

**POTENCIANO ILUSORIO, TERESA ILUSORIO, AND MANUEL SISON,  
PETITIONERS-APPELLANTS, VS. HON. GUILLERMO SANTOS, AS  
JUDGE, COURT OF AGRARIAN RELATIONS, AND SANTIAGO  
PANGILINAN, ET AL....**

*G.R. Nos. 15788-89. March 30, 1962*

Ponente: REYES, J.B.L., J.

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**REYES, J.B.L., J.:**

These two cases were filed in this Court to obtain a review of the joint. decision rendered by the Court of Agrarian Relations (Judge Guillenno A. Santos presiding) in its cases Nos. 116 and 167, which were instituted by the respondents-tenants of petitioners Potenciano and Teresa Ilusorio against said landholders and their overseer, Manuel Sison. The court below ordered the classification of the tenant's landholdings as second class riceland ; directed the liquidation of the harvests on the 75-25 share basis from 1951-52 agricultural year onwards; and ordered the landholders to pay the tenants P8,154.83 as deficiency in the liquidation of the harvests, with a further sum of P3,948.33 as reimbursement for irrigation fees, all with legal interest from September 13, 1957; plus P1,000 attorneys' fees.

It appears from the record that eighteen (18) tenants (respondents herein) had been working irrigated ricelands owned by the petitioners Ilusorio, located in Barrio Bantog, San Miguel, Bulacan. Prior to 1954, only one crop used to be planted and harvested per calendar year, from May or June to January. From 1954 onward, two crops were planted yearly: one crop, called dayatan, was planted in May and harvested in October of the same year and the other, termed kalaanan, planted in October and harvested in February of the succeeding year. In the production of the dayatan crop, the tenants did not perform 5 of the ten items enumerated in section 38 of Republic Act No. 1199 (i.e., gathering and bundling of the reaped harvest, piling of bundles into small stacks, preparation of the place for stacking the harvest, gathering and transporting of the small stacks, and piling them into a big stack for threshing), because the harvest having been made in October, the rice had to be threshed immediately to avoid its rotting due to rains and wet. The kalaanan crop was divided 55 per cent for the tenants and 45 per cent for the landholders; while the dayatan crop was divided in the starting year (1954) at 80-20 in favor of the tenant; in 1955 at 75-25; and in 1956, at 70-30.

In September of 1957, the respondent-tenants petitioned the Court of Agrarian Relations for a reliquidation of their crop shares since 1951-1952. After hearing the evidence submitted, the court found the lands to be second class ricelands, and that the crops thereof should have been apportioned on the basis of 75% for the tenant and 25% for the landholder; that consequently, the tenants had been "short-shared" by 12-1%/2% of net produce between 1951-1952 to 1953-54, and by 7-1%/2% thereafter; that the tenants had likewise been made to bear a larger proportion of the irrigation fees than what was proper; and rendered judgment as stated at the beginning of this opinion.

The petitioners-landholders appealed.

The first five errors assigned revolve on the correctness of the lower court's classification of the lands worked by the tenants as second-class. This finding was based on the average production of the land per hectare or cavan of seed (40 cavans or less) computed on thirteen (13) actual crops, from 1951-1952 to 1958-1959, each crop being computed as one agricultural year (Sec. 33, R.A. 1199). The landholders contend that the method of computation is erroneous in that (1) the crops used as basis were not proved to be normal crops, nor the average an "average normal production"; and (2) that an agricultural year should consist of a 10-month period, so that if two crops are raised during such period, both should be taken together in computing production for the corresponding agricultural year.

We find the argument of the landholders not tenable. The court's computation of the average yield of the lands in question being based on actual crops harvested, it is to be presumed, in the absence of proof to the contrary, that such crops were normal crops. The mere fact that the tenants' harvests varied from one crop to another is not sufficient to declare them abnormal; for the law itself, in basing the classification of the land on the normal average yield for the three preceding agricultural years (Sec. 8, Act 4054, and Sec. 33, R.A. 1199), assumes that such yield will be variable. The presumption is "that things have happened according to the ordinary course of nature" [Rule 123, sec. 69 (z)], and the burden of proof to show abnormality is on the one claiming it; in this case, the landowners, but they have failed to submit adequate evidence in support of their claim that the crops taken into account by the court below were, affected by abnormal or unusual factors. The lower court; was likewise justified in making the inference that the average yield for the three years preceding the 1951-1952 crop was the same as the average for the three years following it there being no evidence to the contrary.

