

ACELITA T. DUMAEEL, ARNEL T. DUMAEEL, MARNEL T. DUMAEEL AND NELMAR M. DUMAEEL, PETITIONERS, VS. RONALD T. DUMAEEL, RESPONDENT.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

Before this Court is a Petition for Review[1] under Rule 43 of the Revised Rules of Court seeking to reverse and set aside the Judgment[2] dated January 29, 2014 and the Order[3] dated February 19, 2014 of the Regional Trial Court, Fifth Judicial Region, Branch 41, Daet, Camarines Norte in Civil Case No. 7974 (MCTC Case No. 37) entitled “Ronald Dumael y Thomas, Plaintiff, versus Acelita Dumael y Thomas, Arnel Dumael y Thomas, Marnel Dumael y Thomas and Melmar Dumael y Thomas, Defendants.”, the dispositive portions of which read:

Judgment dated January 29, 2014

“WHEREFORE, under the foregoing considerations, the Decision appealed from is hereby modified as is ordering the defendants or anyone acting on their behalf to vacate the subject premises and to turn over possession thereof to the plaintiff with reasonable monthly rental of Php20,000.00 from date of this Judgment.

SO ORDERED”

Order dated February 19, 2014

“This resolves the Urgent Motion for Reconsideration from the Judgment dated 29 January 2014 together with the Comments by the plaintiff-appellant. Upon cursory reading and evaluation of the arguments therein, the Court finds no sustainable basis to disturb the subject Resolution.

Hence, the instant Motion is hereby denied.

SO ORDERED.”

The facts are:

In his Complaint for Forcible Entry[4] against petitioners Acelita T. Dumael (Acelita for brevity), Arnel T. Dumael (Arnel for brevity), Marnel T. Dumael (Marnel for brevity) and Nelmar M. Dumael (Nelmar for brevity) filed before the Metropolitan Circuit Trial Court (MCTC) of San Lorenzo Ruiz-San Vicente, Daet, Camarines Norte, respondent Ronald Dumael (Ronald for brevity) alleged that: the parties in this case are the heirs of Victor Dumael (Victor for brevity), who died on July 16, 2001; during his lifetime, Victor was the caretaker/overseer of several parcels of land owned by Marcelino Orendain, Jr. and Daisy Orendain-Reblora (Orendains for brevity), all located in Brgy. Iraya Sur, San Vicente, Camarines Norte; after the death of Victor, the Orendains instituted respondent Ronald as the new caretaker of the subject parcels of land as shown in a document denominated as “Kasunduan”[5] dated January 14, 2002; in the said Kasunduan they agreed that: the Orendains would do the harvesting of the coconuts, decide when to harvest, to be supervised by the Orendains' mother and brother, he would be the one to “manufacture” the coconuts into copra, while the Orendains and respondent Ronald would

sell the copra, and, 40% of the proceeds would go to him; since the execution of the agreement, he took actual possession and enjoyment of the subject parcels of land; he planted hundreds of new coconut trees and fruit bearing trees thereon, cleaned the same, harvested the coconuts and regularly gave the Orendains their share of the produce; however, sometime in February 2012, while he was working, petitioners, by means of force and intimidation, together with their hired workers who were armed with bolos, illegally entered and took possession of the subject parcels of land and forced him to leave and abandon the premises; they threatened to kill him and his workers if they would not leave the premises; petitioners also cut and destroyed the bananas, young coconuts and other fruit bearing trees planted by him; since then, it was petitioners who harvested the coconuts to his damage and prejudice; to support his claim that it was he who was in actual possession of the subject parcels of land, he presented the Sinumpaang Salaysay[6] of Lerma Osea Orendain (Lerma for brevity), the mother of the Orendains, showing the circumstances how the transfer of rights from Victor to him took place with the knowledge and consent of petitioner Acelita; on March 13, 2012, after he was unlawfully eased out, the petitioners filed a complaint for Declaration of Tenancy with the Department of Agrarian Reform Municipal Office (DARMO) in Daet, Camarines Norte; in the said proceeding, the mediation officer did not only mediate but also decided the issue on whether or not petitioners Acelita and Arnel are tenants of the subject parcels of land and whether or not the Kasunduan is valid despite the absence of the other parties to the said Kasunduan; since their agreement during the mediation on March 13, 2012 was not followed by the parties, on May 3, 2012, he and his sister, Anacorita Litana, brought the matter for mediation; finding that the previous agreement was not followed, the mediation officer told them to bring the matter to the court; on June 12, 2012, he referred the matter to his counsel who wrote a demand letter[7] to the petitioners giving the latter fifteen (15) days from receipt thereof to vacate the subject parcels of land and turn over the possession thereof to respondent Ronald; however, despite receipt of the said letter, petitioners failed to vacate and turn over possession thereof to him; the subject parcels of land are planted with coconuts and the average normal harvest every 45 days is 10,000 pieces of coconuts, which when converted to copra would yield an amount of not less than P60,000.00; forty percent (40%) of this produce (P24,000.00 more or less) which pertains to the caretaker were taken by petitioners to his damage and prejudice; and, due to the unjustified acts of petitioners, he was compelled to file this case and incurred expenses.

