by petitioner Bernardo Picardal to the Lian Hong Company in Iligan City on March 1, 1960. The manager of said firm wrote on March 2, 1960 to petitioner Bernardo Picardal informing the latter that the copra processed by respondent Cenon Lladas had been mixed with fresh coconut meat because of which 16% of the weight would be deducted for moisture content, and at the same time requested Picardal to advise Lladas to stop the undesirable practice.

On March 3, 1960, herein respondent Lladas filed with the Court of Agrarian Relations a petition against Bernardo Picardal, Cesar Montoya and Demetrio Sira, alleging in substance that he had been a tenant since 1948 on the said coconut landholding owned by Bernardo Picardal, and planted to about 800 fruit-bearing coconut trees, the produce of which was shared between them on a 1/3-2/3 basis; that on February 5, 1960, Bernardo Picardal, thru Cesar Montoya and Demetrio P. Sira, served on him (Lladas) a notice to vacate one-half of said landholding in order that it might be given to another tenant; that because of said act, he suffered damages in having been compelled to bring said action.

On March 14, 1960, Bernardo Picardal, Cesar Montoya and Demetrio Sira filed their answer alleging, among others, that the landholding in question was a part of the property of the late Aurea Burgos, wife of Bernardo Picardal, and was the subject of administration proceedings, the administrator being the special administrator; that they had no information about the notice of ejectment; and as special defenses, they alleged never having notified Cenon Lladas to vacate the premises, and that the landholding in question was under custodia legis.

In May, 1960, Cenon Lladas again harvested coconuts and processed them into copra. The copra was sold by Bernardo Picardal to Lian Hong Company of Iligan City at P34.50 per 100 kilos in the early part of June, 1960. From the proceeds of the sale, Bernardo Picardal delivered to Lladas the sum of P645.00 representing the latter's share.

Herein respondent Lladas never made further harvests after May, 1960 although he still had his house on the land and continued to raise short term crops therein.

On October 12, 1960, Cenon Lladas filed an amended petition eliminating Cesar Montoya as one of the respondents and substituting Sebastian Picardal in his place, and alleging that he (Lladas) had been ejected from the landholding in September, 1960 by Sebastian Picardal, with the knowledge and consent of Bernardo Picardal. Cenon Lladas further claimed that he had planted on the land 2,000 banana hills and 24 fruit trees, the produce of which he shared on a 50-50 basis with Bernardo Picardal, and that as a result of the ejectment, he suffered damages in not receiving his share of the produce.

Bernardo Picardal, Sebastian Picardal and Demetrio Sira filed their answer on October 25, 1960 denying the ejectment and averring that Cenon Lladas had abandoned for a quite a long time the landholding in question, for which cause Sebastian Picardal had to post in the premises a notice against trespassing.

Cenon Lladas filed a second amended petition dated July 24, 1961, the amendment consisting principally in the substitution of Demetrio P. Sira, the former special administrator, by Rosalia P. Penpena the newly appointed administratrix of the Picardal estate.

After trial, the Court of Agrarian Relations rendered a decision, dated December 20, 1962, ordering (1) Bernardo Picardal as landholder and Rosalia P. Penpena as administrator to reinstate Cenon Lladas to the landholding; (2) ordering Bernardo Picardal and Sebastian Picardal to pay, jointly and severally, the sum of four thousand five hundred fifteen (P4,515.00) pesos to Cenon Lladas, with interest at 6% per annum from the date of the filing of the amended petition on October 12, 1960, until fully paid; and (3) ordering said Bernardo Picardal and Sebastian Picardal to pay, jointly and severally, to Cenon Lladas the further sum of six hundred forty-five (P645.00) pesos every four months from January, 1963 during such period that said Cenon Lladas has not been actually reinstated to said landholding, and to pay the costs.

The motion for reconsideration of the decision having been denied, appeal was made to this Court by now petitioners Bernardo Picardal and Sebastian Picardal.

Herein petitioners have asserted in their petition the following grounds for review:

1. That the decision of the Court of Agrarian Relations in CAR Case No. 67 was not in accordance with law;
2. That the proceeds of the estate is in the hands of the administrator and not with herein petitioners, hence, the damages assessed by the lower court should be levied against the intestate estate; and
3. That the ejectment of Cenon Lladas was not supported by substantial evidence.

This appeal has no merit.

