

**LEOPOLDO JEREMIAS, HEIRS OF RUBEN VINAS, AS FOLLOWS:
RANDY C. VINAS, RAFAEL C. VINAS, MARICEL V. JAVIER, RAUL C.
VINAS AND VANEZA V. CERES, PETITIONERS, VS. THE ESTATE OF
THE LAT...**

G.R. No. 174649. September 26, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court which assails the 13 October 2005 Decision[1] of the Court of Appeals in CA-G.R. SP No. 84806 which reversed the Decision of the Department of Agrarian Reform Adjudication Board (DARAB) and reinstated the Decision of the Provincial Agrarian Reform Adjudicator (PARAD).

Irene P. Mariano (Irene), a widow, owned two parcels of land located at Barangay Balatas, Naga City, Camarines Sur, covered by Transfer Certificates of Title (TCTs) No. 6886 and No. 6887 with an aggregate area of 270,203 square meters or a little more than 27 hectares. The land covered by TCT No. 6886 has an area of 209,422 square meters (20.9422 hectares) while the land covered under TCT No. 6887 contains an area of 60,781 square meters (6.0781 hectares).[2]

In 1972, the said parcels of land were placed under the Operation Land Transfer program pursuant to Presidential Decree No. 27, and accordingly, the tenanted portion of the landholdings were subdivided among identified tenant-beneficiaries, and a subdivision plan was made. One of the more than 40[3] tenant-beneficiaries of the two titled properties of Irene P. Mariano, who were already given emancipation patents, was Santiago Jeremias, father of petitioner Leopoldo Jeremias (Leopoldo), whose apportionments consisted of three lots within TCT No. 6887, namely, Lots No. 1B3F, No. 1B3G, and No. 1B3R.

On 26 June 1988, Irene P. Mariano died intestate and was succeeded by her two children, Jose P. Mariano and Erlinda M. Villanueva.

In an unsigned hand-written letter dated 14 May 1989, Helen S. Mariano, wife of heir Jose P. Mariano, and despite the fact that the estate of the late Irene Mariano remained unpartitioned and still under intestate proceedings, allegedly instituted Ruben Viñas (Ruben) as a tenant on Lots No. 25 and No. 48 of TCT No. 6886, to wit:

TO WHOM IT MAY CONCERN:

Received from Ruben Biñas, 95 kilos of rice or more or less, 6 cavans of palay for this present harvest 2[nd] cropping/dry season for 1989.

And we received again from Ruben Biñas 47 kilos of rice or more or less 7 cavans of palay for the first cropping/wet season for 1988.

This relation of ours became possible by reason of Ruben Viñas' negotiation with the landowner, Jose P. Mariano, for reason that he (Ruben Viñas) does not want his family to be hungry. Because of this we know and we have consented for him to work or farm his presently farmed area. We gave him that chance until such time when we shall need the farm for which he will voluntarily surrender to us.

Jose P. Mariano

By Helen S. Mariano[4]

Sometime in 1991, Danilo David P. Mariano (Danilo) was appointed as administrator of respondent Estate of Irene P. Mariano.

On 14 April 1994 respondent Estate, through its administrator Danilo, lodged before the PARAD two separate complaints for ejectment and damages against Leopoldo and Ruben, docketed as PARAD Cases No. v-94-023 and No. v-94-024, respectively.

In the complaint against Leopoldo, respondent Danilo averred that sometime in July 1993, he discovered that the former entered Lots No. 1B3D, No. 1B3E, No. 1B3H and No. 1B3Q, which lands were inside the Estate's landholding covered by TCT No. 6887, and planted various agricultural products, without his knowledge and consent. Respondent Danilo further alleged that Leopoldo was not a tenant of Irene. It was his father, Santiago Jeremias, who was her tenant in Lots No. 1B3F, No. 1B3G, and No. 1B3R, which are also inside the property covered by TCT No. 6887. After Leopoldo's refusal to vacate said lots despite oral and formal demands, respondent made a formal complaint for ejectment with the Barangay Agrarian Reform Council (BARC), which proved futile since the parties failed to amicably settle the case.

In his answer, Leopoldo denied he unlawfully entered Lots No. 1B3D, No. 1B3E, No. 1B3H and No. 1B3Q. He claimed that he cultivated and farmed these lots upon the permission and tolerance of Irene P. Mariano, the registered owner. He likewise averred that being the son of Santiago Jeremias, the tenant of Irene P. Mariano, he lawfully acquired the right to cultivate said lots by virtue of succession.