As to what constitutes the "agricultural year", the same is defined by Republic Act No. 1199 as follows [Section 5 (c)]:

"Agricultural year is the period of time necessary for the raising of seasonal agricultural products, including the preparation of the land, and the sowing, planting and harvesting of the crop: Provided, however, That in the case of coconuts, citrus, coffee, ramie, and other crops where more than one harvest is obtained from one planting, the words "agricultural year" shall mean the period of time from the preparation of land to the first harvest and thereafter from harvest to harvest. In both cases, the period of time may be shorter or longer than a calendar year."

It is easy to see that "agricultural year" bears no relation to any fixed length of time, being solely predicated on the interval between the preparation of the land, and planting of the seed, up to the harvesting of the crop, whether such interval be shorter or longer than the calendar year. No error was, therefore, incurred in the appealed decision in considering every crop period as one agricultural year, for the purpose of computing the average yield. It is to be observed that the raising of two harvests in one calendar year on irrigated ricelands was by no means unusual or unknown in the Islands when the Rice Tenancy Acts were enacted, and the failure of these laws to specially provide for such situations serves merely to emphasize the correctness of the trial court's views that each crop period is to be deemed an independent agricultural year. At any rate, section 56 of Republic Act 1199 specifically provides that—

"Sec. 56. Doubts to be Solved in Favor of the Tenant—In the interpretation and enforcement of this Act and other laws as well as the stipulations between the landholder and the tenant, the courts and administrative officials shall solve all grave doubts in favor of the tenant."

We must agree with the court below that since Republic Act 1199 establishes a particular manner for determining whether land is first or second-class, no other method is acceptable. Hence the opinion of the provincial land tax assessor that the petitioners' lands are first-class carries no weight. As to the giving of credence to the evidence for the tenants against the testimony and reports of the petitioners' overseer, this Court is by law concluded by the

trial court's appreciation of the facts, it being supported by substantial evidence.

The same can be said of the tenants' ACCFA loan applications, which the Court considered inflated for the purpose of obtaining greater loans. Since the landholders were not misled by these applications, no estoppel in their favor can be predicated thereon.

On the sixth assignment of error, we find no merit in the contention that the court of origin erred in holding permanently that petitioners' lands were second-class. The latter finding, based as it is on the average yield of the three previous agricultural years, was nowhere declared permanent or immutable, and does not preclude the petitioners from seeking a reclassification of their land in the future, whenever they should be able to prove the corresponding increase in yield for any subsequent triennial period.

That in the harvesting of dayatan crops the tenants admit not having performed the bundling of the harvest and its piling, first into small stacks and later into a big stack, prior to threshing (Error VII), was duly explained by the need of immediate threshing, because the dayatan crop is harvested during October, in the rainy season, and delay would result in the rotting of the palay. Hence, failure to perform such operations was justified and may not be used to reduce the tenants' shares.

As to the division of the irrigation fees (Error VIII), petitioners complain that the court below applied the rule of Republic Act 1199, section 29 (that the fees should be divided in proportion to respective shares in the harvest), even to the crop years 1951 to 1954, which were governed by Public Act 4054, (as amended by Republic Act 34). According to petitioners, that law imposed the burden of the fees upon the tenant. This view is not correct. Republic Act No. 34 provides that—

"expenses for the maintenance of irrigation systems within the respective areas shall be for the account of the tenant, but amortizations for the cost of construction of the system itself shall be for the account of the landlord."

It is plain, therefore, that the entire fees charged by the Penaranda Irrigation System cannot be charged exclusively to the tenants. In the absence of specific figures, the division of the irrigation charges in proportion to the benefits derived from the harvest is in accord with justice and equity.

The imposition of attorney's fees against the petitioner landholders lies in the discretion of the court under Article 2208, No. 11, of the New Civil Code, and is authorized under Section 55 of Republic Act 1199, which applies to tenancy relations those provisions of existing laws not inconsistent with said Republic Act.

As to the defense of prescription of the claim for reliquidation of crop prior to 1954, because of the 3-year limitation provided by the law, suffice it to say that extractive prescription is a defense that is waived if not pleaded in due time, and petitioners may not invoke it for the first time on appeal.

Finding no error in the decision appealed from, we hereby affirm the same. Costs against petitioners Ilusorio.

Bengzon, C.J., Padilla, Labrador, Concepcion, Barrera, Paredes, and De Leon, JJ., concur.  
Bautista Angelo, and Dizon, JJ., took no part.

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