

**EUGENIO R. REYES, JOINED BY TIMOTHY JOSEPH M. REYES, MA.
GRACIA S. REYES, ROMAN GABRIEL M. REYES, AND MA. ANGELA S.
REYES, PETITIONERS, VS. LIBRADA F. MAURICIO AND LEONIDA F.
MA...**

Ponente: ENRIQUEZ, JR., J.

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ENRIQUEZ, JR., J.:

This is a petition for review under Rule 43 of the 1997 Rules of Civil Procedure, as amended, which seeks to reverse the decision dated July 07, 1998 and Resolution dated September 28, 2004 of the Department of Agrarian Reform Adjudication Board (hereafter DARAB), the dispositive portions of which read as follows:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of plaintiff Librada Mauricio and against defendant Eugenio R. Reyes and order is hereby issued:

- Declaring the kasunduan null and void;
- Ordering defendant to respect the peaceful possession of herein plaintiff Librada Mauricio over the subject landholding;
- Ordering plaintiff to return the amount of P50,000.00 to herein defendant;
- No pronouncement as to costs.

SO ORDERED.”

“WHEREFORE, in view of the foregoing, the Motion for Reconsideration dated July 28, 1998 is hereby denied and the Decision dated July 7, 1998 is hereby AFFIRMED.SO ORDERED.”

The facts of the case as gathered from the records are as follows:

On January 30, 1995, respondents Librada F. Mauricio and Leonida F. Mauricio (hereafter respondent Librada and respondent Leonida, respectively) filed a complaint for annulment of contract and maintenance of peaceful possession with damages against petitioner Eugenio R. Reyes (hereafter petitioner) before the Provincial Agrarian Reform Adjudicator (hereafter Provincial Adjudicator) for the province of Bulacan. In their complaint, respondents alleged that they are the legal heirs of the late Godofredo Mauricio (hereafter Godofredo) who was a lawful registered tenant of petitioner through his predecessors in interest to a parcel of agricultural land situated at Turo, Bocaue, Bulacan consisting of 4,527 square meters more or less.

Respondents stated that from 1936 until the death of Godofredo in May 1994, the latter had been working on the land in question and introduced improvements consisting of fruit bearing trees, seasonal crops, a house for residential purposes and others of permanent improvements. Respondents claimed that through fraud, deceit, strategy and other unlawful means, petitioner caused the preparation of a document entitled- “Kasunduan” dated September 28, 1994 and had the same notarized by Notary Public Ma. Sheila G. Nicolas at Pasig, Metro Manila. Librada denied having appeared before the said notary public. Librada added that she does not know how to read

and write. Likewise, the contents of the kasunduan was not explained to her when she affixed her thumbmark on the same. Respondents asserted that petitioner's action of ejecting respondents from the property and repossessing the same is in violation of R.A. No. 6657.

Petitioner alleged that respondents have no cause of action against him because he is the owner in fee simple of the subject property covered by Transfer Certificate of Title No.T-109456 (hereafter TCT). Petitioner denied respondents' allegation that Leonida is the daughter of Librada and Godofredo. Petitioner denied that Godofredo was his lawful and registered tenant as he merely tolerated and accommodated Godofredo's occupation of the subject land. Petitioner also denied having authorized any person to sign a tenancy agreement with Godofredo.

Petitioner denied the claim of respondents that Godofredo worked on the property from 1936 to May 1994 and introduced improvements thereon. Petitioner stated that the trees on the property had been there even before Godofredo was accommodated by the petitioner on the property. Petitioner also denied that he caused the preparation of the kasunduan through fraud and deceit. Petitioner stated that it was Librada who chose that she affix her thumbmark on the same because she was having difficulty writing at that time. Librada was accompanied by her relative, Maximo Francisco when she affixed her thumbmark on the document. Moreover, Librada received on the same day P50,000.00 from petitioner.

Petitioner added that Librada at the time of the execution of the kasunduan was in full command of her mental faculty and was not coerced by petitioner. It was Librada together with Teresita Tuazon Ambi who initiated the negotiation with petitioner when they visited him sometime after the death of Godofredo.

During the hearing before the Provincial Adjudicator, several witnesses testified. The Municipal Agrarian Reform Officer testified that Godofredo Mauricio was the bona-fide tenant of the subject landholding. A certification from the BARC President of Turo, Bocaue, Bulacan stating that Godofredo Mauricio was the tenant of the subject landholding was also presented. Moreover, the Provincial Adjudicator added that it was established during the hearing that Leonida was not the daughter of Godofredo and Librada neither was she adopted by them. On December 20, 1996, the Provincial Adjudicator resolved the case on the sole issue of whether or not the "kasunduan" dated September 28, 1994 executed by the plaintiff and defendant is valid and enforceable. The dispositive portion of the decision reads as follows:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of plaintiff Librada Mauricio and against defendant Eugenio R. Reyes and order is hereby issued:

- Declaring the kasunduan as null and void;
- Ordering defendant to respect the peaceful possession of herein plaintiff Librada Mauricio over the subject landholding;
- Ordering plaintiff to return the amount of P50,000.00 to herein defendant;
- No pronouncement as to costs.

SO ORDERED."

