

ANGELES MALATE, NORBERTO ESGUERRA AND BENEDICTO ESGUERRA, PETITIONERS, VS. HONORABLE COURT OF APPEALS, AND FELINO GEMANIL, RESPONDENTS.

G.R. No. 55318. February 09, 1993

Ponente: MELO, J.

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MELO, J.:

This has reference to a petition for review on certiorari of the decision of the Court of Appeals in CA--G.R. No. 10806-CAR, promulgated on August 5, 1980, penned by Justice Mariano Zosa with the concurrence of Justices Samuel Reyes and Jorge Coquia, which reversed the decision of the Court of Agrarian Relations in CAR Case No. 1053, Cavite '79, dated March 12, 1980, the dispositive portion of which latter decision reads as follows:

"WHEREFORE, IN VIEW OF ALL THE FOREGOING, judgments is hereby rendered:

a) Finding the plaintiffs to be the legitimate tenants of their respective landholdings described in paragraph 5 of the Complaint and ordering the defendant Felino Gemanil to reinstate them as such;

b) Enjoining the observance by the parties of the schedule of rentals to be paid by the plaintiffs to the defendant Felino Gemanil, as follows:

‘Crops Tenants Landowners

1. Pineapple $\frac{3}{4}$ $\frac{1}{4}$

2. Papaya $\frac{3}{4}$ $\frac{1}{4}$

3. Bananas $\frac{3}{4}$ $\frac{1}{4}$

4. Rice $\frac{3}{4}$ $\frac{1}{4}$;

c) Ordering the defendant Felino Gemanil to respect the plaintiffs' peaceful enjoyment, possession and cultivation of their respective landholdings;

d) Ordering the defendant Felino Gemanil to pay to each plaintiff the total sum of P2,700.00 representing the 15% share of each plaintiff on the three (3) harvests for the crop years 1976--'77, 1977-'78 and 1978-'79 and P400.00 to each plaintiff representing the litigation expenses incurred and damages suffered by each plaintiff in the prosecution of their present complaint;

e) Dismissing the complaint as to the defendants Antolin Gemanil, Cecilia Gemanil Mercado and Dominga Gemanil; and

f) Dismissing all other claims of the parties for lack of basis in law and or the evidence.

SO ORDERED." (pp. 51-52, Rollo.)

In challenging the finding of the Court of Appeals, which served as the basis for its reversal decision, that

petitioners are not really tenants of the landholding, petitioners contend now that --

"I

THE COURT OF APPEALS ERRED AND/OR VIOLATED THE RULE ON SUBSTANTIAL EVIDENCE AS PROVIDED FOR UNDER PRESIDENTIAL DECREE NO. 946 AND SETTLED JURISPRUDENCE WHEN IT REVERSED THE FINDINGS OF FACTS AND CONCLUSIONS OF THE COURT OF AGRARIAN RELATIONS AND SUBSTITUTED ITS OWN DECISION FOR THAT OF THE LOWER COURT.

II

THE RESPONDENT COURT OF APPEALS GRAVELY ERRED WHEN IT RE-APPRAISED THE EVIDENCE OF THE PETITIONERS IN THE FORM OF TAX DECLARATION NO. 6714 (Exhibit 'A') AND THE TESTIMONIES OF THE PETITIONERS AND THEIR WITNESS.

III

THE RESPONDENT COURT OF APPEALS COMMITTED MISAPPREHENSIONS OF FACTS WHEN IT REASSESSED OR RE-APPRAISED THE EVIDENCE OF THE PETITIONERS IN THE FORM OF THE TAX DECLARATION NO. 6714 (Exhibit 'A') AND THE TESTIMONIES OF THE PETITIONERS.

IV

THE RESPONDENT COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT APPLIED THE PRESUMPTION THAT SUPPRESSED EVIDENCE IS UNFAVORABLE TO THE PETITIONERS IN THE CASE AT BAR, WHEN PETITIONERS FAILED TO PRESENT FRANCISCO ESGUERRA AND ARTEMIO GONZALES AS WITNESSES TO SHED LIGHT ON THE TRUTH OF THE INSTITUTION OF PETITIONERS AS TENANTS CONSIDERING THAT THESE PREVIOUS TENANTS ARE STILL ALIVE AND APPEAR TO BE THE MOST COMPETENT WITNESSES TO PROVE THAT PETITIONERS ARE REALLY TENANTS ON THE SUBJECT LANDHOLDINGS." (pp. 1-2, Brief for Petitioners, p. 95, Rollo.)

As disclosed by the record, the antecedent facts are as follows:

The original owner of the landholding in question was Feliciana Bautista, the mother of private respondent Felino Gemanil. In 1939, Feliciana Bautista instituted as tenants on the landholding Francisco Esguerra, father of petitioners Norberto and Benedicto Esguerra, and Artemio Gonzales, uncle of petitioner Angeles Malate.

In 1961, petitioners Norberto and Benedicto Esguerra were instituted as tenants on the landholding by their father in the presence and with the consent and conformity of Feliciana Bautista.

