

**ROMEO REYES, ANGEL PARAYAO, AND EMILIO MANANGHAYA,
PETITIONERS, VS. THE COURT OF APPEALS, EUFROCINA DELA CRUZ
AND VIOLETA DELOS REYES, RESPONDENTS.**

G.R. No. 96492. November 26, 1992

Ponente: NOCON, J.

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NOCON, J.:

Petitioners Romeo Reyes, Angel Parayao and Emilio Mananghaya question the respondent Court's decision promulgated on November 22, 1990,[1] which affirmed with modification the agrarian court's decision promulgated January 10, 1990,[2] which ordered them and the other defendants therein to, among others, restore possession of the disputed landholding to private respondent, Eufrocina Vda. dela Cruz. Said respondent court's decision is now final and executory as to Olympio Mendoza and Severino Aguinaldo, the other defendants in the agrarian court and, also, the other petitioners in the respondent court, since they did not appeal the same.

Since petitioners do not dispute the findings of fact of the respondent Court, the same shall be quoted verbatim and are as follows:

"It appears from the records that Juan Mendoza, father of herein defendant Olympio Mendoza, is the owner of Farm Lots Nos. 46 and 106, Block 2, Psd-38453 of the Bahay Pare Estate, Bahay Pare, Candaba, Pampanga, with an area of 23,000 square meters and 19,000 square meters, respectively. Devoted to the production of palay, the lots were tenanted and cultivated by Julian dela Cruz, husband of plaintiff Eufrocina dela Cruz. Julian died on September 25, 1979.

In her complaint, Eufrocina alleged that upon the death of Julian, she succeeded him as bona fide tenant of the subject lots; that between July 7 to July 15, 1984, Olympio Mendoza, in conspiracy with the other defendants, prevented her daughter Violeta and her workers through force, intimidation, strategy and stealth, from entering and working on the subject premises; and that until the filing of the instant case, defendants had refused to vacate and surrender the lots, thus violating her tenancy rights. Plaintiff therefore prayed for judgment for the recovery of possession, and damages with a writ of preliminary mandatory injunction in the meantime.

Defendants Reyes, Parayao, Aguinaldo and Mananghaya, duly elected and/or appointed barangay officials of Bahay Pare, Candaba, Pampanga, denied interference in the tenancy relationship existing between plaintiff and defendant Mendoza, particularly in the cultivation of the latter's farm lots. Claiming that they have always exercised fairness, equity, reason and impartiality in the discharge of their official functions, they asked for the dismissal of the case and claimed moral damages and attorney's fees in the total amount of P165,000.00 (Answer with Counterclaim, Records, pp. 48-51).

For his part, defendant Mendoza raised abandonment, sublease and mortgage of the farm lots without his consent and approval, and non-payment of rentals, irrigation fees and other taxes due the government, as his defenses. He also demanded actual and exemplary damages, as well as attorney's fees (Answer, pp. 77-78).

During the pendency of the case in the lower court, Mendoza was in possession of the subject lots and had cultivated the same. Upon motion of plaintiff, the court directed its Deputy Sheriff to supervise the harvesting

of the palay crops, to cause the threshing thereof and to deposit the net harvest (after deducting from the gross harvest the seeds used and the expenses incurred), in a bonded warehouse of the locality subject to the disposition of the court." [3]

The respondent Court rendered judgment affirming the appealed agrarian court's decision with the modification that Lot 106 is not covered by it.

The dispositive portion of the appealed decision, which was modified, states as follows:

"WHEREFORE, judgment is hereby rendered, in favor of plaintiff and against defendants:

On the Mandatory Injunction:

1. Ordering said defendants to restore possession of the landholding subject of the action to the plaintiff and enjoining said defendants and any person claiming under them to desist from molesting them or interfering with the possession and cultivation of the landholding described in paragraph 3 of the complaint, to wit:

Farm Lots Nos. 46 and 106, Block 2, Psd-38453 of the Bahay Pare Estate, Bahay Pare, Candaba, Pampanga, with a total area of 23,969 square meters, more or less, owned by a certain Juan Mendoza, and devoted principally to the production of palay, as evidenced by a Certification from the Ministry of Agrarian Reform issued on July 30, 1984.