Petitioner appealed the decision to the DARAB. The DARAB resolved the appeal on two (2) issues: 1) whether or not there is tenancy relation between the parties; and 2) whether or not the "Kasunduan" dated 28 September 1994 is valid and enforceable. Thereafter the DARAB issued the assailed decision and resolution. Hence, this petition with the grounds raised as follows:

I. THE DARAB COMMITTED REVERSIBLE ERROR IN AFFIRMING THE PROVINCIAL ADJUDICATOR'S CONCLUSION THAT THERE WAS A VALID AND EXISTING TENANCY

RELATIONSHIP BETWEEN PETITIONERS AND RESPONDENTS;

II. THE DARAB COMMITTED REVERSIBLE ERROR AND EXCEEDED ITS JURISDICTION IN AFFIRMING THE DECISION OF THE PROVINCIAL ADJUDICATOR INSOFAR AS IT ANNULLED THE KASUNDUAN DATED 28 SEPTEMBER 1994 BETWEEN PETITIONER REYES AND RESPONDENTS.

The petition is without merit.

Petitioner asserts that there was no tenancy relationship between petitioner and Godofredo. Petitioner argues that the leasehold agreement executed by Godofredo with petitioner's late sister Susana Reyes on May 26, 1993 is not enforceable against petitioner because he did not authorized the same. Petitioner asserts that the TCT covering the subject property was issued and registered in his name on July 6, 1989 or almost four (4) years before the execution of the leasehold agreement. Since his consent as owner of the property was absent in the leasehold agreement, the same was an absolute nullity. Moreover, his title to the property is clean and bereft of any annotation showing the existence of any lien or encumbrance pertaining to any tenancy agreement.

Petitioner added that the other requisites for a tenancy relationship are also absent in the case at bar. Petitioner asserts that respondents failed to prove that the property in question is agricultural. Moreover, respondents also failed to prove that they are personally cultivating the land. Petitioner cites the testimony of Librada wherein she admitted having other person cultivate the land because she was old and was obviously unfit to personally cultivate the subject land. Furthermore, Leonida is a mananahi and is not a farmer or an agricultural worker. Thus, they could not qualify as tenants under the law. Petitioner reiterated that Leonida is not a legal heir of Godofredo considering that she was not able to prove that she was legally adopted.

During the pendency of this case, petitioners manifested that Librada died and furnished this Court with her death certificate. Thereafter, Leonida and Rufina Mauricio submitted their compliance informing the Court that they are the heirs of Librada as her daughter and niece and requested that they be substituted for respondent Librada. Thereafter, petitioners prayed that this court set aside its resolution allowing the substitution of Rufina and Leonida for Librada. On July 10, 2006, this Court issued a resolution affirming its resolution with regard Leonida as substitute for Librada and disqualified Rufina. This Court ruled that petitioners cannot collaterally attack the status of Leonida in the instant petition.

It is settled that in cases involving tenancy, the findings of the Board is given respect even finality by the Court of Appeals. The Supreme Court in the case of *Joson v. Mendoza*, 468 SCRA 95, ruled that in appeals in agrarian cases, the only function required of the Court of Appeals is to determine whether the findings of facts of the Court of Agrarian Relation are supported by substantial evidence. The Court of Appeals cannot make its own findings of fact and substitute the same for the findings of DARAB.

In the case at bar, the DARAB categorically held that the Mauricio's are former tenants of the parents of appellants (Rollo, p. 68). The DARAB found that the property was the subject of an extra-judicial partition/settlement after the death of petitioner's parents. Thereafter, the property came under the co-ownership of petitioner and his sisters Eufracia and Susana Reyes. Later, the property became the sole ownership of petitioner.

The DARAB held that the Kasunduang Buwisan executed between Susana and Godofredo is valid. The DARAB ruled that it affirmed the tenancy relation between Godofredo and appellant's parents that started in 1973 and will continue until the agreement is revised. The contention of appellant that he did not give his consent to the Kasunduan does not invalidate the same. It is settled that a tenancy relationship cannot be extinguished by mere expiration of term or period in a leasehold contract; or by the sale, alienation or the transfer of legal possession of

the landholding (*Bautista v. Mag-isa Vda. De Villena*, 438 SCRA 259). Petitioner denial of the tenancy relation based on the fact that his title is clean and without annotation cannot be given weight. Petitioner was not able to refute the testimonies of respondents that as early as 1936 they have been in possession of the land as tenants of petitioner's parents.

Moreover, it was proven before the DARAB that Librada and Leonida are the heirs of Godofredo being his wife and daughter, respectively. By operation of law (RA 3844), Godofredo is succeeded by his heirs in his tenancy relation with petitioner (Rollo, p. 70). Petitioner now argues that respondents failed to prove that the subject property is agricultural and that they have personally cultivated the same. This contention of petitioner that the land is not agricultural cannot stand against the certification issued by the MARO and the BARC with regard Godofredo as tenant of the landholding. Moreover, these issues are questions of fact that are best left to the scrutiny of the Provincial Adjudicator and the DARAB. The records of this case show that both bodies ruled that Godofredo was a tenant of the subject land. By ruling as such, the DARAB has sufficiently examined the nature of the land in question and that the requisites of the law with regard tenancy relation have been complied with.

WHEREFORE, premises considered, the petition is DENIED DUE COURSE. The decision dated July 07, 1998 and Resolution dated September 28, 2004 of the Department of Agrarian Reform Adjudication Board are hereby AFFIRMED.

SO ORDERED.

Jacinto, (Chairman) and De Leon, JJ., concur.

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