

WELFREDO CENEZE, PETITIONER, VS. FELICIANA RAMOS, RESPONDENT.

G.R. No. 172287. January 15, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

This is a petition for review on certiorari of the Court of Appeals (CA) Decision[1] dated December 29, 2005 and Resolution[2] dated April 7, 2006, which dismissed petitioner's complaint before the Provincial Adjudicator.

Petitioner Welfredo Ceneze[3] filed an action for declaration as bona fide tenant-lessee of two parcels of agricultural land owned by respondent Feliciano Ramos. The two lots are located in Lelemaan, Manaoag, Pangasinan, with an aggregate area of 12,000 square meters. Petitioner alleged that in 1981, Julian Ceneze, Sr. (Julian, Sr.), petitioner's father, transferred his tenurial rights over the landholding to him with the consent and approval of respondent and that, since then, petitioner had been in actual and peaceful possession of the landholding until April 12, 1991, when respondent forcibly entered and cultivated the land for the purpose of dispossessing petitioner of his right as tenant. The complaint prayed that judgment be rendered declaring petitioner as the bona fide tenant-lessee of the landholding.[4]

In her defense, respondent denied that a tenancy relationship existed between her and petitioner, asserting that she had never instituted petitioner as a tenant in any of her landholdings. She averred that petitioner had never been in possession of the landholding, but admitted that it was Julian, Sr. who was the tenant of the landholding. When Julian, Sr. migrated to the United States of America (USA) in 1985, respondent allowed Julian, Sr.'s wife to cultivate the land, but she herself migrated to the USA in June 1988. Respondent later allowed Julian, Sr.'s son, Julian Ceneze, Jr. (Julian, Jr.), to cultivate the landholding, but he likewise migrated to the USA in 1991 without informing respondent. From then on, she took possession of the landholding, cultivated it and appropriated for herself the harvest therefrom. On April 8, 1991, she reported to Gloria Calpito, Municipal Agrarian Reform Officer (MARO) of Manaoag, Pangasinan, the abandonment of the landholding by Julian, Sr., his wife and his son, Julian, Jr.[5]

On December 19, 1997, the Provincial Adjudicator rendered a decision in favor of petitioner. The dispositive portion of the decision states:

WHEREFORE, premises considered, judgment is rendered declaring Complainant WILFREDO SENEZE (sic) as bona fide tenant of the subject landholding.

Order is hereby given to Respondent to maintain Complainant in peaceful possession and cultivation of said parcel of land.

SO ORDERED.[6]

In finding that petitioner is a bona fide tenant-lessee of the landholding, the Provincial Adjudicator relied on the following documents: (a) Certification issued by Perfecto Dacasin, Barangay Agrarian Reform Committee

(BARC) Chairman of Barangay Lelemaan, Manaoag, Pangasinan, that petitioner is a bona fide tenant of the subject landholding and that he was ejected from it sometime in April 1991; (b) Affidavit executed by Julian, Sr., stating that, with respondent's consent and approval, he transferred his tenurial rights to petitioner before he migrated to the United States in 1981; and (c) Joint Affidavit of Epifanio Castillo, Romulo Camesario and Maximo Caquin, tenants of adjacent landholdings, attesting that petitioner was a tenant of the landholding since 1988, and that they helped in harvesting palay products and delivering to respondent her share in the harvest.

On April 21, 2004, the Department of Agrarian Reform Adjudication Board (DARAB) affirmed the decision.[7]

Respondent elevated the case to the CA through a petition for review. On December 29, 2005, the CA resolved the petition in favor of respondent landowner and dismissed petitioner's complaint, thus:

WHEREFORE, the appealed decision of the Department of Agrarian Reform Adjudication Board is REVERSED and SET ASIDE and another rendered dismissing Wilfredo Seneze's complaint before the Provincial Adjudicator.

SO ORDERED.[8]

In a Resolution dated April 7, 2006, the CA denied petitioner's motion for reconsideration for lack of merit.[9]

Petitioner filed this petition for review, alleging that the CA decided the case not in accord with existing law and jurisprudence when it held that petitioner failed to establish that he had a tenancy relationship with respondent.[10]

The petition is not meritorious.

