

AGAPITO MAGBANUA, INENIAS MARTIZANO, CARLITO HERRERA, SR., PAQUITO LOPEZ, AND FRANCISCO HERRERA, PETITIONERS, VS. HON. INTERMEDIATE APPELLATE COURT (SECOND SPECIAL CASES DIVISIO...

G.R. Nos. 66870-72. June 29, 1985

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

A joint decision was rendered in CAR Case Nos. 827, 828 and 829 of the defunct Court of Agrarian Relations stationed in San Carlos City (Negros Occidental) because the six plaintiffs who are the petitioners at bar all alleged that they are share tenants of the defendants; that the defendants diverted the free flow of water from their farm lots which caused portions of their landholdings to dry up to their great damage and prejudice; and that they were told by the defendants' overseer to vacate their respective areas for they could not plant palay any longer due to lack of water. They prayed that they be declared as leasehold tenants and that the defendants be ordered to pay attorney's fees and different kinds of damages.

The trial court rendered judgment in favor of the plaintiffs as follows:

"WHEREFORE, coherent with the foregoing, this Court, in judgment, hereby:

- 1) Declares all the plaintiffs in the above-entitled cases to be maintained as agricultural lessees in peaceful cultivation in their respective landholdings;
- 2) Prohibits defendants from closing and/or disrupting the free flow of water supplying plaintiffs' landholdings;
- 3) Declares the Writ of Preliminary Injunction issued on February 23, 1982 to be permanent;
- 4) Orders plaintiffs to seek the assistance of the Ministry of Agrarian Reforms in the fixing of their lease rentals;
- 5) Orders the defendants to pay all the six plaintiffs in the above-entitled cases individually moral and exemplary damages in the sum of TEN THOUSAND (P10,000.00) PESOS, each;
- 6) Orders the defendants to pay the attorney's fees in the amount of P5,000.00; and
- 7) Dismiss all other claims and counterclaims of the parties for lack of merit." (Rollo, pp. 28-29.)

The defendants appealed to the Intermediate Appellate Court which in turn rendered the following judgment:

"WHEREFORE, with the modification above indicated, deleting the award of moral and exemplary damages and attorney's fees, the decision appealed from is hereby AFFIRMED in all other respects, with costs against appellants." (Rollo, pp. 37-38.)

In this petition, the prayer is for the reinstatement of the moral and exemplary damages and the attorney's fees which had been awarded by the trial court on the ground that the Intermediate Appellate Court committed a grave

abuse of discretion in eliminating them.

In awarding damages and attorney's fees, the trial court said:

"This Court has likewise noted the manifestation submitted by plaintiffs on June 3, 1982 wherein they have attached photographs of their dried-up landholdings and wilted palay crops. The allegations in this pleading and the accompanying pictures were never rebutted by the defendants.

"In view of this circumstances, this Court holds the opinion that between the period of the inspection by the PC Team on February 24, 1982 and June 13, 1982 when plaintiffs' manifestation was filed, there has been complete closure of water supplying plaintiffs' landholdings which resulted to the drying up of the same that greatly hampered the healthy growth of the palay crop. This Court does not believe that the disruption of the water supply which led to the very poor harvest is due to the fault/negligence of the plaintiffs.

"Under the law, the landowner has an obligation to keep the tenant in the peaceful and continuous cultivation of his landholding. A disturbance of possession, such as the act complained of, is violative of the law.

"The Honorable Court of Appeals, thru Associate Justice Porfirio V. Sison, in June 23, 1982, promulgated a decision in the case of Buenaventura Garcia, plaintiff-appellant, vs. Eduardo Jalandoni, Salud Garcia and Chester Garcia, defendant-appellees, which ruling is relevant to the above-entitled cases when the said Honorable Court state:

"The law forbids the use of tenants like balls on a pool table, whacked and volleyed and pocketed at the whim and caprice of the player, or their positions placed on the auction block like slaves to be sold to the highest bidder. Such a calamitous situation erode wholehearted dedication to the soil; it is destructive of the system itself, as such an attitude takes away the freedom the emancipated tenants won under the aegis of the New Republic.

"The plaintiff-appellant is entitled to moral damages in the sum of P5,000.00 and exemplary damages in the further sum of P5,000.00 to be paid by defendant Eduardo Jalandoni. Let this be a warning to those who flout the lofty purpose of the agrarian reform program.'

"Plaintiffs have all their legal rights to protect their interests under the law in filing these cases, for what the defendants has done to them, and as such they are entitled attorney's fees." (Rollo, pp. 27-28.)

Upon the other hand, in deleting the questioned award the Inter-mediate Appellate Court said:

"However, We are not inclined to sustain the award of moral and exemplary damages, as well as attorney's fees. There is no evidence showing that, in dealing with plaintiffs, defendants acted fraudulently or in bad faith. There is no showing either that attorney's fees are recoverable under Art. 2208, Civil Code." (Rollo, p. 37.)

Under the facts of the case, the plaintiffs (now petitioners) are entitled to a measure of moral damages. Article 2219 of the Civil Code permits the award of moral damages for acts mentioned in Article 21 of the same code and the latter stipulates that: "Any person who wilfully causes loss or injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage."

It appears that the petitioners were denied irrigation water for their farm lots in order to make them vacate their landholdings. The defendants violated the plaintiffs' rights and caused prejudice to the latter by the unjustified diversion of the water.

The petitioners are also entitled to exemplary damages because the defendants acted in an oppressive manner. (See Art. 2232, Civil Code.)

It follows from the foregoing that the petitioners are also entitled to attorney's fees but the size of the fees as well

as the damages is subject to the sound discretion of the court.

WHEREFORE, the petition is granted; the decision under review is modified and each of the plaintiffs is entitled to the following to be paid by the defendants jointly and severally:

Moral damages —

P 1,000.00

Exemplary damages —

500.00

Attorney's fees —

1,000.00

P 2,500.00

The costs shall be assessed against the private respondents.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Escolin, and Cuevas, JJ., concur.

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