

EDMUNDO ROMERO, FELIZA F. ROMERO, JOSE ADORABLE AND GERONIMO CASAES, PETITIONERS, VS. THE HONORABLE COURT OF APPEALS, NINTH DIVISION, THE HONORABLE COURT OF AGRARIAN RELATIONS, ...

G.R. No. 59606. January 08, 1987

Ponente: FERIA, J.

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FERIA, J.:

In this petition for review on certiorari of the decision promulgated on January 26, 1982 by the Ninth Division of respondent Court of Appeals affirming in full the decision rendered on August 31, 1981 by Branch II of respondent Court of Agrarian Relations, Tenth Regional District, Naga City, petitioners allege violation of their constitutional rights to due process and the equal protection of the laws.

The pertinent facts are as follows.

On March 8, 1979 private respondent filed with the Court of Agrarian Relations an action for reinstatement with damages against petitioners which was docketed therein as CAR Case No. 5524 CS'79.

The agrarian court found and the parties agree that the main issue raised in said case was factual in character — whether or not private respondent was the bona-fide agricultural tenant-farmer (now agricultural lessee) on the two parcels of agricultural land subject-matter of the complaint. As a matter of fact, this is the crucial issue because the resolution of all the other issues depends upon its resolution.

In its aforementioned decision rendered on August 31, 1981, the agrarian court also found "that the greater preponderance of evidence sustains plaintiff's (private respondent's) claim that he is the bona-fide tenant-farmer, now agricultural lessee, of the two (2) parcels of land in question." The decision of the Court of Agrarian Relations consisted of thirteen pages, single space.

Pursuant to Section 18 of Presidential Decree No. 946, an appeal was taken by the petitioners from the decision of the Court of Agrarian Relations to respondent Court of Appeals and was docketed therein as CA-G.R. No. 13522-CAR. Section 18 of P.D. No. 946 reads:

"SECTION 18. Appeals. — An appeal may be taken to the Court of Appeals by giving an oral or written notice of appeal with the trial court within the period of fifteen (15) days from notice of order or decision. A copy of the written notice of appeal shall be served within the same period upon the adverse party. In case the notice of appeal is orally made, the clerk of court shall reduce the same to writing, which shall be signed by the appellant and a copy thereof served within the same period by the clerk of court to the adverse party.

"In case a motion for reconsideration is filed within that period of fifteen (15) days, the notice of appeal shall be filed within ten (10) days from notice of the resolution denying the motion for reconsideration. Only one motion for reconsideration shall be allowed a party.

"The Court of Appeals shall affirm the decision or order or the portions thereof appealed from if the findings of fact in the said decision or order are supported by substantial evidence as basis thereof, and the conclusions stated therein are not clearly against the law and jurisprudence. The Court of Appeals shall not be precluded from taking into consideration any issue, question or incident, even if not raised, if resolution thereof is necessary for a complete and just disposition of the case.

"The Court of Agrarian Relations shall forward to the Court of Appeals the complete records of the case within a non-extendible period of fifteen (15) days from receipt of a notice of appeal, if no motions for reconsideration are filed. In the event that motions for reconsideration are filed, the records shall be forwarded to the appellate court within a like period from receipt by the party concerned of the denial of the last motion for reconsideration.

"Appeal shall not stay the decision or order except where the ejectment of a tenant-farmer, agricultural lessee or tiller, settler, or amortizing owner-cultivator is directed.

"Upon receipt of the records of the case from the Court of Agrarian Relations, the Court of Appeals may, if it deems necessary, require the parties to file simultaneous memoranda within a non-extendible period of fifteen (15) days from notice; the appellate court shall decide the case within thirty (30) days from receipt of said records or memoranda.

"No motion for rehearing or reconsideration shall be allowed in the court of Appeals.

"All cases of the Court of Agrarian Relations now pending before the Court of Appeals shall remain in the Division to which they have been assigned, and shall be decided within sixty (60) days from the effectivity of this Decree; Provided, however, That if the decision or order be an affirmance in toto of the dispositive conclusion of the judgment appealed from, then the Court of Appeals may, instead of rendering an extended opinion, indicate clearly the trial court's findings of fact and pronouncements of law which have been adopted as basis for the affirmance.

"Upon the effectivity of this Decree, the Court of Appeals shall designate at least two (2) of its Divisions to which all appealed agrarian cases shall be assigned, and these cases shall have priority over other cases.

