

**ALEJANDRO GRONIFILLO, PETITIONER, VS. COURT OF APPEALS
AND VALENTIN JANCILAN, APOLINARIO DE LOS SANTOS, NONITO
GEROCHI AND PEDRO GEROCHI, RESPONDENTS.**

G.R. No. 59264. October 23, 1982

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Petition to review a decision of the Court of Appeals which affirmed the decision of the Court of Agrarian Relations in Iloilo City.

On March 9, 1974, Pilar Guzman donated seven parcels of land located in Jaro, Iloilo, to Alejandro Gronifillo, the petitioner herein. The lands donated had been held under leasehold contracts since many years before by the private respondents. Valentin Jancilan had held 3.5314 hectares since 1963; Apolinario de los Santos 4.5159 hectares since 1935; Nonito Gerochi 3.5623 hectares also since 1935; and Pedro Gerochi 3.3449 hectares since 1965. Their leases were confirmed in contracts which they executed with Pilar Guzman on May 23, 1975. And because they were tenant farmers when P.D. No. 27 (the Emancipation of Tenants Decree) was promulgated on October 21, 1972, land transfer certificates had been issued to Jancilan and Nonito Gerochi on October 21, 1976, and to Pedro Gerochi on October 10, 1977.

In his complaint filed on July 7, 1978, petitioner Gronifillo alleged that the lands were donated to him on the occasion of his ordination as a Roman Catholic priest but he was so busy that he could not see the lands until 1977 when he discovered that they were occupied by the respondents by virtue of agricultural leasehold contracts which were executed by Pilar Guzman in 1975. He claimed that since the contracts were executed subsequent to the donation made the previous year, they were null and void. He asked that he be declared owner of the lands, that the respondents be ordered to vacate the same, and that they render an accounting.

The Court of Agrarian Relations rendered judgment "Declaring the deed of donation executed by Pilar Guzman in favor of the plaintiff Alejandro Gronifillo as null and void, the same being contrary to law and public policy and dismissing the above-entitled complaint." This judgment was affirmed by the Court of Appeals.

The lower courts were both correct in holding that Pilar Guzman could not validly donate the lands in question to the petitioner because when the donation was made she was no longer the owner of the lands. They belonged to the private respondents by operation of law because as tenant farmers on October 21, 1972, they were "deemed owner" of the lands which they were cultivating. (P.D. No. 27.) The execution of the contracts between Pilar Guzman and the private respondents on May 23, 1975, merely confirmed their previous status as tenants before the donation was made.

However, We are not prepared to say that the pure and simple donation of Pilar Guzman is void and hence completely without effect. In executing the donation (Rollo, pp. 13-14), Pilar Guzman obviously intended to give something of value to Father Alejandro Gronifillo and not to play a cruel joke on him. While the circumstances made it impossible for her to give the lands per se to the donee, her act of liberality need not be completely

frustrated; it can be carried out within the law by giving to Father Gronifillo the cost of the lands which the private respondents still have to pay. The part is included in the whole.

WHEREFORE, the judgment of the Court of Appeals is modified. The private respondents shall pay to the petitioner the cost of the lands which they have acquired pursuant to P.D. No. 27, less amounts which they may have already paid to Pilar Guzman. No special pro-nouncement as to costs.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ., concur.

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