

**EUGENIO MABAGOS, PETITIONER, VS. ORLANDO MANINGAS,
HERMAN MANINGAS AND EDWIN MANINGAS REPRESENTED BY
MARIANO SERRANO AS THEIR ATTORNEY-IN-FACT, RESPONDENTS.**

G.R. No. 168252. July 28, 2008

Ponente: CORONA, J.

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CORONA, J.:

This is a petition for review on certiorari[1] of the March 9, 2005 decision[2] and May 17, 2005 resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 86440.

On November 28, 1997, petitioner Eugenio Mabagos filed a petition for pre-emption and/or redemption[4] against respondents Orlando, Herman and Edwin Maningas in the Regional Office of the Department of Agrarian Reform Adjudication Board (DARAB), Region III, Cabanatuan City. The case was docketed as DARAB Case No. 03183-SNE-97.

Petitioner alleged that he was a tenant of an agricultural land described as Lot No. 2531 in Barrio Sinasajan, Peñaranda, Nueva Ecija, with an area of around 100,930 sq. m. The subject land was previously covered by Original Certificate of Title No. 23198 which was cancelled by Transfer Certificate of Title No. NT-264442 registered in the names of Bienvenido Padilla, Belen P. Bartilad and Armando Padilla. He claimed that he had been in possession of such land for 35 years, cultivating it and paying leasehold rentals to the registered owners. However, he discovered that the land was sold to respondents for the amount of P120,000 on July 11, 1997[5] without it first being offered to him as tenant.[6]

On March 30, 1999, the provincial adjudicator of Region III of the DARAB rendered a decision declaring that petitioner was a tenant but only of five hectares of the subject land.[7] On reconsideration, the decision was set aside and the Municipal Agrarian Reform Office (MARO) investigation report dated August 29, 1997 was adopted in a resolution dated September 29, 2000.[8] This report stated that the land was grassland/grazing land and therefore not tenanted.[9] Petitioner filed an appeal in the DARAB.

In a decision dated November 17, 2003, the DARAB reversed and set aside the September 29, 2000 resolution and declared petitioner the bona fide tenant of the land and recognized his right of redemption.[10] It denied reconsideration on August 6, 2004.[11]

Aggrieved, respondents filed an appeal in the CA docketed as CA-G.R. SP No. 86440.[12] In a decision dated March 9, 2005, the CA set aside the DARAB decision and resolution and dismissed petitioner's petition for pre-emption and/or redemption. It denied reconsideration in a resolution dated May 17, 2005.

Hence this petition raising the sole issue of whether or not petitioner was the tenant of the subject landholding who had the right of redemption under Section 12 of RA 3844, as amended.[13]

As proof of tenancy, petitioner showed receipts of the leasehold rentals he had paid the landowners from 1991 to 1997 which were collected by Meguela Lachica, Lolita Madrid and Piring Abes. He also presented an affidavit

dated March 17, 1998 of Lachica stating that: (1) petitioner was the tiller of the land and (2) she (Lachica) was authorized by Amparo Abes, wife of Bienvenido Padilla, to collect rentals from petitioner.[14] A joint affidavit dated December 17, 1997 was also executed by Crispulo Mababa, Rodolfo Palomo and Antonio Reyes stating that they were tenants of the landholding adjacent to the land being tilled by petitioner; they confirmed that the latter had been the tenant of the land for 35 years.[15]

Respondents countered that petitioner was not a tenant of the property as certified by the Barangay Agrarian Reform Committee chairman of Sinasajan[16] and the MARO of Peñaranda, Nueva Ecija.[17] These certifications stated that the land was part of the retention area of the previous registered owners thereof, described it as grassland/grazing land and that it was not being cultivated for agricultural production. They also averred that petitioner was not serious in redeeming the subject property because he never consigned the amount of P120,000 in the DARAB or the Land Bank of the Philippines.[18]

The petition lacks merit.

