

**SPOUSES FRANCISCO G. TUAZON AND RUTH A. TUAZON,
PETITIONERS, VS. VICENTE G. TUAZON AND JOHN L. TUAZON,
RESPONDENTS.***G.R. NO. 168438. August 28, 2006*

Ponente: PUNO, J.

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At bar is a Petition for Review on Certiorari of the Decision and Resolution of the Court of Appeals in CA-G.R. CV No. 73617 dated July 28, 2004 and April 26, 2005, respectively, reversing the decision of the Regional Trial Court of Naga City, Branch 21, in Civil Case No. RTC 2000-0027. The trial court ruled that the case involves tenancy over which it lacks jurisdiction. The appellate court found that the issue is mere possession and remanded the case for further proceedings.

The instant case arose from a Complaint for Recovery of Possession and Damages filed by respondents Vicente G. Tuazon[1] and John L. Tuazon against petitioner spouses Francisco G. Tuazon and Ruth A. Tuazon. Respondents alleged in their Complaint that they are the absolute owners of a 2.3119-hectare of land located at Gotob, San Agustin, Canaman, Camarines Sur covered by Original Certificate of Title No. RP-298 (224241). They acquired the land by way of a Deed of Absolute Sale dated June 14, 1985 from its original owner, the late Rosa G. Tuazon, who was Vicente's mother. They further alleged that after the sale, Francisco Tuazon (a brother of Vicente) filed with the Regional Trial Court of Naga City, Branch 20, a complaint for Reconveyance of Property docketed as Civil Case No. RTC '92-2568 against Vicente on the ground that their mother Rosa ceded to him one hectare of the subject property. Rosa allegedly gave Francisco the one hectare of land in exchange for the expenses which he and his wife incurred in redeeming the subject property from Atty. Ricardo Gonzales and in paying the disturbance compensation to Federico Adriano, the former tenant of the subject property. They alleged that Francisco's complaint was dismissed on February 28, 1994[2] and the validity of the Deed of Sale[3] between Vicente and Rosa was upheld. The decision became final on March 27, 1999. Respondents then averred that despite the finality of the decision and their repeated demands to vacate the subject property, petitioners refused to turn over its possession.

Petitioners, in their Answer with Counterclaim, pleaded tenancy as a special and affirmative defense. They alleged that in 1986, before respondents purchased the subject property, Rosa instituted Ruth as legitimate tenant of the land. Ruth was instituted tenant after she redeemed the subject property from Atty. Ricardo Gonzales with her own money and paid the disturbance compensation to the former tenants of the subject parcel. Ruth claimed that she and Rosa had a sharing arrangement – $\frac{1}{4}$ of the produce goes to Rosa and $\frac{3}{4}$ thereof goes to her. Ruth alleged that she regularly delivered the landowner's share to Rosa until her demise in 1987. Thereafter, Ruth continued to deliver the landowner's share to one of Rosa's sons, Alex Tuazon, the alleged de facto administrator. Ruth contended that despite the change of ownership due to the purchase of the property by respondents, she enjoys the security of tenure afforded to tenants under Republic Act No. 3844 or the Agricultural Land Reform Code. Hence, petitioners prayed that the case be dismissed on the ground that it is not the trial court but the

Department of Agrarian Reform Adjudication Board (DARAB) that has jurisdiction.

The trial court conducted a preliminary hearing to receive evidence on petitioners' defense of tenancy. During the hearing, Ruth presented two certifications attesting that she is a tenant of the subject land. One was issued by the Municipal Agrarian Reform Office (MARO) of Canaman, Camarines Sur and the other by the Barangay Agrarian Reform Council (BARC). Alex Tuazon also testified that he regularly received twenty-five percent (25%) of the produce of the land as landowner's share after his mother's death.

The trial court then ruled that the case involves an agrarian dispute which is under the jurisdiction of the DARAB. Thus, on October 24, 2001, it dismissed the case for lack of jurisdiction over the subject matter. Respondents' Motion for Reconsideration was denied for lack of merit,[4] hence, they filed an appeal with the Court of Appeals.

In a Decision dated July 28, 2004, the appellate court reversed the ruling of the trial court, viz.:

WHEREFORE, premises considered, we hereby REVERSE and SET ASIDE the appealed order of the lower court, and remand Case No. RTC-2000-0027 to the Regional Trial Court, Branch 21, Naga City for further proceedings.

SO ORDERED.[5]

The appellate court held that tenancy was not proved by the petitioners. Petitioners moved for reconsideration but their motion was denied by the appellate court in its assailed Resolution dated April 26, 2005. Hence, this petition alleging that the appellate court erred in:

- HOLDING THAT THE LOWER COURT (RTC) HAS JURISDICTION OVER THE COMPLAINT FILED BY THE RESPONDENTS AGAINST THE PETITIONERS.
- HOLDING THAT PETITIONER RUTH A. TUAZON IS NOT A DULY INSTITUTED TENANT ON THE SUBJECT LAND AND THAT NO TENANCY RELATIONSHIP EXIST[S] BETWEEN HER AND THE RESPONDENTS.[6]

We deny the petition.

To determine whether a case involves a tenancy dispute, 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.[7]

Not all of these requisites obtain in the case at bar.

