

**SPOUSES ESPIRIDION TERUÑEZ AND MACARIA TERUÑEZ,
PETITIONERS, VS. HONORABLE INTERMEDIATE APPELLATE COURT
AND VIOLETO CAMAYRA, RESPONDENTS.**

G.R. No. 61129, January 31, 1985

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This case originated in the defunct Court of Agrarian Relations, Iloilo City, where Violeto Camayra filed a complaint against the spouses Esperidion and Macaria Teruñez. The prayer was for the defendants to recognize the plaintiff to be a tenant on a piece of agricultural land planted to coconuts. The plaintiff alleged that he was instituted tenant by Florentino Torreta, the father of Mrs. Teruñez.

The Agrarian Court dismissed the complaint and ordered the plaintiff to pay the defendants P1,000.00 by way of attorney's fees and P500.00 as litigation expenses.

The plaintiff appealed to the Court of Appeals which in a decision penned by Justice Nestor B. Alampay who is now a member of this Court and joined by Justices Isidro C. Borromeo and Vicente V. Mendoza, rendered judgment declaring appellant Camayra as a de jure share tenant of the appellees, ordering the latter to reinstate the former as tenant and to pay P1,000.00 as nominal damages and P1,000.00 as litigation expenses. (Rollo, p. 68.)

The Teruñez spouses in their petition for review assail the Court of Appeals, now Intermediate Appellate Court, for reversing the decision of the trial court.

The petition is not impressed with merit. The review which is sought, for the reason to be stated hereunder, does not fall under any of the grounds warranting the exercise of this Court's discretionary power, namely:

"(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 de-parted 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." (Rule 45, Sec. 4, Rules of Court.)

The core issue is one of fact, i.e. whether or not the plaintiff is a share tenant of the defendants.

The trial court in holding that the plaintiff was a mere laborer and not a share tenant of the defendants relied strongly on the circumstance that during the trial, "the plaintiff failed to adduce any evidence to show the gross and net produce of his coconut land from 1971-75, the period in which he was allegedly the tenant thereof of defendants nor was the plaintiff able to adduce any proof as to how much was the actual share of the defendants as well as his own share." (Rollo, p. 25.)

The appellate court in reversing the trial court's decision said:

"In concluding that appellant was not a tenant of Florentino Torreta but a mere hired laborer, simply because no question relative to the matters of gross produce, net harvest and shares of both landholder Florentino Torreta and the plaintiff-appellant were propounded to the appellant and his witnesses on cross-examination, or even in the direct examination of these witnesses. The trial judge committed a reversible error, because he ignored or overlooked the preponderant evidence of plaintiff-appellant clearly establishing his status as a tenant of the late Florentino Torreta on the landholding in question." (Rollo, pp. 56-57. Underscoring supplied.)

The appellate court then extensively reviewed the evidence which led it to the factual conclusion that Camayra is indeed a tenant and not a mere hired laborer of the Teruñez spouses. This Court in petitions for review will not re-examine the facts except for unusual reasons and none is present in this case.

WHEREFORE, the petition is hereby dismissed and the decision under review is affirmed with costs against the petitioners.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Escolin, and Cuevas, JJ., concur.

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