

MA. ROSARIO L. BATONGBAKAL, PETITIONER, VS. SIMEON ZAFRA, RESPONDENT.

G.R. NO. 141806. January 17, 2005

Ponente: CARPIO-MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-141806/>

CARPIO-MORALES, J.:

Respondent Simeon Zafra filed a complaint for maintenance of peaceful possession over a landholding situated in Caingin, Bocaue, Bulacan with the Department of Agrarian Reform (DAR) against petitioner Ma. Rosario L. Batongbacal and her alleged co-owners thereof, and also against the Municipality of Bocaue, Bulacan. The complaint, docketed as DAR Case No. 155-Bul'90, was later amended to include Francisco Santiago, Jr. as additional defendant.

In his complaint, respondent claimed to be the rightful tenant of the land in question in support of which he invoked an order of the Ministry, now Department, of Agrarian Reform (DAR) dated August 27, 1987 in another case, Administrative Case No. III-62-87 – a case filed by herein petitioner for cancellation of certificates of land transfer against respondent, in which respondent was found to be a tenant of petitioner; and that he was disturbed by petitioner and her co-defendants by dumping filling materials on the landholding in the course of the construction of a public market on an adjacent lot, thereby preventing him from cultivating the landholding.

By decision of April 14, 1994, the Provincial Adjudicator found for respondent, viz:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff and against defendant (sic) as follows:

- Finding the plaintiff to be a bonafide tenant of the landholding in question;
- Ordering defendants, Mun. of Bocaue, Bulacan, Ma. Rosario Batongbacal, Celso S. Lazaro, Consorcia Santiago, Rodolfo Lazaro and all other persons acting in their behalves are hereby ordered (sic) to cease and desist from committing any acts tending to eject, oust or disturb the plaintiff in his landholding;
- Making the Preliminary Injunction issued permanent.

SO ORDERED.

Petitioner and her co-defendant Francisco Santiago, Jr. appealed. The Department of Agrarian Reform and Adjudication Board (DARAB), by Decision of February 16, 1998, dismissed the appeal, affirmed in toto the decision of the Provincial Adjudicator, and ordered petitioner and her co-defendants to vacate the premises and respect respondent's peaceful possession and cultivation thereof.

Petitioner thereafter filed a Motion for Reconsideration and/or New Trial in which she claimed, inter alia, that the DARAB decision was based on a falsified case record which contained documents from other cases surreptitiously inserted therein by the DARAB, namely, (1) the exhibits in Administrative Case No. III-62-87, (2) the case folder of CA-GR SP No. 26354 – a petition for certiorari and injunction filed by petitioner, among others,

to restrain the re-opening of Administrative Case No. III-62-87, and (3) the documentary evidence in Civil Case No. 91-1939 – an ejectment case filed against respondent by Carlos Cruz, et al. The motion was denied by Resolution of June 4, 1998.

Only petitioner assailed the DARAB decision via a petition for review filed with the Court of Appeals. In her petition before the appellate court, she proffered that she was denied due process as she was not given the opportunity to present evidence and the DARAB surreptitiously inserted documents in the record on which it based its decision; and that she is not the owner of the landholding over which respondent was claiming to be a tenant– that covered by Certificate of Land Transfer (CLT) No. 16(M), hence, he could not have been her tenant thereon.

Petitioner further proffered that the DARAB had no jurisdiction over the case since the land in question is a “commercial or institutional land” covered by the comprehensive development plan of the Municipality of Bocaue, Bulacan.

The Court of Appeals, by Decision of February 23, 1999, dismissed the petition. On the issue of whether she was deprived of due process, the appellate court, noting that petitioner filed her answer before the Provincial Adjudicator whose decision she appealed to the DARAB, and that her documentary evidence in Adm. Case No. III-62-87, the case folder of CA-GR SP No. 26354, and the documentary evidence in Civil Case No. 91-1939 were part of the records of the case, held in the negative.

On the issue of jurisdiction, the appellate court held that in light of the allegations of respondent in his complaint on dispossession of a tenant by the landholder of an agricultural land, the DARAB had jurisdiction over the case.

Petitioner’s claim that the land is “commercial or institutional” was discredited by the appellate court as it found that the record did not sufficiently indicate so, and in any case, its proper classification should be determined in a separate and proper complaint as it would involve the validity of the CLT issued to respondent which may not be challenged collaterally.

