

VICENTE PALO-PALO, PETITIONER, VS. INTERMEDIATE APPELLATE COURT, ZOSIMA TAÑO AND JUSTON TAÑO, ABRAHAM PALALON AND AGRIPINA GADIANE, RESPONDENTS.*G.R. No. 75584. October 19, 1992*

Ponente: MELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-75584/>**MELO, J.:**

In a complaint filed on July 1, 1979, herein petitioner Vicente Palo-Palo sought to be allowed to exercise the right of redemption or pre-emption grunted to a tenant under Republic Act No. 3844, as amended by Republic Act No. 6389, over a certain landholding situated in Antolang, Siaton, Negros Oriental and described in Paragraph 2 of the complaint. Pertinently, the complaint alleged that petitioner started his tenancy over the landholding in 1949 when the property was still owned by Zacarias Palacain; that the property was sold in 1965 to the spouses Juston and Zosima Taño who recognized petitioner's tenancy and continued with the arrangement of sharing the harvest from the landholding; that the spouses Taño sold the property sometime in October 1978 to herein private respondents Abraham Palalon and Agripina Gadiane, who at first allowed petitioner to cultivate the area until May 25, 1979, at which time they plowed the farmholding and planted it to corn, thus effectively dispossessing petitioner of the landholding (pp. 3-4, Original Record).

Then defendants, now private respondents, in their original answer (pp. 19-20, Original Record), initially contended that petitioner was never a tenant of the property sold, which landholding, in any event, they claim is different from the property allegedly tenanted by petitioner.

After trial, Branch XXXVI of the Regional Trial Court of the Seventh Judicial Region stationed in Dumaguete City, found in favor of then defendants, declaring that then plaintiff, now petitioner, cannot avail himself of the right of pre-emption of a tenant because he is not a tenant of the property. This finding of the trial court that petitioner is not a tenant was solely premised on the ground that petitioner, as did private respondents, offered in evidence the Deed of Absolute Sale of the property in favor of Abraham Palalon and Agripina Gadiane for P1,850.00, for which reason, so the trial court ruled, petitioner is bound by the statement in said deed that the property is "not tenanted". (p. 115, Original Record.)

Upon the matter being elevated to the then Intermediate Appellate Court, petitioner was again rebuffed, with the appellate court (AC-G.R. SP No. 08136-CAR, Sison, J (P), Kapunan, Lozano, Cruz, JJ) re-echoing the trial court's conclusion that petitioner is bound by the statement in the deed of sale that the property is not tenanted. In the process, it was held:

"... The rule is that any party introducing a document is conclusively bound thereby (People vs. Cuaresma, CA-G.R. No. 06580-CR, March 17, 1972 citing Sec. 22, Rule 130, Revised Rules of Court, Moran, Comments on the Rules of Court, Vol. 5, p. 212, Rev. Ed.; People vs. Hermano, 75 Phil. 554; Tinio, et al. vs. Clemente, et al., CA-G.R. No. SP-08001-R, Oct. 30, 1978). The appellant himself adopted this document as his own evidence and marked it as his own Exhibit 'B'. Since said document explicitly reveals that the landholding subject matter of the sale was not tenanted, appellant is bound by the contents thereof particularly regarding the

fact that it was not tenanted at all.” (p. 13, Rollo.)

Hence, the instant petition for review on certiorari which we find impressed with merit.

It is true that petitioner introduced the deed of sale whereby the spouses Taño sold the property to Abraham Palalon and Agripina Gadiane, but this was done solely for the purpose of proving the fact of conveyance of the landholding. This is clear from petitioner’s “Memorandum of Exhibits and Offer of Evidence” where he declared that he was submitting the deed of sale as his Exhibit “B” to show -?

“... The transfer of the tenanted (emphasis supplied) land from the spouses Zosima Palacain Taño and Juston Taño to the spouses Abraham Palalon and Agripina Gadiane for the consideration of P1,850.00 which fact of conveyance entitled the plaintiff to exercise the right of redemption.” (p. 108, Original Record.)

Verily, petitioner had to show the fact of transfer of the landholding, this being an essential requisite before he can claim the right of pre-emption or redemption. And surely, petitioner cannot be bound by the statement in the document to the effect that the property is not tenanted, for petitioner was not a party nor a signatory in the transaction and the deed.

The then Intermediate Appellate Court went no further after it pronounced that petitioner is not a tenant of the property on the basis of the deed of sale. Considering, however, our rejection of such position, it becomes necessary to resolve two additional issues, namely: (a) whether the landholding of which petitioner claims to be a tenant is the same property sold by the spouses Taño to Abraham and Agripina, and (b) whether petitioner is indeed a tenant of the landholding.

Absent any findings by the appellate court on these points, We found it necessary to refer to the Original Record of the case.

Up to this time, private respondents continue to indulge into a lot of misleading statements concerning the identity of the property, saying that the property in litigation was purchased “from the decedent Vinancio Palacain which portion was the share of Herminigilda Palacain and wherein herein petitioner was only a tenant of the share of Zacarias Palacain ...” (p. 52, Rollo).

Seemingly forgotten in the almost senseless chatter of private respondents is the fact that even before the case was decided by the trial court, the fact that the landholding claimed to be tenanted by petitioner and the property sold to Abraham and Agripina by the spouses Taño are one and the same parcel of land was already a settled matter.

Thus, on October 4, 1979, CAR Deputy Sheriff Montano A. Galvez, Sr. who was directed by the trial court to determine the identity of the property, rendered his report, stating among other things:

“... It is further agreed by both parties present that the land inspected by the undersigned is the same land in question.” (p. 31, Original Record.)

It is on this same basis that the trial court later said:

“There is no question now as to the identity of the land described in paragraph 2 of the Complaint. The sketch (page 32 of the records) is the sketch of the land described in the second paragraph of Exhibit ‘B’ of plaintiff which is also Exhibit ‘6’ for the defendants and is also the sketch of the land described in paragraph 2 of the Complaint. There is evidence to show that there is no more question as to the identity of the land when Atty. Pajunar for the defendants stated that ‘Before we proceed since the land in question has been identified already jointly by the plaintiff and it would seem that the only question now would be whether there was a sale or not.’ (TSN, hearing of October 10, 1979, page 4, Zerna)”. (p. 114, Original Record.)

Going to the question of tenancy, this too was settled in the amended answer of private respondents wherein they

admitted “that the plaintiff had been a tenant of the late Zacarias Palacain in the land of the latter” (p. 93, Original Record), the very land shown to have been sold by the Taños to Abraham and Agripina.

In fine, both the court of origin and the appellate court could have found for petitioner were said courts not unduly swayed by the circumstance that petitioner presented as his own evidence the deed of sale wherein it was stated that the land involved is not tenanted. Such conclusion having been rejected and the identity of the landholding as well as the fact of tenancy thereon of petitioner being established matters, there is no further hindrance to the exercise by petitioner of the right of redemption or pre-emption extended and granted to him by law.

WHEREFORE, the decision under review is hereby set aside and another is entered recognizing the right of pre-emption or redemption of petitioner over the subject property in accordance with the provisions of Republic Act No. 3844, as amended by Republic Act No. 6389.

SO ORDERED.

Gutierrez, Jr., (Chairman), Bidin, Davide, Jr., and Romero, JJ., concur.

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