In their Answer with Special and Affirmative Defenses and Counterclaim[8], petitioners alleged that: Victor was the de jure tenant of all the agricultural lands of the Orendains with an area of 20 hectares, more or less, located at Brgy. Iraya Sur, San Vicente, Camarines Norte; the parents of Victor, the late Spouses Porfirio and Dorotea Dumaal, were the former tenants of the subject parcels of land which were then owned by the deceased Elias Orendain; after the death of Elias, he was succeeded by his son Marcelino Orendain, Sr., married to Lerma Osea-Orendain; the alleged Kasunduan is null and void since it was in the nature of a sharehold tenancy which is against public policy and grossly undermined the right to security of tenure of petitioner Acelita as it was done without her conformity and consent, being the preferred tenant; as the surviving wife of Victor, she had the preferential right to succeed her husband and the Orendains had no right to just unilaterally appoint respondent Ronald as tenant of the subject parcels of land; the Orendains should have sought the waiver of all the compulsory heirs of Victor including they; said Kasunduan was already revoked and/or invalidated by the parties themselves by virtue of the mediation agreement which was never implemented since respondent Ronald was never allowed to actually and physically assume as tenant; it was petitioner Acelita or her authorized representatives who cleaned, cultivated, planted and harvested coconuts from the subject parcels of land and gave the proceeds thereof to the Orendains; she continued to possess and cultivate the same with the help of her older children especially petitioner Arnel; respondent Ronald was using force, coercion and intimidation to wrest physical possession of the subject parcels of land from them; respondent Ronald never planted any single coconut tree nor did he clean, cultivate, harvest, nor give any produce to the Orendains for these tasks were all done by petitioner Acelita or her

representatives.

By way of special and affirmative defenses, petitioners argue that the lower court has no jurisdiction over the case because it involves agrarian dispute; that there was premature issuance of Certification to File Action as the pangkat was not properly constituted; and no earnest effort towards a compromise was undertaken by respondent Ronald before filing the case in court.

On September 19, 2013, the MCTC issued a decision dismissing respondent Ronald's complaint in the forcible entry case.

Respondent Ronald appealed the said decision and the RTC, Branch 41, Daet, Camarines Norte issued the assailed decision dated January 29, 2014 modifying the decision of the MCTC. With the denial of their Motion for Reconsideration, petitioners come to this Court via a Petition for Review presenting this lone assignment of error, viz:

“THE HONORABLE RTC BRANCH 41, DAET, CAMARINES NORTE RENDERED JUDGMENT & ISSUED THE RTC ORDER IN A MANNER CONTRARY TO LAW AND JURISPRUDENCE HOLDING THAT RESPONDENT RONALD T. DUMAEI WAS ABLE TO PROVE BY PREPONDERANCE OF EVIDENCE PRIOR PHYSICAL POSSESSION OF THE SUBJECT LAND DESPITE THE EVIDENCES (sic) TO THE CONTRARY PALPABLY SHOWING THAT PETITIONERS HAD PRIOR PHYSICAL POSSESSION OVER THE SUBJECT PARCEL OF LAND.”

The petition is devoid of merit.

Petitioners argue that the lower court erred in issuing the assailed decision contending that respondent Ronald failed to prove by preponderance of evidence prior physical possession of the subject parcels of land.

