

ESTER DELOSO, PETITIONER, VS. SPS. ALFONSO MARAPAO AND HERMINIA P. MARAPAO, RESPONDENTS.

G.R. No. 144244. November 11, 2005

Ponente: TINGA, J.

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TINGA, J.:

This Petition for Review on Certiorari[1] assails the Decision[2] of the Court of Appeals in CA-G.R. SP No. 48503 which reversed the decision of the Department of Agrarian Reform Adjudication Board (DARAB) and declared that petitioner is not a tenant of respondents.

The landholding subject of this case is coconut land located in Badlangon, Ampayon, Butuan City and covered by three transfer certificates of title in the name of respondents.[3]

It appears that petitioner filed a complaint with the Provincial Agrarian Reform Adjudicator (PARAD) for the province of Agusan del Norte against respondents praying that the latter be enjoined from interfering with her tenurial rights, and that an order be issued fixing the sharing of the net produce of the landholding between the parties and directing respondents to account for the November 1994 harvest. Petitioner claimed that her first husband, the late Primitivo Temple (Primitivo), entered into an agreement with Lino Palomo, father of respondent Herminia P. Marapao, stipulating that they would equally share the produce of the landholding. After the death of Primitivo and her subsequent remarriage to Vicente Deloso in 1986, petitioner averred that she continued to be in possession of the subject landholding and to transact with the copra dealer on behalf of respondents.

Respondents, on the other hand, maintained that Primitivo was not a tenant of the landholding but merely an overseer paid for the work he rendered. After Primitivo's death, his son, Alberto, was installed as overseer also as a paid farmworker. Moreover, respondents alleged that when petitioner remarried, she relocated to Gingoog City with her husband making her allegation of personal cultivation of the landholding an impossibility.

The case was referred to the Municipal Agrarian Reform Officer (MARO) of Butuan City for the purpose of determining, among others, whether petitioner is indeed a tenant of the subject landholding. On the basis of the report of its legal officer tasked to conduct an ocular inspection on the landholding and to investigate the matter, the MARO found Alberto Temple to be the tenant of the landholding.

The PARAD, however, reversed the finding of the MARO and declared that petitioner is a tenant of the landholding.

On appeal, the DARAB affirmed the findings of the PARAD and ruled that the requisites of agricultural tenancy are present. Specifically, the DARAB held that pesadas and vales presented by petitioner indicate that petitioner shared in the produce of the landholding and personally cultivated the same even after she remarried.

As previously mentioned, the Court of Appeals reversed the decision of the DARAB. The appellate court ruled that the findings of the legal officer who conducted an ocular inspection of the landholding and interviewed the concerned persons, which findings were affirmed by the MARO, should have been duly considered by the

DARAB.

The appellate court brushed aside as self-serving the pesadas and vales presented by petitioner to prove that she shared in the produce of the property. These documents, the Court of Appeals held, cannot prevail over the evidence adduced by respondents to the effect that when she remarried in 1986, petitioner transferred to Gingoog City which is so far from the location of the landholding in Butuan City as to make personal cultivation impossible. Moreover, the Time Book and Payroll presented by respondents prove that petitioner was paid in money and not in crops for the farmwork she rendered.

The appellate court denied petitioner's motion for reconsideration for lack of merit in its Resolution[4] dated March 6, 2000.

Petitioner is now before us contending that the petition filed before the Court of Appeals was deficient in form and substance as it did not contain a statement of facts, issues, and the grounds relied upon for the review. The petition also allegedly failed to point out the findings of the DARAB which are not supported by substantial evidence. The appellate court allegedly violated Sec. 10, Rule 43 of the 1997 Rules of Civil Procedure (Rules of Court) as it failed to first give due course to the petition before proceeding to resolve the same. In so doing, the Court of Appeals allegedly denied her due process. Finally, petitioner avers that the appellate court erred in reversing the decision of the DARAB which is allegedly supported by substantial evidence.

Respondents filed a Comment on the Petition[5] dated October 9, 2000, maintaining that the petition they filed with the Court of Appeals substantially complied with the requirements of the Rules of Court. They explain that the facts of the case and the grounds relied upon for review are found in the heading "DISCUSSION/ARGUMENT" to avoid redundancy. They aver that petitioner was not denied due process in the proceedings before the appellate court because she was able to file a comment on the petition and even filed a motion for reconsideration of the Decision rendered.

Respondents further contend that the DARAB decision was not supported by substantial evidence, claiming that the documents relied upon by the DARAB do not prove the existence of a tenancy relationship between the parties. They insist that petitioner did not share in the produce of the landholding but was instead paid for her work on the land and that she abandoned the same when she remarried and relocated to Gingoog City.

Petitioner filed a Reply to Comment on the Petition dated March 7, 2001, reiterating her argument that the petition filed before the appellate court should have been dismissed outright for being deficient in form and substance. She insists that the real issue in this petition is whether the decision of the DARAB is supported by substantial evidence and should have been upheld by the Court of Appeals.

