99 Phil. 885

[G.R. No, L-9414. September 07, 1956]

CIRIACO SAN ANTONIO, PETITIONER, VIS. ASUNCION ESPINOLA, RESPONDENT.

D E C I S I O N

LABRADOR, J.:

Appeal by certiorari against a decision of the Court of Industrial Relations in Tenancy Case No. 39 of Bulacan. From the decision appealed from it appears that petitioner herein Ciriaco San Antonio received from Pablo Valencia, deceased husband of Asuncion Espinola, the possession of a parcel of land containing three hectares for purposes of cultivation. At that time Valencia obtained by way of loan from San Antonio the sum of P550 at a yearly interest of 8 cavans of palay. Besides cultivating the land on a share basis, San Antonio was also allowed to construct a house thereon. After the death of her husband, Espinola was able to pay the indebtedness, and in the year 1953 she filed this petition in the Tenancy Division of the Court of Industrial Relations, praying that she be allowed to work the land herself with her two sons, claiming that the latter were able to do the work of cultivation and that she had sufficient number of carabaos inherited from her parents with which to work the land. San Antonio opposed the petition, alleging that her claim that she and her children could cultivate the land and that they had carabaos were false. In further support of her petition to get back the land; Espinola further alleged that the land was given to San Antonio in consideration of the loan and not by virtue of a contract of tenancy. This claim was found to be untrue by the Court of Industrial Relations, which held that a contract of tenancy existed. However, it held'that Espinola had the rights to get back her property for the purpose of cultivation by herself and her children, declaring in the decision as follows:

> "*In view of all the foregoing,* petitioner Asuncion Espinola is hereby granted authority to eject respondent Ciriaco San Antonio from the landholding in question located at San Isidro, Paombong, Bulacan, effective at the close of the

> agricultural year 1954-1955, subject to the condition that the petitioner and her two sons shall work said landholding, and subject, furthermore, to the provisions of Sections 21 and 22 of Act No. 4054, as amended. "Should the petitioner and her sons fail to work the land and instead entrust the cultivation thereof to another person, the Respondent shall, upon complaint to and after due hearing by this. Court, be reinstated as tenant thereon with all the rights accorded and obligations imposed by law." (p. 12 of the decision.)

Both parties were not satisfied with the judgment. San Antonio presented a motion for reconsideration on January 5, 1955, which the court in bane denied. Espinola on her part presented an earlier motion for reconsideration. As there was delay in the enforcement of the decision as to the possession of the land, Espinola presented an urgent motion dated March 26, 1955, alleging that inasmuch as the agricultural year 1954-1955 had ended and San Antonio had refused to give up the land and give her share in the harvest, that the court order San Antonio to deliver to her the whole harvest for the said year 1954-1955.

The motion for reconsideration that Espinola filed was dated October 27, 1954 and it questions the correctness of the finding of the court to the effect that the relationship between her and San Antonio was that of landlord and tenant and not that of borrower and lender as she had contended. At a hearing of the motions for reconsideration filed by both parties, Espinola asked the court to "dismiss her motion for reconsideration." The court made no ruling on this motion for dismissal until June 27, 1955. At that time Republic Act No. 1267, which was approved and took effect on June 14, 1955 had already taken effect. Taking advantage of the passage of said law, San Antonio filed his present petition, alleging that the Court of Industrial Relations had lost jurisdiction over the case and had no authority on June 27, 1955 to grant the motion for dismissal of the motion for reconsideration filed by Espinola, and that the findings and conclusion of the Court &f Industrial,Relations as to the capacity of Espinola and her sons to cultivate the land are false and not justified by the evidence.

We can not review $he findings of fact made by the Court of Industrial Relations as to the ability and right of Espinola to cultivate the property and her consequent right, to" the possession of the land in question. Under the law only questions of law may be raised and appealed from the decision of the Court of Industrial Relations to this Court:

> "SEC. 13. Appeal may "be taken from an order or decision of the Court of

> Agrarian Relations promulgated under the provisions of I3iis Act and a review of such order or decision may be obtained in the Supreme Court by filing in such court within fifteen days from receipt of notice of such order or decision a written petition praying that it be modified or set aside in whole or in part. The review by the court shall be limited to questions of law, and findings of fact when the decision is not supported by substantial evidence." (Republic Act No. 1267, as amended by Republic Act No. 1409.)

The only valid issue before us, therefore, is the validity of the order of the Court of Industrial Relations of June 27, 1955, approving the supposed "dismissal" of the motion for reconsideration filed by Espinola. The importance of this question lies in the fact that as San Antonio had not appealed from the decision of the Court of Industrial Relations the judgment rendered by that court would be final and executory if the supposed "dismissal" of the motion for reconsideration filed by Espinola is valid, as it was only because of the motion for reconsideration that the judgment rendered by the Court of Industrial Relations had not and could not be declared final and executory.

The motion for reconsideration in question is not attached to the record, altho it is admitted that it was filed for the purpose of questioning the finding of the trial court that the relationship between Espinola and San Antonio is that of landlord and tenant. The name given to the motion seems to be incorrect. It is called a "motion for dismissal" of her motion; it was in fact and in law a withdrawal of a motion for reconsideration. The import of the withdrawal of the motion for reconsideration is in conformity to the judgment of the Court of Industrial Relations. Such conformity to the judgment and willingness to abide by its terms and conditions do not need the court's approval. The presentation of the motion to the court is sufficient to make it effective even without its (court) approval. As the court's approval was not necessary the grant thereof was a superfluity and produced no effect at all upon the status of the proceedings. The objection raised by the petitioner herein that the court had no jurisdiction on the matter after the approval of Republic Act No. 1267 avails him nothing. His petition for the annulment of the said order and the transfer of the case to the Agrarian Court is, therefore, without merit.

The petition is denied, and the writ of preliminary injunction issued in this case is hereby dissolved with costs against the petitioner.

Paras, C. J., Bengzon, Paddlla, Montemayor, Bautista Angelo, Concepcion, Reyes, J. B. L.

Endencia, and *Felix, JJ.,* concur.

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