

FLORENCIO MONREAL, PETITIONER, VS. THE COURT OF APPEALS, TERESA M. LORIA, LEODEGARIO LORIA AND FLAVIANO MANZANILLA, RESPONDENTS.

G.R. No. L-32782. December 07, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

Petitioner Florencio Monreal filed an action in the Court of Agrarian Relations in Legazpi City against private respondents Teresa M. Loria, Leodegario Loria and Flaviano Manzanilla for reinstatement and/or legal redemption or pre-emption with damages. Petitioner alleged that since 1955 he was the tenant of Albina Monreal over a parcel of land situated at Busay, Daraga, Albay, containing an area of 1/4 hectare more or less; that on December 19, 1967, private respondents Teresa and Leodegario Loria, claiming to have bought the property from Albina Monreal, entered the said landholding after he (petitioner) had plowed, irrigated and hoed the same in preparation for the planting; that he was driven out of the landholding and, in his stead, Flaviano Manzanilla was illegally placed. Further, petitioner averred that as an adjacent boundary owner, private respondents failed to notify him in writing of his right of legal pre-emption or redemption pursuant to Article 1623 of the New Civil Code, or of his right as a tenant to pre-emption in accordance with the Land Reform Code; and that he (petitioner) consigned the purchase price of P1,400.00 with the Clerk of Court of the Court of Agrarian Relations when private respondents Teresa and Leodegario Loria refused to accept the same.

Trial on the merits followed and decision was rendered wherein petitioner's claim was sustained over private respondents' assertion that he was only a hired farmhand. The Court a quo rejected petitioner's claim of preferential right against the private respondents under Article 1621 of the Civil Code, as both parties are adjacent owners of the questioned landholding. However, petitioner's right of redemption under Section 12 of the Land Reform Code which states:

"SEC. 12. Lessee's Right of Redemption. - In case the landholding is sold to a third person without the knowledge of the agricultural lessee, the latter shall have the right to redeem the same at a reasonable price and consideration: Provided further, That where there are two or more agricultural lessees, each shall be entitled to said right of redemption only to the extent of the area actually cultivated by him. The right of redemption under this Section may be exercised within two years from the registration of the sale, and shall have priority over any other right of legal redemption."

was upheld and the private respondents, Teresa and Leodegario Loria, were ordered to execute a deed of reconveyance in favor of petitioner Florencio Monreal in consideration of which said private respondents were authorized to withdraw the sum of P1,400.00 deposited by petitioner in court.

The decision, dated March 11, 1969, of the Court of Agrarian Relations was received by private respondents on March 19, 1969.

On March 28, 1969, private respondents Teresa and Leodegario Loria filed with the Court a quo a Notice of

Appeal and Motion for Approval of Appeal Bond of P120.00 which was filed on even date. However, no copy of said Notice of Appeal was filed with the Court of Appeals in accordance with Sections 2, 3, and 4 of Republic Act No. 5434 which read:

"Sec. 2. Appeals to Court of Appeals. - Appeals to the Court of Appeals shall be filed within fifteen (15) days from notice of the ruling, award, order, decision or judgment or from the date of its last publication, if publication is required by law for its effectivity; or in case a motion for reconsideration is filed within that period of fifteen (15) days, then within ten (10) days from notice or publication, when required by law, of the resolution denying the motion for reconsideration. No more than one motion for reconsideration shall be allowed any party. If no appeal is filed within the periods here fixed, the ruling, award, order, decision or judgment shall become final and may be executed as provided by existing law.

"SEC. 3. How appeals taken. Appeals shall be taken by filing a notice of appeal with the Court of Appeals and with the court, officer, board, commission or agency that made or rendered the ruling, award, order, decision or judgment appealed from, serving a copy thereof on all other interested parties. The notice of appeal shall state, under oath, the material dates to show that it was filed within the period fixed in this Act.

"SEC. 4. Docketing fee and deposits for costs. -Upon filing of the notice of appeal, the appellant shall pay to the Clerk of the Court of Appeals the docketing fee fixed in Rule 141, Section 2(a) of the Rules of Court and deposit the sum of fifty pesos (P50.00) for costs, or in case the appellant be a laborer, employee, agricultural lessee, or tenant, a motion setting forth said fact under oath, and praying that he be exempted from payment of docketing fee and the deposit for costs. Copy of the motion shall be served on all interested parties. Should the court find said motion to be well founded it shall grant the same; but if the Court denies the motion, the appellant shall pay the docketing fee and make the deposit for costs within fifteen (15) days from notice of the denial. Failure to pay the docketing fee and make the deposit for costs within the period here fixed shall be a ground to dismiss the appeal."