The CA held that, as between the affidavits presented by petitioner and the MARO report, the latter should prevail since it had in its favor the legal presumption that official duty had been regularly performed.[19]

We disagree. Certifications issued by the authorized representatives of the Secretary of Agrarian Reform in a given locality (concerning the presence or absence of a tenancy relationship between the contending parties) are merely preliminary or provisional and are not binding on the courts.[20]

Nonetheless, the evidence adduced by petitioner was insufficient to prove that he was the de jure tenant of the subject land. The requisites of a tenancy relationship are: (1) the parties are the landowner and the tenant; (2) the subject land is agricultural; (3) there is consent by the landowner; (4) the purpose is agricultural production; (5) there is personal cultivation and (6) there is a sharing of the harvest.[21]

Specifically, the first and third requisites were not met. The registered owners never recognized petitioner as their tenant. Petitioner's evidence only showed that he paid rentals to a supposed collector whose authority to collect was, however, not established. The *vinculum juris* or legal relationship between the landowner and his tenant was not clearly substantiated.

Moreover, a tenancy relationship can only be created with the consent of the true and lawful landholder.[22] There being supposedly a legal relationship, the intent of the parties and their agreement were important.[23] Petitioner's honest belief and impression that he was the tenant of the land did not necessarily make him one.[24] The actual meeting of the minds of the parties (i.e. the landowner and the tenant) to establish a landowner-tenant relationship for the purpose of agricultural production and with the objective to share harvests was necessary.

While the Court is committed to social justice (and agrarian reform), we cannot acknowledge the rights claimed by one who has not proven his entitlement thereto.

WHEREFORE, the petition is hereby DENIED.

Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), no part due to relation.

Carpio, Azcuna, and Leonardo-De Castro, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Mariano C. del Castillo and concurred in by Associate Justices Salvador J. Valdez, Jr. and Magdangal M. de Leon of the Eighth Division of the Court of Appeals. Rollo, pp. 34-48.

[3] Associate Justice Valdez, Jr. was replaced by Associate Justice Mario L. Guariña III in the Special Former Eighth Division; id., p. 50.

[4] Under Sections 11 and 12 of RA 3844 (otherwise known as the "Agricultural Land Reform Code"); id., p. 21.

[5] Id., p. 19.

[6] The certificate of sale was annotated as entry no. 7415 in favor of respondents and appeared at the back of TCT No. NT-264442; id., pp. 35-36.

[7] Penned by Provincial Agrarian Reform Adjudicator (PARAD) Romeo Bello; id., pp. 37-38.

[8] Penned by PARAD Napoleon Baguilat; id., pp. 22 and 39.

[9] Id., pp. 44-45.

[10] Docketed as DARAB case no. 10240.

[11] Rollo, pp. 39-40.

[12] Under Rule 43 of the Rules of Court; id., p. 34.

[13] Section 12 of RA 3844 as amended by RA 6389 states:

Sec. 12. Lessee's Right of Redemption. -- In case the landholding is sold to a third person without the knowledge of the agricultural lessee, the latter shall have the right to redeem the same at a reasonable price and consideration
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[14] Rollo, p. 42.

[15] Id., pp. 42-43.

[16] By Danilo Abesamis dated May 14, 1997; id., p. 20.

[17] Indorsement letter of Cesar T. Ortiona dated September 3, 1997 and investigation report of Artemio L. Gastes, Jr. dated August 29, 1997; id.

[18] Id., pp. 36-37.

[19] Id., p. 45.

[20] Cuaño v. CA, G.R. No. 107159, 26 September 1994, 237 SCRA 122, 137; Oarde v. CA, G.R. Nos. 104774-75, 8 October 1997, 280 SCRA 235, 246; Ambayec v. CA, G.R. No. 162780, 21 June 2005, 460 SCRA 537, 545.

[21] Bautista v. Araneta, 383 Phil. 114, 123 (2000), citing Caballes v. Department of Agrarian Reform, G.R. No. L-78214, 5 December 1988, 168 SCRA 247, 254; Nisnisan v. CA, 355 Phil. 605, 613 (1998).

[22] Dandoy v. Tongson, G.R. No. 144652, 16 December 2005, 478 SCRA 195, 205, citing Bautista v. Araneta, id., in turn citing Lastimoza v. Blanco, G.R. No. L-14697, 28 January 1961, 1 SCRA 231.

[23] Ambayec v. CA, supra note 20 at 546, citing Isidro v. CA, G.R. No. 105586, 15 December 1993, 228 SCRA 503, 511.

[24] *Rimasug v. Martin*, G.R. No. 160118, 22 November 2005, 475 SCRA 703, 719, citing *Ambayec v. CA*, *supra* note 20.

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