ANTONIO PAGARIGAN, PETITIONER, VS. ANGELITA YAGUE AND SHIRLEY ASUNCION, RESPONDENTS.

G.R. No. 195203 [Formerly UDK No. 14435]. April 20, 2015

Ponente: BRION, J.

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BRION, J.:

In this petition for review on certiorari,[1] we review the February 11, 2010 decision[2] and December 9, 2010 resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 110552. The CA affirmed the Department of Agrarian Reform Adjudication Board's (DARAB's) ruling in DARAB Case No. 13848 that likewise affirmed the Provincial Adjudicator's decision to eject Antonio Pagarigan (petitioner), including all other persons acting in his behalf, from the subject rice land.

Factual Antecedents

Anastacio Yague (Anastacio), the previous owner of a 21,459 square meter-parcel of rice land located at Brgy. San Carlos, Paniqui, Tarlac, had initially instituted his stepfather Macario Pagarigan (Macario) as tenant of the land.[4] Macario, with the help of his son Alfonso Pagarigan (Alfonso), cultivated the land and, as agreed upon, shared equally the land's yearly harvest with Anastacio.[5]

Allegedly with Anastacio's consent, Alfonso became tenant of the land in place of his ailing father sometime in 1957.[6] Alfonso continued to cultivate the land after Macario's death and religiously delivered to Anastacio his share in the harvest.[7]

In 1993, Anastacio transferred the title of the subject rice land to his daughters, Angelita Yague and Shirley Asuncion (respondents).[8]

In succeeding years, the respondents noticed a decline in the number of cavans produced and delivered to them each year. They claimed that, in 1999, they did not receive any share in the land's harvest.[9]

Upon investigation, the respondents were surprised to find that the petitioner was cultivating the land;[10] they thought all along that Alfonso (petitioner's father) was still the land's tenant[11] and that Antonio was merely delivering to them their share in the harvest upon Alfonso's instructions.[12] The respondents confronted the petitioner and demanded that he vacate the property because they did not consent to his institution as tenant of the land. They also argued that the petitioner's house and the two fishponds on the property were constructed without their knowledge and consent,[13] and that the petitioner even allowed his son to build a house on the property without first seeking their permission.[14] The petitioner refused to heed the respondents' demand so the dispute was brought to the barangay for conciliation.[15]

Failure of the parties to reach a settlement before the barangay and the Municipal Agrarian Reform Office resulted in the ejectment complaint the respondents filed against the petitioner before the Office of the Provincial Agrarian Reform Adjudicator, DARAB, Region III.[16]

In his answer to the ejectment complaint, the petitioner contended that the respondents' father Anastacio consented to his institution as tenant of the land and to the construction of his house on the property.[17] With respect to the 'house' being occupied by his son, the petitioner claimed that it was built on the property in 1997 originally for use as an 'animal shelter,' and that his son's use was temporary.[18] Also, the petitioner claimed that the fishponds were constructed in 1995 supposedly to serve as a catch basin for water to irrigate the rice fields without any objection from the respondents.[19]

In a decision[20] dated November 28, 2003, the Provincial Adjudicator's office ruled in the respondents' favor after finding that the petitioner's cultivation and occupation of the subject rice land was without the respondents' consent. The Provincial Adjudicator ordered the petitioner, and all other persons acting in his behalf, to vacate the property and peacefully return its possession and occupation to the respondents.[21]

On appeal to the DARAB, the DARAB affirmed the Provincial Adjudicator's decision.[22] The petitioner moved to reconsider but the DARAB denied his motion in a resolution dated January 16, 2009.[23] The petitioner appealed to the CA.

In a decision dated February 11, 2010, the CA affirmed the DARAB's decision and held that the petitioner's status as de jure tenant to the subject rice land was not properly established due to the absence of the elements of consent and an agreed sharing system of harvest between the parties. The CA held that, other than his bare allegation, the petitioner failed to prove that his institution as tenant in 1979 was with the consent of the respondents' father;[24] and that the "acquiescence by the landowners of the petitioner's cultivation of the land does not create an implied tenancy if the former, as in this case, never considered petitioner Antonio Pagarigan as tenant of the land."[25] Also, it held that the petitioner failed to provide evidence, such as receipts, that he had been delivering to the respondents their corresponding share in the land's harvest.[26]

With the denial of his motion for reconsideration with the CA, the petitioner filed the present petition for review on certiorari where he insists that his institution as tenant of the land was with the consent of the respondents' father. Nevertheless, he argues that an implied tenancy was already created between him and the respondents because of the latter's acceptance of his deliveries of palay. He, likewise, maintains that he did not fail to deliver to the respondents their share in the harvest but could not present receipts as evidence thereof because it was never the respondents' practice to issue receipts for his deliveries considering the familial relations between the parties.

Our Ruling

We DENY the present petition for lack of merit.