In the case against Ruben Viñas (Ruben), respondent Danilo alleged that in June 1993, he came to know of the fact of Ruben's intrusion and cultivation of Lots No. 25 and No. 48 which are within the landholding covered by TCT No. 6886. When respondent made verbal and formal demands for Ruben to vacate the areas, the latter declined to heed the demands. Ruben, on the other hand, answered that his cultivation of the areas was pursuant to a hand-written letter of Helen S. Mariano instituting him as a tenant of said lots.

In both cases, respondent claimed that the lots in question were the Estate's retained property since these were not tenanted as evidenced by the subdivision plan attached to the complaints.

Since the two ejectment cases involved only one complainant, the PARAD jointly considered the same. In its joint decision dated 6 December 1994, the PARAD ruled in favor of the respondent and ordered Leopoldo and Ruben to vacate the subject lots. It opined that Leopoldo's right to succeed his father as tenant covered only the lots allotted to his father which were Lots No. 1B3F, No. 1B3G, and No. 1B3R. According to the PARAD, since Leopoldo failed to adduce evidence that he obtained the consent of the owner to till Lots No. 1B3D, No. 1B3E, No. 1B3H and No. 1B3Q, Leopoldo's occupation of said lands was illegal. It likewise declared that the alleged institution of Ruben as tenant was not enough proof that he was authorized to cultivate Lots No. 25 and No. 48. First, the letter of authority did not state that Ruben was authorized to specifically till Lots No. 25 and No. 48. Second, the letter contained a proviso stating that Ruben would vacate the premises in case the landowner would need the land. Lastly, the PARAD believed that the subject lots were not covered by Presidential Decree No. 27 since the same were under owner-cultivatorship or untenanted which made them beyond the grasp of the said

statute. The decretal portion of the PARAD decision reads:

WHEREFORE, foregoing premises considered, judgment is hereby rendered in favor of plaintiff; ordering defendant Leopoldo Jeremias to vacate lot Nos. 1B3D, 1B3E, 1B3H and 1B3Q within TCT No. 6887 and defendant Ruben Viñas to vacate Lot Nos. 25 and 48 within TCT No. 6886 and to peacefully turn over the physical possession to herein plaintiff thru the authorized administrator Danilo David Mariano.[5]

On 19 December 1994, Leopoldo and Ruben filed a notice of appeal with the PARAD. In their Appellants' Brief before the DARAB, they assailed the PARAD's reliance on the subdivision plan in ruling that the lots that were the subject matter of the controversy were not tenanted. They asserted that the PARAD should not take all the annotations in the subdivision plan as the absolute truth, since they were not privy to its preparation; there was a possibility therefore, that they were not notified by the authorities of the date of the survey; hence, it could happen that the lots they tilled as tenants were not identified or listed in their names.

Leopoldo lamented the PARAD's failure to give weight to the receipts of rentals and certification from the Land Bank of the Philippines in his favor. Although these receipts and certifications did not indicate the farm lots the payments pertained to, he insisted that such doubt must be resolved in his favor in line with the constitutional and agrarian statutes mandate that interpretation must be on the tenant's side.

For his part, Ruben stressed that the proviso in the letter instituting him as tenant in Lots No. 25 and No. 48, which stipulated that he would vacate the same was neither legal nor binding on him since it violated Section 49[6] of Republic Act No. 1199,[7] otherwise known as the Agricultural Tenancy Act of 1954.

On 8 August 1997, the DARAB promulgated its decision which favored Leopoldo and Ruben, by reversing and setting aside the PARAD decision. Under the belief that all the lots of respondent Estate's landholdings covered under TCTs No. 6886 and No. 6887 were tenanted, the DARAB was of the opinion that respondent could not claim that the disputed lots (within TCTs No. 6886 and No. 6887) could not be legally retained by respondent Estate, since the area of respondent's landholdings exceeded 24 hectares; and under Presidential Decree No. 27, landowners are not entitled to retention if they own more than 24 hectares of rice and corn lands.

The DARAB said that even if respondent merely owned tenanted rice and corn land totaling less than 24 hectares, still it had no right of retention, since he had other lands used for residential, commercial and other urban purposes wherein it derived sufficient income to support itself. Under Administrative Order No. 4, Series of 1991, a supplemental guideline of Presidential Decree No. 27, the right of retention cannot be had by a landowner even if he has less than 24 hectares of rice and corn lands if he additionally owns lands for residential, commercial, industrial or urban purposes, from which he derives adequate income to support himself and his family. The DARAB considered the subdivision plan as a mere scrap of paper, and it could not be used as evidence, because said document was not signed by the approving officer who made it. Moreover, the DARAB ruled that the letter signed by Mrs. Helen Mariano, the wife of Jose Mariano, a co-owner of the subject lots, effectively made Ruben a lawful possessor and cultivator. The DARAB explained that since Helen Mariano signed on behalf of her husband, the principal, then she became the agent of her husband. Considering that the husband did not repudiate the act of Helen Mariano, such agency subsists. Hence, the institution of Ruben to till the lots in question must be respected.