2. a) Ordering the defendants to vacate the premises of the two landholding in question and to respect the tenancy rights of plaintiff with respect to the same;

b) Ordering defendants, jointly and severally to pay unto plaintiff 220 cavans of palay or its equivalent in cash of P33,000.00 from the principal crop year of 1984, and every harvest time until defendants finally vacate and surrender possession and cultivation of the landholding in question to plaintiff.

c) the prayer for moral damages, not having been sufficiently proved, the same is denied.

d) Ordering defendants jointly and severally, to pay the costs of suit.

The awards herein provided should first be satisfied from the deposits of the harvests ordered by the Court from which the planting and harvesting expenses have been paid to defendant Olympio Mendoza; and if said net deposits with the Court or the warehouses as ordered by the Court are insufficient, then the balance should be paid by defendants, jointly and severally." [4]

Defendants who are the petitioners in this case, in a Petition for Review on Certiorari, present for the consideration of the Court:

"[T]he lone issue of whether or not they can be held liable, jointly and severally, with the other defendants, for the harvests of the litigated property, Lot No. 46, or the money equivalent thereof starting from the principal crop years of 1984 and every harvest time thereafter until the possession and cultivation of the aforesaid landholding are finally surrendered to the private respondent." [5]

It is the position of petitioners that they are not liable jointly and severally with Olympio Mendoza and Severino Aguinaldo because the present petition involves Lot No. 46, Block 2, Psd-38453 of the Bahay Pare Estate, Bahay Pare, Candaba, Pampanga and not Lot No. 106 of the same estate, which lot was purchased by petitioner Romeo Reyes from Olympio Mendoza's father, Juan, and which he later donated to the Barangay Bahay Pare of Candaba, Pampanga, for the construction of the Bahay Pare Barangay High School. [6] As to their supposed participation in the dispossession of private respondent from the disputed landholding, petitioners present the September 30, 1987 Resolution of Investigating Fiscal Jesus M. Pamintuan, as approved by Pampanga Provincial Fiscal Villamor I. Dizon, in I.S. No. 8576, [7] wherein private respondent's complaint against petitioners and the other defendants in

the agrarian court for violation of P.D. 583[8] was dismissed, to show that private respondent's "point is already settled and considered closed." [9] Lastly, petitioners claim that they were included in the present controversy so that their political career would be destroyed. [10]

Private respondents deny petitioners' allegations and contend that it was petitioners who conspired with Olympio Mendoza and Severino Aguinaldo in ejecting them not only from Lot No. 46 but also from Lot No. 106. They maintain that it was in Farmlot No. 46 from where they were ejected and dispossessed, so much so that even if Farmlot No. 106 was removed by the Court of Appeals from the judgment, as Farmlot No. 46 was harvesting palay worth at least P33,000.00 per year since 1989, private respondents, who are entitled to the possession and peaceful enjoyment of the farmlot as provided for in Section 23 of the Agrarian Reform Law, should be compensated for the lost income by the petitioners who are solidarily liable with Olympio Mendoza and Severino Aguinaldo. [11]

We find for the private respondents.

It is clear that petitioners are asking Us to re-examine all the evidence already presented and evaluated by the trial court and re-evaluated again by the respondent appellate court. Said evidence served as basis in arriving at the trial court and appellate court's findings of fact. We shall not analyze such evidence all over again but instead put finis to the factual findings in this case. Settled is the rule that only questions of law may be raised in a petition for review on certiorari under Rule 45 of the Rules of Court [12] absent the exceptions which do not obtain in the instant case. [13]

We agree with the appellate court in its ratiocination, which We adopt, on why it has to dismiss the appeal. Said the Court:

"In her Complaint, plaintiff-appellee alleged that she 'is the tenant of Farm Lots Nos. 46 and 106, Block 2, Psd-38453 of the Bahay Pare Estate, Bahay Pare, Candaba, Pampanga, with a total area of 23,969 square meters, more or less x x x' (Complaint, Records, vol. 1, p. 1). However, during Violeta's testimony, she clarified that actually only Lot No. 46 containing an area of 23,000 square meters is the one involved in the dispute. Lot No. 106, which contains an area of 19,000 square meters, is not included in this controversy (T.S.N., August 10, 1989, p. 5; May 8, 1989, p. 12). This statement was corroborated by plaintiff's counsel, Atty. Arturo Rivera, who informed the court that the 19,000 square meter lot is subject of a pending case before the MTC of Sta. Ana, Pampanga (Ibid., p. 15). The inconsistency between the averment of the complaint and the testimony of the witness should not be taken against appellee not only because there was no showing that she intended to mislead defendants and even the trial court on the subject matter of the suit. It would appear that Lot No. 106 had been included in the complaint since together with Lot 46, it is owned by Olimpio's father.

