

LORENZO HERNANDEZ, PETITIONER, VS. THE COURT OF APPEALS AND PEDRO DAGLI, RESPONDENTS.

G.R. No. L-39767. March 31, 1987

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

This is a Petition for certiorari to review a Decision of the Court of Appeals.

The case involves a coconut plantation located at San Isidro, Candelaria, Quezon with an area of about five (5) hectares, owned by petitioner Lorenzo Hernandez. Private respondent Pedro Dagli works on the said landholding and an old copra kiln converted into a modest house served as his living quarters in the plantation.

Sometime in 1971, the petitioner sought to evict the private respondent from the premises in a letter asking him to vacate the house on the plantation so that the same may be reconverted into a copra kiln.

Private respondent then instituted an action in the now-defunct Court of Agrarian Relations in Lucena City for the enforcement of his alleged right of security of tenure on the ground that he is a tenant on the coconut plantation. Petitioner denied the existence of a tenancy relationship between them. He contented that the private respondent was a mere hired laborer who was just permitted to work and live on the plantation. In the meantime, the proceeds of the harvest were deposited with the Clerk of Court of the agrarian court.

After due trial, the agrarian court rendered a Decision, the dispositive portion of which reads as follows --

"In the light of all the foregoing, the Court in judgment hereby:

"x x x.

"3. Declares that Pedro Dagli is not a tenant on the coconut land, and orders him to vacate the structure utilized by him as a dwelling on the coconut plantation;

"4. Orders defendant to pay plaintiff the amount of P500.00 as compensation for the trees planted by the latter;

"5. Orders the Clerk of Court to release the deposit, in the amount of Four Hundred Ninety Two Pesos and Ninety Centavos (P492.90), in favor of defendant, after the corresponding charges shall have been deducted.

"All other claims are dismissed for want of evidence."

Finding the above-quoted portion of the Decision unsatisfactory, the private respondent elevated the case to the Court of Appeals assigning the following errors on the part of the agrarian court --

(1) The agrarian court erred in declaring that the appellant (the herein private respondent) is not a tenant on the coconut plantation;

(2) The agrarian court erred in ordering the ejectment of the appellant from the coconut plantation; and

(3) The agrarian court erred in authorizing the release of the proceeds of the harvest in the amount of P492.90

to the appellee, without giving the appellant a share of the same.

In its Decision promulgated on October 10, 1974,[1] the Sixth Division of the Court of Appeals[2] ruled in favor of private respondent. The pertinent portions of the Decision are as follows --

"The main question involved in this appeal is with regard to the real status of the plaintiff-appellant who worked (on) the coconut landholding in question. Is he a tenant or a hired farm laborer?

"There are facts and circumstances on record which clearly indicate, contrary to the findings of the Court a quo, that the plain-tiff-appellant x x x is x x x a tenant on the coconut landholding. The plaintiff-appellant was taken in by the defendant-appellee to work on the coconut landholding in question x x x. He performed all stages of coconut cultivation, namely, clearing the landholding, picking, husking, gathering and piling of nuts. He also stayed in the coconut landholding by uti-lizing the remodelled copra kiln as a dwelling place.

"As between the claim of the plaintiff-appellant that his sharing agreement with the defendant-appellee with regard to the harvests of coconuts was on a 1/3-2/3 basis in favor of the defendant-appellee, and the claim of the latter, which the Court a quo upheld, that the plaintiff-appellant was paid P17.00 wage per thousand coconuts, the choice should have been on the first claim. Indeed, it is contrary to human experience that a family man like the plaintiff-appellant, who undertook all stages of work in coconut farming, as noted above, would consent to be paid with a measly sum of P17.00 per thousand nuts harvested when he could get more by sharing therein.

"The plaintiff-appellant having been shown to be a tenant on the coconut landholding in question, he is entitled to security of tenure (Sotacio vs. Soloveres, et al., CA-G.R. No. 39448-R, September 14, 1968).

"x x x.

"WHEREFORE, the appealed portion of the decision is hereby set aside and a new one rendered in lieu thereof:

"1. Declaring the plaintiff--appellent x x x a tenant over the coconut landholding;

"2. Ordering the defendant-appellee to maintain the plaintiff-appellant in the peaceful possession of said coconut landholding;

"3. Disallowing the compensation of P500.00 to the plaintiff-appellant for the coconuts he himself planted on the coconut landholding;

"4. Ordering the defendant-appellee to reimburse x x x the plaintiff-appellant x x x (his) 1/3 share x x x;

"5. Ordering the defendant?appellee to render an accounting of the proceeds of the succeeding harvests and to deliver to the plaintiff-appellant his correspond-ing share beginning February 3-7, 1973; x x x

" x x x. "

Petitioner sought a reconsideration of the Decision, anchored mainly on the ground that the said Decision is not supported by the evidence.[3]

In its Resolution promulgated on November 29, 1974,[4] the Court of Appeals denied the petitioner's plea. The pertinent portions of the said Resolution are as follows --

"The circumstances surrounding the stay of the Plaintiff-Appellant on the land in question such as the kind of work that he performed and the fact that the land in question was formerly a subject of tenancy relationship between his parents and the Defendant-Appellee show indubitably that the Plaintiff-Appellant is a tenant on the land and not a mere laborer. The x x x motion has quoted the testimony of the carpenter who constructed the house where the Plaintiff-Appellant lives x x x.

