

FELIPE RELUCIO III, FELICISIMA RELUCIO MAKALINAO AND MARIA RELUCIO, PETITIONERS, VS. THE HON. CATALINO MACARAIG, JR., EXECUTIVE SECRETARY, THE HON. SAMILO N. BARLONGAY, ACTING D...

G.R. No. 82007. May 30, 1989

Ponente: FERNAN, C.J.

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FERNAN, C.J.:

Petitioners Felipe Relucio III, Felicisima Relucio Makalinao and Maria Relucio seek to set aside in this petition for certiorari the decision dated October 6, 1987 of public respondent Executive Secretary Catalino Macaraig, Jr. by authority of the President, affirming the order dated February 19, 1986 of the then Minister of Agrarian Reform Conrado P. Estrella in MAR Case No. NJC-460, as well as the order dated January 29, 1988 of public respondent Acting Deputy Secretary Samilo Barlongay denying petitioner's motion for reconsideration of said assailed decision.

As found by the Office of the President, the facts of this case are as follows:

In 1945, Arsenio Castro became a tenant-farmer over a riceland with an area of two and one-half (2 1/2) hectares, more or less, situated at Sta. Rita, Cabiao, Nueva Ecija which is a portion of a vast riceland with an area of 109.7269 hectares owned and registered in the name of Felipe Relucio, Sr., the grandfather of herein petitioners.

In 1946, Felipe Relucio, Sr. died leaving as his forced heirs his two (2) children, namely, Felipe Relucio, Jr. and Lorenzo Relucio, both deceased.

On May 18, 1953, pursuant to an Agreement of Partition, the heirs of Felipe Relucio, Jr., namely: Felicisima, Maria and Felipe III, and the heirs of Lorenzo Relucio, namely: his surviving spouse Remedios and children Lorenzo Jr., Rolando and Violeta, caused the consolidation-subdivision of the aforesaid riceland into Lots 1, 2, 3, 4, 5, 6, 7 and 8; whereby Lot No. 1 with an area of 30.5680 hectares, was adjudicated to the heirs of Felipe Relucio, Jr. while Lot Nos. 2, 3, 4 and 7, consisting of 30.5680 hectares were adjudicated to Rolando Relucio and Lot Nos. 5, 6 and 8 with a total area of 30.5680 hectares were adjudicated to the heirs of Lorenzo Relucio.

On September 7, 1953, T.C.T. No. ET-14-14583 was issued covering Lot No. 1 in the names of Maria, Felicisima and Felipe III, who, as aforesaid, are the heirs of Felipe Relucio, Jr. and herein petitioners.

Upon the issuance of Presidential Decree (P.D.) No. 27 in 1972, the entire province of Nueva Ecija was declared a land reform area.

On October 15, 1973 Certificate of Land Transfer (CLT) No. 138512 was issued to appellee Arsenio Castro conferring upon him the title to the portion of the landholding in question actually tilled by him, designated as Lot No. 030304-017-00806-2 with an area of 2.470 hectares.

Meanwhile, appellee continued to pay rentals to his landlord through administrator Rolando Relucio and/or

Lorenzo Relucio until 1976 when Castro was dispossessed by appellant Felipe Relucio III of one-half (1/2) hectare portion of his landholding, thereby reducing its area to two (2) hectares.

Thus, on September 2, 1982, Castro filed a verified letter-complaint, MAR Case No. NJC-460 entitled "Arsenio Castro v. Felipe Relucio III, et al." for recovery of possession of said one-half (1/2) hectare portion of his landholding. Private respondent Castro claimed among others, that the possession of said one-half hectare portion of the 2.47 hectare landholding was forcibly taken from him when he was ejected therefrom sometime in 1976 by petitioners Felipe Relucio III, et al., grandchildren of the late Felipe Relucio, Sr.

An investigation was conducted by the MAR District Office at Cabanatuan City and the case was assigned to Atty. Romeo B. Bello, MAR Hearing Officer, MAR District Office, Cabanatuan City.

While the case was pending hearing and even before private respondent could testify, the latter filed a "Motion for the Issuance of an Interlocutory Order Maintaining Complainant (private respondent) In the Status Quo as an Actual Tiller of the Disputed Landholding". Petitioners opposed this Motion.[1]

Acting on the Motion, Hearing Officer Bello issued an Order on August 5, 1983 holding, among others, that "there is no tenancy relationship between Arsenio Castro and Felipe Relucio III, et al."

From this Order, private respondent appealed to the Regional Director, Ministry of Agrarian Reform, Region III, San Fernando, Pampanga, raising, inter alia, the issue that Hearing Officer Bello prejudged the case in holding that there was no tenancy relationship.

Meanwhile, Bello submitted his report dated September 16, 1983, stating, inter alia, that the boundaries of the farmholdings of Arsenio Castro should be specifically defined with full technical description limited to the landholding of Rolando Relucio and Vicente Zerda; that although Arsenio Castro is entitled to a homelot, he could not claim from Felipe Relucio III and his sisters because they have no tenancy relationship; and that the MAR has no power to deprive Felipe Relucio III, et al. of their ownership over the subject land.

