

# FIRST DIVISION

[ G.R. No. 241353, January 22, 2020 ]

**DANILO ROMERO, VICTORIO ROMERO AND EL ROMERO,  
REPRESENTING THEIR DECEASED FATHER LUTERO ROMERO,  
PETITIONERS, VS. CRISPINA SOMBRINO, RESPONDENT.**

## DECISION

### CAGUIOA, J:

Security of tenure may be invoked only by tenants *de jure* and not by those who are not true and lawful tenants but became so only through the acts of a supposed landholder who had no right to the landholdings. Tenancy relation can only be created with the consent of the landholder who is either the owner, lessee, usufructuary or legal possessor of the land.<sup>[1]</sup>

Before the Court is a Petition for Review on *Certiorari*<sup>[2]</sup> (Petition) under Rule 45 of the Rules of Court filed by the heirs of Lutero Romero (Lutero), *i.e.*, petitioners Danilo Romero, Victorio Romero, and El Romero (petitioners Heirs of Lutero), against respondent Crispina Sombrino (respondent Sombrino), assailing the Decision<sup>[3]</sup> dated January 22, 2018 (assailed Decision) and the Resolution<sup>[4]</sup> dated June 8, 2018 (assailed Resolution) rendered by the Court of Appeals, Cagayan de Oro City (CA) in CA-G.R. SP No. 07367-MIN.

### The Essential Facts and Antecedent Proceedings

As culled from the records of the instant case, the essential facts and antecedent proceedings are as follows:

The instant Petition centers on a two-hectare portion of Lot No. 23, Pls-35 located at Marauding Annex, Kapatagan, Lanao del Norte (subject property), with an aggregate area of 12.0717 hectares, covered by Original Certificate of Title No. P-2261, which is registered in the name of Lutero after the latter's homestead application was approved in 1967.<sup>[5]</sup>

*The final and executory Decision of the Court, Third Division in Teodora Saltiga de Romero, et al. v. CA, et al., G.R. No. 109307*<sup>[6]</sup>

Prior to the present controversy, the subject property was subject of a legal dispute involving Lutero and his siblings, the heirs of the late spouses Eugenio Romero (Eugenio) and Teodora Saltiga (Teodora) (collectively referred to as the Sps. Romero). The Sps. Romero begot nine children, *i.e.*, Lutero, Eutiquio, Ricardo, Generosa, Diosdada, Mindalina, Lucita, Presentacion and Gloriosa. The issue regarding the ownership and possession of the subject property was dealt with in

two civil cases tried jointly before the Regional Trial Court of Lanao Del Norte, Branch 7 (RTC):

1. Civil Case No. 591, entitled *Teodora Saltiga de Romero, et al. v. Lutero Romero, et al.* - for Reconveyance with Damages and Cancellation of Registration of Mortgage
2. Civil Case No. 1056, entitled *Lutero Romero, et al. v. Spouses Meliton Pacas, et al.* - for Annulment of three Affidavits of Sales, Recovery of Possession with Damages

In sum, it was alleged by the petitioners in Civil Case No. 591, *i.e.*, Teodora, Presentacion, Lucita, Gloriosa, and Mindalina, that Lutero merely held the subject property in trust for the benefit of the heirs of his father Eugenio since the latter was actually the one who first applied for the homestead, but such application was denied because Eugenio was already disqualified to apply for a homestead, having previously applied for a homestead over another parcel of land with the maximum limit of 24 hectares. Moreover, it was alleged that Lutero employed fraud in procuring the homestead patent covering the subject property.<sup>[7]</sup>

In addition, the petitioners in Civil Case No. 591 also claimed that Lutero subsequently sold the subject property by allegedly executing three affidavits of sale in favor of the respondents in Civil Case No. 1056, *i.e.*, spouses Lucita and Meliton Pacas, spouses Presentacion and Sabdullah Mama, and spouses Gloriosa and Dionisio Rasonable. Hence, it was alleged that Lutero no longer has any claim over the subject property pursuant to these affidavits of sale.<sup>[8]</sup>

The RTC rendered a Decision dated March 11, 1991 in favor of Lutero, declaring the three affidavits of sale null and void and ordering the respondents in Civil Case No. 1056 to surrender possession of the subject property to Lutero. On appeal, the CA affirmed the ruling of the RTC.<sup>[9]</sup>