Preponderance of evidence is the weight, credit and value of the aggregate evidence on either side and is usually considered to be synonymous with the term greater weight of evidence or greater weight of credible evidence.[9] It means probability of the truth, evidence that is more convincing to the court as worthy of belief than that which, is offered in opposition thereto.[10]

Respondent Ronald was able to prove by preponderance of evidence that he was in prior physical possession of the subject parcels of land before he was forcibly ousted therefrom by the petitioners. To prove his prior physical possession, respondent Ronald submitted the following evidence to substantiate his claim, to wit:

1. The duly notarized Kasunduan dated January 14, 2002 between him and the Orendains to show that he was designated by the latter as the caretaker of the subject parcels of land after the death of Victor;
2. Various receipts of copra harvest issued by the copra buyers dated as early as 2004 and the latest being October 4, 2011 to show that he had been performing his duties as caretaker of the subject parcels of land and giving the share of the Orendains as agreed upon in the Kasunduan;
3. The Sinumpaang Salaysay of Lerma Orendain, the mother of the Orendains, stating the circumstances of the execution of the Kasunduan acknowledging that he was the caretaker of the subject parcels of land and that he was performing his duties as such;
4. The Certification dated May 22, 2012 issued by the Brgy. Captain of Iraya Sur, San Vicente, Camarines Norte, showing the fact that he filed a complaint before the barangay against the petitioners for Usurpation of Real rights in Real Property after the latter illegally entered the subject parcels of land;
5. The demand letter[11] addressed to the petitioners to vacate the premises; and
6. The minutes[12] of the mediation proceeding held before the DAR on March 13, 2012 after petitioners filed

a case for Declaration of Tenancy after they forcibly and illegally took possession on February 2012, to show that if indeed petitioner Acelita was a tenant of the subject parcels of land since 2001 after the death of Victor, why did it take her 11 years or only in March 2012, to ask that she be declared the tenant of the same?

Petitioners contend that the Kasunduan is null and void since it did not bear the conformity of petitioner Acelita as the preferred successor-tenant of Victor and that it is against public policy for being a sharehold tenancy contract.

It is settled that contracts are obligatory in whatever form they have been entered into provided all the requisites for their validity are present.[13] Obligations arising from contracts have the force of law between the contracting parties and should be complied with in good faith.[14]

It must be recalled that the Kasunduan was entered into by the Orendains and respondent Ronald on January 14, 2002. No evidence was presented to show that this Kasunduan was repudiated by the parties. Since its execution, or for a period of ten (10) years, nobody questioned the right of respondent Ronald to cultivate or act as a caretaker of the subject parcels of land. This fact was even bolstered by the words of Lerma, the mother of the Orendains, that respondent Ronald was the only recognized tenant/caretaker of the subject parcels of land and a good caretaker thereof. In her Sinumpaang Salaysay, Lerma stated, thus:

- “2. Na ang dating tumatao sa nasabing lupa ay si Victor R. Dumael na namatay noong ika-16 ng Hulyo 2001. siya ay asawa ni Acelita T. Dumael at may 7 anak;
3. Matapos mamatay si Victor, ang karapatan sa lupa ay naiwan sa kanyang asawa ngunit dahil sakitin na si Acelita, nagpasya ang huli na ibigay ang pangangalaga ng lupa sa kanyang bunsong anak na si Ronald T. Dumael;
4. Noong ika-13 ng Enero 2002, pumunta sa aming bahay si Acelita Dumael kasama ang kanyang anak na si Ronald at kinausap ako na ang karapatan niya sa lupa ay ilipat niya kay Ronald;
5. Pumayag naman ako at nagkataon na naroon sa bahay noon ang aking mga anak na si Marcelino at Daisy, kaya pinagawa ko ng kasunduan sina Marcelino at Ronald at nilipat kay Ronald Dumael ang karapatan sa lupa bilang tumatao;
6. Gumawa sila ng kasunduan sa tanggapan ni Atty. Eva Paita Moya noong ika-14 ng Enero 2004;
7. Na nalaman ko na tinanggihan ni Acelita Dumael na siya mismo ang nakiusap sa akin na ilipat kay Ronald ang kanyang karapatan bilang tumatao sa lupa dahil nagrereklamo daw ang iba niyang anak;
8. Hindi totoo ito dahil siya mismo and nakiusap sa akin at sa aking mga anak na ilipat kay Ronald ang karapatan at simula noon at hanggang ngayon ay si Ronald na ang kinikilala naming tumatao sa nasabing lupa at walang iba;
9. Alam ko na ang mga naghahabol ay may mga landowners na o may sariling lupa kaya nga pumayag ako na si Ronald na ang aking pinalit. Marami ang tinanim ni Ronald sa lupa at maayos siyang tumatao;”[15]

