

GERARDO CASTILLO, PETITIONER, VS. COURT OF APPEALS, NIGADERIO PANGILINAN, TRANQUILINO CUA AND JULIANA FRANCISCO PAJOTA, RESPONDENTS.

G.R. No. 161959. February 02, 2007

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Sought to be annulled in this petition for certiorari are the Decision[1] dated November 6, 2003, and the Resolution[2] dated January 16, 2004, of the Court of Appeals in CA-G.R. SP No. 79271, which affirmed the decision[3] dated January 10, 2001, of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 7805.

The following are the antecedent facts culled from the records:

Juliana F. Pajota is the registered owner of an agricultural land situated at Gapan, Nueva Ecija and covered by Transfer Certificate of Title (TCT) No. NT-55353 of the Registry of Deeds of Nueva Ecija.[4] On August 28, 1993, Pajota appointed Tranquilino Cua as her attorney-in-fact to negotiate with the Philippine Deposit Insurance Corporation for the cancellation of a real estate mortgage on the land. On December 5, 1994, Pajota leased the land to petitioner Gerardo Castillo as evidenced by a Kasunduan Buwisan sa Sakahan.[5]

On December 8, 1995, a Deed of Cancellation of Mortgage and a Deed of Absolute Sale dated September 28, 1995,[6] in favor of respondent Nigaderio Pangilinan, were presented simultaneously before the Registry of Deeds of Nueva Ecija. Thereafter, the mortgage and TCT No. NT-55353 were cancelled. A new TCT, No. NT-245286,[7] was issued in Pangilinan's name.

Castillo alleged that when he visited the land on January 27, 1996, he was driven away by Pangilinan and Cua. He also discovered that the land was already fenced with wooden posts and barbed wire. Castillo reported the incident to the Philippine National Police Station in Gapan, Nueva Ecija.[8]

Castillo also alleged that upon learning of the sale, he sent a letter dated April 9, 1996[9] to Pangilinan demanding that he vacate the property. He sent another letter dated April 16, 1996[10] informing Pangilinan that he was exercising his right of redemption. He also tendered a payment of P50,000 which he deposited with Security Bank, Gapan Branch. On May 13, 1996, the money was consigned with the Office of the Provincial Agrarian Reform Adjudicator in Cabanatuan City.[11]

Also on May 13, 1996, Castillo filed before the provincial adjudicator a Petition for Redemption and Ejectment docketed as DARAB Case No. 01710'SNE'96.[12] On December 29, 1997, the provincial adjudicator dismissed the case on the ground that Castillo had no cause of action against Pangilinan since he was not the latter's tenant.[13] Instead he should have impleaded Pajota and Cua.

On reconsideration and after Castillo impleaded Pajota and Cua, the provincial adjudicator reversed his decision.[14] He ruled that Castillo was a tenant entitled to exercise the right of redemption under Section 12 of

Republic Act No. 3844.

The respondents appealed to the DARAB which reversed the ruling of the provincial adjudicator in a new judgment, as follows:

WHEREFORE, in view of the foregoing, the Order dated 15 June 1998 is hereby REVERSED and SET ASIDE. A new judgment is hereby rendered:

- 1) Declaring plaintiff-appellee not a bona fide tenant over the property in suit;
- 2) Declaring plaintiff-appellee ineligible to avail of the right of redemption granted under Section 12 of Republic Act No. 3844;
- 3) Ordering the maintenance of respondents-appellants in peaceful possession of the landholding.

All previous injunctive reliefs and orders issued by the Adjudicator a quo inconsistent with this decision is (sic) hereby NULLIFIED.

SO ORDERED.[15]

The DARAB ruled that only a bona fide tenant who cultivates the land himself and with the aid available from his immediate farm household may exercise the right of redemption granted by Section 12 of Rep. Act No. 3844. Based on the records, Castillo was gainfully employed as a manager of Warner Lambert Philippines during the period when he should have been cultivating the land. Thus, he could not have cultivated the land himself as his employment required him to report for office work regularly.

Castillo moved for reconsideration but the DARAB denied it.[16] He then filed a petition for review under Rule 43 of the Rules of Court with the Court of Appeals, seeking to set aside the decision and resolution of the DARAB. On November 6, 2003, the appellate court dismissed the petition.[17]

The appellate court reiterated that only bona fide tenants may avail of the right of redemption. To be a bona fide tenant, the person must cultivate the land himself and with the aid available from his immediate farm household. The appellate court sustained the DARAB's observation that Castillo's employment with Warner Lambert Philippines debunked the existence of a tenancy relationship. It also disregarded Castillo's contention that he was merely augmenting his income since his employment preceded his leasehold contract with Pajota.

His motion for reconsideration having been denied, Castillo filed this petition where he avers that the Court of Appeals erred in deciding in a way not in accord with law and applicable jurisprudence, and committed grave abuse of discretion amounting to lack and/or excess of jurisdiction when:

I.

It sustained the DARAB ruling that petitioner is not a tenant and could not possibly satisfy the requirement of personal cultivation by reason of his employment. As such, petitioner can not enjoy the right of redemption granted by Section 12 of Republic Act No. 3844 which is extended only to bona fide tenants of agricultural lands;

II.

It failed to consider the fact that petitioner and the former owner has a valid and existing agricultural tenancy contract and that the MARO - Municipal Agrarian Reform Officer certified to the fact that petitioner is actually managing and in actual physical possession of the agricultural land in question; and

III.