First. Both parties have claimed ownership over the disputed land.[8] The evidence shows that petitioner Ruth filed a case for Forcible Entry in Civil Case No. 832 against Jose Tuazon on May 27, 1992. Jose was then the administrator of the subject land. Petitioner Ruth alleged in that case that she is the owner and legal possessor of the entire subject property. In the case at bar, however, she claims to be a tenant of the same subject land. Petitioner Francisco also asserted ownership over a portion of the disputed land in Civil Case No. RTC '92-2568 where he sued Vicente for its reconveyance.[9]

Petitioner Ruth explained why she and Francisco filed the previous cases claiming to be the subject land's owner but her testimony is hardly enlightening, viz.:

Q

In paragraph 3 of [Civil Case No. 832] which I quote: "That plaintiff, you, is the owner and legal possessor of

ricelands situated at San Agustin, Canaman, Camarines Sur["I]" in this Complaint[,] you confirmed that the subject matter of this case which is also the same [property], [is] owned by you?

A.

It is owned by my husband. One (1) hectare of this property is owned by my husband so we assumed we own the property.

x x x

Q

You filed the case on May 27, 1992 as appearing in the Complaint. You said you were instituted by your mother-in-law way back in 1986, how come that you claimed that you are the owner of the entire [property] in 1992?

A

My husband is the owner of xxx one (1) hectare, being the wife I can claim also.

Q

You are claiming ownership over the entire [property,] not only one (1) hectare xxx I want you to explain [that] in [c]ourt[.]

A

Because I am a tenant of the whole [property] but the owner is my husband. [10]

Petitioners' contention that their previous claims of ownership over the subject property are immaterial and do not negate the tenancy relationship defies logic. Tenancy is established precisely when a landowner institutes a tenant to work on his property under the terms and conditions of their tenurial arrangement. Petitioners cannot anomalously insist to be both tenants and owners of the subject land.

Second. Petitioners failed to prove that Rosa, the original owner of the subject property, installed Ruth as agricultural tenant on the landholding.

Petitioners' testimony regarding Ruth's status as a tenant was not corroborated by any credible evidence. Petitioners did not present any leasehold contract or agreement between Ruth and Rosa.

Even the documentary evidence on record – the respective certifications issued by the MARO and BARC officers – do not constitute proof that petitioner Ruth is a tenant of the subject land.[11] It is settled that the findings of or certifications issued by the Secretary of Agrarian Reform or his authorized representative in a given locality concerning the presence or absence of a tenancy relationship between the contending parties are merely preliminary or provisional, not binding upon the courts,[12] and could be overturned by a showing of evidence to the contrary. The appellate court correctly observed, viz.:

x x x. In fact, we even entertain doubts about their competence as evidence of tenancy status in the absence of further evidence that the MARO and BARC officers who made the certification investigated Ruth's status and saw for themselves or knew for a fact that Ruth personally cultivated the land and undertook the activities required from a tenant.[13]

The testimony of petitioner Ruth validates the ruling of the appellate court that the officers who issued the certification have no personal knowledge of the existence of tenancy relations between her and Rosa, viz.:

Q.

So, you registered at the office of the DAR, Canaman, Camarines Sur, presenting yourself before the DAR personally as the tenant over the subject property?

x x x

A.

Yes, Sir.

Q.

And you did not submit any paper to prove tenancy over the subject property?

A.

No, Sir. [14]

Q.

During the first time that you went to the office of the DAR, what requirement, if any, was asked from you before you were registered as tenant?

x x x

A.

There was a form from the DAR which was given to me to be filled [out] and I filled it [out].

Q.

How many documents are those (sic)?

A.

I think, one or two pages.

Q.

And after you filled [out] that form, what else happened?

A.

I was registered as tenant.

Q.

Likewise, in the office of the BARC Chairman, before the certification was issued to you, what did the BARC Chairman require you to do?

x x x

A.

The only requirement is that, he knows me personally.

Q.

How did the BARC Chairman know you?

A.

Because he is living near us. [15]

Third. Petitioners also failed to prove that petitioner Ruth shared the produce of the subject land with Rosa from 1987-1991. The certification of Alex that there is sharing of harvest leaves much to be desired. Alex himself admitted during his testimony that he was neither authorized by his mother, Rosa, nor by his co-heirs, to act as administrator of the subject property.[16]

IN VIEW WHEREOF, the assailed Decision and Resolution of the Court of Appeals in CA-G.R. CV No. 73617 dated July 28, 2004 and April 26, 2005, respectively, are AFFIRMED.

Costs against petitioners.

SO ORDERED.

Sandoval-Gutierrez, Azcuna and Garcia, JJ., concur. Corona, J., on leave

[*] Also spelled as Tuason in some parts of the records.

[1] Vicente G. Tuazon passed away during the pendency of the case and was substituted by his wife, Elsa H. Tuazon, and their son, John L. Tuazon.

[2] Original Records (OR), 7-15.

[3] OR, 2.

[4] January 3, 2002.

[5] CA Decision, 12; rollo, 66.

[6] Petition for Review on Certiorari, 6; Id. at 8.

[7] Verde v. Macapagal, G.R. No. 151342, June 23, 2005, 461 SCRA 97.

[8] CA Decision, 8; rollo, 62.

[9] Ibid.

[10] See TSN, Ruth Tuazon, December 12, 2000, 11-12.

[11] See CA Decision, 10; rollo, 64.

[12] Oarde, et al. v. Court of Appeals, G.R. Nos. 104774-75, October 8, 1997, 280 SCRA 235.

[13] CA Decision, 11; rollo, 65.

[14] TSN, Ruth Tuazon, February 21, 2001, 7.

[15] TSN, Ruth Tuazon, February 21, 2001, 12-13.

[16] TSN, Alex Tuazon, July 11, 2001, 9-10.

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