Anacorita Litana, respondent Ronald's sister, likewise revealed that respondent Ronald was in actual possession of the subject parcels of land, thus:

- “13. Simula noon ay si Ronald na ang namosesyon sa nasabing mga parsela ng lupa ayon na rin sa kasunduan nila. Ngunit makikita sa kasunduan na katulad ng aking ama, hindi rin tumatao si Ronald dahil hindi siya ang magpapalagas at hindi din siya ang nagpapasya kung kailan maglalagas; hindi siya pwedeng magpatimbang ng kopra na siya lamang; ang mangangasiwa sa pagpapalagas ay ang may ari;
14. Maayos na taga alaga si Ronald. Tinaniman niya ng maraming bagong puno ng niyog ang lupa at mga puno ng saging. Nagustuhan siya ng may ari. Naging maganda rin ang samahan ng aking ina at ni Ronald. Pati

ang iba kung kapatid ay hindi nakikialam sa pagaalaga ni Ronald sa lupa;”

It must be emphasized that these statements of Anacorita were never rebutted by the petitioners. On top of it, the foregoing affidavits of Lerma and Anacorita were notarized before a notary public thus, considered public documents. A public document not only enjoys a presumption of regularity but is also considered prima facie evidence of the facts stated therein.[16] A notarial document is guaranteed by public attestation in accordance with the law, and must be sustained in full force and effect so long as he who impugns it does not present strong, complete and conclusive proof of its falsity or nullity.

The foregoing shows that actual possession of the subject parcels of land was delivered to respondent Ronald, otherwise, he would not have performed his duties as caretaker/tenant thereof as stated in the Kasunduan. On the contrary, he performed his duties faithfully by cultivating the same, planted coconuts and fruit bearing trees, helped in harvesting the coconuts and made them into copra and delivered the proceeds thereof to the Orendains. Respondent Ronald was in peaceful possession of the subject parcels of land for eleven (11) years until petitioners disturbed said possession by forcing him to vacate the premises and illegally entered the same.

Petitioners' claim that respondent Ronald was not yet in possession of the subject parcels of land prior to February 2012 is untenable. Respondent Ronald stated in his affidavit[17] that after the death of his father on July 16, 2001, he returned to San Vicente from Manila where he was convinced by his mother, petitioner Acelita, to stay and work on the subject parcels of land. At first, he was reluctant since he was gainfully employed in Manila but still, he gave it a try to know if he can handle it. When he found that he could do it, he decided to stay and worked thereon. He even brought his entire family from Manila to live in San Vicente. These facts and circumstances convinced the RTC that respondent Ronald was able to prove by preponderance of evidence his prior actual and physical possession over the subject parcels of land.

Finally, this an action for forcible entry. There is forcible entry when one is deprived of physical possession of land or building by means of force, intimidation, threat, strategy or stealth.[18] In such cases, the possession is illegal from the beginning and the basic inquiry centers on who has the prior possession de facto. Any party who can prove prior possession de facto may recover from such possession even from the owner himself since such cases proceed independently of any claim of ownership and the plaintiff needs merely to prove prior possession de facto, not possession de jure, and undue deprivation thereof.[19] Respondent Ronald was able to prove by preponderance of evidence that he has prior possession de facto over the subject parcels of land and that he was deprived of such possession by petitioners through force and intimidation.

WHEREFORE, premises considered, the petition is hereby DENIED for lack of merit and accordingly DISMISSED.

SO ORDERED.

Gonzales-Sison, M., and Cruz, R. A ., JJ., concur.

[1] Rollo, pp. 3-28

[2] *id.*, pp. 29-30

[3] *id.*, p. 31

[4] *id.*, pp. 252-256

[5] *id.*, pp. 198-199

- [6] *id.*, p. 213
- [7] *id.*, pp. 215-216
- [8] *id.*, pp. 68-78
- [9] *Ogawa vs. Menigishi*, 676 SCRA 14
- [10] *Philippine Commercial International Bank vs. Balmaceda*, 658 SCRA 33
- [11] *Rollo*, pp. 215-216
- [12] *id.*, pp. 211
- [13] Article 1356, Civil Code of the Philippines
- [14] Article 1159, *supra*
- [15] *Rollo*, p. 213
- [16] *Realubit vs. Jaso*, 658 SCRA 146
- [17] *Rollo*, pp. 222-227
- [18] *Villondo vs. Quijano*, 686 SCRA 694
- [19] *Muñoz vs. Yabut*, 650 SCRA 344

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