

VICENTE ADRIANO, PETITIONER, VS. ALICE TANCO, GERALDINE TANCO, RONALD TANCO, AND PATRICK TANCO, RESPONDENTS.

G.R. No. 168164. July 05, 2010

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

Laws which have for their object the preservation and maintenance of social justice are not only meant to favor the poor and the underprivileged. They apply with equal force to those who, notwithstanding their more comfortable position in life, are equally deserving of protection from the courts. Social justice is not a license to trample on the rights of the rich in the guise of defending the poor, where no act of injustice or abuse is being committed against them.[1]

This Petition for Review on Certiorari assails the October 12, 2004 Decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 74465 which reversed and set aside the June 17, 1998 Decision[3] of the Department of Agrarian Reform Adjudication Board (DARAB). The DARAB Decision affirmed the Decision[4] of the Provincial Agrarian Reform Adjudicator (PARAD) which declared and recognized petitioner Vicente Adriano (Vicente) as tenant/lessee of the landholding subject matter of this case. Also assailed is the May 4, 2005 Resolution denying the motion for reconsideration

Factual Antecedents

On December 18, 1975, respondent Alice Tanco (Alice) purchased a parcel of land consisting of 28.4692 hectares located in Norzagaray, Bulacan.[5] The land was devoted to mango plantation. Later on, it was partitioned among the respondents (Alice and her three children, namely, Geraldine, Ronald, and Patrick), each receiving 7 hectares, except Alice who got an extra 0.4692 hectare.

Controversy arose when Alice sent to Vicente a letter[6] dated January 16, 1995 informing him that subject landholding is not covered by the Comprehensive Agrarian Reform Program (CARP). She asked him to vacate the property as soon as possible.

Proceedings before the PARAD

Seeing the letter of Alice as a threat to his peaceful possession of subject farmland which might impair his security of tenure as a tenant, Vicente filed before the regional office of DARAB in Region III a Complaint for Maintenance of Peaceful Possession with Prayer for Temporary Restraining Order and/or Writ of Preliminary Injunction.[7] He averred that in 1970, Arsenio Tanco (Arsenio),[8] the husband of Alice, instituted him as tenant-caretaker of the entire mango plantation. Since then, he has been performing all phases of farm works, such as clearing, pruning, smudging, and spraying of the mango trees. The fruits were then divided equally between them. He also alleged that he was allowed to improve and establish his home at the old building left by Ang Tibay Shoes located at the middle of the plantation. Presently, he is in actual possession of and continues to cultivate the land.

In their Answer,[9] respondents denied having instituted any tenant on their property. They stressed that Vicente never worked and has no employer-employee relationship with Geraldine, Ronald, and Patrick. Insofar as Alice is concerned, respondents asserted that Vicente is not a tenant but a mere regular farm worker. They claimed that in April 1994 and April 1995, upon the intercession of the Municipal Agrarian Reform Officer (MARO), Alice agreed to avail the services of Vicente for the specific purpose of spraying the mango trees. In consideration thereof, Alice also agreed to pay Vicente an amount equivalent to 50% of the produce, which was then the prevailing practice in Bulacan. Respondents maintained that Alice agreed to this setup since the MARO made it clear to both parties that the contract was for the specific purpose of spraying the mango trees only and that the same will not ripen into tenancy relationship.

Respondents likewise alleged that it was impossible for the late Arsenio to institute Vicente as tenant in 1970 since the Tanco family acquired the mango plantation from Manufacturers Bank & Trust Co. only in December 1975.

On April 23, 1996, the PARAD rendered a Decision[10] in favor of Vicente. It opined that since Vicente was performing functions more than just a mere caretaker and was even allowed to live in subject landholding with his family, he is therefore a tenant. The dispositive portion of the PARAD's Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

- (1) Declaring and recognizing plaintiff Vicente Adriano as tenant/lessee of subject landholding;
- (2) Ordering the MARO of Norzagaray to cause the preparation of an Agricultural Leasehold Contract between the plaintiff and the defendants;
- (3) Plaintiff must be maintained in peaceful possession and cultivation of the landholding.

SO ORDERED.[11]

Respondents moved for reconsideration which was denied.[12]

Proceedings before the DARAB

Thus, respondents appealed to the DARAB which affirmed the ruling of the PARAD. It held that since the landholding is an agricultural land, that respondents allowed Vicente to take care of the mango trees, and that they divided the fruits equally between them, then an implied tenancy was created.

Proceedings before the CA

Twice rebuffed but still undeterred, respondents elevated the case to the CA via a Petition for Review[13] under Rule 43 of the Rules of Court. They contended, among others, that the essential elements of tenancy relationship are wanting in the instant controversy. They claimed that their property is not an agricultural land, but lies within a mineralized area; Alice hired Vicente as a caretaker and, therefore, the nature of their relationship is that of an employer-employee relationship; and, there is no proof that the parties share in the harvest. With regard to DARAB's theory of implied lease, respondents maintained that they never authorized Vicente to spray the mango trees. Respondents insisted that Alice agreed to engage the services of Vicente for the specific purpose of spraying the mango trees in 1994 and 1995 for humanitarian reasons in order to recompense him for the expenses he had already spent for the unauthorized spraying. The agreement was made upon the intercession of the MARO, who emphasized that the same would not ripen into tenancy relationship.

