

SEVERINO GAGOLA, PETITIONER, VS. COURT OF AGRARIAN RELATIONS, EMILIANO ALCALA-ALCALA AND WENCESLAO DE CASTRO, RESPONDENTS.

G.R. No. L-19740. December 17, 1966

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

Before us for review, upon a petition for certiorari, is the decision of the Court of Agrarian Relations of January 18, 1962 in CAR case 163 (56) Quezon, dismissing the petition of Sererino Gagola for reinstatement and damages filed against the respondent Emiliana Alcala-Alcala.

It is uncontroverted that Alcala is the owner of a parcel of land of about a hectare in area, situated in barrio Antipolo in Sariaya, Quezon, and planted to coconut and burl trees.

The disagreement in the evidence adduced has reference primarily to the nature of the relationship between Gagola and Alcala, and to the manner and time of the termination of such relationship. Gagola claims that he was a tenant of Alcala on the said land from 1945, performing his duties and obligations with the degree of faithfulness expected of a good father of a family, until January 1955 when she unlawfully ejected him. This claim was traversed by Alcala who avers that contrary to the pretensions of the petitioner, the latter was a mere hired laborer who worked intermittently upon the land, that is, only whenever he was needed, and that because he had become negligent and slothful, she dismissed him in 1952.

The court a quo, analyzing and evaluating the mass of conflicting evidence, concluded that Gagola was indeed a tenant of Alcala on share basis, and that he was not ejected by the latter, but that in point of fact he voluntarily abandoned the land. The court then rendered judgment dismissing Gagola's petition.

The only issue tendered for resolution in this appeal is one of law. Alcala having admitted in her reply to the petition that she dismissed Gagola, the latter now contends that the respondent court was in error when it ruled that Gagola should have established the fact of unlawful ejectment alleged by him in his petition, aid that the respondent was in no way called upon to show the existence of a lawful cause for his dismissal.

It is our view, however, that the issue of law thus posed need not preoccupy us. For although the court a quo did find that Gagola was indeed a tenant of Alcala, it went on to conclude that Gagola had "voluntarily left his landholding." The correctness of the latter finding Gagola is not now at liberty to challenge as he has raised only one issue, which is purely of law.

We have nonetheless reviewed the record, and we agree with the court below that its finding of abandonment by Gagola of his landholding is supported by substantial evidence.

Tenancy relationship is extinguished by, among other modes, the "abandonment of the land by x x x the tenant" (section 9 of Republic Act 1199). Because a tenant has possession of the land only through personal cultivation, the petitioner's leaving the land in the case at bar amounts to his abandonment of the landholding. There being no

longer any tenancy relationship between him and the respondent Alcala, the relationship having been terminated by his own voluntary act, it follows that he has no standing to invoke the protection of the principle of security of tenure.

ACCORDINGLY, the judgment a quo dismissing the petition below is affirmed. No pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar and Sanchez, JJ., concur.

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