In resolving this petition, the Court is guided by the principle that tenancy is not purely a factual relationship dependent on what the alleged tenant does upon the land; it is also a legal relationship.[11] A tenancy relationship cannot be presumed. There must be evidence to prove the presence of all its indispensable elements, to wit: (1) the parties are the landowner and the tenant; (2) the subject is agricultural land; (3) there is consent by the landowner; (4) the purpose is agricultural production; (5) there is personal cultivation; and (6) there is sharing of the harvest.[12] The absence of one element does not make an occupant of a parcel of land, its cultivator or planter, a de jure tenant.[13]

To support his claim, petitioner submitted a Certification issued by the BARC Chairman attesting that the former is a tenant of the landholding, but such certification is not binding on this Court. The certification or findings of the Secretary of Agrarian Reform (or of an authorized representative) concerning the presence or the absence of a tenancy relationship between the contending parties are merely preliminary or provisional in character; hence, such certification does not bind the judiciary.[14]

From our own assessment of the evidence at hand, we find that petitioner failed to establish the existence of a tenancy relationship between him and respondent. To prove a tenancy relationship, the requisite quantum of evidence is substantial evidence, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[15] The Certification of the BARC Chairman and the affidavits of Julian, Sr. and of the tenants of the adjacent landholdings certainly do not suffice. By themselves, they do not show that the elements of consent of the landowner and of sharing of harvests are present.

To establish consent, petitioner presented the Affidavit executed by Julian, Sr. However, the affidavit --which was not notarized-- cannot be given credence considering that it was not authenticated. It is self-serving and unreliable. There should have been other corroborative evidence showing that respondent consented to and approved of the transfer of tenurial rights to petitioner.

The other tenants' Joint Affidavit, likewise, fails to prove that petitioner is a tenant, more particularly, that there was personal cultivation and sharing of the harvest. In this affidavit, the affiants stated that they "helped hand in hand with [petitioner] in harvesting and threshing our palay products and helped him in delivering the share of [respondent] every year." The affidavit is ambiguously worded, considering that the affiants are also tenant-lessees of respondent and they could be referring to their own harvest. Moreover, as noted by the CA, the affiants' averment that petitioner became a tenant of the landholding since 1988 runs counter to petitioner's allegation that he became a tenant in 1981.

In any case, the fact alone of working on a landholding does not give rise to a presumption of the existence of agricultural tenancy. Substantial evidence requires more than a mere scintilla of evidence in order that the fact of sharing can be established; there must be concrete evidence on record adequate enough to prove the element of sharing.[16] To prove sharing of harvests, a receipt or any other evidence must be presented, because self-serving statements are inadequate. In this case, petitioner failed to present a receipt for respondent's share in the harvest, or any other solid evidence proving that there was a sharing of harvest.

To recap, petitioner is not a de jure tenant entitled to security of tenure. There being no tenancy relationship between the parties, the DARAB did not have jurisdiction over the case. We, therefore, sustain the ruling of the CA, dismissing petitioner's complaint.

WHEREFORE, the petition is DENIED. The Court of Appeals Decision dated December 29, 2005 and Resolution dated April 7, 2006 are AFFIRMED.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Peralta, and Mendoza, JJ., concur.

[1] Penned by Associate Justice Edgardo P. Cruz, with Associate Justices Juan Q. Enriquez, Jr. and Sesinando E. Villon, concurring; rollo, pp. 58-64.

[2] Id. at 71.

[3] Also spelled as "Cenese" and "Seneze."

[4] Rollo, pp. 33-34.

[5] Id. at 39-41.

[6] Id. at 47.

[7] Id. at 55.

[8] Id. at 64.

[9] Supra note 2.

[10] Rollo, p. 21.

[11] Heirs of Nicolas Jugalbot v. Court of Appeals, G.R. No. 170346, March 12, 2007, 518 SCRA 202, 210.

[12] Heirs of Rafael Magpily v. De Jesus, G.R. No. 167748, November 8, 2005, 474 SCRA 366, 373-374.

[13] Reyes v. Joson, G.R. No. 143111, June 7, 2007, 523 SCRA 365, 373.

[14] De Jesus v. Moldex Realty, Inc., G.R. No. 153595, November 23, 2007, 538 SCRA 316, 322.

[15] Deloso v. Marapao, G.R. No. 144244, November 11, 2005, 474 SCRA 585, 592.

[16] Heirs of Nicolas Jugalbot v. Court of Appeals, *supra* note 11, at 214.

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