On 16 September 1997, respondent filed a motion for reconsideration of the DARAB's decision. On 5 May 2004, respondent filed a supplemental motion for reconsideration wherein it submitted to the DARAB the approved copy of the subdivision plan, which had no marked difference with that which was unapproved and attached to the complaints.

On 3 June 2004, the DARAB issued a resolution denying the motions of respondent, reasoning that the matters

raised therein had already been passed upon in the decision.

Dissatisfied, respondent appealed the judgment to the Court of Appeals.

The Court of Appeals, on 13 October 2005, promulgated a decision in favor of respondent. It reversed and set aside the verdict of the DARAB and reinstated the decision of the PARAD, thus:

WHEREFORE, premises considered and pursuant to applicable law and jurisprudence on the matter, the present Petition is hereby GRANTED. Accordingly, the appealed Decision of the Department of Agrarian Reform Adjudication Board-Central Office, Elliptical Road, Diliman, Quezon City x x x is hereby REVERSED and SET ASIDE and a new one entered — REINSTATING the decision of the Department of Agrarian Reform Adjudication Board-Office of the Provincial Agrarian Reform Adjudicator x x x.[8]

Leopoldo filed a motion for reconsideration. Ruben's counsel filed a Manifestation informing the Court of Appeals of Ruben's demise and requesting that the named Heirs of Ruben Vifias (Heirs of Ruben) be entered in substitution of the deceased. The manifestation likewise prayed that in lieu of filing a motion for reconsideration, the Heirs of Ruben are adopting the motion for reconsideration of Leopoldo. In a resolution dated 22 August 2006, the Court of Appeals denied the motion for reconsideration filed by Leopoldo and the Heirs of Ruben.

Hence, the instant petition jointly filed by Leopoldo and the Heirs of Ruben on the basic issue of whether or not they are tenants of the lands belonging to respondent and, consequently, entitled to security of tenure.

To support his stance, Leopoldo maintains that he cultivated Lots No. 1B3D, No. 1B3E, No. 1B3H and No. 1B3Q since the 1960's with the consent and permission of the late Irene P. Mariano. The Heirs of Ruben are of the posture that Ruben became a tenant of Lots No. 25 and No. 48 pursuant to a written letter instituting him as such.

Tenancy relationship arises if all the following essential requisites are present:

- 1) that the parties are the landowner and the tenant or agricultural lessee;
- 2) that the subject matter of the relationship is an agricultural land;
- 3) that there is consent between the parties to the relationship;
- 4) that the purpose of the relationship is to bring about agricultural production;
- 5) that there is personal cultivation on the part of the tenant or agricultural lessee; and
- 6) that the harvest is shared between the landowner and the tenant or agricultural lessee.[9]

Claims that one is a tenant do not automatically give rise to security of tenure.[10] The elements of tenancy must first be proved in order to entitle the claimant to security of tenure.[11]

A tenant has been defined under Section 5(a) of Republic Act No. 1199, otherwise known as the Agricultural Tenancy Act of the Philippines, as a person who, himself, and with the aid available from within his immediate farm household, cultivates the land belonging to or possessed by another, with the latter's consent for purposes of production, sharing the produce with the landholder under the share tenancy system, or paying to the landholder a price certain or ascertainable in produce or in money or both, under the leasehold system.

This Court had once ruled that self-serving statements regarding tenancy relations could not establish the claimed relationship.[12] The fact alone of working on another's landholding does not raise a presumption of the existence of agricultural tenancy.[13] Substantial evidence entails not only the presence of a mere scintilla of evidence in order that the fact of sharing can be established; there must also be concrete evidence on record that is adequate to prove the element of sharing.[14] In fact, this Court likewise ruled that to prove sharing of harvests, a receipt or

any other evidence must be presented; self-serving statements are deemed inadequate.[15]

In this case, there is no substantial evidence that the petitioners were installed by the owner of the lots in question as agricultural tenants on the property. There is, likewise, no evidence that the petitioners shared with the landowner the harvest and/or produce from the landholding.

