

CLARO CASTRO AND IGMIDIO CORTES, PETITIONERS, VS. ROSENDO REYES, RESPONDENT.*G.R. No. 48147. November 27, 1941*

Ponente: MORAN, J.

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On January 16, 1940, respondents Rosendo Reyes and eight others, tenants of petitioner Claro Castro, addressed to the latter a petition asking him to share with them the expenses of planting, transplanting and harvesting in the land cultivated by them. No answer to this request appeared to have been made by Claro Castro, and instead, the tenants were, on January 19, 1940, notified dismissed. This dismissal was confirmed by the Tenancy Law Enforcement Division of the Department of Justice in a decision rendered on June 24, 1940. But this decision was, on appeal, reversed on July 31, 1940, by the Court of Industrial Relations, wherein a judgment was rendered declaring the dismissal of Rosendo Reyes to be unjustified, and ordering that he be indemnified by Claro Castro in kind or in money of what should have corresponded to him under their contract of tenancy. On December 9, 1940, after the petition for intervention by one Igmidio Cortes, another petitioner here, was admitted, the Court of Industrial Relations found, upon hearing, that said Igmidio Cortes, upon the dismissal of Rosendo Reyes on January 19, 1940, was given the rice land occupied by the latter; had plowed, harrowed and planted the same; and had occupied it up to the time when Rosendo Reyes was reinstated in his tenancy of the property, and for that reason, the Court of Industrial Relations rendered its supplementary decision declaring Igmidio Cortes entitled "a la mitad de la cosecha del terreno cultivado por el y que hoy esta en posesión de Rosendo Reyes, debiendo Claro Castro el propietario, indemnizar a Rosendo Reyes en una cantidad en especie o en efectivo igual a la participacion que hubiera correspondido a Igmidio Cortes . . ." This judgment is now sought to be reviewed in this petition for certiorari.

Petitioner Claro Castro contends that he cannot be held liable in damages since respondent incurred no damages at all, the latter's dismissal having been effected on the close of January 1940 when the harvesting season for the agricultural year 1939-1940 was over, and the respondent having been ordered reinstated in time for the agricultural year 1940-1941. This is, however, a question of fact which we are not authorized by law to review.

It is contended further by petitioner that he cannot be held responsible for the second dismissal of Rosendo Reyes because it was ordered by the Tenancy Law Enforcement Division of the Department of Justice. It appearing, however, that such second dismissal was but a confirmation of the first dismissal ordered by the petitioner and which was found to be unjustified by the Court of Industrial Relations, his responsibility therefor is not against the law.

Lastly, it is claimed that Igmidio Cortes incurred an expense of P20.00 for seedlings and for transplanting the same, and that if respondent Reyes be given the benefit of the share in the crops, he should be required to share in the expenses. This contention is well taken. One-half of the amount of P20.00 should, therefore, be defrayed by respondent.

With the only modification that Rosendo Reyes be ordered to pay P10.00 to Igmidio Cortes, the decision of the Court of Industrial Relations is hereby affirmed, without costs.

Diaz and Horrilleno, JJ., concur.

Ozaeta, J., concurs in the result.

Laurel, J., dissenting:

If Igmidio Cortes is here declared entitled to one-half of the produce of the land, and Claro Castro, the owner of the land, is ordered to "indemnizar a Rosendo Reyes en una cantidad en especie o en efectivo igual a la participacion" of Reyes, it is because equity requires that this be done. I yield to this consideration, especially in view of the provisions of section 20 of Commonwealth Act No. 103, as amended. Cortes cultivated and planted the land to rice and was entitled to one-half of the produce under the agreement between him and the owner of the land, as found by the Court of Industrial Relations. Reyes, the previous tenant, and who is now in possession of the land, upon the other hand, had been ousted from the land without any justifiable ground, and he is awarded the equivalent of what the owner would have received under the agreement. To modify the decision of the Court of Industrial Relations by requiring Reyes to contribute to the expenses incurred by Cortes for planting, etc., is to give the latter more than his share under his agreement with the owner. (See supplementary decision, Court of Industrial Relations, p. 3, December 9, 1940.) The result is that this Court makes inequitable what to me is the equitable pronouncement made by the Court of Industrial Relations. For this reason, I dissent and vote for the affirmance of the judgment sought to be reviewed.

Decision modified.

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