The consolidated cases were then resolved with finality by the Court in ***Teodora Saltiga de Romero, et al. v. Court of Appeals, et al.***<sup>[10]</sup> (*De Romero v. CA*). In the said case, the Court held that Lutero is the true and lawful landowner of the subject property, having exclusively acquired the subject property after successfully applying for a homestead patent over the land in 1967. Lutero's exclusive ownership over the subject property was even recognized by some of Lutero's sisters, *i.e.*, Gloriosa, Presentacion, and Lucita.<sup>[11]</sup>

The Decision in *De Romero v. CA* likewise found that the family patriarch, Eugenio, never owned the subject property. Eugenio himself tried to apply for a homestead patent over the subject property, but this was denied "because he was disqualified by virtue of the fact that he already had applied for the maximum limit of 24 hectares to which he was entitled [pertaining to land located on the adjacent lot; and the] land in question could not therefore have passed on from him to his children."<sup>[12]</sup>

Furthermore, the said Decision held that the supposed sale of the subject property by Lutero in favor of the respondents in Civil Case No. 1056 was null and void for being violative of Section 118 of Commonwealth Act No. 141,<sup>[13]</sup> which prohibited

the alienation of a homestead within five years from the issuance of the patent.<sup>[14]</sup>

After the Court's Decision in *De Romero v. CA* became final and executory, the petitioners Heirs of Lutero filed a Motion for the Issuance of a Writ of Execution before the RTC on March 10, 2003. On June 16, 2003, the RTC issued a Writ of Execution.<sup>[15]</sup>

However, the implementation of the Writ of Execution was held in abeyance because respondent Sombrino filed a Motion for Intervention, alleging that she was a tenant of the subject property. The RTC allowed the intervention and granted respondent Sombrino the opportunity to present evidence to show good cause why the Writ of Execution should not be implemented against her.<sup>[16]</sup>

After due hearing and deliberation, the RTC ordered the implementation of the Writ of Execution, as shown by the Sheriffs Report. Subsequently, a Writ of Demolition was issued by the RTC on March 29, 2005. On April 5, 2005, respondent Sombrino was ousted from the subject property.<sup>[17]</sup>

*Complaint for Illegal Ejectment and Recovery of Possession before the Office of the Provincial Agrarian Reform Adjudication Board*

Because respondent Sombrino failed to successfully assert her right to possess the subject property before the RTC, she sought recourse before the Office of the Provincial Agrarian Reform Adjudication Board (PARAD) of Iligan City by filing a Complaint for Illegal Ejectment and Recovery of Possession (PARAD Complaint) against the petitioners Heirs of Lutero. The case was docketed as DARAB Case No. X-543-LN-2005.

In the PARAD Complaint, respondent Sombrino alleged that she was the actual tenant-cultivator of the subject property as she and her late husband Valeriano were installed as tenants over the subject property in 1952 by the alleged original owners of the subject property, the Sps. Romero, until the said spouses were succeeded by Lucita and her heirs as landowners.<sup>[18]</sup> Hence, respondent Sombrino asked that her security of tenure as tenant of the subject property be upheld and that she be allowed to peacefully possess and cultivate the subject property.

### **The Ruling of the PARAD**

In the Decision<sup>[19]</sup> dated October 28, 2005, the PARAD ruled in favor of respondent Sombrino and declared her to be a *de jure* tenant of the subject property. The dispositive portion of the said Decision reads:

**WHEREFORE**, foregoing premises considered, decision is hereby rendered as follows[:]

1. **Declaring** complainant Crispina Sombrino to be a ***de jure* tenant** and ordering her **reinstatement** to the subject landholding[;]
2. **Ordering** herein respondents and/or any person in occupation/possession of the subject landholding **to vacate** and

**turn-over** its possession to the complainant;

3. **Directing** the MARO, DAR of Kapatagan, Lanao del Norte to **execute an agricultural leasehold contract** between the herein parties pursuant to DAR A.O. No. 5, Series of 1993[;]
4. All other claims are **denied for lack of basis**.