There is no question that Leopoldo is a tenant on 3 landholdings — i.e., Lots No. 1B3F, No. 1B3G, and No. 1B3R — by being the successor of the late Santiago Jeremias; however, there is no shred of evidence that he was designated tenant of the late Irene in the contested 4 parcels of land, Lots No. 1B3D, No. 1B3E, No. 1B3H and No. 1B3Q. Even Leopoldo's father, the undisputed tenant of Irene, had never been instituted as a tenant of the four subject lands. Evidently, Leopoldo's right to succeed his father as tenant embraces only the three landholdings his father cultivated. There is no evidence on record, other than the self-serving declaration of Leopoldo and his witnesses, that indeed, the landowner had authorized him to till the disputed lots. Leopoldo's failure to adduce a significant morsel of evidence that he was authorized as an agricultural tenant of the contested lands makes his supposition — that he has legal right to work on the said lands — frail and empty. This makes him a usurper, devoid of any right to remain in the premises of the properties in question.

Ruben's evidence is likewise remotely substantial. The hand-written letter dated 14 May 1989 allegedly instituting Ruben as tenant is unsigned. This Court has ruled that the unsigned handwritten documents and unsigned computer printouts, which are unauthenticated, are unreliable.[16] This is mere self-serving evidence, which should be rejected as evidence without any rational probative value, even in administrative proceedings.[17] The letter presented by Ruben, being unsigned, falls within this category of evidence. It hardly has any probative value; hence, it barely bolsters his hypothesis.

In contrast, respondent Estate presents a public document, the Subdivision Plan of respondent's lands covered under TCTs No. 6886 (Annex "D") and No. 6887 (Annex "C"), to advance its position that Leopoldo and Ruben are not its tenants. Although the unsigned subdivision plans presented by respondent Estate before the PARAD were evidence brushed aside by the DARAB as mere scraps of paper, reasoning that the same were not signed by the proper authorities, respondent nonetheless was able to submit before the DARAB the signed subdivision plans. The basic precept in this jurisdiction is that in administrative proceedings, such as the instant case, administrative agencies are not bound by the technical rules of procedure and evidence in the adjudication of cases.[18] Offering additional evidence on appeal and admitting the same in administrative proceedings has been sanctioned by this Court.[19] In this case, as respondent was able to present the signed and approved subdivision plans issued by the Bureau of Lands before the DARAB, said evidence can be fully considered in resolving the instant case.

What is glaring in the subdivision plans of TCTs No. 6886 and No. 6887, which are public documents, are the annotations therein stating that the lots occupied by Ruben and Leopoldo are untenanted. The subdivision plans, being public documents, are entitled to a presumption of truth as to the recitals contained therein.[20] Since the subdivision plans state that the lots occupied by Ruben and Leopoldo are not tenanted, a high degree of proof is needed to overthrow the presumption of truth contained in said subdivision plans. This is pursuant to the rule[21] that entries in official records made in the performance of duty by a public officer are prima facie evidence of the truth of the facts therein stated.[22] The evidentiary nature of such document must, therefore, be sustained in the absence of strong, complete and conclusive proof of its falsity. It also bears stressing that the Bureau of Lands, an agency of the executive branch tasked with the classification of lands, issued the subdivision plans certifying that the disputed lots were not tenanted. The Bureau arrived at the conclusion that the said lands were untenanted after it conducted a survey on 5 September 1985.

Well-settled is the principle that by reason of the special knowledge and expertise of administrative agencies over matters falling under their jurisdiction, they are in a better position to pass judgment thereon; thus, their findings of fact in that regard are generally accorded great respect, if not finality by the courts.[23] Since specialized government agencies tasked to determine the classification of parcels of land, such as the Bureau of Lands, has already certified that the subject land is untenanted, the Court must accord such conclusions great respect, if not finality, in the absence of evidence to the contrary.

Presidential Decree No. 27 provides: This shall apply to tenant-farmers of private agricultural lands primarily devoted to rice and corn under a system of share-crop or lease-tenancy, whether classified as landed estate or not. For lands to fall under the coverage of the said law, the same must be tenanted private agricultural lands. Thus, in *Daez v. Court of Appeals*,[24] the Court said that Presidential Decree No. 27 would not apply if: (1) the land is not devoted to rice or corn crops even if it is tenanted; or (2) the land is untenanted even though it is devoted to rice or corn crops.

There is no question that Irene's landholdings with a total area of a little more than 27 hectares, of which the disputed lots form a part, were subjected to agrarian reform in 1972 under Presidential Decree No. 27. However, it is also established by the records of the case that disputed lots were classified as untenanted by the Bureau of Lands. This important piece of evidence, absent any substantial evidence to the contrary, only leads to the conclusion that the lots which are the subject matter of the controversy are beyond the pale of the said statute.