Petitioners claim that the lower court erred in finding that herein respondent had been ejected, said finding not being supported by evidence. In support thereof, they quoted the testimony of Sebastian Picardal,[1] who testified that respondent Cenon Lladas voluntarily abandoned the landholding in June 1960, without having been advised to leave either by the special administrator, Demetrio Sira, or by his father, Bernardo Picardal; that Lladas left the land because he had already a piece of land in Bualan, Tubud, Lanao del Norte, and also because he was ashamed to the special administrator who had forbidden him from harvesting coconuts twice in three months.

This Court has consistently held that the findings of facts of the Court of Agrarian Relations will not be disturbed on appeal where there is substantial evidence to support them,[2] and all that this Court is called upon to do insofar as the evidence is concerned, is to find out if the conclusion of the lower court is supported by substantial evidence.[3] Substantial evidence in support of the findings of the Court of Agrarian Relations does not necessarily import preponderant evidence, as is required in an ordinary civil case. Substantial evidence has been defined to be such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and its absence is not shown by stressing that there is contrary evidence on record, direct or circumstantial, as petitioners herein have done in quoting the contrary evidence consisting of the testimony of Sebastian Picardal, for the appellate court cannot substitute its own judgment or criterion for that of the trial court in determining wherein lies the weight of evidence or what evidence is entitled to belief.[4]

Even a cursory reading of the decision appealed from would reveal that the lower court arrived at its finding, that herein respondent Lladas had been ejected, after weighing the evidence of both parties and it gave its reasons for its conclusion together with the supporting facts. The relevant portion of the decision reads thus:

"Weighing the evidence of both parties, we find it easier to believe that respondent Bernardo Picardal and his son Sebastian had a more compelling motive in ousting the petitioner from the coconut plantation than had the latter in abandoning the same. As far back as March, 1960 when the copra harvest of February, 1960 was sold, respondent Bernardo Picardal had reason to be irked by the petitioner's act of mixing fresh coconut meat with his dried copra, thereby devaluating its quality. That the petitioner had been verbally told by the two Picardals, father and son, to stop making copra after the May, 1960 harvest, is corroborated by the circumstance that Sebastian Picardal, upon instructions by his father, put up a sign board inside the petitioner's coconut holding with a notice that 'it is prohibited to whoever he is to take or to do anything with the coconuts, especially the squatters.' A fair interpretation of the contents of the notice would show that it was intended for everyone, and that was what the petitioner understood by it, else he would not have put his own sign board stating: 'Do it because the law is yours. I have no fault.'

"On the other hand, there is no cogent reason for the petitioner to want to vacate his coconut holding. The evidence shows that he is still raising short term crops and bananas inside said coconut holding. Unless he was out of his mind — and there is no evidence that he was or is — he would not voluntarily quit his coconut holding where he used to get an income of more than P600.00 every four months or over P1,860.00 a year and, at the same time, spend his efforts on his banana and corn holdings in the same land from which his income was negligible. It is true that the petitioner had applied for a homestead in Bualan, Tubod, Lanao del Norte. However, according to the evidence presented by the respondents themselves, the petitioner had transferred his rights over said homestead to one Mangolima Cuidato. (See Exh. '2' for respondents). Furthermore, it should be noted that the instant case was instituted by the petitioner when he was only being threatened with ejectment but was not yet actually ejected from his coconut holding, and that he forthwith amended his complaint when his ouster materialized. All these facts and circumstances negate respondents' claim that the petitioner had abandoned his coconut holding."

It cannot be said, therefore, that the finding of the Court of Agrarian Relations that respondent Cenon Lladas was ejected was not supported by substantial evidence.

In support of the other grounds for review of the decision of the lower court, herein petitioners aver that when the alleged ejectment of Cenon Lladas took place sometime in September, 1960 (as stated in the lower court's decision), the entire conjugal estate of herein petitioner Bernardo Picardal and his deceased wife, which includes the land-holding in question, was under the administration of the special administrator, Demetrio P. Sira. Petitioners claim that, not being the administrators but only overseers of the special administrator, they could not have ejected herein respondent, much less should they be held exclusively liable for the damages since they were only two of the heirs to the estate and they turned the proceeds of the landholding in question to the estate. They claim that the estate should be the one liable for the damages.

In answer thereto, respondent Cenon Lladas argues that the administration of the estate of the late Aurea Burgos covered only one-half of the estate, that is, the portion belonging to the deceased, and did not cover the one-half interest of respondent Bernardo Picardal, who retained control and management of his undivided share, and was, therefore, still the landholder, and that since it was Bernardo Picardal, with the help of his son, Sebastian, who ejected the tenant, Cenon Lladas, they alone should be responsible for the damages.