**SO ORDERED.**<sup>[20]</sup>

The PARAD held that respondent Sombrino was able to establish that she was installed as tenant by the Sps. Romero in 1952. According to the PARAD, "[w]hile indeed, there [was] no tenancy relations that [existed] between [respondent Sombrino] and [the petitioners Heirs of Lutero] as there were no shares received by [the latter,] x x x it is as if [Lutero] succeeded the ownership of the subject land from Spouses Eugenio and Teodora Romero[; thus, the petitioners Heirs of Lutero] who inherited the property [were] bound to [assume] and respect the tenancy rights of [respondent Sombrino]."<sup>[21]</sup> Hence, the PARAD held that "[o]nce such relationship is established, the tenant shall be entitled to security of tenure."<sup>[22]</sup>

The petitioners Heirs of Lutero filed a Motion for Reconsideration, which was denied by the PARAD in the Order dated January 12, 2006. Feeling aggrieved, the petitioners Heirs of Lutero appealed before the Department of Agrarian Reform Adjudication Board (DARAB). The appeal was docketed as DARAB Case No. 14261.

### **The Ruling of the DARAB**

In the Decision<sup>[23]</sup> dated June 28, 2010, the DARAB denied the appeal for lack of merit. The dispositive portion of the Decision reads:

**WHEREFORE**, premises considered, the instant Appeal is **DISMISSED** and the assailed Decision dated 28 October 2005 is hereby **AFFIRMED**.

**SO ORDERED.**<sup>[24]</sup>

The DARAB held that through the final and executory judgment in Civil Case Nos. 591 and 1056, the petitioners Heirs of Lutero were vested ownership over the subject property.<sup>[25]</sup> However, since Section 10 of Republic Act No. (RA) 3844<sup>[26]</sup> states that the agricultural leasehold relation shall not be extinguished by mere sale, alienation, or transfer of the leaseholding and that the transferee shall be subrogated to the rights and substituted to the obligations of the agricultural lessor; the agricultural leasehold relation instituted between the Sps. Romero and respondent Sombrino "is preserved even in case of transfer of the legal possession of the subject property."<sup>[27]</sup>

The petitioners Heirs of Lutero filed a Motion for Reconsideration on September 1, 2010,<sup>[28]</sup> which was denied by the DARAB in the Resolution<sup>[29]</sup> dated February 26, 2016.

Hence, the petitioners Heirs of Lutero filed a Petition for Review<sup>[30]</sup> under Rule 43 of the Rules of Court before the CA. The appeal was docketed as CA-G.R. SP No.

### **The Ruling of the CA**

In the assailed Decision, the CA denied the appeal for lack of merit. The dispositive portion of the assailed Decision reads:

**WHEREFORE**, the foregoing premises considered, Petition for Review is **DISMISSED** for lack of merit. Accordingly, the Decision dated June 28, 2010 and Resolution dated February 26, 2016 of the Department of Agrarian Reform Adjudication Board are **AFFIRMED**.

**SO ORDERED.**<sup>[31]</sup>

According to the CA, respondent Sombrino sufficiently established by substantial evidence the essential elements of tenancy:

Indeed, respondent sufficiently established by substantial evidence the essential elements of tenancy. The late Spouses Eugenio and Teodora Romero are the landowners; respondent, together with her late husband, is their tenant. The subject matter of their relationship is agricultural land, a farm land. They mutually agreed to the cultivation of the land by respondent and share in the harvest. The purpose of their relationship is clearly to bring about agricultural production. After the harvest, respondent pays rental as well as the irrigation fees. Lastly, respondent's personal cultivation of the land was conceded by Lucita Romero Pacas, [who] succeeded her parents the Spouses Eugenio and Teodora Romero, thru a leasehold agreement which became the contract between the parties.<sup>[32]</sup>

Thus, the CA held that the petitioners Heirs of Lutero are bound to respect the leasehold relationship between the Sps. Romero and respondent Sombrino:

Given the foregoing, the petitioners are bound to respect the leasehold relationship between the late Spouses Eugenio and Teodora Romero and respondent notwithstanding the transfer of legal possession of the subject agricultural land. Accordingly, respondent cannot be dispossessed of her possession and cultivation of the subject agricultural land without any valid and just cause. Security of tenure is a legal concession to agricultural lessees which they value as life itself and deprivation of their land holdings is tantamount to deprivation of their only means of livelihood. Perforce, the termination of the leasehold relationship can take place only for causes provided by law x x x as specified in Sections 8, 28 and 36 of R.A. No. 3844. A perusal of these provisions will show that no such valid cause exists in the present case warranting the termination of the leasehold relationship. Hence, the rights of respondent as tenant should be respected.<sup>[33]</sup>

Feeling aggrieved, the petitioners Heirs of Lutero filed a Motion for Reconsideration<sup>[34]</sup> dated February 7, 2018, which was denied by the CA in the assailed Resolution.

Hence, the instant Petition before the Court.