It did not give credence to the nature and topography of the land in question, which is an unirrigated upland devoted to rice that is dependent only on rainwater for irrigation and suitable only for one (1) cropping. Hence, petitioner is not expected to work on the land all year round.[18]

The issue for our resolution is whether the Court of Appeals committed grave abuse of discretion amounting to lack and/or excess of jurisdiction in affirming the DARAB's ruling that Castillo is not a bona fide tenant.

Castillo avers that he is a bona fide tenant in spite of his employment as a manager of Warner Lambert Philippines. While he does not deny that personal cultivation is an essential requisite for a tenancy relationship to exist, he contends that personal cultivation means cultivation by the lessee in person and/or with the aid of labor from within his immediate household. Therefore, he is allowed to engage the assistance of his immediate family members in tilling the land. He contends that not only did he personally cultivate the land, he also employed the help of his sons. Additionally, he invokes the Kasunduan Buwisan sa Sakahan between himself and Pajota as well as the Certification issued by the OIC-Municipal Agrarian Reform Officer (MARO) of Gapan, Nueva Ecija[19] which recognized him as tenant of the land.

After considering the submission of the parties, we find the instant petition bereft of merit.

In synthesis, the petitioner is asking this Court to review the facts and the evidence in the instant case. But it is an established doctrine that a review of facts and evidence is not the province of the extraordinary remedy of certiorari, which is extra ordinem - beyond the ambit of appeal.[20] Stated otherwise, factual matters, now being raised by the petitioner, cannot normally be inquired into by this Court in a certiorari proceeding. It cannot be tasked to go over the proofs presented by the parties and analyze, assess and weigh them again, in order to ascertain if the trial and the appellate courts were correct in according superior credit to the piece of evidence of one party or the other.[21]

Nevertheless, even if this Court were to consider this case as an exception to the general rule so as to permit a factual review, we are in agreement just the same that the petition fails to show that the petitioner is a bona fide tenant.

We note that in support of his claim of tenancy, the petitioner presented the Kasunduan Buwisan sa Sakahan and the MARO Certification. In our view, however, these documents are insufficient to support the petitioner's claim of tenancy.

To begin with, the agreement called Kasunduan Buwisan sa Sakahan entered into by Pajota and the petitioner can not by itself prove that the petitioner is a bona fide tenant. To determine whether a tenancy relationship exists, the concurrence of all the following essential requisites must be established by substantial evidence: (1) the parties are the landowner and the tenant or agricultural lessee; (2) the subject matter of the relationship is an agricultural land; (3) there is consent between the parties to the relationship; (4) the purpose of the relationship is to bring about agricultural production; (5) there is personal cultivation on the part of the tenant or agricultural lessee; and (6) the harvest is shared between the landowner and the tenant or agricultural lessee.[22]

In the case at bar, the element of personal cultivation by the petitioner was not proven. There is a dearth of evidence on record to show that the petitioner personally cultivated the lands. Much less was it shown that he was assisted by his sons in his farm work. This is fatal to the petitioner's cause as without the element of personal cultivation, a person cannot be considered a tenant even if he is so designated in the written agreement of the parties.[23] Also, the MARO Certification does not suffice to prove that the petitioner is a bona fide tenant. The certification merely indicated that the petitioner was managing and was in physical possession of the land since 1994.[24] It did not even refer to the petitioner as tenant of the land. In a previous case, we have ruled that certifications issued by administrative agencies and/or officials concerning tenancy relationship are preliminary

and are not binding on the courts.[25]

Thus, even if we review the evidence on record as prayed for by the petitioner, we are in agreement that the instant petition cannot be granted. No grave abuse of discretion could be ascribed to the decision and resolution of the Court of Appeals in CA-G.R. SP No. 79271.

WHEREFORE, the instant petition for certiorari is DISMISSED for utter lack of merit.

SO ORDERED.

Carpio, Carpio-Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 18-27. Penned by Associate Justice Martin S. Villarama, Jr., with Associate Justices Mario L. Guariña III and Jose C. Reyes, Jr. concurring.

[2] Id. at 29-32.

[3] Id. at 44-53.

[4] CA rollo, p. 34.

[5] Id. at 35-36.

[6] Id. at 37-38.

[7] Id. at 39.

[8] Id. at 47-48.

[9] Id. at 48.

[10] Id.; Id. at 40.

[11] Id. at 44.

[12] Id. at 46-50.

[13] Id. at 51-58.

[14] Id. at 59-62.

[15] Id. at 26-27.

[16] Id. at 29-33.

[17] Rollo, p. 26.

[18] Id. at 9-10.

[19] CA rollo, p. 127.

[20] Montebon v. Tanglao-Dacanay, G.R. No. 136062, April 7, 2005, 455 SCRA 110,118; See Soriano v. Angeles, G.R. No. 109920, August 31, 2000, 339 SCRA 366, 379; ComSavings Bank v. NLRC, G.R. No. 98456, June 14, 1996, 257 SCRA 307, 318.

[21] Montebon v. Tanglao-Dacanay, supra.

[22] Ambayec v. Court of Appeals, G.R. No. 162780, June 21, 2005, 460 SCRA 537, 542.

[23] *Samatra v. Vda. de Pariñas*, G.R. No. 142958, April 24, 2002, 381 SCRA 522, 530.

[24] *Supra* note 19.

[25] *Supra* note 22, at 545.

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