

ALFREDO BAGSICAN, PETITIONER, VS. HONORABLE COURT OF APPEALS, PEDRO AGOT AND LECATEDRA AGOT, RESPONDENTS.

G.R. No. 62255. January 30, 1986

Ponente: CUEVAS, J.

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CUEVAS, J.:

Petition for review of the Decision of the then Court of Appeals in CA-G.R. No. 10054-CAR, entitled "Alfredo Bagsican, Plaintiff-Appellee, vs. Pedro Agot and Lecatedra Agot, Defendants-Appellants", which reversed and set aside the decision of the defunct Court of Agrarian Relations - Branch III, Ozamiz City, the dispositive portion of which reads as follows:

"WHEREFORE, IN VIEW OF ALL THE FORE-GOING, judgment is hereby rendered:

(1) Declaring the plaintiff herein, Alfredo Bagsican, the lawful tenant on the coconut landholding in question, situated at Buntawan, Oroquieta City;

(2) Ordering the defendants to re-instate immediately plaintiff thereon;

(3) Ordering the defendants to pay, as damages, to plaintiff the following:

(a) the sum of Eighty Pesos (P80.00) for the last quarter of the year 1973 and P80.00 every quarter thereafter until reinstated;

(b) the sum of Twenty-Five Pesos (P25.00) as actual expenses for transportation and meals.

(4) Dismissing all other claims and counterclaims for lack of proof."

Subject matter of the instant controversy is a 4-hectare landholding situated at Buntawan, Oroquieta City. It forms part of a big tract of land consisting of 114 hectares, more or less, originally owned by the late Severo Jonson, father of private respondent Lecatedra Jonson Agot.

The aforementioned 4-hectare landholding was originally worked on and tenanted by Juan Bagsican, father of the herein petitioner Alfredo Bagsican. After Juan's death, his wife, assisted by the herein petitioner, continued tenancing the aforesaid landholding. Petitioner's mother on the other hand died in 1940, and from then on herein petitioner continued in working and tenancing the landholding in question thereby planting an additional 267 coconut trees, bananas, fruit trees, cassava and other root crops.

Severo Jonson died sometime in 1948. The big tract of land was then partitioned among his children and the portion being worked on and tenanted by the petitioner allotted to Lecatedra Jonson Agot, the herein appellee. After the partition, herein petitioner nevertheless continued with his occupation and tenancy of the questioned landholding thereby delivering to herein private respondent her share as an owner, on a 50-50 sharing basis, until September, 1973 when he was ejected therefrom by the herein private respondent that culminated in the filing by the petitioner of a complaint for Reinstatement with Damages,[1] against herein private respondents before the Court of Agrarian Relations.

After trial, judgment was rendered in favor of the petitioner with the disposition as herein earlier stated. From the aforesaid judgment, private respondents appealed to the defunct Court of Appeals which reversed and set aside the decision appealed from.[2]

Petitioner now comes before Us through the instant petition contending among other things, that (1) the Court of Appeals erred in adopting the "preponderance of evidence rule" instead of the mere "substantial evidence rule" in the resolution of the instant case, the same being an agrarian case; (2) the Court of Appeals can-not disturb the findings of fact of the Court of Agrarian Relations on the mere issue of credibility of witnesses; and (3) that the judgment of the Court of Appeals is based on a misapprehension of facts.

We find merit in petitioner's submittal that in agrarian cases, all that is required is mere "substantial evidence". That has been the consistent ruling of this Court in a long line of cases.[3] This substantial evidence rule was later incorporated in P.D. 946 which took effect on June 17, 1976 and has been expressly made applicable to agrarian cases. Section 18 of the said dec-ree provides:

"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.

x x x x."

Under this rule, all that the appellate court has to do, insofar as the evidence is concerned, is to find out if the decision is supported by substantial evidence.[4] So much so that, the findings of fact of the Court of Agrarian Relations, if supported by substantial evidence, are conclusive on the appellate tribunal.[5]

Substantial evidence does not necessarily import preponderant evidence, as is required in an ordinary civil case. It 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, for the appellate court cannot substitute its own judgment or criteria for that of the trial court in determining wherein lies the weight of evidence or what evidence is entitled to belief.[6]

In the case at bar, the trial court ordered the reinstatement of the petitioner on the basis of the following findings of fact:

"There is abundance of undenied evidence that the late Juan Bagsican, father of the herein plaintiff, during his lifetime, was a former tenant of a portion of the big tract of land owned by the late Severo Jonson, defendant's father.