In its Resolution[6] dated June 27, 2001, the Court required the parties to submit their respective memoranda. Accordingly, petitioner filed a Memorandum for Petitioner[7] dated November 19, 2001, while respondents filed their Memorandum[8] dated November 21, 2001.

First, the procedural issues raised by petitioner as regards the alleged deficiency in form and substance of the petition filed with the Court of Appeals and the failure of the latter to first give due course to the petition before proceeding to resolve the same.

An examination of the petition filed with the Court of Appeals reveals that while it does not contain a separate section on statement of facts, the facts of the case are, in fact, integrated in the petition particularly in the discussion/argument portion. Moreover, the decision of the DARAB which contains the facts of the case was attached to the petition and was even quoted by the appellate court. The petition also sufficiently discusses the errors committed by the DARAB in its assailed decision.

There was, therefore, substantial compliance with Sec. 6, Rule 43[9] of the Rules of Court. It is settled that liberal construction of the Rules may be invoked in situations where there may be some excusable formal deficiency or error in a pleading, provided that the same does not subvert the essence of the proceeding and connotes at least a reasonable attempt at compliance with the Rules. After all, rules of procedure are not to be applied in a very rigid, technical sense; they are used only to help secure substantial justice.[10]

With regard to the alleged failure of the Court of Appeals to first give due course to the petition, Sec. 10, Rule 43 of the Rules of Court provides:

Sec. 10. Due course.—If upon the filing of the comment or such other pleadings or documents as may be required or allowed by the Court of Appeals or upon the expiration of the period for the filing thereof, and on the basis of the petition or the records the Court of Appeals finds prima facie that the court or agency concerned has committed errors of fact or law that would warrant reversal or modification of the award, judgment, final order or resolution sought to be reviewed, it may give due course to the petition; otherwise, it shall dismiss the same. The findings of fact of the court or agency concerned, when supported by substantial evidence, shall be binding on the Court of Appeals. [Emphasis supplied.]

As can clearly be seen from the foregoing provision, in resolving appeals from quasi judicial agencies such as the DARAB, the appellate court has the discretion to give due course to the petition. It is also within the Court of Appeals' discretion to have the original records of the proceedings under review transmitted to it.[11]

Petitioner's contention that the appellate court deprived her of the opportunity to elevate the records by deciding the case without first giving the petition due course is, therefore, utterly unmeritorious. The records of the Court of Appeals show that the court decided the case on the basis of the pleadings filed by the parties, such as the petition, motion to dismiss, comment, reply and rejoinder, including the documents attached thereto. The pleadings and annexes, which replicate approximately the entire records of the DARAB, undoubtedly provided adequate basis for the resolution of the case.

On the main issue. The fundamental question raised by petitioner is whether the decision of the DARAB is supported by substantial evidence—the requisite quantum of evidence in agrarian cases[12]—and should, for that reason, have been upheld by the appellate court. Substantial evidence is, of course, such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[13]

Intertwined with this issue is the question of whether petitioner is a tenant of the landholding. This is essentially a question of fact generally beyond our scope of review under Rule 45 of the Rules of Court. Nonetheless, we are compelled to review the facts of this case because the findings of the Court of Appeals are contrary to those of the DARAB.[14]

In order to establish a tenancy relationship, the following essential requisites must concur: (1) that the parties are the landowner and the tenant or agricultural lessee; (2) that the subject matter of the relationship is an agricultural land; (3) that there is consent between the parties to the relationship; (4) that the purpose of the relationship is to bring about agricultural production; (5) that there is personal cultivation on the part of the tenant or agricultural lessee; and (6) that the harvest is shared between the landowner and the tenant or agricultural lessee.[15]

Petitioner's evidence fails to establish the existence of all the requisites of a tenancy relationship. The Decision of the Court of Appeals focused on the absence of three (3) requisites, namely: (1) consent on the part of respondents for petitioner to become a tenant of the landholding; (2) personal cultivation; and (3) sharing in the produce of the farm. The appellate court ruled:

In the case at bar, there is total absence of several requisites. Even prescinding from the actual use to which the land is presently devoted, We find, and so hold, that there is lack of consent for private respondent to become a

tenant on the lands in question, and consequently, there is thus no sharing of produce, private respondent and her predecessors-in-interest having been paid for their efforts in money, not crops, as clearly shown by the Time Book and Payroll, supra, and the Kasabutan of 06 November 1972. By the same token, there could be no personal cultivation by private respondent, she having left the place to live in another locality which We take judicial notice of is of a considerable distance from the property in litigation. While it may be true, as stated in the impugned Decision, that a tenant is not required to be physically present in the land at all hours of the day and night, and that it is permissible under the law for a tenant to be otherwise employed so long as the other job does not detract from a tenant's responsibilities, this doctrine surely cannot be stretched to apply to a case wherein the supposed tenant has chosen to reside in another municipality so far from the land to be cultivated that it would be physically impossible for her to be present therein with some degree of constancy as to allow for her to cultivate the same.[16]

We agree.

