

**JUAN PADIN, JUANA PADIN, PURITA PADIN AND GLORIA PADIN,
PETITIONERS, VS. HEIRS OF VIVENCIO OBIAS, NAMELY: HEIRS OF
ISIDRO OBIAS, SANTOS DOLORES, AND ATTY. FRANCISCO OBIAS,
RESPO...**

G.R. NO. 137337. December 09, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us for resolution is the instant petition for review on certiorari[1] assailing the Decision[2] of the Court of Appeals dated January 12, 1999 in CA-G.R. SP No. 44846.

Records show that on October 9, 1991, Juan, Juana, Purita and Gloria, all surnamed Padin, herein petitioners, filed with the Office of the Provincial Agrarian Reform Adjudicator (PARAD), Department of Agrarian Reform (DAR), Camarines Sur, a complaint against the heirs of the late Vivencio Obias, namely: heirs of the late Isidro Obias, Santos Dolores and Atty. Francisco Obias, herein respondents, docketed as PARAD Case No. 470.

The complaint alleges inter alia that the respondents are the owners of 36 hectares of agricultural land situated in Barangays Minoro and Kinalasan, San Jose, Camarines Sur; that in 1960, Cecilio Obias, then respondents' representative, designated petitioner Juan Padin as tenant and farm administrator over the whole property from 1960 until 1991; that petitioners were able to develop an area of about 14 hectares into an irrigated riceland; that they also planted 500 coconut trees on a 6-hectare portion; that respondents assigned petitioner Juan Padin as caretaker of several heads of cattle raised inside the property, with respondents' promise that he would be given a share corresponding to one-half of the selling price of each cattle; that after the death of Vivencio Obias in 1991, Atty. Francisco Obias, one of herein respondents, took over the management of the property; that in August 1991, petitioners attempted to register themselves with the DAR as agricultural tenants but respondents interposed their opposition; and that respondents sold 204 cows without giving Juan Padin his share. Petitioners thus prayed that they be declared agricultural tenants; that Juan Padin be retained as administrator of the entire property and as caretaker of the herd of cattle; and that his share from the proceeds of the sale of the 204 cows be turned over to him.

Respondents, in their answer, admitted that they allowed petitioners to occupy and cultivate a portion of the subject agricultural land. However, they denied any tenancy relationship with petitioners, claiming that Juan Padin was merely their administrator or overseer of the land and was paid for his services. They also admitted that sometime in 1991, respondent Atty. Francisco Obias replaced Juan Padin as administrator of the property.

On April 19, 1995, the PARAD rendered a Decision[3] dismissing petitioners' complaint, holding that there was no tenancy relationship between the parties. Juan Padin was only an administrator or overseer of the Obias estate. As such, he cannot claim any share from the proceeds of the sale of the cows. Also, respondents could dismiss Juan Padin as administrator or overseer.

On appeal by petitioners, the Department of Agrarian Reform Adjudication Board (DARAB), reversed the PARAD Decision,[4] thus:

"WHEREFORE, premises considered, the decision appealed from is SET ASIDE. A new judgment is rendered:

- Declaring Petitioners-Appellants tenants over the fourteen (14,000)-hectare riceland;
- Declaring Petitioners-Appellants legal farm administrator of the whole land in question;
- Declaring Juan Padin rightful caretaker of the large cattle and entitled to one hundred two (102) heads of cattle which is one-half (1/2) of the two hundred four (204) heads he raised;
- Ordering the fixing of the leasehold rental; and
- Ordering that the landholding be surveyed by the DAR Survey Team.

No pronouncement as to costs.

SO ORDERED."[5]

Respondents then filed with the Court of Appeals a petition for review. On January 12, 1999, it rendered the assailed Decision affirming with modification the DARAB Decision, thus:

"WHEREFORE, premises considered, the petition is PARTIALLY GRANTED. The appealed Decision of the DARAB is hereby MODIFIED by deleting that portion declaring private respondents as legal farm administrator of the entire subject property of petitioners; declaring respondent Juan Padin as caretaker of the large cattle of petitioners; and awarding respondent Juan Padin one hundred (102) heads of cattle.