It is the position of herein petitioner that upon failure of the private respondents to comply with the foregoing provisions of Republic Act 5434 the decision of the Court of Agrarian Relations which was received by private respondents on March 19, 1969, became final after fifteen (15) days, or on April 4, 1969; that the Notice of Appeal and the motion for its admission filed by the private respondents on May 22, 1969 with the Court of Appeals were filed out of time and, therefore, the decision of the court a quo became final; that the Court of Appeals, as a consequence, lost its appellate jurisdiction over the case; and that the Court of Agrarian Relations, on May 31, 1969, had already issued a writ of execution and, on July 9, 1969, herein private respondents executed a deed of resale in favor of herein petitioner.

The Court of Appeals entertained the appeal of private respondents, set aside the appealed judgment and dismissed the complaint, saying that -

"x x x there is nothing in his (petitioner) testimony from which it may even be inferred that he prepared the seedbed, cared for the growing plants, gathered, bundled and stacked the harvest, etc., which are phases of farm labor a tenant is required to do or contribute under Section 38. Considering this in the light of the legal premises above set forth, together with defendants' (private respondents) claim that they merely paid plaintiff (petitioner) to prepare and plant the land, which work could be finished in two days, and plaintiff's (petitioner) admission in the hearing of his application for an interlocutory order for reinstatement and on the merits that his immediate predecessor in working the land was a mere hired hand (tsn, pp. 16 and 18, hearing of January 23, 1968; p. 6, hearing of August 7, 1968), as well as his doubtful allegation that despite the fact that the former owner's contribution was the land alone, he shared equally the crops with her, which actuation is not in keeping with his vigilance in taking care of his interest or asserting his right as shown by his action in filing the present complaint four days after defendants (private respondents) took possession of the land, we find his claim that he was instituted as tenant to be tenuous and indeed hard to accept."

In this appeal by certiorari, petitioner claims that the Court of Appeals erred: (1) in assuming appellate jurisdiction of CAR Case No. 744, Albay '67, when elevated before it in CA-G.R. No. 43686-R, as the decision rendered by CAR was already final and duly executed; (2) in not finding Florencio Monreal as tenant of the landholding in question; and, (3) in not sustaining the order of the CAR, ordering private respondent to vacate the landholding in question and to receive the amount of P1,400.00 in consideration of the resale of the land to the petitioner, and ordering private respondents to execute a deed of resale in favor of the petitioner of the aforementioned landholding.

This appeal is devoid of merit. It cannot be said that respondent Court of Appeals acted capriciously, arbitrarily and whimsically when it assumed appellate jurisdiction of CAR Case No. 744, Albay '67 considering that "the rule is always in favor of liberality in construction so that the real matter in dispute may be submitted to the judgment of the court. Imperfections of form and technicalities of procedure should be disregarded unless substantial rights would otherwise be prejudiced." (*Clorox Co. vs. Director of Patents, et al.*, 20 SCRA 965). Private respondents' failure to appeal in accordance with the provisions of Republic Act 5434 was due to an honest mistake and/or excusable negligence. As there was no sign of manifest intention to delay, the Court of Appeals followed the liberal practice of allowing the appeal instead of ordering dismissal on mere technicalities. The underlying principle in the administration of justice and application of the rules is substantial justice and fair play.

The error committed by private respondents in following the provision of the Rules of Court which is, by serving upon the adverse party and filing with the trial court within thirty (30) days from notice of judgment, the notice of appeal, the appeal bond, and a record on appeal, instead of complying with the procedure for appeal pursuant to Republic Act 5434, which is, filing a notice of appeal with the Court of Appeals and with the trial court, within fifteen (15) days counted from the notice of the decision and serving a copy thereof on all interested parties, was purely a procedural matter. It did not prejudice the substantial rights of the petitioner who sought the annulment of the decision of the appellate court because of this error.

With respect to the findings by the appellate court that herein petitioner is not a tenant in subject property, suffice it to say that "it has been invariably held that the findings of fact made by the Court of Appeals in cases appealed to it are conclusive and not subject to review, alteration, modification or reversal by the Supreme Court. x x x Hence, for the purposes of this appeal, the said findings of fact have to be accepted by this Court, and its only power will be to determine if the legal conclusions drawn from said findings of fact are correct and if the law has been correctly applied." (*Hodges vs. People*, 68 Phil. 178).

Finally, considering that petitioner was not a tenant of private respondents, the issue whether he could avail himself of the right of redemption granted in Section 12 of the Land Reform Code is moot and academic and need not be discussed.

ACCORDINGLY, the decision of the Court of Appeals, dated October 26, 1970 is hereby AFFIRMED. With costs against the petitioner.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Plana, Vasquez, and Gutierrez, Jr., JJ., concur.

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