Respondents further contended that, if at all, Vicente's claim should be limited to the property assigned to Alice because she was the only one who hired him as a caretaker. In fact, he had been consistently receiving a monthly

salary as a hired caretaker, as well as bonuses, as shown by several cash vouchers[14] attached to their petition. Furthermore, it is impossible for Vicente, who is already old, to personally cultivate the entire 28.4692 hectares of land all by himself.

Impressed with respondents' arguments, the CA rendered a Decision in their favor. Thus:

Prescinding from the foregoing premises, the instant petition is GRANTED. The Decision dated 18 June 1998 and the Resolution dated 28 November 2002 of the Department of Agrarian Reform Adjudication Board (DARAB) are hereby REVERSED and SET ASIDE, and another judgment is entered, declaring respondent Vicente Adriano NOT a tenant of respondents Alice K. Tanco [TCT-No. T-93.233 (M)-7.4692 hectares], Geraldine Tanco [TCT No. 93.230 (M)-7 hectares], Ronald Tanco [TCT No. T-93.232 (M)-7 hectares], and Patrick Tanco [TCT No. T-93.231 (M)-7 hectares], whose subject landholdings are all located at San Mateo, Norzagaray, Bulacan, respondent being a mere employee or hired caretaker/overseer/worker of petitioner Alice K. Tanco with respect to her property in question, covering 7.4692 hectares, and thus respondent is NOT entitled to security of tenure under the Comprehensive Agrarian Reform Law (Republic Act No. 6657).

Costs against respondent.

SO ORDERED.[15]

Vicente sought reconsideration, which the CA denied in its May 4, 2005 Resolution.[16]

Issues

Hence, this petition. From the parties' exchange of pleadings, it appears that the fundamental issues to be resolved in this petition in the order of their importance are as follows:

I

WHETHER THE ISSUES RAISED BY THE PETITIONER ARE QUESTIONS OF LAW WHICH CAN BE REVIEWED BY THE SUPREME COURT.[17]

II

WHETHER THE FINDINGS OF THE PARAD AND THE DARAB THAT VICENTE IS A BONA FIDE TENANT IS SUPPORTED BY SUBSTANTIAL EVIDENCE. [18]

Our Ruling

This case falls under the exceptions where the Supreme Court may review factual issues.

Respondents, who put forward the first issue, contend that Vicente is actually raising factual issues which is not allowed in a petition for review on certiorari filed under Rule 45 of the Rules of Court. They maintain that under Rule 45, only questions of law may be raised as issues and resolved by this Court.

Vicente, on the other hand, concedes that the issues set forth in his petition are not questions of law. Nevertheless, he counter-argues that this case falls under the exceptions where this Court may pass upon questions of fact.

We agree with Vicente. The determination of whether a person is an agricultural tenant is basically a question of fact.[19] And, as a general rule, questions of fact are not proper in a petition filed under Rule 45.[20] But since the findings of facts of the DARAB and the CA contradict each other, it is crucial to go through the evidence and documents on record as a matter of exception[21] to the rule.[22]

The findings of the agrarian tribunals that tenancy relationship exists are not supported by substantial evidence.

Vicente posits that the CA erred in substituting its own findings with the unanimous findings of the PARAD and the DARAB. He asserts that factual findings of administrative agencies are entitled to great respect and even finality since they have acquired expertise on the field for which they were created. The only requirement is that said findings must be supported by substantial evidence. Vicente believes that the findings of the agrarian tribunals are supported by substantial evidence since he did not observe regular working hours, handles all phases of farm works, and lives in an old building located at the middle of the plantation.

We are not persuaded.

Tenancy relationship is a juridical tie which arises between a landowner and a tenant once they agree, expressly or impliedly, to undertake jointly the cultivation of a land belonging to the landowner, as a result of which relationship the tenant acquires the right to continue working on and cultivating the land.[23]

The existence of a tenancy relationship cannot be presumed and allegations that one is a tenant do not automatically give rise to security of tenure.[24] For tenancy relationship to exist, the following essential requisites must be present: (1) the parties are the landowner and the tenant; (2) the subject matter is agricultural land; (3) there is consent between the parties; (4) the purpose is agricultural production; (5) there is personal cultivation by the tenant; and, (6) there is sharing of the harvests between the parties.[25] All the requisites must concur in order to establish the existence of tenancy relationship, and the absence of one or more requisites is fatal.[26]

After a thorough evaluation of the records of this case, we affirm the findings of the CA that the essential requisites of consent and sharing are lacking.