The pesadas and vales, which the DARAB heavily relied on to support its decision, contain mere recitals of amounts representing "gross, less fare, net, price, 1/3 share" without any indication whether these amounts actually pertain to the landholding in question. They do not show with reasonable certainty that petitioner shared in the harvest of the landholding or even whether the shares mentioned therein pertain to harvest shares. For instance, the pesada [17] dated September 21, 1986 states:

Sept. 21/86

6 - 350

6 - 343

6 - 331

6 - 331

6 - 330

1,685 Gross

45 Less Fare

1,640 Net

1.35 Price

2,214/3 Amount

738 1/3 Share

1,476 2/3 Share

800

676 Pd.

The other pesadas dated October 9, 1987, January 17, 1988, July 7, 1988, December 31, 1988, April 26, 1989 and December 3, 1989 are similarly inconclusive and unenlightening, for which reason they were correctly rejected by the Court of Appeals.

As regards the other documents submitted by petitioner to prove that she is a tenant of the landholding, such as: (a) the Affidavit of Benigno Haganas, Purok President of Purok 8, Bandiangon, Ampayon, Butuan City; (b) Joint

Affidavit of Pantaleon L. Navarra, former Councilor of Ampayon, Emeliano Opeña, former Barangay Captain of Cabcabon, Butuan City, and Felix Mijares; and (c) Certifications issued by ARBA and former Barangay Captain Gaudioso Cajutol, these affidavits and certifications fail to convince us of the existence of a tenancy relationship between petitioner and respondent.

It has been held that even certifications issued by administrative agencies and/or officials concerning the presence or the absence of a tenancy relationship are merely preliminary or provisional and are not binding on the courts.[18] The question of agricultural leasehold relationship cannot be made to depend on mere certifications issued by the president or officers of associations and organizations.[19]

We, therefore, concur with the Court of Appeals that the DARAB relied far too much on the pesadas and vales and overlooked compelling evidence indicating the absence of a tenancy relationship between the parties. In particular, the DARAB ignored the findings of the legal officer who investigated the case and concluded that Alberto Temple, petitioner's son, is the tenant of the landholding and the following documents: (a) the Affidavit of Alberto Temple executed before the case was filed with the DARAB stating that he was installed as a caretaker of the landholding; (b) the Agreement between respondents and Alberto Temple showing that the latter has been acting as caretaker of the landholding since 1986; (c) the Affidavit of Gina Sarusad, petitioner's neighbor, stating that petitioner was living in Gingoog City with her second husband from 1986-1994; and (d) the Certification from the Commission on Elections and the Voter's Affidavit of petitioner both showing that she is a registered voter of Gingoog City. These documents confirm that petitioner was not personally cultivating the landholding.

The DARAB also disregarded the time book and payroll presented by respondents showing that petitioner was a paid farmhand and did not share in the produce as a tenant.

In fine, the wealth of evidence in this case sustains the conclusion that petitioner is not a tenant of the landholding. The Court of Appeals did not err in overturning the decision of the DARAB, unsupported, as it was, by substantial evidence.

WHEREFORE, the petition is hereby DENIED. The Decision of the Court of Appeals dated September 13, 1999 is AFFIRMED and the Resolution of the Municipal Agrarian Reform Officer dated February 23, 1996 insofar as it declared that petitioner is not a tenant of respondents is hereby REINSTATED. No pronouncement as to costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Chico-Nazario, J., on leave.

[1] Rollo, pp. 5-22; Dated March 29, 2000.

[2] Id. at 25-31; Dated September 13, 1999; Penned by Associate Justice Romeo A. Brawner and concurred in by Associate Justices Angelina Sandoval-Gutierrez (now Associate Justice of this Court) and Martin S. Villarama, Jr.

[3] TCT No. RT-19855 covering 45,108 sq. m. and TCT No. RT-19853 covering 113,693 sq. m. are both registered in the name of respondent Herminia P. Marapao, while TCT No. RT-14735 covering 50,000 sq. m. is registered in the name of respondent Alfonso Marapao. DARAB Records, pp. 408-409.

[4] Rollo, p. 33.

[5] Id. at 218-253.

[6] Id. at 275-276.

[7] Id. at 298-316.

[8] Id. at 319-358.

[9] Sec. 6. Contents of the petition.—The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein.

[10] Director of Lands v. Court of Appeals, 363 Phil. 117 (1999).

[11] Torres v. Court of Appeals, 344 Phil. 348 (1997).

[12] Bunye v. Aquino, 396 Phil. 533 (2000).

[13] GSIS v. Court of Appeals, 357 Phil. 511 (1998).

[14] Serina v. Caballero, G.R. No. 127382, August 14, 2004, 436 SCRA 593.

[15] Laresma v. Abellana, G.R. No. 140973, November 11, 2004, 447 SCRA 156; Valencia v. Court of Appeals, 449 Phil. 711 (2003).

[16] Supra note 1 at 30.

[17] Id. at 50.

[18] Esquivel v. Reyes, G.R. No. 152957, September 8, 2003, 410 SCRA 404.

[19] Samatra v. De Pariñas, 431 Phil. 255 (2002).

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