SO ORDERED."

The Appellate Court upheld the DARAB's finding that petitioners are agricultural tenants on respondents' 14-hectare riceland, thus:

"After a careful scrutiny of the facts and the law of the case, we find no compelling reason to depart from the pronouncement of the DARAB on the existence of a tenancy relationship between petitioners and private respondents, the same being supported by ample evidence in this case. A crucial documentary evidence which proved said landlord-tenant relationship are the receipts issued by petitioner [now respondent] Francisco Obias acknowledging payments made by private respondents [now petitioners] for the share of petitioners in the harvests. In one case, it has been held that where persons cultivated the land of another and did not receive salaries but a share in the produce or the cash equivalent thereof, the relationship created between them and the landowner is one of tenancy and not employment (*Sintos v. Court of Appeals*, 246 SCRA 223 [1995]).

It is also undisputed in this case that petitioners admitted in their answer that they allowed respondent Juan Padin and his family to occupy and cultivate a portion of the subject agricultural land (p. 56, Rollo), a fact which is supported by petitioners' witnesses Antonio Alarcon and Julian Reboya in their affidavits (pp. 71-72, Rollo). Certainly, we cannot allow petitioners now to disclaim their installation of private respondents as legitimate tenants in the subject property."

However, the Court of Appeals reversed the DARAB ruling that petitioner Juan Padin should remain as administrator of the subject property and as caretaker of the herd of cattle; and that he is entitled to one-half share from the proceeds of the sale of each cattle.

Hence, the instant petition for review on certiorari alleging that the Court of Appeals erred in modifying the DARAB Decision. They claim that (1) there is basis to retain petitioner Juan Padin as administrator of

respondents' entire property and as caretaker of their cattle; and (2) that he is entitled to one-half of the proceeds of the sale of said cattle.

In their comment, respondents insist that no tenancy relationship existed between the parties.

Unfortunately, the issue of whether there was a tenancy relationship between the parties can no longer be raised by respondents before this Court since they did not interpose an appeal from the Decision of the Court of Appeals. Moreover, this issue is factual and is binding upon this Court, the same being supported by substantial evidence.[6]

Parenthetically, the Court of Appeals correctly ruled that the DARAB is without authority to compel respondents to retain petitioner Juan Padin as farm administrator of their property and as caretaker of their cattle. His services ended in 1991.

As to the claim of petitioner Juan Padin that he is entitled to one-half of the amount realized from the sale of the cows, again, this is a factual issue. This Court has no reason to disturb the Court of Appeals' finding that there is no evidence to support such assertion.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals dated January 12, 1999 in CA-G.R. SP No. 44846 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio-Morales, and Garcia, JJ., concur.

[1] Filed under Rule 45 of the 1997 Rules of Civil Procedure, as amended.

[2] Penned by Justice Rodrigo V. Cosico and concurred in by Justice Artemon D. Luna (retired) and Justice Delilah Vidallon-Magtolis (also retired); Rollo at 28-34.

[3] Rollo at 46-51.

[4] Penned by Assistant Secretary and Vice-Chairman Lorenz R. Reyes and concurred in by Undersecretary Artemio A. Adaza, Jr., Assistant Secretary Augusto P. Quijano and Assistant Secretary Sergio B. Serrano. The two other members took no part; Rollo at 36-45.

[5] Rollo at 44.

[6] Padunan vs. Department of Agrarian Reform Adjudication Board, G.R. No. 132163, January 28, 2003, 396 SCRA 196, citing Titong vs. Court of Appeals, 287 SCRA 102 (1998); Padunan vs. Department of Agrarian Reform Adjudication Board, id., citing Corpus vs. Grospe, 333 SCRA 425 (2000); Reyes vs. Reyes, 437 Phil. 274 (2002), citing Malate vs. Court of Appeals, 218 SCRA 572 (1993).

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