FIL-ESTATE GOLF & DEVELOPMENT, INC., PETITIONER, VS. JUANITO MAULANIN, RESPONDENT.

Ponente: SORONGON, E.D., J.

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SORONGON, E.D., J.

In this Petition for Review under Rule 43 of the Rules of Court, Fil-Estate Golf & Development, Inc. (petitioner) seeks to nullify and set aside the Decision[1] dated October 24, 2011 of the Department of Agrarian Reform and Adjudication Board (DARAB) in DARAB Case No. 13321, entitled “Juanito Maulanin vs Fil-Estate Golf & Development, Inc. and Warbird Security & Investigation Agency”, which affirmed the earlier decision of the Office of the Provincial Agrarian Reform Adjudicator (PARAD) of Cavite ordering petitioner to vacate the subject premises and turn over the peaceful possession thereof to respondent Juanito Maulanin. Likewise assailed herein is the Resolution[2] dated May 14, 2012 denying petitioner's motion for reconsideration.

The records yield the following pertinent factual and procedural antecedents:

The instant controversy involves a parcel of agricultural land, consisting of 10,000 square meters, situated in Barangay Ulong Tubig, Carmona, Cavite and covered by Transfer Certificate of Title (TCT) No. 2570 (CLOA No. 00563559). The subject land was previously owned by and registered in the name of Cornelia Manga (Manga) under TCT No. T-235527[3].

Apart from the said property, Manga owned other agricultural lands in the area. As it exceeded the retention limits provided under Republic Act (RA) 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), her properties were placed under compulsory acquisition by the Department of Agrarian Reform (DAR) on August 15, 1997. Despite such coverage, however, Manga sold several parcels of her agricultural land, including the herein subject property, to petitioner sometime in 1999. Immediately after the sale, petitioner took possession of the same and engaged the services of Warbird Security & Investigation Agency (Warbird) to secure the premises.

On March 20, 1999, Juanito Maulanin (respondent) and his mother, Corazon, filed a Complaint[4] for “Maintenance of Peaceful Possession with Damages with a Prayer for Issuance of Temporary Restraining Order and Preliminary and Final Mandatory and Prohibitory Injunction” against Fil-Estate Group of Companies (Fil-Estate) before the PARAD. In their complaint, it was alleged that during his lifetime, Melanio Maulanin (respondent's father) was the constituted tenant of a one (1) hectare piece of agricultural land formerly owned by Manga, which property has now been conveyed to Fil-Estate. Their family has tilled the said land since 1968 and paid lease rentals thereon to a certain Domeng, the caretaker of Manga, without any receipts. Upon Melanio's demise, respondent and Corazon continued cultivating the subject land but had to temporarily leave the same due to an accidental fire that occurred in the area sometime in April 1997. They returned to the premises several months later and again planted crops thereon. However, on March 19, 1999, they were surprised when Fil-Estates' security guards suddenly prevented them from entering their landholding. They argued that the company had no right to eject them without justifiable cause since under the law, tenancy status is not affected by the mere transfer

of ownership of the land. Further, their dispossession deprived them of their only means of livelihood. They thus prayed that Fil-Estate be ordered to respect and maintain them in peaceful possession of their landholding.

In its Answer under date May 31, 1999, petitioner clarified that the impleaded entity, Fil-Estate Group of Companies, does not possess any juridical personality, the same being a mere collective name for several Fil-Estate corporations. Petitioner averred that it is the party-in-interest because it is the entity having ownership over the properties previously held by Manga. Responding to the allegations of respondent and his mother, it maintained that the complaint should be dismissed for lack of jurisdiction as the case does not involve any agrarian dispute. To prove this point, petitioner insisted that the Maulanins were not its agricultural tenants or that of Manga, its predecessor-in-interest. In fact, at the time it bought the parcels of agricultural land from Manga, the latter expressly warranted that the same were not tenanted and were free from lien or encumbrance of any kind. Neither was there any visible notice that the lands were in fact tenanted. Petitioner thus demand payment of damages, litigation expenses and attorney's fees for the besmirched reputation it allegedly suffered by reason of the filing of the complaint.