Petitioner’s Motion for Reconsideration of the appellate court’s decision raising the same issues having been denied by Resolution of January 31, 2000, she filed the present petition essentially reiterating her arguments before said court.

This Court views as odd for one who denies ownership of a land and yet contests an injunction obtained against her by a tenant thereon. For, as in petitioner’s case, if one were not the landowner, then he or she would have no interest in the land and would even have less justification for disturbing the tenant’s possession thereof.

At any rate, if indeed petitioner is not a real party in interest, then the assailed decision would merely be erroneous insofar as petitioner is concerned.

The resolution of the case hinges on four issues, namely, (1) the identity of the land in question, (2) the alleged tenancy of respondent thereon, (3) the classification of the land, and (4) the alleged denial of due process to petitioner.

Identity of the land in question

Petitioner summarizes her main argument in this wise:

“This is the crux of [petitioner’s] defense: not being the owner of the landholding that [respondent] claims, even assuming that he is a lawful tenant of [petitioner], he is not entitled to possession of the land owned by another. Neither can a judgment to place him in possession be legal against [petitioner], who is not the owner; any such judgment would be clearly ineffective as in the first place she has no right to transfer possession of a

third party's land.”[1]

Petitioner's argument is flawed. Although the identity of the land is a question of fact, this Court has to resolve the same to finally put this case to rest, as the lack of an explicit resolution thereon appears to be at the root of this controversy.[2] The decisions of the Court of Appeals, the DARAB, and the DAR Provincial Adjudicator on the case at bar all refer to the “land in question” and the “subject land” without, however, explicitly identifying it.

It is inferred from the record of the case, however, that the subject land is identical to that involved in DAR Adm. Case No. III-62-87 which, by petitioner's own claim, is covered by CLT No. 255927 under the name of respondent. Thus, in her statement of facts in the present petition, petitioner alleges:

4. On May 27, 1984, [petitioner] and her five (5) siblings (Celso, Lauro, Consorcia, Pablito, and Rodolfo) filed a request for cancellation of Certificates of Land Transfer with the then Minister of Agrarian Reform Conrado F. Estrella, seeking their exemption from Operation Land Transfer under Presidential Decree No. 27 on the ground that the land was already commercial in nature since 1974, and they were entitled to exercise retention rights over the abovementioned lands. The letter-request for cancellation of the CLTs was docketed as Adm. Case No. III-62-87 of the Ministry of Agrarian Reform.

5. [Respondent] is among those whose Certificates of Land Transfer were sought to be cancelled, he having been a tenant of [petitioner's ascendant] Pedro G. Lazaro over a landholding in Lot 5-E-5-C, (LRC)Psd-03-024538; his CLT was denominated as CLT No. 0-255927, PMS No. 006, Lot No. 00013, with an area of 00.7200 hectares.” (Emphasis and underscoring supplied)

Respondent's complaint in the case at bar, on the other hand, which challenged petitioner's acts in relation to the same land involved in Adm. Case No. III-62-87 alleged:

x x x

3. Plaintiff [herein respondent] is tenantry a parcel of land located at Caingin, Bocaue, Bulacan previously owned by the late Pedro Lazaro while defendants [herein petitioner, et al.] are all heirs of the latter.

4. Plaintiff has been pronounced as rightful tenant of the land in question by the Department of Agrarian Reform resolution of DAR ADM. CASE NO. III-62-87 embodied in the Order dated August 27, 1987. The Order directed the landowner to, among others, maintain the tenants in the peaceful possession and cultivation of their respective farmholdings under leasehold. xxx

5. Sometime during the first half of February, 1990, Defendants caused the dumping of filling materials on subject landholding being as it is adjacent to and abutting the land whereon a public (municipal) market is being constructed. xxx[3] (Emphasis and underscoring supplied)

Although the subject land was merely described in the complaint in the present case by respondent as “located at Caingin, Bocaue, Bulacan” and as “adjacent to and abutting the land whereon a public (municipal) market is being constructed,” his reference to Adm. Case No. III-62-87 shows that that land subject of the latter case is identical with that in the present case.

Moreover, the record indicates that the appellate court, the DARAB and the Provincial Adjudicator, in alluding to the “land in question” or “the subject land,” referred to the same land involved in Adm. Case No. III-62-87.