"The decisions or orders of the Court of Appeals may be appealed to the Supreme Court by petition for review on certiorari only on questions of law, within a non-extendible period of thirty (30) days from receipt by the appellant of a copy of the decision or order." (Emphasis supplied).

No notice of the receipt of the records from the Court of Agrarian Relations was issued by respondent Court of Appeals.

Neither was any notice issued by respondent Court of Appeals that it was dispensing "with the usual practice of requiring the parties to submit to Us their memoranda in lieu of briefs." (p. 4, Decision)

On January 26, 1982 respondent Court of Appeals promulgated the aforementioned decision which reads:

"WHEREFORE, judgment is hereby rendered:

- Declaring the plaintiff as the bona-fide tenant-farmer, now agricultural lessee, of the two (2) parcels of land in question, more particularly bounded and described as follows:

xxx

xxx

xxx

and the defendant Jose Adorable as the present landholder-owner who acquired said parcels of land

hereinabove-described by purchase from its previous owners, the defendants-spouses Edmundo Romero and Felisa F. Romero.

- Ordering the defendants or any person or persons acting for and in their behalf to vacate the landholdings in question hereinabove-described and to deliver the possession thereof to the plaintiff and, thereafter, to maintain the plaintiff in the peaceful possession and cultivation thereof as agricultural lessee thereon, with all the other rights granted and obligations imposed under existing tenancy laws, Presidential Decrees, Orders, Instructions, Rules and Regulations issued in pursuance of the agrarian reform program of the government.
- Ordering the defendants-spouses Edmundo Romero and Felisa F. Romero and defendant Jose Adorable, jointly and severally, to indemnify the plaintiff as actual damages on account of illegal ejectment 162 cavans of palay at 46 kilos per cavan or their equivalent money value based on the prevailing government support price for palay, representing what the plaintiff would have received from the produce on the two (2) parcels of land in question for the past three (3) first croppings but have already taken place on the landholding in total of 81 cavans of palay at the rate of 27 cavans of palay every first cropping season, and the total of 81 cavans of palay for the past four (4) second cropping seasons that have already taken place on the two (2) parcels of land in question at the rate of 20.25 cavans of palay per second cropping season.
- Ordering the present landholder owner, defendant Jose Adorable, to pay the plaintiff 27 cavans of palay for every first cropping thereafter, starting this first cropping of 1981 covering the period from June, 1981 to December, 1981, 27 cavans of palay and 20.25 cavans of palay for every second cropping starting during the second cropping of 1982, covering the period from January, 1982 to May, 1982, until the plaintiff is finally reinstated on his landholdings in question.
- Ordering the plaintiff and the defendant Jose Adorable as the present landholder-owner of the two (2) parcels of land in question to desist and refrain from further adopting the sharing system, but should observe leasehold.
- Dismissing plaintiff's other claims for insufficiency of evidence.
- Dismissing defendant's counterclaim for lack of merit.
- Ordering the defendants Edmundo Romero, Felisa F. Romero and Jose Adorable to pay the costs of this suit.

SO ORDERED.'

"This is the judgment rendered by His Honor, Judge Juan B. Llaguno, presiding judge, Branch II, Court of Agrarian Relations, Tenth Regional District, with station at Naga City, which is now brought to Us for review in this appeal.

"After a perusal of the records of the case, We find the issues definitely and clearly set out by the pleadings and that the evidences adduced by the parties are adequately complete as to give Us no room for vacillation on the correct and just resolution of the issues. This persuades Us to dispense with the usual practice of requiring the parties to submit to Us their memoranda, in lieu of briefs. The simplicity of the factual and legal issues involved makes it more desirable to dispose of this case at the earliest possible time. And as appeals of this nature and of such kind of cases merely require the appellate finding of whether or not the decision is supported by substantial evidence and that it is not contrary to law and jurisprudence, then all that We have to do is to make a review of the evidence adduced by the parties and to pass upon the trial court's conclusions of law and of fact in the light of the evidence adduced.

"We have, therefore, carefully reviewed the evidence and made a re-assessment of the same, and We are persuaded, nay compelled, to affirm the correctness of the trial court's factual findings and the soundness of its conclusion. For judicial convenience and expediency, therefore, We hereby adopt, by way of reference, the

findings of facts and conclusions of the court a quo spread in its decision, as integral part of this Our decision.

