

**PLNDAÑGAN AGRICULTURAL COMPANY, INC.,
PLAINTIFF-APPELLEE, VS. JOSE P. DANS, IN HIS CAPACITY AS
DIRECTOR OF THE BUREAU OF LANDS, PLACIDO L. MAPA, IN HIS
CAPACITY AS SECRETARY OF ...**

G.R. No. L-14591. September 26, 1962

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MOTION FOR RECONSIDERATION.

SUMMARY

A motion for reconsideration was filed alleging that since Republic Act No. 2613 had increased the appellate jurisdiction of the Court of Appeals to P200,000 on August 1, 1959, the Supreme Court should have remanded the case to the Court of Appeals for final decision. It argued further that if the Supreme Court has jurisdiction to decide the appeal, it may do so only on questions of law and should rely on the findings of fact of the lower court. Plaintiff-appellee also submitted affidavits of 80 heads of families to support its theory that the Lands Bureau and the Secretary of Agriculture and Natural Resources has abused their discretion in denying the sale of the lands subject of the action. On the other hand, private respondent-appellants contends that the involved land area is more than 491 hectares, with a value of no less than P5000.00 per hectare and that because the Supreme Court has acquired jurisdiction over the case, it should continue despite the approval of the above-stated law; and insist that the claim of the corporation that it represents 93 heads of families is not true, since 230 shares of stocks out of 273 are in the name of only three persons.

RULING

THE SUPREME COURT is of the belief that counsel for plaintiff appellee knew all along that despite the enactment of Republic Act 2613, the Supreme Court continues to retain jurisdiction over the case since the actual real value of the properties in question actually exceeds the jurisdiction of the Appellate Court. The claim of that the Supreme Court should review questions of law only and rely for questions of fact on the decision of the lower court are both unmeritorious.

While the record shows that 93 families used to occupy the land in question, the possession and cultivation by the said original tenants cannot be availed of as a ground for the plaintiff corporation's claim. Since said 93 families were not presented as witnesses during the trial and the fact that they had supposedly transferred their rights, titles, interest, actions and participations to the plaintiff corporation, such assignment has no effect in law because it was not shown that the occupants had presented or filed applications for homestead or sale, and it does not appear that the approval of the Secretary of Agriculture and Natural Resources had been secured thereto.

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