We also concur with the trial court's finding on the participation of the other appellants in the dispossession of appellee. They not only knew Olimpio personally, some of them were even asked by Olimpio to help him cultivate the land, thus lending credence to the allegation that defendant Olimpio, together with his co-defendants, prevented plaintiff and her workers from entering the land through 'strong arm methods.' (Decision of RTC, Records, vol. II, p. 564).

Finally, we rule that the trial court did not err when it favorably considered the affidavits of Eufrocina and Efrén Tecson (Annexes "B" and "C") although the affiants were not presented and subjected to cross-examination. Section 16 of P.D. No. 946 provides that the 'Rules of Court shall not be applicable in agrarian cases even in a suppletory character.' The same provision states that 'In the hearing, investigation and determination of any question or controversy, affidavits and counter-affidavits may be allowed and are admissible in evidence.'

Moreover, in agrarian cases, the quantum of evidence required is no more than substantial evidence. This substantial evidence rule was incorporated in section 18, P.D. No. 946 which took effect on June 17, 1976 (Castro vs. CA, G.R. No. 34613, January 26, 1989). In Bagsican vs. Hon. Court of Appeals, 141 SCRA 226, the Supreme Court defined what substantial evidence is:

'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.' "[14]

WHEREFORE, finding no reversible error in the decision appealed from, the petition is hereby DENIED for lack of merit. The decision of the Court of Appeals promulgated on November 22, 1990 is AFFIRMED in toto. Costs against the petitioners.

SO ORDERED.

Narvasa, C.J., (Chairman), Feliciano, Regalado, and Campos, Jr., JJ., concur.

[1] Decision, CA-G.R. No. SP 20528 (CAR), penned by Justice Alfredo L. Benipayo and concurred in by Justices Cesar D. Francisco and Fortunato A. Vailoces.

[2] Decision of the RTC, Branch XLVI, 3rd Judicial Region, San Fernando, Pampanga acting as an agrarian court; penned by Judge Norberto C. Ponce.

[3] Op cit., pp. 3-4; Rollo, pp. 25-26.

[4] Original Records, pp. 565-566.

[5] Petitioners' Memorandum, p. 7; Rollo, p. 62.

[6] Petitioners' Memorandum, p. 10; Rollo, p. 65.

[7] Annex "B", Petition; Rollo, pp. 20-21..

[8] Prescribing Penalties for the Unlawful Ejectment, Exclusion, Removal or Ouster of Tenant-Farmers from their Farmholdings.

[9] Petitioners' Memorandum, pp. 10-11; Rollo, pp. 65-66.

[10] Petition, p. 9; Rollo, p. 17.

[11] Private respondents' Memorandum, pp. 4-5; Rollo, pp. 73-74.

[12] Decision, Misa vs. CA, G.R. No. 97291, August 5, 1992, pp. 4-5.

[13] The case of Medina v. Asistio, G.R. No. 75450, 191 SCRA 218, 223-224 (1990) enumerates several instances when findings of fact may be passed upon and reviewed by this Court, none of which obtain herein:

"(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures (Joaquin v. Navarro, 93 Phil. 257 [1953]); (2) When the inference made is manifestly mistaken, absurd or impossible (Luna v. Linatok, 74 Phil. 15 [1942]); (3) Where there is a grave abuse of discretion (Buyco v. People, 95 Phil. 453 [1955]); (4) When the judgment is based on a misapprehension of facts (Cruz v. Sosing, L--4875, Nov. 27, 1953);

(5) When the findings of fact are conflicting (*Casica v. Villaseca*, L-9590 Ap. 30, 1957; unrep.); (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee (*Evangelista v. Alto Surety and Insurance Co.*, 103 Phil. 401 [1958]); (7) The findings of the Court of Appeals are contrary to those of the trial court (*Garcia v. Court of Appeals*, 33 SCRA 622 [1970]); *Sacay v. Sandiganbayan*, 142 SCRA 593 [1986]); (8) When the findings of fact are conclusions without citation of specific evidence on which they are based (*Ibid.*); (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents (*Ibid.*); and (10) The findings of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record (*Salazar v. Gutierrez*, 33 SCRA 242 [1970])."

Ibid., p. 5.

[14] Decision, CA-G.R. SP 20528 (CAR), pp. 6-7; Rollo, pp. 28-29.

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