"The exhaustive and intelligent dissertation of the issues in the appealed decision renders it unnecessary for Us to make further disquisition. The well-written decision of the lower court does not need any improvement.

"IN VIEW OF THE FOREGOING CONSIDERATIONS, the judgment appealed from, being supported by substantial evidence and being in conformity with the applicable law and jurisprudence, is hereby AFFIRMED in full.

"With costs against appellants.

"SO ORDERED.

"Judgment AFFIRMED."

Hence, the present petition.

In addition to alleging violation of their constitutional rights to due process and to equal protection of the laws, petitioners contend that the findings of fact in the decision of the Court of Agrarian Relations, as affirmed in toto by respondent Court of Appeals, are not supported by substantial evidence and the conclusions stated therein are clearly against the law. Petitioners claim that had respondent Court of Appeals not dispensed with the usual practice of requiring the parties to submit simultaneous memoranda in lieu of appeal briefs they could have pointed out to respondent Court of Appeals which findings of fact in the decision of the lower court are not supported by substantial evidence and which conclusions stated therein are clearly against the law.

The petition is meritorious.

In the case of *Molino vs. Court of Appeals*, a division of this Court held that "one of the important reasons for the promulgation of P.D. No. 946 is expressed in the preambular words: 'x x x to streamline their (Courts of Agrarian Relations) procedures to achieve a just, expeditious and inexpensive disposition of agrarian cases,'" and that "the aforesaid purpose of the statute is desirable and the means provided to accomplish it are reasonable." (July 30, 1982, 115 SCRA 801, 802)

It is significant to note that under Section 19 of The Judiciary Reorganization Act of 1980, Batas Pambansa Blg. 129, the Courts of Agrarian Relations were integrated into the Regional Trial Courts and their former jurisdiction was vested in the latter courts. However, it was also provided in Section 24 of said law that whenever a Regional Trial Court takes cognizance of juvenile and domestic relations cases and/or agrarian cases, the special rules of procedure applicable to such cases under the laws then in force shall continue to be applied, unless subsequently amended by law or by rules of court promulgated by the Supreme Court. Although not expressly provided in said law, the procedure on appeal provided by P.D. No. 946 is still applicable until amended as above stated.

Although Section 18 of P.D. No. 946, in the interest of the expeditious administration of justice, empowers the Court of Appeals to dispense with memoranda in deciding agrarian cases, a division of this Court has held as follows:

"Notwithstanding the foregoing, we hold that, as a matter of orderly procedure and to dispel the impression that a litigant in an agrarian case has been denied due process or was not accorded a hearing in the Court of Appeals, it is advisable that if the Appellate Court finds that memoranda are not necessary, it should at least issue a notice to the parties that the case is submitted for decision without any memoranda." (*Ty vs. Elale*, July 5, 1982, 115 SCRA 29, 33)

We reiterate this ruling.

In the case at bar, no notice was given to the parties, and particularly to petitioners, that the case was submitted for decision without any memoranda. The former Solicitor General, in his brief for the public respondents (no brief was filed by private respondent), argued that due process was not violated because petitioners could have submitted their memorandum any time between perfecting the appeal and the forwarding of the complete records to the Court of Appeals, and they could also have done so after receipt by the Court of Appeals of the records of the case, before a decision had been made. However, there is no provision in P.D. No. 946 that authorizes the appellant to file a memorandum any time after the perfection of the appeal and before the forwarding of the complete record to the Court of Appeals. Moreover, the records show that no notice of the receipt of the records from the lower court was issued by respondent Court of Appeals, and petitioners did not know that said appellate court had dispensed with the usual practice of requiring the parties to submit their memoranda until they were notified of its decision.

Procedural due process contemplates notice and opportunity to be heard before judgment is rendered. (See the cases cited in *Luzon Surety Co., Inc. vs. Panaguiton*, 84 SCRA 148, 153.) If the appellate court had notified the parties that the case would be submitted for decision without any memoranda, petitioners would have had the opportunity before the case was decided to submit a brief or memorandum pointing out the errors of fact or law committed by the agrarian court.

As it is, petitioners assign in their brief filed with this Court four errors allegedly committed by the agrarian court in its findings of fact and two errors of law.

The errors of fact assigned by petitioners are as follows:

I

THE RESPONDENT COURT OF AGRARIAN RELATIONS ERRED IN HOLDING THAT "THE GREATER PREPONDERANCE OF EVIDENCE SUSTAIN PLAINTIFF'S CLAIM THAT HE IS THE BONAFIDE TENANT-FARMER, NOW AGRICULTURAL LESSEE, OF THE TWO PARCELS OF LAND IN QUESTION."