While the case was pending, the DAR issued Certificate of Land Ownership Award (CLOA) No. 00563559 recognizing herein respondent and a certain Ricardo B. Cortez as farmer-beneficiaries of the subject property. Consequently, TCT No. T-235527 was canceled and a new title, TCT No. CLOA-2570[5], was issued under respondent and Cortez' name on April 28, 2000.

On October 25, 2001, respondent amended his complaint by dropping his mother as co-complainant and impleading Warbird as an additional respondent. In the said Amended Complaint[6], respondent manifested that the subject land had been awarded to him and Cortez by the government as evidenced by CLOA No. 00563559 issued in his favor but despite the issuance thereof, petitioner still refused to grant him access to the subject property and was even threatened by the security guards. Respondent contended that petitioner has no right to bar or harass him from entering the same since as an owner, he is entitled to its possession.

In response to the Amended Complaint, petitioner reiterated the defenses it raised in its original Answer and by way of supplement thereto, it claimed that it never received any notice that the properties formerly owned by Manga were the subject of any CLOA proceedings and that it intends to question the validity and seek the cancellation of the CLOA issued to respondent.

On April 9, 2002, respondent filed an Urgent Ex-Parte Motion for Issuance of a Temporary Restraining Order (TRO) to maintain his peaceful possession and cultivation of his awarded tillage. The PARAD granted respondent's motion in its Order dated April 15, 2002 and issued the sought TRO. Petitioner moved for reconsideration but the same was denied by Order dated April 23, 2002. Thereafter, the parties were directed to submit their respective position papers on the main case.

On June 21, 2004, the PARAD rendered judgment in favor of respondent. Maintaining that it has jurisdiction over the subject matter of the case, the PARAD ruled that respondent adduced sufficient proof to establish the existence of tenancy relationship between him and Manga, the most telling of which is CLOA No. 00563559 issued in his name. It further declared that the sale of the subject land to petitioner did not extinguish said tenancy relationship because under Section 10 of RA 3844, the purchaser or transferee of an agricultural land is merely subrogated to the rights and obligations of the agricultural lessor. The PARAD, therefore, concluded that petitioner must respect private respondent's ownership and possessory rights over the land in dispute. The fallo of the Decision reads:

> “WHEREFORE, premises considered, judgment is hereby rendered in favor of the petitioner and against the respondents:

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> - Ordering the respondent FEGDVI to vacate the premises in question and turn over the peaceful possession thereof to herein petitioner;
>
> - Ordering respondents' security guard agency to vacate the premises in question by removing its guard house and other guarding/security facilities from the land in question.
>
> SO ORDERED."

Aggrieved, petitioner appealed to the DARAB. On October 24, 2011, the DARAB issued the now impugned decision affirming the above pronouncement of the PARAD. It held that since herein respondent is a recipient of a CLOA, he is entitled to the possession of the subject land, the same being a necessary and logical consequence of his ownership thereof. It also held that the question on the legality of the issuance of the CLOA may not be passed upon by the Board. In so ruling, it adopted the discussion of the PARAD on the presumption of regularity in its issuance and the prohibition against collateral attack on certificates of title. The DARAB thus disposed:

> "WHEREFORE, the appeal is hereby DENIED and the Decision dated 21 June 2004 of the Adjudicator a quo is AFFIRMED in toto.
>
> SO ORDERED."

Petitioner sought reconsideration of the above Decision but it was denied by DARAB Resolution dated May 14, 2012.

Hence, the present recourse anchored on the following grounds:

> I
>
> WHETHER OR NOT THE DARAB ERRED IN NOT FINDING THAT THE INSTANT CASE DOES NOT INVOLVE AN AGRARIAN DISPUTE AND IS THEREFORE NOT WITHIN THE JURISDICTION OF EITHER THE PARAD OR THE DARAB.
>
> II
>
> WHETHER OR NOT THE DARAB ERRED IN HOLDING THAT THE RESPONDENT IS ENTITLED TO THE POSSESSION OF THE SUBJECT LAND IN VIEW OF THE CLOA ISSUED IN HIS NAME.
>
> III
>
> WHETHER OR NOT THE DARAB ERRED IN AFFIRMING THE DECISION OF THE PARAD IN FINDING THAT FEGDI DEPRIVED RESPONDENT OF HIS POSSESSION OF THE SUBJECT PROPERTY.

