

FIRST DIVISION

[G.R. No. 171972, June 08, 2011]

**LUCIA RODRIGUEZ AND PRUDENCIA RODRIGUEZ, PETITIONERS,
VS. TERESITA V. SALVADOR, RESPONDENT.**

D E C I S I O N

DEL CASTILLO, J.:

Agricultural tenancy is not presumed but must be proven by the person alleging it.

This Petition for *Certiorari*^[1] under Rule 65 of the Rules of Court assails the August 24, 2005 Decision^[2] and the February 20, 2006 Resolution^[3] of the Court of Appeals (CA) in CA G.R. SP No. 86599. However, per Resolution^[4] of this Court dated August 30, 2006, the instant petition shall be treated as a Petition for Review on *Certiorari* under Rule 45 of the same Rules.

Factual Antecedents

On May 22, 2003, respondent Teresita V. Salvador filed a Complaint for Unlawful Detainer,^[5] docketed as Civil Case No. 330, against petitioners Lucia (Lucia) and Prudencia Rodriguez, mother and daughter, respectively before the Municipal Trial Court (MTC) of Dalaguete, Cebu.^[6] Respondent alleged that she is the absolute owner of a parcel of land covered by Original Certificate of Title (OCT) No. P-27140^[7] issued by virtue of Free Patent No. (VII-5) 2646 in the name of the Heirs of Cristino Salvador represented by Teresita Salvador;^[8] that petitioners acquired possession of the subject land by mere tolerance of her predecessors-in-interest;^[9] and that despite several verbal and written demands made by her, petitioners refused to vacate the subject land.^[10]

In their Answer,^[11] petitioners interposed the defense of agricultural tenancy. Lucia claimed that she and her deceased husband, Serapio, entered the subject land with the consent and permission of respondent's predecessors-in-interest, siblings Cristino and Sana Salvador, under the agreement that Lucia and Serapio would devote the property to agricultural production and share the produce with the Salvador siblings.^[12] Since there is a tenancy relationship between the parties, petitioners argued that it is the Department of Agrarian Reform Adjudication Board (DARAB) which has jurisdiction over the case and not the MTC.^[13]

On July 10, 2003, the preliminary conference was terminated and the parties were ordered to submit their respective position papers together with the affidavits of their witnesses and other evidence to support their respective claims.^[14]

Ruling of the Municipal Trial Court

On September 10, 2003, the MTC promulgated a Decision^[15] finding the existence of an agricultural tenancy relationship between the parties, and thereby, dismissing the complaint for lack of jurisdiction. Pertinent portions of the Decision read:

Based on the facts presented, it is established that defendant Lucia Rodriguez and her husband Serapio Rodriguez were instituted as agricultural tenants on the lot in question by the original owner who was the predecessor-in-interest of herein plaintiff Teresita Salvador. The consent given by [the]original owner to constitute [defendants] as agricultural tenants of subject landholdings binds plaintiff who as successor-in-interest of the original owner Cristino Salvador steps into the latter's shoes acquiring not only his rights but also his obligations towards the herein defendants. In the instant case, the consent to tenurial arrangement between the parties is inferred from the fact that the plaintiff and her successors-in-interest had received their share of the harvests of the property in dispute from the defendants.

Moreover, dispossession of agricultural tenants can only be ordered by the Court for causes expressly provided under Sec. 36 of R.A. 3844. However, this Court has no jurisdiction over detainer case involving agricultural tenants as ejectment and dispossession of said tenants is within the primary and exclusive jurisdiction of the Department of Agrarian Reform and Agricultural Board (DARAB). ([S]ee Sec. 1(1.4) DARAB 2003 Rules of Procedure[.])

WHEREFORE, in view of the foregoing, the instant complaint is hereby ordered DISMISSED for lack of jurisdiction.

SO ORDERED.^[16]

Aggrieved, respondent filed an appeal, docketed as Civil Case No. AV-1237, with the Regional Trial Court (RTC) of Argao, Cebu, Branch 26.^[17]

Ruling of the Regional Trial Court

On January 12, 2004, the RTC rendered a Decision^[18] remanding the case to

the MTC for preliminary hearing to determine whether tenancy relationship exists between the parties.

