

FIRST DIVISION

[G.R. No. 138781, December 03, 2001]

FELIX PASCUAL, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND VICTOR SOLIS, RESPONDENTS.

DECISION

YNARES-SANTIAGO, J.:

This is a petition for review assailing the decision of the Court of Appeals in CA-G.R. SP No. 41542, which affirmed *in toto* the judgment of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 1529. In its decision, the DARAB reversed the Provincial Adjudicator's ruling in DARAB Case No. 374-Bul. `92, by recognizing respondent as the lawful tenant of the agricultural lots belonging to petitioner and ordering the latter to surrender possession of said lots to respondent.

The two parcels of land subject of this controversy are situated in Poblacion, Norzagaray, Bulacan, designated as Lot Nos. 1923 and 2025, both of Cad-350. The lots are registered in the name of petitioner Felix B. Pascual under Original Certificate of Title Nos. 1051(M) and 4364 (M), respectively.^[1] Lot No. 1923, which measures 7,423 square meters was classified as rice land under Tax Declaration No. 11383. Lot No. 2025, on the other hand, consisting of 27,456 square meters, was divided into two portions; one consisting of 10,000 square meters classified as rice land, and the other containing an area of 17,456 square meters, of cogon land, as reflected in Tax Declaration No. 12734.^[2]

On March 5, 1992, petitioner brought an action for "Maintenance of Peaceful Possession with Prayer for Restraining Order/Preliminary Injunction" against respondent Victor Solis, before the DARAB Region III, in Malolos, Bulacan.^[3] Petitioner alleged that sometime during the third week of January 1991, respondent tried to enter into possession and cultivate the above-described agricultural lots, thus disrupting petitioner's peaceful possession and personal cultivation of the same.

Petitioner claimed that he has been working on the agricultural lots with the aid of his immediate farm household and has been occupying the lots for 52 years. To buttress his claim, petitioner presented a certification issued by the Municipal Agrarian Reform Officer (MARO) of Norzagaray, Bulacan, confirming petitioner's status as owner-cultivator and declaring the landholdings to be untenanted.^[4]

Additionally, petitioner submitted a certification issued by the Barangay Agrarian Reform Committee (BARC) Chairman of Poblacion, Norzagaray, to the effect that petitioner is in actual possession of the lots in the concept of owner-cultivator and that respondent forcibly entered into the lots in order to establish himself as tenant thereof.^[5] Petitioner, thus, prayed that respondent be permanently enjoined from

intruding into and disturbing petitioner's possession and cultivation of the properties in question.

In his answer to the complaint, respondent averred that he is a lawful tenant of the lots owned by petitioner and has been in possession of the disputed properties since 1960 up to the present. He has regularly performed all his obligations and duties as lessee, particularly the payment of rentals, and cultivated the agricultural lots. As a legitimate tenant, respondent insisted that he enjoyed security of tenure and cannot be ejected from the land he is tilling except upon authority of the court and for causes provided by law.^[6]

To substantiate his assertion, respondent presented two agricultural leasehold contracts allegedly concluded between him and petitioner. The first agreement was constituted over a farm lot measuring 7,423 square meters and identified through Tax Declaration No. 11383 (first lot). The second contract was for a 1.3-hectare piece of land covered by OCT No. P-2780 (second lot).^[7]

Respondent also submitted two Certificates of Agricultural Leasehold (CAL) covering the same lots specified in the leasehold contracts. CAL No. 03-02-13-004-023 (or CAL 023) was issued for the first lot, while CAL No. 03-02-13-004-022 (or CAL 022) pertained to the second lot. Both certificates were awarded by then President Ferdinand E. Marcos and recorded with the former Ministry of Agrarian Reform on January 25, 1984.^[8]

Petitioner countered in his reply that respondent's tenancy status over the first lot was extinguished when respondent deliberately failed to pay the agreed lease rentals for the years 1987, 1988 and 1989. Respondent subsequently abandoned the lot without notice in 1990. This fact was attested to by one Simeon Bartolome in a sworn statement.^[9]

Petitioner also said that respondent abandoned the first lot because he moved to Manila to work as a professional jeepney driver plying the Divisoria-Pier route. This was affirmed by a certain Matias Santos in another affidavit attached to petitioner's reply.^[10]

With regard to the second lot, petitioner stated that respondent voluntarily surrendered its possession on December 5, 1985, upon payment to him of disturbance compensation in the amount of P18,000.00.^[11] Consequently, petitioner was able to sell this second lot to the spouses Jose Bernardo and Rosa B. Payumo, as evidenced by a "*Kasulatan ng Bilihang Tuluyan (Venta Absoluta)*" dated December 11, 1985.^[12]

Petitioner added that in view of the sale of the second lot, the issue of respondent's status as lessee thereof should be addressed to the new owners. Hence, petitioner maintained that respondent's tenancy status over the second lot must be excluded from the present dispute, and that the complaint should be limited to the first lot.^[13]

Pursuant to an order issued by the Provincial Adjudicator on May 6, 1992, DARAB Legal Officer Homer M. Abraham, Jr. conducted an ocular inspection of Lot Nos.

1923 and 2025. A second ocular inspection was conducted on September 14, 1992 since it appeared that respondent was not duly notified of the prior inspection.

Thereafter, on Nov. 5, 1992, the Provincial Adjudicator granted petitioner's prayer for a restraining order/writ of preliminary injunction.

In due course, the Provincial Adjudicator rendered judgment on May 3, 1993 and disposed of the case as follows:

WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff Felix Pascual and against defendant Victor Solis:

1. Maintaining plaintiff in peaceful possession over the subject landholdings;
2. Making the restraining order/writ of preliminary injunction permanent.

SO ORDERED.^[14]

The Provincial Adjudicator ruled that respondent was not a tenant of the disputed lots, despite the existence of the leasehold agreements and Certificates of Agricultural Leasehold. The evidence adduced by the parties clearly indicated that respondent was not in possession of the lots and did not personally cultivate the landholdings, much less, share the proceeds of the harvest with petitioner.

Respondent appealed to the DARAB, which reversed the findings of the Provincial Adjudicator. The DARAB held that the contracts and certificates are the best evidence of a tenancy relation and that, without a final court judgment dispossessing respondent on grounds authorized by law, respondent could not be ejected from the land. The DARAB ruled:

WHEREFORE, premises considered, the decision appealed from is hereby REVERSED, and a new one entered:

1. Declaring Defendant-Appellant Victor Solis as a legitimate tenant and is entitled to security of tenure;
2. Ordering Plaintiff-Appellee Felix Pascual to transfer and turn-over the possession of the disputed property to herein Defendant-Appellant; and
3. The Restraining Order/Writ of Preliminary Injunction is hereby revoked.

SO ORDERED.^[15]

As mentioned earlier, the Court of Appeals affirmed the decision of the DARAB *in toto*.^[16] Petitioner's motion for reconsideration was likewise denied.^[17] Hence, the instant petition on the basic issue of whether or not respondent was a tenant of the lands belonging to petitioner and, consequently, entitled to security of tenure.

Initially, the question regarding respondent's tenancy status is factual in nature