The foregoing issues can be simply capsulized into whether or not respondent is a bonafide farmer-beneficiary of the land in question.

We affirm the findings of the PARAD as sustained by the DARAB that respondent is a bonafide tiller of the subject landholding and must therefore be respected in his peaceful possession thereof.

Undeniably, respondent was a tenant of Cornelia Manga, the previous owner of the subject property. The Certification[7] of Barangay Captain Victoria Cortez who attested on May 20, 1995 as follows:

> "Sang-ayon sa ginawang imbestigasyon ng BARC Member ng Barangay Mabuhay, Carmona, Cavite, ay napatunayang si G. Juanito Maulanin ay nagtatanim sa lupang pag-aari ni [G.] Cornelia Manga mula pa noong taong 1965 at hanggang sa kasalukuyan. x x x"

The above attestation was further strengthened by the Certification[8] under date April 28, 1997 issued by

Municipal Agrarian Reform Officer (MARO) Teresita Crizaldo, who in turn stated:

> "This is to certify that per certification issued by BARC Chairman, Porfirio M. Purificacion, MR. JUANITO MAULANIN is an actual tiller on the landholding of Cornelia Manga situated at Ulong Tubig, Carmona, Cavite since 1989. He further certified that since 1965, this area is previously tilled by Mr. Melanio Maulanin, until his son occupied the area. x x x"

The best evidence adduced to prove that respondent was indeed a bonafide tiller of the land in question is CLOA No. 00563559 which was issued in the name of respondent and Ricardo Cortez. As aptly held by the PARAD and affirmed by the DARAB, the CLOA was generated and issued by the DAR in the performance of its official function as the chief implementing agency of the Agrarian Reform Program of the government. As such, the issuance of CLOA No. 00563559 enjoys the presumption of regularity and the burden of proof to show otherwise is upon the petitioner.

Finally, petitioner maintains that the property which respondent is allegedly deprived of possession is not the same as the property covered by his CLOA. While respondent repeatedly invoked TCT No. CLOA 2570 (CLOA No. 00563559) in his Amended Complaint and Urgent Ex-Parte Motion for the Issuance of a TRO, the letter of MARO Crizaldo under date March 21, 2002 states however that:

> "The lot is covered by CLOA No. 2569, collectively awarded to Corazon Maulanin, Juanito Maulanin and Hospicio Martinez. Based on the investigation report, Juanito Maulanin cannot till a portion of the lot awarded to him because the guards are preventing him to do any agricultural activity in that particular portion"

Considering that the CLOA referred to in the said report of MARO Crizaldo is not TCT No. CLOA 2570, petitioner posits that there is no evidence that it is depriving respondent of possession of the subject property.

We remain unpersuaded. Petitioner cannot deny that in the proceedings before the PARAD on July 22, 2003, it expressly stipulated that the land covered by TCT No. CLOA 2570 was among the properties it acquired from Manga.[9] On this note, it is significant to point out that in all of the pleadings it filed in connection with this case, petitioner admitted that it immediately proceeded to consolidate its possession of the said properties and posted security guards thereon in order to prevent other persons from entering the premises. Therefore, petitioner's assertion that it did not deprive herein respondent of possession of the subject property is clearly belied by its own admission. The fact that the cited report of MARO Crizaldo referred to CLOA No. 2569 and not TCT No. CLOA 2570, is of no moment. To Our mind, said report did not negate respondent's claim that he was denied of his possessory rights. On the contrary, it all the more fortified his position since the property covered by CLOA No. 2569 (which adjoins the subject property and of which respondent is likewise an awardee), is also among those agricultural lands petitioner bought from Manga.

WHEREFORE, premises considered, the petition is DENIED. The assailed Decision dated October 24, 2011 and Resolution May 14, 2012 of the DARAB are hereby AFFIRMED.

SO ORDERED.

Carandang (Chairperson) and Gonzales-Sison, JJ., concur.

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[1] Rollo, pages 35-39

[2] Id., pages 41-42

[3] Id., pages 118-119

[4] Id., pages 186-190

[5] Id., pages 112-114

[6] Id., pages 72-74

[7] Id., page 111

[8] Id., page 110

[9] Id., PARAD Decision quoting the Order dated July 22, 2003, page 49

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