In his petition before this Court, the petitioner mainly argues that the respondents' continued acceptance of his deliveries of palay constituted as implied acquiescence of his occupation and cultivation of the subject rice land, thus, he claims that an implied tenancy has been created between him and the respondents. But for an implied tenancy to arise, it is necessary that all the essential requisites of tenancy must first be present.[27]

The following are the essential elements of an agricultural tenancy relationship: (1) the parties are the landowner and the tenant or agricultural lessee; (2) the subject matter of the relationship is agricultural land; (3) there is consent between the parties to the relationship; (4) the purpose of the relationship is to bring about agricultural production; (5) there is personal cultivation on the part of the tenant or agricultural lessee; and (6) the harvest is shared between the landowner and the tenant or agricultural lessee.[28] In our review of the present case, we agree with the CA that the element of consent from the landowner to the petitioner's tenancy is absent.

We have consistently held that occupancy and cultivation of an agricultural land, no matter hew long, will not

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ipso facto make one a de jure tenant.[29] Independent and concrete evidence is necessary to prove personal cultivation, sharing of harvest, or consent of the landowner.[30] We emphasize that the presence of a tenancy relationship cannot be presumed;[31] the elements for its existence are explicit in law and cannot be done away with by mere conjectures.[32]Leasehold relationship is not brought about by the mere congruence of facts but, being a legal relationship, the mutual will of the parties to that relationship should be primordial.[33]

In the proceedings before the DARAB and the CA, the petitioner consistently failed to provide independent and concrete evidence to show that the respondents and their father, Anastacio, gave their consent (impliedly and expressly) to his institution as tenant of the subject rice land. We note that proof of consent by the landowner/s is largely a matter of evidence, and not a proper subject of a Rule 45 petition. Well-settled is the rule that only questions of law may be raised by the parties and passed upon by this Court in a petition for review under Rule 45 of the Rules of Court.[34] In the absence of exceptional circumstances, we shall rely and give credence to the factual findings of the DARAB on the question of whether the landowners gave their consent to the petitioner's tenancy, especially when its finding on the matter was affirmed on appeal to the CA.

WHEREFORE, we DENY the petition for review on certiorari for lack of merit. The decision dated February 11, 2010 and the resolution dated December 9, 2010 of the Court of Appeals in CA-G.R. SP No. 110552 are hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, Mendoza, and Leonen, JJ., concur.

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[1] Under Rule 45 of the Rules of Court; rollo, pp. 10-20.

[2] Penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Juan Q. Enriquez, Jr. and Michael P. Elbinias, concurring; id. at 25-36.

[3] Id. at 38-39.

[4] Id. at 26.

[5] Id. at 26 & 54.

[6] Id. at 55.

[7] Id. at 26.

[8] Id. at 27, 46 & 54.

[9] Id. at 55.

[10] Id. at 27.

[11] Id.

[12] Id. at 55.

[13] Id. at 27.

[14] Id. at 55.

[15] Id.

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[16] Id. at 56.

[17] Id. at 55-56.

[18] Id. at 56.

[19] Id.

[20] Id. at 54-59.

[21] Id. at 58.

[22] In a decision dated December 7, 2007; id. at 25.

[23] Id. at 25.

[24] Id. at 31-32.

[25] Id. at 34.

[26] Id. at 32.

[27] Adriano v. Tanco, G.R. No. 168164, July 5, 2010, 623 SCRA 218, 229.

[28] Granada v. Bormaheco, Inc., G.R. No, 154481; July 27, 2007, 528 SCRA 259, 268.

[29] See Heirs of Jose Barredo v. Besañes, G.R. No. 164695, December 13, 2010; Soliman v. Pampanga Sugar Development Company (FASUDECO), Inc., G.R. No. 169589, June 16, 2009, 589 SCRA 236, 246; and Landicho v. Sia, G K. No 169472, January 20, 2009, 576 SCRA 602, 619.

[30] Landicho v. Sia, supra note 29, at 619-620.

[31] Heirs of Rafael Magpily v. de Jesus, G R. No. 167748, 8 November 2005, 474 SCRA 366, 372; Svarez v. Saul, G.R. No. 166664, October 20, 20C5, 473 SCRA 628, 634. citing VHJ Construction and Development Corporation v. Court of Appeals, G.R. No. 128534, August 13, 2004, 436 SCRA 392, 398- 399.

[32] Soliman v. Pampanga Sugar Development Company (PASUDECO), Inc., supra note 29, at 252.

[33] VHJ Construction and Development Corporation v. Court of Appeals, supra note 31, at 398, as cited in Soliman v. Pampanga Sugar Development Company (PASUDECO), Inc., supra note 29, at 250.

[34] Jarantilla, Jr. v. Jarantilla, G.R. No. 154486, December 1, 2010, 636 SCRA 299, 308, citing Vector Shipping Corporation v. Macasa, G.R. No. 160219, July 21, 2008, 559 SCRA 105.

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