The petitioners try to salvage their cause by arguing that there is a possibility that the disputed lots were not identified in their names since they were not notified of the survey conducted by the authorities. This argument is specious. The geodetic engineers of the Bureau of Lands who conducted the survey were presumed to have performed their official duty. To overcome the presumption of regularity of performance of official functions in favor of such officials, the evidence against it must be clear and convincing. Petitioners having been unable to come forward with the requisite quantum of proof to the contrary, the presumption of regularity of performance on the part of the geodetic engineers in the case stands. Besides, if indeed they were tilling the disputed lands, it is unlikely that the survey conducted by the Bureau of Lands escaped petitioners' attention, Land surveys take a long time to accomplish especially in this case in which vast tracts of lands are involved, and considering further that said lands were subdivided into more than 40 small lots for the farmer-beneficiaries of Irene Mariano. The only plausible explanation for the exclusion of petitioners as tenants of the disputed lots is that they were never tenants thereof.

While this Court may commiserate with the plight of Leopoldo and the heirs of Ruben, this Court cannot sanction their intrusion into the properties of the respondent without violating the laws and established jurisprudence. And while it is the declared duty of this Court to protect the weak and those who have less in life, such duty should not be utilized to trample on the rights of the landowners whenever truth and justice happen to be on their side.[25] As aptly articulated in *Gelos v. Court of Appeals*:

[S]ocial justice — or any justice for that matter — is for the deserving, whether he be a millionaire in his mansion or a pauper in his hovel. It is true that, in case of reasonable doubt, we are called upon to tilt the balance in favor of the poor, to whom the Constitution fittingly extends its sympathy and compassion. But never is it justified to prefer the poor simply because they are poor, or to reject the rich simply because they are rich, for justice must always be served, for poor and rich alike, according to the mandate of the law.[26]

WHEREFORE, the Decision of the Court of Appeals dated 13 October 2005 in CA-G.R. SP No. 84806, reinstating the decision of the Provincial Agrarian Reform Adjudicator of Camarines Sur, is hereby AFFIRMED.

SO ORDERED.

Ynares-Santiago (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Penned by Associate Jose L. Sabio, Jr. with Associate Justices Jose C. Mendoza and Arturo G. Tayag, concurring. Rollo, pp. 31-43.

[2] Records, pp. 1-2, CA rollo, p. 61.

[3] Id. at 84-85.

[4] This is the translation of petitioners of the original letter written in Bicolano. (Records, p. 50.)

[5] CA rollo, p. 62.

[6] Section 49. Ejectment of Tenant. —Notwithstanding any agreement or provision of law as to the period, in all cases where land devoted to any agricultural purpose is held under any system of tenancy, the tenant shall not be dispossessed of his landholdings except for any of the causes hereinafter enumerated and only after the same has been proved before, and the dispossession is authorized by, the court.

[7] It took effect on 30 August 1954.

[8] Rollo, p. 42.

[9] Cornes v. Leal Realty Centrum Co., Inc., G.R. No. 172146, 30 My 2008.

[10] Valencia v. Court of Appeals, 449 Phil. 711, 736 (2003).

[11] Id.

[12] Berenguer, Jr. v. Court of Appeals, G.R. No. 60287, 17 August 1988, 164 SCRA 431, 439.

[13] Id.

[14] Id.

[15] Bejasa v. Court of Appeals, 390 Phil. 499, 508 (2000).

[16] Philippine Long Distance Telephone Company, Inc. v. Tiamson, G.R. Nos. 164684-85, 11 November 2005, 474 SCRA 761, 776-777.

[17] Id.

[18] IBM Philippines, Inc. v. National Labor Relations Commission, 365 Phil. 137, 148(1999).

[19] Id.

[20] People v. Fabro, 342 Phil. 708, 727 (1997).

[21] Section 44, Rule 130 of the Rules of Court provides: "Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts therein stated."

[22] Heirs of Pedro Cabais v. Court of Appeals, 374 Phil. 681, 688 (1999).

[23] Bullion v. Commission on Audit, 360 Phil. 626, 634 (1998), citing Villaflores v. Court of Appeals, 345 Phil. 524, 562 (1997).

[24] 382 Phil. 742, 751 (2000).

[25] Land Bank of the Philippines v. Court of Appeals, G.R. No. 118712, 6 October 1995, 249 SCRA 149, 161.

[26] Gelos v. Court of Appeals, G.R. No. 86186, 8 May 1992, 208 SCRA 608, 616.

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