The essential element of consent is sorely missing because there is no proof that the landowners recognized Vicente, or that they hired him, as their legitimate tenant. And, although Vicente claims that he is a tenant of respondents' agricultural lot in Norzagaray, Bulacan, and that he has continuously cultivated and openly occupied it, no evidence was presented to establish the presence of consent other than his self-serving statements. These cannot suffice because independent and concrete evidence is needed to prove consent of the landowner.[27]

Likewise, the essential requisite of sharing of harvests is lacking. Independent evidence, such as receipts, must be presented to show that there was sharing of the harvest between the landowner and the tenant.[28] Self-serving statements are not sufficient.[29]

Here, there was no evidence presented to show sharing of harvest in the context of a tenancy relationship between Vicente and the respondents. The only evidence submitted to establish the purported sharing of harvests were the allegations of Vicente which, as discussed above, were self-serving and have no evidentiary value. Moreover, petitioner's allegations of continued possession and cultivation do not support his cause. It is settled that mere occupation or cultivation of an agricultural land does not automatically convert a tiller or farm worker into an agricultural tenant recognized under agrarian laws.[30] It is essential that, together with the other requisites of tenancy relationship, the agricultural tenant must prove that he transmitted the landowner's share of the harvest.[31]

Neither can we agree with the DARAB's theory of implied tenancy because the landowner never acquiesced to Vicente's cultivating the land. Besides, for implied tenancy to arise it is necessary that all the essential requisites of tenancy must be present.[32]

Lastly, it is well to stress that Vicente has the burden of proving his affirmative allegation of tenancy. It is elementary that he who alleges the affirmative of the issue has the burden of proof. And if the petitioner upon whom rests the burden of proving his cause of action fails to show in a satisfactory manner the facts upon which he bases his claim, the respondents are under no obligation to prove their exception or defense. In the case at bench, aside from being self-serving, some of the allegations of Vicente are contradicted by the evidence on record. While he claims that Arsenio instituted him as tenant in 1970 and has since then occupied and cultivated respondents' landholdings, the Deed of Absolute Sale presented by the latter indubitably shows that Alice (or the Tanco family) acquired the same only in 1975.

WHEREFORE, the instant petition is DENIED. The assailed October 12, 2004 Decision of the Court of Appeals in CA-G.R. SP No. 74465 declaring petitioner Vicente Adriano not a tenant of the respondents and thus not entitled to security of tenure under the Comprehensive Agrarian Reform Law, and the May 4, 2005 Resolution denying the motion for reconsideration are AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Perez, JJ., concur.

[1] Heirs of Nicolas Jugalbot v. Court of Appeals, G.R. No. 170346, March 12, 2007, 518 SCRA 203, 220.

[2] CA rollo, pp. 247-304; penned by Associate Justice Regalado E. Maambong and concurred in by Associate Justices Eloy R. Bello, Jr. and Lucenito N. Tagle.

[3] Rollo, pp. 32-37.

[4] CA rollo, pp. 93-100.

[5] See Deed of Absolute Sale, id. at 157-158.

[6] Id. at 77.

[7] Id. at 71-74.

[8] While in its April 23, 1996 Decision (supra note 4) PARAD considered Arsenio Tanco to have passed away, respondents inserted a footnote in their Memorandum stating that Arsenio Tanco is still alive.

[9] CA rollo, pp. 78-79.

[10] Id. at 93-100.

[11] Id. at 100.

[12] See Order dated June 26, 1996, id. at 101.

[13] Id. at 2-53.

[14] Id. at 121-135.

[15] Id. at 303-304.

[16] Id. at 329-330.

[17] See respondents' Memorandum, rollo, pp. 406-421.

[18] See petitioner's Memorandum, id. at 364-378.

[19] Cornes v. Leal Realty Centrum, Co., Inc., G.R. No. 172146, July 30, 2008, 560 SCRA 545, 567.

[20] Rules of Court, Rule 45, Section 1.

[21] The other recognized exceptions are: (1) when the conclusion is a finding grounded entirely on speculation, surmise and conjecture; (2) when the inference made is manifestly mistaken; (3) when there is a grave abuse; (4) when the judgment is based on misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the Court of Appeals went beyond the issues of the case and its findings are contrary to the admissions of both appellant and appellee; (7) when the findings of fact of the Court of Appeals are contrary to those of the trial court; (8); when the findings of fact are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) when the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record. (Sarmiento v. Court of Appeals, 353 Phil. 834, 846 [1998]).

[22] De Jesus v. Moldex Realty, Inc., G.R. No. 153595, November 23, 2007, 538 SCRA 316, 320.

[23] Republic Act No. 1199, Section 6, (Agricultural Tenancy Act of the Philippines).

[24] De Jesus v. Moldex Realty Inc., supra note 22 at 321.

[25] Id.

[26] Cornes v. Leal Realty Centrum, Co., Inc., supra note 19 at 576-568.

[27] Heirs of Nicolas Jugalbot v. Court of Appeals, supra note 1 at 214-215; Berenguer, Jr. v. Court of Appeals, G.R. No. L-60287, August 17, 1988, 164 SCRA 431, 438-439.

[28] Berenguer, Jr. v. Court of Appeals, id.

[29] Id.

[30] Danan v. Court of Appeals, G.R. No. 132579, October 25, 2005, 474 SCRA 113, 126.

[31] Ambayec v. Court of Appeals, 499 Phil. 536, 545 (2005).

[32] Landicho v. Sia, G.R. No. 169472, January 20, 2009, 576 SCRA 602, 621.

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