Petitioners are correct in saying that the entire conjugal partnership property of the marriage between petitioner Bernardo and the late Aurea Burgos is under administration.[5] It follows that the estate was really the landlord of the landholding subject of the instant action.[6] This fact does not justify, however, petitioners' claim that the estate should be the one liable for the illegal dispossession of the tenant perpetrated by herein petitioners, as found by the lower court. Republic Act No. 1199, otherwise known as the Agricultural Tenancy Act, does not hold the landlord liable for damages in case of dispossession of a tenant under any and all circumstances. The landlord is liable when he is responsible for the unlawful ejectment; otherwise, he is not. Thus, according to Section 27(1) of Republic Act No. 1199, it is the landlord who illegally dispossesses the tenant who is liable for damages. Section 49 of the same Act renders the third party himself who unlawfully dispossesses a tenant, liable for damages. Hence it is only when the dispossession is imputable to the landlord should the latter be liable for damages.

Bernardo Picardal and Sebastian Picardal were the ones who ejected Cenon Lladas, according to the finding of the lower court. They, therefore, should be the ones to suffer the consequences of their unlawful act.

Petitioners' responsibility for the damages cannot be shifted to the intestate estate for various reasons, namely:

First, petitioners' act of dispossessing the tenant was not the act of the estate, for they did not represent the estate. Its representative was the special administrator and it was not the special administrator who perpetrated the ejectment. Even if it be assumed, *gratia argumenti*, that the special administrator acquiesced to the ejectment, the estate would still not be liable, because if Section 5, Rule 85 of the Rules of Court makes the administrator himself liable for any waste committed in the estate through his negligence, with more reason would he be personally responsible, and not the estate, for the consequences of his unlawful act.

Second, the fact that the proceeds of the landholding in question, as claimed by petitioners, were turned over to the estate, would neither render the estate liable, because the intestate estate did not really benefit from the dispossession. Whether it was Cenon Lladas or petitioner Sebastian Picardal who was the tenant, the estate would have received the 2/3 share of the proceeds. The estate not having benefited from the dispossession, besides not having been guilty of the unlawful act, it cannot be ordered to pay the damages awarded by the lower court.

Third, the intestate estate before partition is owned in common by all the heirs (Article 1078 Civil Code). A co-ownership should not suffer the consequences of the unlawful act of any of the co-owners (Article 501, Civil Code). Hence the estate should not suffer from the consequences of the dispossession perpetrated by only two of the many heirs of the estate.

Fourth, Article 18 of the Civil Code, the application of which to the instant case is authorized both by Section 55 of the Agricultural Tenancy Act and Article 20 of the Civil Code, provides that "every person who, contrary to law, willfully or negligently causes damage to another, shall indemnify the latter for the same." Hence, herein petitioners themselves, and not the intestate estate, should indemnify the respondent for the damages suffered by the latter on account of the unlawful dispossession.

We find that the lower court has not committed any of the errors assigned by herein petitioners.

In view of the foregoing, the decision of the lower court should be, as it is hereby affirmed, with costs against the petitioners.

It is so ordered.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Bengzon, J.P., Sanchez, Ruiz Castro, and Angeles, JJ., concur.

Judgment affirmed.

[1] T.s.n. pp. 13-19, May 18, 1962; Records, pp. 13-15 and 81-83.

[2] Ulpiendo vs. CAR, 103 Phil. 187, Canada, et al. vs. Rubi, et al., 110 Phil. 505; Cahilo vs. De Guzman, 106 Phil. 520; Cruz vs. Pangan, et al., L-17949, May 30, 1964; Salazar vs. Santos, et al., L-15890, February 29, 1964; Macaria Tinio de Domingo vs. CAR, et al., L-12116, April 28, 1962; Atayde vs. De Guzman, 103 Phil 187; Bermudez, et al. vs. Fernando, L-18610, April 22, 1963; Mateo vs. Duran, et al., L-14314, February 22, 1961.

[3] Villaviza, et al. vs. Panganiban, et al., L-19760, April 30, 1964.

[4] Chavez vs. CAR, et al., L-17814, October 31, 1963; Lustre, et al. vs. Court of Agrarian Relations, et al., L-19654, March 31, 1964.

[5] Roxas vs. Pecson, 82 Phil., 407; Fernandez, et al. vs. Maravilla, H8799, March 31, 1964; and Section 2, Rule 73 of the Rules of Court.

[6] Ferreria, et al. vs. Ibarra de Gonzales et al., 104 Phil. 143.

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