On the issue of whether respondent is “a bona fide tenant of the landholding in question,”[4] the Provincial Adjudicator held in the affirmative in this wise:

. . . [T]he Board is convinced to resolve the same in the affirmative. Plaintiff has been found by the DAR Team Office and by the investigation conducted by Atty. Rufino Antonio, Trial Attorney II DAR-BALA, Malolos, Bulacan (sic). This finding is supported by the Affidavit of Mr. Gil Del Rosario, an adjacent (kahangga)

landholder of the plaintiff, certifying plaintiff is indeed a tenant of the landholding he is claiming since the 1940's, exhibit 'A'. The landowners ledger, EP Form 1 also revealed that plaintiff is a bona-fide tenant of Pedro Lazaro, Exhibit 'B'. The tenancy status of the plaintiff is fortified by receipts, exhibits D. D-1, D-2, D-3 all pointing that the former has been paying his lease rentals. Although there is no written contract to prove plaintiff's tenancy status, his long period of cultivating and performing all the phases of agriculture in his landholding coupled with his act of sharing his harvest through the payment of lease rental establishes his status as a bonafide tenant.[5] (Underscoring supplied)

The affidavit of Mr. Gil Del Rosario referred to above identifies the land being tilled by respondent as that covered by CLT No. 255927. The Landowner's Ledger in the name of petitioner's ascendant Pedro Lazaro includes respondent in the list of farmer-beneficiaries and acknowledges his possession of CLT No. 255927. When the Provincial Adjudicator cited then these documents as evidence of a tenancy relationship between the parties over the land, he must have referred to the landholding covered by CLT No. 255927, the same land subject of Adm. Case No. III-62-87.

Petitioner nonetheless argues that respondent's submission in the present case of CLT No. 16(M), which is not the one involved in Adm. Case No. III-62-87, indicates that the two cases covered different parcels of land.

The complaint filed by respondent identified the subject landholding as that over which he was pronounced as rightful tenant in Adm. Case No. III-62-87 which, as explained above, was the land covered by CLT No. 255927. Consistent with this identification, respondent submitted as evidence the affidavit of Gil del Rosario and the Landowner's Ledger mentioned above, both of which refer to the land covered by CLT No. 255927. The CLT No. 16(M) submitted by respondent in the present case may thus be considered merely as irrelevant evidence.

The tenancy of respondent on the subject land

Based on petitioner's own statements in her petition, the landholding subject of Adm. Case No. III-62-87 forms part of Lot 5-E-5-C, (LRC)Psd-03-024538 which is owned by her and her siblings.[6] In fact, in her Answer filed with the Provincial Adjudicator, she admitted that she has a tenancy relationship with respondent on the same land. Thus, referring to the DAR Order dated August 27, 1987 in Adm. Case No. III-62-87, petitioner states:

b. Said Order affects Lot No. 000013, PMS No. 006, containing an area of 7,200 square meters and which forms part of that piece of land denominated (before) as Lot 5-E, Psd-26727, Sheet 1, and, (later) as Lot 5-E-5-C, Psd-03-024538, embrace[d] in, and covered (before) by Transfer Certificate of Title No. T-13569 and (later) by Transfer Certificate of Title No. T-95.491(M), of Bulacan, xxx

c. Answering defendant Ma. Rosario L. Batongbacal did not and does not have any tenancy relationship with the plaintiff with respect to any land other than in, and over a portion of what used to be Lot 5-E, Psd-26727, Sheet 1, formerly covered by Transfer Certificate of Title No. T-3852 and later T-13569, of Bulacan.”[7] (Emphasis and underscoring supplied)

Given this admission, not only is the identity of, but also the tenancy relationship between the parties over the land is established.

There being a tenancy relationship between the parties, petitioner is bound to respect the security of tenure which the law vests upon her tenant-respondent.

xxx This being so, the herein plaintiffs who happen to be legitimate tenants are entitled to a security of tenure and be maintained in the peaceful possession and cultivation of their respective landholdings until and after their status as a tenant[s] has been proven otherwise. Furthermore, even if the defendants [now petitioners] were to claim that they are unaware of the occupancy of the land by the herein tenants on the assumption that the deceased Faustino Ocampo did not report the matter to them, the law is clear on the matter that the

successor or the transferee of an agricultural land is bound and subrogated to the rights and obligations of the transferor.[8] (Underscoring supplied)

Classification of the subject land

On petitioner's affirmative defense that, even assuming that she owns "the land subject of the case" and that respondent was a tenant thereon, the land is outside the coverage of the Comprehensive Agrarian Reform Law, it having been included in the institutional and commercial zone defined by the Comprehensive Development Plan of Bocaue, Bulacan as early as February 9, 1981: The Court finds that the factual finding of the DARAB that the subject land is agricultural has not been overturned by petitioner.[9]