Petitioners moved for reconsideration^[19] arguing that the purpose of a preliminary hearing was served by the parties' submission of their respective position papers and other supporting evidence.

On June 23, 2004, the RTC granted the reconsideration and affirmed the MTC Decision dated September 10, 2003. The *fallo* of the new Decision^[20] reads:

WHEREFORE, the motion for reconsideration is GRANTED. The Decision dated September 10, 2003 of the Municipal Trial Court of Dalaguete, Cebu, is hereby **AFFIRMED**.

IT IS SO DECIDED.^[21]

Respondent sought reconsideration^[22] but it was denied by the RTC in an Order^[23] dated August 18, 2004.

Thus, respondent filed a Petition for Review^[24] with the CA, docketed as CA G.R. SP No. 86599.

Ruling of the Court of Appeals

On August 24, 2005, the CA rendered judgment in favor of respondent. It ruled that no tenancy relationship exists between the parties because petitioners failed to prove that respondent or her predecessors-in-interest consented to the tenancy relationship.^[25] The CA likewise gave no probative value to the affidavits

of petitioners' witnesses as it found their statements insufficient to establish petitioners' status as agricultural tenants.^[26] If at all, the affidavits merely showed that petitioners occupied the subject land with the consent of the original owners.^[27] And since petitioners are occupying the subject land by mere tolerance, they are bound by an implied promise to vacate the same upon demand by the respondent.^[28] Failing to do so, petitioners are liable to pay damages.^[29] Thus, the CA disposed of the case in this manner:

WHEREFORE, in view of all the foregoing premises, judgment is hereby rendered by us **SETTING ASIDE**, as we hereby set aside, the decision rendered by the RTC of Argao, Cebu on June 23, 2004 in Civil Case No. AV-1237 and **ORDERING** the remand of this case to the MTC of Dalaguete, Cebu for the purpose of determining the amount of actual damages suffered by the [respondent] by reason of the [petitioners'] refusal and failure to turn over to [respondent] the possession and enjoyment of the land and, then, to make such award of damages to the [respondent].

SO ORDERED.^[30]

Issues

Hence, this petition raising the following issues:

I.

WHETHER X X X THE COURT OF APPEALS ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION IN

RULING THAT PETITIONERS-DEFENDANTS ARE NOT TENANTS OF THE SUBJECT LAND.

II.

WHETHER X X X SUCH RULING OF THE COURT OF APPEALS HAS FACTUAL AND LEGAL BASIS AND IS SUPPORTED WITH SUBSTANTIAL EVIDENCE.^[31]

Petitioners' Arguments

Petitioners contend that under Section 5^[32] of Republic Act No. 3844, otherwise known as the Agricultural Land Reform Code, tenancy may be constituted by agreement of the parties either orally or in writing, expressly or impliedly.^[33] In this case, there was an implied consent to constitute a tenancy relationship as respondent and her predecessors-in-interest allowed petitioners to cultivate the land and share the harvest with the landowners for more than 40 years.^[34]

Petitioners further argue that the CA erred in disregarding the affidavits executed by their witnesses as these are sufficient to prove the existence of a tenancy relationship.^[35] Petitioners claim that their witnesses had personal knowledge of the cultivation and the sharing of harvest.^[36]

Respondent's Arguments

Respondent, on the other hand, maintains that petitioners are not agricultural tenants because mere cultivation of an agricultural land does not make the tiller an agricultural tenant.^[37] Respondent insists that her predecessors-in-interest merely tolerated petitioners' occupation of the subject land.^[38]

Our Ruling

The petition lacks merit.

Agricultural tenancy relationship does not exist in the instant case.

Agricultural tenancy exists when all the following requisites are present: 1) the parties are the landowner and the tenant or agricultural lessee; 2) the subject matter of the relationship is an agricultural land; 3) there is consent between the parties to the relationship; 4) the purpose of the relationship is to bring about agricultural production; 5) there is personal cultivation on the part of the tenant or agricultural lessee; and 6) the harvest is shared between landowner and tenant or agricultural lessee.^[39]

In this case, to prove that an agricultural tenancy relationship exists between the parties, petitioners submitted as evidence the affidavits of petitioner Lucia and their neighbors. In her affidavit,^[40] petitioner Lucia declared that she and her late husband occupied the subject land with the consent and permission of the original