The Court, after careful examination of the evidence on record, lends more credence to plaintiff's undisturbed claim, substantially corroborated by his witness, that he succeeded and is in continuous possession and cultivation of his parents' landholding. This started sometime in 1940, the year his mother died, who succeeded also as tenant on the landholding after the death of her spouse, Juan Bagsican (plaintiff's father) who died earlier than his mother. After his mother's death, he succeeded and cultivated the landholding and was able to plant 267 coco trees, bananas, fruit trees, cassava, etc., but during the lifetime of his mother, he had however, planted 30 coco trees. When these trees became fruit bearing in 1948, which coincidentally was the year the big tract of land was partitioned among the heirs of the late Severo Jonson, plaintiff shared the harvest with the defendant Lecatedra Jonson Agot at a 50-50 sharing ratio since he was the one who planted the coco trees (tsn, pp. 4-8, August 8, 1975; and tsn, pp. 2-4, August 21, 1975).

The records disclose that after the estate of the late Severo Jonson was partitioned in 1948, the tenanted landholding of the herein plaintiff became the share or is now owned by the herein defendant Lecatedra Jonson Agot which is not denied by the latter, and as testified to by Felicisimo Jonson, brother of the defendant

Lecatedra Jonson Agot (tsn, p. 2, August 21, 1975)."

Such quantum of evidence cannot be washed away by a mere denial of the existence of tenancy relationship as that set up by the private respondents who claimed that petitioner was never a tenant of theirs in the landholding in question. The observation and conclusion of the trial court that said claim is bereft of merit appeared to be well taken, since the persons who testified to be tenants on the said landholding, separately described areas and boundaries different from that admitted by the parties[7] and more so when their individual description materially differs from each other.[8] The respondent court also took notice of said deficiency in private respondent's evidence, but it rationalized its stand on this point in the following manner:

"The supposed discrepancies in the statement of boundaries are understandable. Various new acquisitions had been made re: the share of the other heirs. At any rate, this will indicate that the defense witnesses were not in collusion with one another."

Anent private respondent's assertion that it was Julio Lagamon and Brigido Lagamon, father and son, respectively, who had been tenantry the landholding in dispute, We find the trial court's finding on the said subject, which runs thus:

"This confirm the belief of the court that these two tenants, namely: Julio Lagamon and Brigido Lagamon, father and son, respectively, are tenantry other portions of defendant's land other than the land in question. This is buttressed by the fact that Julio Lagamon, father-in-law of the herein plaintiff became a tenant of the defendant only sometime in 1949 after the marriage of his daughter to the herein plaintiff (now petitioner). It could be informed that this Julio Lagamon came to know of the defendant Lecatedra Jonson-Agot only after this marriage for prior to this period, he was living in Buenavista, Pagadian City which is located in Zamboanga del Sur. (TSN, p. 38-40, Hearing of October 24, 1975)."

to be likewise supported by the evidence on record and very much in accord with logic and ordinary human experience.

Finally, with respect to petitioner's motive in filing the instant case, We quote with approval the court's findings and observations on said issue. And it runs thus:

"The court cannot sustain defendants' view that plaintiff's motive in filing this case is retaliatory in nature due to the former's criminal complaint against the latter's son, because, as so decided in Overo vs. Caret, et al., CA-G.R. No. 43940-R, October 27, 1971, the plaintiff..... like any man of ordinary intelligence, would not resort to filing an action in Court for his reinstatement as a tenant had there been no justifiable reason there-fore. Man is presumed to take ordinary care of his concerns. Indeed, it would be contrary to human nature if the herein plaintiff would venture on an expensive litigation, poor as they are, and face the rigors of trial if they have not been done any wrong. Even if defendants' view were true, the same could not defeat a right which is protected by law. Besides, plaintiff has substantially shown that he was indeed ejected by the herein defendants as testified to by Felicisimo Jonson (TSN, pp. 4-5, August 21, 1975)."

IN VIEW OF THE FOREGOING CONSIDERATIONS, the judgment of the respondent Court of Appeals is hereby REVERSED and SET ASIDE and that of the Court of Agrarian Relations is hereby REINSTATED.

No pronouncement as to costs.

SO ORDERED.

Concepcion, Jr., (Chairman), Abad Santos, Escolin, and Alampay, JJ., concur.

[1] CAR Case No. 1035 '75.

[2] Rollo, page 32.

[3] Ulpiendo vs. CAR, L13891, Oct. 31, 1960; Villaviza vs. Panganiban, 10 SCRA 824; Gagola vs. CAR, 18 SCRA 992; Beltran vs. Cruz, 25 SCRA 607.

[4] Picardal vs. Lladas, 21 SCRA 1483, 1488.

[5] De Chavez vs. Zobel, et al., 55 SCRA 32.

[6] Picardal vs. Lladas, supra.

[7] Pre-trial order of July 2, 1975.

[8] TSN, pp. 62-65, Sept. 10, 1975 and TSN, pp. 44-46, October 24, 1975.

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