"According to the testimony of the carpenter, it was the Plaintiff-Appellant who ordered the construction of the house and was the one who paid him at P4.00 a day. If the Plaintiff-Appellant was a mere hired laborer, it would be illogical for him to build a house x x x (on) the said property and spend for the building (thereof) at his own expense for as a hired laborer he can be dismissed at any time. He will be risking therefore his investment on the house.

"This Court takes judicial notice that in most instances x x x (where) the worker, say in a hacienda, has to live on the land, the landowner usually is the one who provides the housing facilities and not the worker himself. Bunkhouses are always built by the landowners for their hired hands.

"FOR ALL OF THE FOREGOING, this Court is more convinced that the Plaintiff-Appellant is a tenant of the Defendant-Appellee x x x.

“ x x x. ”

On December 21, 1974, the petitioner elevated the case to this Court by way of the instant Petition under Rule 45 of the Rules of Court. In the Resolution of this Court dated March 12, 1975, We gave due course to the same.[5] Thereafter, the parties filed their respective briefs and the case was submitted for decision.

After a careful examination of the record of the case, We find the instant Petition devoid of merit.

At the time this litigation was initiated, the defunct Court of Agrarian Relations had the exclusive jurisdiction over agrarian relations cases. Upon the enactment of Batas Pambansa Blg. 129, otherwise known as The Judiciary Reorganization Act of 1981, the Court of Agrarian Relations was abolished and the exclusive original jurisdiction over agrarian relations cases was transferred to the Regional Trial Court.[6]

The Decision of the Regional Trial Court may be appealed to the Court of Appeals.[7] Thereafter, the Decision of the Court of Appeals may be brought to this Court by way of a Petition for certiorari under Rule 45 of the Rules of Court. Only questions of law may be raised in the Petition.[8] The review of the Decision of the Court of Appeals is not a matter of right, but of sound judicial discretion, and will be granted only when there are special and important reasons therefor.[9]

The petitioner maintains that the question of whether or not the challenged Decision of the Court of Appeals is supported by the evidence, is a question of law. The private respondent claims otherwise.

We agree with the private respondent.

Contrary to the claim of the petitioner that the Court of Appeals arrived at erroneous conclusions based on the findings of facts of the agrarian court, the Court of Appeals made its own findings of facts apart from that of the agrarian court, so that its conclusions were based on its own factual findings.

In *Santa Ana, Jr. v. Hernandez*, [10] this Court, speaking through Mr. Justice J. B. L. Reyes, made the following pronouncement --

"The credibility of witnesses and the weighing of conflicting evidence are matters within the exclusive authority of the Court of Appeals, and it is not necessarily bound by the conclusions of the trial court. Both the Judiciary Act... and the Rules of Court (Rule 45, section 2) only allow a review of decisions of the Court of Appeals on questions of law; and numerous decisions of this Court have invariably and re-peatedly held that findings of fact by the Court of Appeals are conclusive and not reviewable by the Supreme Court ... Barring, therefore, a showing that the findings complained of are totally devoid of support in the record, or that they are so glaringly erroneous as to constitute serious abuse of discretion, such findings must stand, for this Court is not expected or required to examine and contrast the oral and documentary evidence submitted by the parties. As pointed out by former Chief Justice Moran in his Comments on the Rules of Court ..., the law creating the

Court of Appeals was intended mainly to take away from the Supreme Court the work of examining the evidence, and confine its task for the determination of questions which do not call for the reading and study of transcripts containing the testimony of witnesses."

In sum, therefore, this Court does not re-examine the facts of the case in a Petition for certiorari under Rule 45, except for unusual reasons which would justify otherwise.[11]

The review sought by the petitioner is not justified under any of the grounds provided in Section 4, Rule 45 which would allow such review, to wit --

"(a) When the Court of Appeals has decided a question of substance, not theretofore determined by the Supreme Court, or has decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court;

"(b) When the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by a lower court, as to call for an exercise of the power of supervision."

Moreover, this observation notwithstanding, We are convinced that the challenged Decision upholding the existence of a tenancy relationship, and the Order denying a reconsideration of the same appear to be justified on the basis of the findings of facts and reasons relied upon by the Court of Appeals. They are not based on mere speculation, surmises or conjecture as petitioner represents.

