

APOLONIO SUMBINGCO, PETITIONER, VS. COURT OF APPEALS, ET AL., RESPONDENTS.*G.R. No. L-45114. October 26, 1987*

Ponente: NARVASA, J.

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Jepte Demerin, Rogelio Argel, Demetrio Jongco and Alfonso Demerin filed with the Court of Agrarian Relations a complaint against Apolonio Sumbingco, seeking their reinstatement as tenants on the latter's two (2) haciendas and the payment to them of damages for their ouster therefrom. According to them, prior to the purchase by Sumbingco of the haciendas in question from Ricardo Nolan, they were already tenants of the latter, planting the areas occupied by them with rice; that even after Sumbingco acquired the land they continued as tenants thereon by permission of Sumbingco's administrator; that Sumbingco caused the planting of their landholdings to citrus little by little, thus progressively depriving them of possession thereof until the time came when their landholdings were completely planted to citrus and they were effectively divested of any area to cultivate; that in view thereof, they asked Sumbingco to compensate them for the loss of their tenancy rights but although the former promised to do so, he never did; that instead, in 1964, Sumbingco told them to vacate their landholdings.

The Court of Agrarian Relations dismissed their complaint. It declined to give credence to the evidence proffered by them to substantiate their claim of being Sumbingco's tenants, declaring that evidence to be both implausible and tainted by material inconsistencies.

On appeal, however, the Court of Appeals reversed the judgment of the Court of Agrarian Relations. It ruled that in the light of the admission that Jepte Demerin and his co-plaintiffs were tenants in at least one of the haciendas prior to the sale to Sumbingco, it was difficult to believe the latter's protestation that he had never seen them; at the very least, Sumbingco's overseer should have apprised him of their presence on the land; hence, it was safe to assume that Demerin and his companions continued as tenants on the land under the new owner. The Appellate Court accordingly ordered the payment to Demerin, et al. of damages by Sumbingco but not their reinstatement on the ground that the landholdings had already been completely planted to citrus.

Both Sumbingco and the Demerin group have taken an appeal by certiorari to this Court, the former's being docketed as G.R. No. 45114 and the latter's, G.R. No. 45192.

It is axiomatic that appeals from the Court of Appeals are not a matter of right but of sound judicial discretion on the part of this Court, and will be granted only when there are special and important reasons therefor.[1] In other words, appeals from the Court of Appeals are not entertained as a matter of routine; they may be rejected out of hand in the exercise of this Court's sound judicial discretion. The prescribed mode of appeal is by certiorari,[2] limited only to issues or questions of law which must be distinctly set forth in the petition for review on certiorari.[3] The findings of fact of the Appellate Court are conclusive even on this Court, subject only to a few well defined exceptions (none of which is present in the instant case).¹ It is incumbent on the appellant to make out a sufficiently strong demonstration of serious error on the part of the Court of Appeals, and adduce special and

important reasons to justify the exercise by this Court of its discretionary appellate jurisdiction,² failing in which this Court will decline to wield its invoked power of review and will dismiss the appeal on the ground that it is without merit, or is prosecuted manifestly for delay, or the questions raised are too unsubstantial to require consideration.³

A thoroughgoing review of the record discloses that contrary to this Court's first impression, which initially led it to give due course to both petitions in this case, there is no special and important reason to justify this Court's exercise of its appellate jurisdiction. The issues raised are principally factual, and such of those issues as may be characterized as legal are not sufficiently weighty or substantial to warrant consideration and review.

WHEREFORE, the petitions in G.R. No. 45114 and G.R. No. 45192 are DENIED, and the decision of the Court of Appeals sought to be thereby reviewed is affirmed. This decision is immediately executory, and no motion for extension of time to file a motion for reconsideration will be entertained.

Teehankee, C.J., Cruz, Paras*, and Gancayco, JJ., concur.

[1] Sec. 4, Rule 45, Rules of Court

[2] Sec. 1, *id.*

[3] Sec. 2, second par., *id.*

¹ *De la Cruz v. Sosing*, 94 Phil. 26; *Chacon Enterprises v. C.A.*, 124 SCRA 784; *Castillo v. C.A.*, 124 SCRA 808; *Peo. v. Grafriel*, 125 SCRA 102; *Peo. v. Royeras*, 130 SCRA 259; *Chase v. Buencamino, Sr.*, 136 SCRA 365; *Arevalo Gomez Corp. v. Lao Hian Liong*, 148 SCRA 372

² Sec. 4, Rule 45, Rules of Court

³ Sec. 3, *id.*

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