Petitioners Norberto and Benedicto Esguerra were instituted as tenants by reason of the old age of their father. Likewise, by reason of his advanced age, Artemio Gonzales instituted his nephew, petitioner Angeles Malate, as tenant in said landholding with the consent of owner Feliciana Bautista. Norberto was given 3 hectares to till, and Benedicto and Angeles one hectare each. The agreement between petitioners and owner Feliciana Bautista was that they would share in the produce of the land on a 75-25 sharing basis in favor of petitioners. The landholding was devoted to the planting of pineapple, papaya, banana, and rice.

Since working and tenanting the landholding, petitioners had religiously delivered the landowner's share of 25% of the produce to Feliciana Bautista until her death, following which event, Felician's sister, Matea Bautista, took over the administration of the landholding and petitioners promptly delivered 25% of the produce of the land to Matea until her death.

In 1976, after the death of Matea, private respondent Felino Gemanil, invited petitioners to a conference and, at the conference, requested them to let him plant the landholding to sugarcane for three years and he would give petitioners 15% of the gross harvest of the landholding as their share. He proposed that petitioners would not be saddled with any duties except to help him supervise the landholding. The petitioners acceded to the request of private respondent. Thus, private respondent took possession of the landholding and planted the same to sugarcane.

However, private respondent, for three years, reneged in his promise to give petitioners the agreed upon 15% share of the harvest and worse, he refused to reinstate petitioners to the landholding despite demands therefor.

Consequently, petitioners filed a complaint with the Court of Agrarian Relations of Cavite City. As aforesaid, said court rendered a decision in favor of petitioners, but on appeal, the Court of Appeals reversed.

The error's assigned by petitioners can be reduced to only one issue: Whether the Court of Appeals erred in reversing the findings of fact of the Court of Agrarian Relations.

We find merit in the petition.

In appeals in agrarian cases, the only function required of the Court of Appeals is to determine whether the findings of fact of the Court of Agrarian Relations are supported by substantial evidence. And substantial evidence has been defined to be such relevant evidence as a reasonable mind might accept as adequate to support a conclusion and its absence is not shown by stressing that there is contrary evidence on record, direct or circumstantial, and where the findings of fact of the agrarian court are supported by substantial evidence, such findings are conclusive and binding on the appellate court (*Bagsican vs. Court of Appeals*, 141 SCRA 226 [1986]; *Heirs of E.B. Roxas, Inc. vs. Tolentino*, 167 SCRA 334 [1988]). In such cases, the appellate court cannot make its own findings of fact and substitute the same in lieu of the findings of fact of the agrarian court.

An examination of the evidence on record clearly shows that the findings of fact of the agrarian court are supported by substantial evidence. The testimony of petitioners which is clear, simple, and direct, unencumbered by inconsistencies and contradictions or evasion and corroborated by the testimony of witness Marianito Manalo, fully supports the allegations of the complaint.

Contrarywise, we find, together with the trial court, that the testimony of private respondent is unworthy of belief. Said thus the agrarian court on this point:

"The Court finds the uncorroborated testimony of defendant Felino Gemanil rejecting the tenancy claims of the plaintiffs to be distinctly inconclusive and unreliable. He presented a very incoherent story - punctuated by revealing contradictions.

Felino Gemanil, himself, denied credence to his testimony that the plaintiffs were never tenants of the disputed property with his own admission that the plaintiff ANGELES MALATE had been tenantry a portion of his landholding (Hearing of October 23, 1979, t.s.n., p. 10) and that, the plaintiff BENEDICTO ESGUERRA is still working on a portion thereof (*ibid*, pp. 12-13).

And, significant enough, in answer to a question of the Court, he confessed that when his mother was still living, he did not know who was administering the property and who were actually working thereon (*ibid*, pp. 6-7).

Similarly, Felino Gemanil, himself, discredited his testimony that when he took over the possession of the property in 1975, the landholding was an idle land 'cogonal land and stony (batuhan)' (*ibid*, p. 5) with his own revelation that his mother, Feliciano Bautista, had been employing workers to clear and cultivate the same (Hearing of November 15, 1979, t.s.n., p. 8), which practice was, likewise, followed by his brother, Antolin,

when he, Antolin, succeeded their mother in the administration of the property so much so that it was improved and cultivated 'piece by piece' (ibid, pp. 2-3). As if to stress the fact that he had been testifying falsely, he, Felino Gemanil, disclosed that 'When I first entered the landholding I saw portions planted to palay, corn, pineapple and several banana plants' (ibid, p. 19).

The Court, thus, finds itself yielding to the conclusion forced upon it by Felino Gemanil - that he should not be believed." (pp. 45-46, Rollo.)

WHEREFORE, the decision of respondent Court of Appeals is hereby REVERSED and set aside and the decision of the Court of Agrarian Relations is hereby REINSTATED.

SO ORDERED.

Bidin, Davide, Jr., and Romero, JJ., concur.

Gutierrez, Jr., J., (Chairman), on leave.

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