

HEIRS OF WILLIAM SEVILLA, NAMELY, DIONESIA PONCE VDA. DE SEVILLA AND CHILDREN ROSALYN, WILFREDO, WILSON, WILMA, WILINA, WILLINGTON AND WILLIAM, JR., ALL SUR-NAMED SEVILLA, PETIT...

G.R. Nos. 57477-78. November 19, 1982

Ponente: AQUINO, J.

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AQUINO, J.:

These cases involve the jurisdiction of this Court and the Court of Appeals under Republic Act No. 6031 to review the decision of the Court of First Instance in two ejectment cases decided by a city court.

The Court of First Instance of Zamboanga del Norte in its decision dated March 10, 1981 affirmed the two judgments of the city court of Dipolog City dated September 5, 1980, ordering William Sevilla to vacate the lots of Juan Castillon and Guadalupe Yap, to remove his improvements thereon and to pay certain amounts a month as compensation for the use of the said lots.

Counsel for the heirs of William Sevilla (he died while the cases were pending in the Court of First Instance) received a copy of that decision on March 19, 1981. Twenty-six days later, or on April 14, 1981, counsel mailed to the Court of Appeals a petition for review. He contends that the factual findings of the Court of First Instance are not supported by substantial evidence and that its conclusions are clearly against the law and jurisprudence.

Those are the grounds for the review of the decision of the Court of First Instance in cases, like ejectment cases, exclusively cognizable by inferior courts, as indicated in the following provisions of section 45 of the Judiciary Law, as amended by Republic Act No. 6031:

"SEC. 45. Appellate jurisdiction.- x x x.

"In cases falling under the exclusive original jurisdiction of municipal and city courts which are appealed to the courts of first instance, the decision of the latter shall be final: Provided, That the findings of facts contained in said decision are supported by substantial evidence as basis thereof, and the conclusions are not clearly against the law and jurisprudence: x x x Provided, however, that the Supreme Court in its discretion may, in any case involving a question of law, upon petition of the party aggrieved by the decision and under rules and conditions that it may prescribe, require by certiorari that the case be certified to it for review and determination, as if the case had been brought before it on appeal." (The second proviso is a verbatim reproduction of the proviso in section 29 of the Judiciary Law.)

The Sevilla heirs categorically stated that their Petition for review was filed pursuant to the resolution of the Court of Appeals en banc dated August 12, 1971 (67 O.G. 6715) which prescribes a uniform procedure for the review by that Appellate Court of the decisions of the Court of First Instance in cases exclusively cognizable by inferior courts where the factual findings of the Court of First Instance are assailed for not being supported by substantial evidence as basis thereof and the conclusions are claimed to be clearly against the law and jurisprudence.

The Sixth Division of the Court of Appeals, acting on its honest conviction that the petition for review raises a purely legal question, certified the case to this Court in its resolution of May 4, 1981.

We are of the opinion that these cases fall within the exclusive appellate jurisdiction of the Court of Appeals because the petitioners raise factual issues which require an examination and evaluation of the evidence. The petition does not deal with purely legal issues.

We further hold that the Court of Appeals correctly implemented the provisions of Republic Act No. 6031 in its aforementioned 1971 resolution.

WHEREFORE, these cases are returned to the Court of Appeals for adjudication. It should resolve the pending motion for execution dated September 15, 1982 filed by respondents Yap and Castillon.

SO ORDERED.

Fernando, C.J., Makasiar, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Teehankee, J., files a brief concurrence.

Escolin, J., did not take part.

CONCURRING OPINION

TEEHANKEE, J.:

I concur, subject to the qualification that under the ex-press provisions of Republic Act No. 6031, the judgment of the Zamboanga CFI, passing upon (and affirming) the appealed judgment of the City Court in the two ejectment cases, is "final." Hence, appeal to a higher court is no longer a matter of right. The Court of Appeals, if satisfied that the "findings of fact contained in the decision" of the CFI sought to be reviewed "are supported by substantial evidence as basis thereof and the conclusions are not clearly against the law and jurisprudence," may summarily turn down and deny due course to the petition for review.

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