II

THE RESPONDENT COURT OF AGRARIAN RELATIONS ERRED IN HOLDING THAT "ASIDE FROM REINSTATEMENT, PLAINTIFF IS ALSO ENTITLED TO BE INDEMNIFIED FOR THE DAMAGES HE SUSTAINED BY REASON OF HIS EJECTMENT, FOR WHICH THE DEFENDANTS EDMUNDO ROMERO, FELIZA ROMERO AND JOSE ADORABLE, WHO ARE DIRECTLY AND LEGALLY RESPONSIBLE THEREFOR MUST BE HELD LIABLE, JOINTLY AND SEVERALLY."

III

THE RESPONDENT COURT OF AGRARIAN RELATIONS ERRED IN "ORDERING THE PETITIONERS EDMUNDO ROMERO, FELIZA ROMERO AND JOSE ADORABLE, JOINTLY AND SEVERALLY, TO INDEMNIFY THE RESPONDENT, AS ACTUAL DAMAGES ON ACCOUNT OF ILLEGAL EJECTMENT, 162 CAVANS OF PALAY, AT 46 KILOS PER CAVAN OR THEIR EQUIVALENT MONEY VALUE BASED ON THE PREVAILING GOVERNMENT SUPPORT PRICE FOR PALAY, REPRESENTING WHAT THE PLAINTIFF WOULD HAVE RECEIVED FROM THE PRODUCE OF THE (2) PARCELS OF LAND IN QUESTION FOR THE PAST THREE (3) FIRST CROPPINGS THAT HAVE ALREADY TAKEN PLACE ON THE LANDHOLDING, THE TOTAL OF 81 CAVANS OF PALAY FOR THE PAST FOUR (4) SECOND CROPPING SEASONS THAT HAVE ALREADY TAKEN PLACE ON THE TWO PARCELS OF LAND IN QUESTION AT THE RATE OF

20.25% CAVANS OF PALAY PER SECOND CROPPING SEASON."

IV

THE RESPONDENT COURT OF AGRARIAN RELATIONS ERRED IN "ORDERING THE PRESENT LANDHOLDER-OWNER, PETITIONER JOSE ADORABLE, TO PAY THE PLAINTIFF 27 CAVANS OF PALAY FOR EVERY FIRST CROPPING THEREAFTER, STARTING THIS FIRST CROPPING OF 1981, COVERING THE PERIOD FROM JUNE, 1981 TO DECEMBER, 1981, 27 CAVANS OF PALAY FOR EVERY SECOND CROPPING STARTING DURING THE SECOND CROPPING OF 1982, COVERING THE PERIOD FROM JANUARY, 1982 TO MAY, 1982, UNTIL THE PLAINTIFF IS FINALLY REINSTATED ON HIS LANDHOLDINGS IN QUESTION."

Petitioners maintain that private respondent Ibarra, who claimed tenancy of the two parcels of land with areas of .50 and .60 hectares owned by them, was himself a landowner.

In their first assignment of error, they cite numerous inconsistencies in the testimony of the private respondent which, if taken into consideration, would be sufficient to warrant a reversal of the decision of the Court of Agrarian Relations as affirmed by the Court of Appeals. The Solicitor General's brief attempts to refute this assignment of error by quoting from the transcript of stenographic notes and to rebut the other alleged errors of fact by quoting from the decision of the Court of Agrarian Relations. This Court should not be burdened with the task of deciding these questions of fact, a task which properly pertains to respondent Court of Appeals.

Section 18 of P.D. No. 946 provides that "if the decision or order be an affirmance in toto of the dispositive conclusion of the judgment appealed from, then the Court of Appeals may, instead of rendering an extended decision, indicate clearly the trial court's findings of fact and pronouncements of law which have been adopted as basis for the affirmance."

This requirement seeks to insure compliance with the mandate of Section 9, Article X of the 1973 Constitution that "Every decision of a court of record shall clearly and distinctly state the facts and the law on which it is based," which mandate is also found in Section 12, Article VIII of the 1935 Constitution.