Alleged denial of due process

That petitioner filed motions for reconsideration and appeals with the tribunals below, in which she presented her arguments and through which she could have proffered her evidence, if any, negate her claim that she was denied opportunity to be heard.[10] The case of *Mutuc v. CA*, correctly cited by the appellate court, is instructive:

There is no question that the "essence of due process is a hearing before conviction and before an impartial and disinterested tribunal" but due process as a constitutional precept does not, always and in all situations, require a trial-type proceeding. The essence of due process is to be found in the reasonable opportunity to be heard and submit any evidence one may have in support of one's defense. "To be heard" does not only mean verbal arguments in court; one may be heard also through pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.[11] (Underscoring supplied; citations omitted)

Petitioner nevertheless argues that a motion for reconsideration is not sufficient for the purpose of submitting her evidence because she intended to present "properly authenticated copies of titles to property, technical plans and surveys, testimony of the real-parties-in-interest, authenticated copies of government agencies holding such records x x x court records, and the like, which could not be properly submitted by means of a mere motion." Her evidence, however, consisted in the main of public documents which she could have attached to her motions for reconsideration and her appeals to merit a disturbance of the assailed decisions. The testimonial evidence she intended to present could have been submitted in the form of affidavits, as is usual in administrative proceedings.

Far from being deprived of the opportunity to be heard then, it was petitioner's choice not to take advantage of such opportunity.

Petitioner cannot also claim that, despite being able to ventilate her arguments through pleadings, her right to due process was nonetheless violated when these arguments were ignored by the tribunals below. On the contrary, her thesis in her petition and memorandum filed with this Court consists of attempts to refute the rulings of these tribunals on the issues which she raised, such as the ownership of the land, its present classification, the existence of a landlord-tenant relationship, and due process.

As for petitioner's questioning the Court of Appeals not passing on her allegation that the DARAB, without notifying the parties, intercalated certain documents into its case folder: Courts are not always required by law to discuss each and every allegation raised by litigants. In the wise use of their discretion, courts may sift the arguments raised by both parties and address only those which are substantial. As *People v. Derpo*[12] holds:

"One must bear in mind that the court is not required to state in its decision all the facts found in the records. It is enough that the court states the facts and the law on which it is based (Section 1, Rule 36 of the Revised Rules of Court). Thus, the mere fact that no mention was made in its decision of the testimony of prosecution witness Augusto Hara before the former Presiding Judge, Hon. Jorge S. Imperial does not necessarily mean that said testimony was overlooked by the trial court in arriving at its decision, as alleged. Moreover, if no

reference was made of said testimony, it is because such is insignificant.”

While the DARAB, to show that petitioner was not denied due process, cited the existence in the record of the questioned documents, such documents were not the only bases to support its ruling. Petitioner’s filing of a motion for reconsideration was also mentioned as having a curative effect on the issue of due process. Hence, even if the questioned documents were disregarded, there would still be sufficient legal ground to support DARAB’s ruling.

The Court of Appeals cannot then be faulted for not passing upon the alleged intercalation, it having found, like the DARAB, that any defect in due process was cured by petitioner’s filing of an answer, an appeal, and a motion for reconsideration.[13]

WHEREFORE, the petition is hereby DENIED for lack of merit.

Costs against petitioner.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

[1] Rollo at 380.

[2] As ruled by the Court in the case of *Latchme Motoomull v. Dela Paz*, 187 SCRA 743, 754 (1990): “[T]he Court will always strive to settle the entire controversy in a single proceeding leaving no root or branch to bear the seeds of future litigation.”

[3] DAR Case Record II, 556.

[4] Rollo at 93.

[5] *Ibid.*

[6] Rollo at 14-15.

[7] DARAB Case Record I, 39.

[8] *Don Pepe Henson Enterprises v. Pangilinan*, 161 SCRA 687, 693 (1988).

[9] “xxx as to whether the particular land in question is forestry or any other class of land is a question of fact to be settled by the proof in each particular case.” (*Republic v. Court of Appeals*, 168 SCRA 77, 84 [1988]).

[10] *Sampang v. Inciong*, 137 SCRA 56, 62 (1985).

[11] 190 SCRA 43, 49 (1990).

[12] 168 SCRA 447, 455 (1988).

[13] Rollo at 68.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.