In support of his contention, the petitioner cites the pronouncements of this Court in *Dauan v. Secretary of Agriculture and Natural Resources*[12] and *Silverio v. Castro*,[13] to wit --

"... it is a rule now settled that the conclusion drawn from the facts is a conclusion of law which the courts may review." (*Dauan v. Secretary of Agriculture and Natural Resources*, 19 SCRA 223, 227 [1967], citing *Vda. de Alfafara v. Mapa*, 95 Phil. 125, 133 [1954].

"... Said error, involving as it does a conclusion drawn from undisputed facts x x x, is one of law and thus reversible herein." (*Silverio v. Castro*, 19 SCRA 520, 531 [1967].

We have gone through these two cases relied upon by the petitioner and We are convinced that they do not support his stand.

The *Dauan* case involves a homestead application filed as early as February 1935 relating to a sizeable parcel of land in Nueva Vizcaya. Unfortunately, the records of the application had been lost during the last world war. Years later, a dispute arose between the original homestead applicant and some third parties over the homestead application. The main issue in the controversy was whether or not the homestead application had been approved by the Government before the outbreak of World War II.

The Director of the Bureau of Lands held that the homestead application had not been approved. His Decision was subsequently affirmed by the Secretary of Agriculture and Natural Resources. Thereafter, the homestead applicant challenged the Decision of the Secretary before the Court of First Instance of Nueva Vizcaya and prevailed. The case eventually reached this Court.

One of the issues raised in the controversy was whether or not the trial court could review the Decision of the Secretary even if the same was not elevated to the President of the Philippines for consideration. This Court ruled that it was un-necessary to exhaust the available administrative remedy inasmuch as the conclusion of the Secretary of Agriculture and Natural Resources was "drawn from the facts" of the case and is, therefore, "a conclusion of law which the courts may review".

The conclusion of the Secretary was based on the available evidence which did not appear to be controverted by

the parties. In the case at bar, there is a conflict between the material allegations of both parties. Moreover, the assailed conclusion in Dauan is that of an officer of the executive department of the Government. In the instant controversy, the questioned conclusion is that of the Court of Appeals -- a court of law. The inapplicability of the Dauan ruling to the case at bar is, therefore, patent.

The Silverio ruling refers to an election case where the issue was the proper appreciation of a number of ballots cast in the 1963 election for local governments. The assailed conclusion was that of the Court of First Instance of Davao, a conclusion drawn from undisputed facts, i.e., the appearance of the ballots. In the case at bar, the facts are not undisputed. The inapplicability of the Silverio ruling to the case at bar is, therefore, likewise potent.

For the guidance of the Bench and the Bar, the distinction between a question of law and a question of fact is explained in Our pronouncement in *Ramos v. Pepsi-Cola Bottling Co.*,^[14] to wit --

"For a question to be one of law it must involve no examination of the probative value of the evidence presented by the litigants or any of them. And the distinction is well-known: There is a question of law in a given case when the doubt or difference arises as to what the law is on a certain state of facts; there is a question of fact when the doubt arises as to the truth or the falsehood of alleged facts."

Applying this principle to the case at bar, a conclusion of the Court of Appeals drawn from undisputed facts raises a question of law. Otherwise, there is a question of fact.

Accordingly, We find no reason to disturb the findings on the conclusions of the Court of appeals. It is, therefore, Our considered opinion, and We so hold, that the instant Petition should be denied for lack of merit.

WHEREFORE, in view of the foregoing, the instant Petition is DENIED for lack of merit. No pronouncement as to costs.

SO ORDERED.

Yap, (Chairman), Narvasa, Cruz, Feliciano, and Sarmiento, JJ., concur.
Melencio-Herrera, J., on leave.

[1] Pages 28 to 38, Rollo.

[2] At the time of the promulgation of the Decision, the Sixth Division of the Court of Appeals was composed of Mr. Justice Andres Reyes as Chairman and Justices Crisolito Pascual and Francisco Ma. Chanco as Members. Justice Chanco penned the Decision.

[3] Pages 46 to 61, Rollo.

[4] Pages 63 to 65, Rollo.

[5] Page 101, Rollo.

[6] Section 19 (7), Batas Pambansa Blg. 129.

[7] Section 20, Interim Rules and Guidelines of the Supreme Court.

[8] Section 2, Rule 45, Rules of Court; *Santa Ana, Jr. v. Hernandez*, 18 SCRA 973, 978 (1966).

[9] Section 4, Rule 45.

[10] 18 SCRA 973, 978-979 (1966).

[11] *Teruñez v. Intermediate Appellate Court*, 134 SCRA 414 (1985).

[12] 19 SCRA 223 (1967).

[13] 19 SCRA 520 (1967).

[14] 19 SCRA 289, 292 (1967).

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