

**SPOUSES ROLANDO DOLORFINO AND MONINA FULE, PETITIONERS,
VS. THE HON. COURT OF APPEALS, SEVERO ALCOS AND EFIGENIA
DE LUNA-ALCOS, RESPONDENT.***G.R. No. 89545. December 03, 1990*

Ponente: GRINO-AQUINO, J.

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This petition for review assails the decision dated July 20, 1989 of the Court of Appeals in CA-G.R. CAR No. 17054 entitled, "Severo Alcos and Efigenia de Luna-Alcos vs. Rolando Dolorfino and Monina Fule," affirming in toto the decision of the Regional Trial Court, Branch 31, City of San Pablo, in Agrarian Case No. SP-011, which declared that a tenancy relationship exists between the parties and ordered payment of the tenant's share in the produce of the land plus damages.

In 1933, the spouses Severo Alcos and Efigenia de Luna-Alcos were instituted tenants of a 26,077-square-meter landholding in Barangay San Rafael, San Pablo City, covered by OCT No. F-819 (Free Patent No. [IV-5]) in the name of Prudencia Fule. The Alcoses took possession of the land which was already planted with coconuts. They cleared it and also planted coffee, lanzones, rambutan, gabi and bananas. They had agreed with the landowner that the latter could at anytime freely partake of the fruits and that the tenants would have a share of one-half (1/2) of the harvested fruits plus one-seventh (1/7) of the coconut produce, or an estimated 2,542 nuts a year at P1.00 per nut.

After Prudencia Fule's death, the property was inherited by her son, Jose Fule, upon whose death the property was inherited by his son, Artemio Fule. After Artemio Fule's death, the land was inherited by Monina Fule Dolorfino, married to Rolando Dolorfino.

The Alcoses continued to work on the landholding. However, in 1980, they were informed by the Dolorfinos that the property would be sold. In consideration of their consenting as tenants, to the sale, they were offered a P5 per square meter commission if they could find a buyer for the land plus either of the following options:

- (1) 180 square meters of the Dolorfinos' property in Patria Village, San Pablo City, with reimbursement for the value of the plants which they cultivated on the landholding; or
- (2) 2,000 square meters of the San Rafael landholding.

The Alcoses chose the second option. The agreement was not reduced to writing. Unfortunately, the intended sale did not materialize anyway.

In February, 1980, the Dolorfinos refused to give the Alcoses their share of the harvest, prompting the latter to seek advice from the Ministry of Agrarian Reform, whose Attorney Reyes inspected the landholding, and informed the Alcoses that as tenants, they were entitled to a one-third share of the produce.

In July 1982, the Dolorfinos fenced the landholding, using barbed wire and bamboo posts taken from a bamboo

grove on the property. The house of the Alcoses was fenced out and they were prohibited from entering, or gathering the fruits of the plants, inside the fenced property.

The Alcoses filed a letter-complaint (Exh. B) in the Ministry of Agrarian Reform, Region IV. The Agrarian Reform Team of San Pablo City, headed by Atty. Minas, arranged a meeting between the parties on August 25, 1982 but the Dolorfinos did not show up.

On May 8, 1985, the Alcoses filed Agrarian Case No. SP-011 in the Regional Trial Court (Branch 31) of San Pablo City for illegal ejectment with damages and confirmation of the tenancy. The Dolorfinos denied that the Alcoses were bona fide tenants. Furthermore, their cause of action, if any, had prescribed under Section 38 of R.A. 3844, because their complaint was filed more than three (3) years after the cause of action had accrued.

The Regional Trial Court rendered a decision on September 12, 1988, ruling that a "tenancy relationship" existed between the parties and that the "tenants" were entitled to payment of P18,563 as their share of the produce of the land from 1980 to 1987 and P5,000 as moral damages, attorney's fees and costs. The Dolorfinos were directed to reinstate the Alcoses on the landholding.

The Dolorfinos appealed the decision to the Court of Appeals where the case was docketed as CA-G.R. CAR No. 17054. In a decision promulgated on July 20, 1989, the Court of Appeals affirmed the trial court's decision in toto. Hence, this petition for review.

The petitioners allege that the respondent court erred in not declaring that the Alcoses' cause of action is barred by the Statute of Limitations, because Section 38 of R.A. 3844, as amended, requires an action or complaint to be filed in court by or on behalf of the tenant and no such action was filed from 1982 to 1985.

The argument has no merit.

The plaintiffs' evidence that they were instituted by Prudencio Fule as agricultural lessees of the land in question was not controverted by the petitioners. The finding to that effect of the trial court and the appellate court, being supported by substantial evidence, is entitled to great weight, respect and finality (*People vs. Laureta*, 159 SCRA 256; *Hernandez vs. Court of Appeals*, 149 SCRA 67).

Once a leasehold relation has been established, the agricultural lessee is entitled to security of tenure. He has a right to continue working on the land and he may not be ejected therefrom except for cause as provided by law (*De Jesus vs. IAC*, 175 SCRA 559).

"Section 7. Tenure of agricultural leasehold relation. - the agricultural leasehold relation once established shall confer upon the agricultural lessee the right to continue working on the landholding until such leasehold relation is extinguished. The agricultural lessee shall be entitled to security of tenure on his landholding and cannot be ejected therefrom unless authorized by the Court for causes herein provided." (Agricultural Land Reform Code, R.A. 3844).

The agricultural relationship is not extinguished by the sale, alienation or transfer of the legal possession of the landholding. The purchaser or transferee is simply subrogated to the rights and substituted to the obligations of the agricultural lessor. (Sec. 10, R.A. 3844).

There is no merit in the petitioners' contention, that the private respondents' cause of action for illegal dispossession of their leasehold had already prescribed when the latter filed their complaint for reinstatement in May, 1985.

Section 38 of Republic Act No. 3844 provides that "an action to enforce any cause of action under this Code shall be barred if not commenced within three (3) years after such cause of action accrued." The law does not

specifically require a judicial action, hence, it can be an administrative action. *Ubi lex non distinguit nec nos distinguere debemus* (Where the law does not distinguish, we should not distinguish).

The records show that as early as 1980, the Alcoses had sought assistance from the Ministry of Agrarian Reform, through its Attorney Reyes, when they were not given a share of the fruits of the land. They were refused entry on the land in July, 1982 after it was fenced by Dolorfino. In August, 1982, they filed a letter-complaint in the Ministry of Agrarian Reform which, under the law, was the appropriate agency tasked with the function of assisting landless farmers to acquire economic family-size farms, and the duty of implementing and enforcing the provisions of the Code of Agrarian Reform. The appropriate government machinery, therefore, was set in motion upon the filing of their letter-complaint seeking to enforce their rights as agricultural lessees under the Code. The filing of such administrative complaint stopped the running of the prescriptive period against their causes of action for deprivation of their share of the harvests and for illegal dispossession of their leasehold.

Even the filing of their judicial action on May 9, 1985, was done within the three year limitation period after their ouster from the land in July, 1982 when the petitioners constructed a barbed wire enclosure around it. Clearly, the lessees' right of action had not yet then prescribed.

WHEREFORE, the petition for review is denied. The decision of the Court of Appeals is **AFFIRMED**, but with modification with regard to the payment by the petitioners to the private respondents of the latter's share of the harvests from the land which should be computed from 1980 up to and until the possession of the landholding is actually restored to them. In other respects the decision is maintained.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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