A provision similar to the above-quoted provision in Section 18 of P.D. No. 946 is found in Section 40 of Batas Pambansa Blg. 129 (effective on August 14, 1981, although the reorganization of the courts took effect on January 17, 1983) which provides as follows:

"SEC. 40. Form of decision in appealed cases. — Every decision or final resolution of a court in appealed cases shall clearly and distinctly state the findings of fact and the conclusions of law on which it is based, which may be contained in the decision or final resolution itself, or adopted by reference from those set forth in the decision, order, or resolution appealed from."

This provision modified the penultimate paragraph of Section 33 of the Judiciary Act of 1948 as amended which read: "Every decision of the Court of Appeals shall contain complete findings of fact on all issues properly raised before it."

The above-quoted provisions in Section 18 of P.D. No. 946 and Section 40 of B.P. No. 129 are of particular importance with respect to the Court of Appeals because its findings of fact are generally final and conclusive. (A summary of the exceptions to this rule is made in *Sacay vs. Sandiganbayan*, July 10, 1986, 142 SCRA 593.)

As previously stated, the decision of the Court of Agrarian Relations consisted of thirteen pages, single space. The above-quoted decision of the respondent Court of Appeals consists of four pages, three of which contains verbatim the dispositive portion of the decision appealed from. The remaining page is devoted to an explanation

of why "for judicial convenience and expediency, therefore, We hereby adopt, by way of reference, the findings of facts and conclusions of the court a quo spread in its decision, as integral part of this Our decision." The said decision may be considered as substantial compliance with the above-quoted provisions in Section 18 of P.D. No. 946 and Section 40 of B.P. No. 129. However, the authority given the appellate court to adopt by reference the findings of fact and conclusions of law from those set forth in the appealed decisions should be exercised with caution and prudence, because the tendency would be to follow the line of least resistance by just adopting the findings and conclusions of the lower court without thoroughly studying the appealed case.

In the case at bar, considering that, as above shown, petitioners were not given the opportunity to submit to the appellate court the errors allegedly committed by the agrarian court, we deem it necessary in the interest of justice to remand the case to the Court of Appeals.

Under our present judicial system, a party is generally allowed one appeal as a matter of right and a second appeal as a matter of discretion. Hence it is that an appeal may be taken as a matter of right from the decision of a metropolitan or municipal trial court to the regional trial court; but the appeal from the decision of the regional trial court in such a case is a matter of discretion, whether the appeal be to the Court of Appeals on both questions of fact and law through a petition for review (Section 22 of B.P. No. 129 and Section 22(b) of the Interim Rules), or to this Court on questions of law only through a petition for review on certiorari (Rule 45 and Section 25 of the Interim Rules). From the decision of a regional trial court in an action originally filed with it, an appeal may be taken as a matter of right to the Court of Appeals on both questions of fact and law; but the appeal on questions of law only from the decision of the Court of Appeals to this Court in such a case through a petition of review on certiorari is a matter of discretion. (See *Lacsamana vs. Intermediate Appellate Court, et al.*, G.R. No. L-73146-53, August 26, 1986.)

In the case at bar, petitioners had the right to appeal from the decision of the Court of Agrarian Relations to the Court of Appeals. And since Section 18 of P.D. No. 946 provides, following the general rule, that "the decisions or orders of the Court of Appeals may be appealed to the Supreme Court by petition for review on certiorari only on questions of law," petitioners should be given the opportunity to correct errors in the findings of fact made by the trial court. And this is particularly necessary in agrarian cases where no motion for rehearing or reconsideration is allowed in the Court of Appeals (Section 18, *Ibid.*).

It cannot be too strongly emphasized that just as important as the intrinsic validity of a decision is the perception by the parties-litigants that they have been accorded a fair opportunity to be heard by a fair and responsible magistrate before judgment is rendered. It is this perception, coupled with a clear conscience, which enables the members of the judiciary to discharge the awesome responsibility of sitting in judgment on their fellowmen.

WHEREFORE, the decision promulgated by respondent Court of Appeals affirming in full the decision of the Court of Agrarian Relations is set aside and the case is remanded to the Court of Appeals to enable the parties to file simultaneous memoranda within a non-extendible period of fifteen days from notice, after which respondent Court shall render a decision upon the points raised and discussed in said memoranda that were not touched upon in the decision of the agrarian court which was adopted by the appellate court as basis for its original judgment of affirmance. No costs.

SO ORDERED.

Teehankee, C.J., Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, Paras, and Feliciano, JJ., concur.

Yap, J., on leave

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