After the lapse of six months without action on his appeal, private respondent filed a petition for reinvestigation. Atty. Rustico M. Escoto, MAR Region III Hearing Officer, San Fernando, Pampanga, reinvestigated the case and submitted his report recommending, among others, that the status of Arsenio Castro as the bona fide tenant-farmer of the 2.47 hectares be maintained and the regularity and validity of CLT No. 138512 issued to him, covering the same, should be upheld. His recommendation was anchored on the fact that Arsenio Castro has been in possession and cultivation of the 2.47 hectares since 1945 when the entire 109.7269 hectares were still owned by Felipe Relucio, Sr.; that after his death, the estate was partitioned by his heirs on May 18, 1953, followed by a series of subdivisions of agricultural and residential areas; and that there was a scheme by the heirs to deprive Arsenio Castro and other tenants whose lands were subjected to subdivision surveys.

In his 1st Indorsement dated July 27, 1984, the Regional Director, MAR, Region III, San Fernando, Pampanga, concurred with the findings and recommendation of Atty. Rustico M. Escoto, stating therein, that Castro's dispossession in 1976 of the 0.5000 hectares, which includes the homelot portion thereof, of his farmholding covered by CLT is contrary to and in violation of the agrarian reform laws as the complainant was already a tenant on the land when this vast tract of land was still owned by herein petitioners' late grandfather.

On February 19, 1986, then Minister of Agrarian Reform Conrado P. Estrella, issued an order giving due course to the complaint of Arsenio Castro for the recovery of possession of the one-half (1/2) hectare of his farmholding at Barangay Sta. Rita, Cabiao, Nueva Ecija, and affirmed the issuance and validity of CLT No. 138512 issued to Arsenio Castro. Felipe Relucio III, et al. were directed to reconvey possession and cultivation of the one-half (1/2) hectare to Arsenio Castro, for the reason that:

"x x x The subdivision of the estate and eventual transfer of ownership of the different portions thereof to the heirs naturally results in having a new owner of the farmholding of the tenant. It was proven in the investigation and in the subdivision plans submitted by the contending parties that the farmholding of Castro is now located in the boundary between Lot No. 1-C covered by TCT No. NT-11863 in the name of respondent Felipe Relucio III and Lot No. 3 covered by TCT No. NT-14566 in the name of Rolando Relucio, another grandson of the former landowner. Clearly, appellant was deprived of the one-half (1/2) hectare of his landholding by the respondents because the other portion of about 2.0000 hectares is now owned by Rolando Relucio. The claim of respondent of non-tenancy with the appellant is correct but that will be begging the real issue which is the fact that the latter is a tenant in the landholdings of the Relucio's and the issuance of the certificate of land transfer (CLT) covering an area of 2.4700 hectares corresponding to Lot No. 030304-017-00808-2 bolster his claim of being a beneficiary under PD 27." [2]

On appeal by Felipe Relucio III, et al., the Office of the President, thru Acting Executive Secretary Catalino Macaraig, Jr., affirmed on October 6, 1987 the order of the Ministry (now Department) of Agrarian Reform.

Their motion for reconsideration having been denied on January 29, 1988, petitioners Felipe Relucio III, et al. filed the instant petition for certiorari assailing the decision of Acting Executive Secretary Catalino Macaraig as having been issued with grave abuse of discretion amounting to lack of jurisdiction.

Upon due consideration of the allegations and arguments adduced in the petition, and the respective comments thereon by the Solicitor General and private respondent, as well as the consolidated reply thereto by petitioners, the court finds that herein petitioners failed to establish grave abuse of discretion amounting to lack or excess of jurisdiction on the part of public respondents in issuing the questioned orders of October 6, 1987 and January 29, 1988.

The main thrust of this petition is against the declaration that private respondent Castro is a bona fide tenant of the questioned landholding.

This Court ordinarily accords respect, if not finality to factual findings of administrative tribunals by reason of their special knowledge and expertise gained from handling of specific matters falling under their respective jurisdiction.[3] The exceptions to this rule where judicial power asserts itself are: [1] The factual findings are not supported by evidence; (2) the findings are vitiated by fraud, imposition, or collusion; (3) the procedure which led to the factual findings is irregular; (4) palpable errors are committed, or when a grave abuse of discretion, arbitrariness or capriciousness is manifested.[4]

Absent any showing of any important cause therefor, the Court will not normally substitute its judgment for that of the administrative body in a case or controversy involving a question which is within its jurisdiction where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience, and services of the administrative tribunal to determine technical and intricate matters of fact, and a uniformity of ruling is essential to comply with the purposes of the statute administered.[5]

A careful study of the records show that none of the above circumstances is present in the case before us which would justify the overturning of the findings of fact of the Minister (now Secretary) of Agrarian Reform which were affirmed by the Office of the President that private respondent Arsenio Castro has been in possession and cultivation of the 2.470 hectares since 1945 when the entire 109.7269 hectares were still owned by Felipe Relucio, Sr.; that after his death in 1946, the said 109.7269 hectares were partitioned on May 18, 1953 among the heirs of his two (2) deceased children (Felipe Jr. and Lorenzo Relucio) and subsequently subdivided into several agricultural and residential lots to deliberately dispossess private respondent Arsenio Castro and the other tenants. Petitioners vehemently dispute such conclusion.

In any event, while it may be conceded that petitioners became the absolute owners of the land allotted to them in the partition of their grandfather's estate, nonetheless private respondent undisputably remained in continuous possession of the lot in question, undeniably a part of the original riceland of Felipe Relucio, Sr.

Furthermore, the basis of CLT No. 138512 issued to private respondent covering the area of 2.47 is an aerial survey (PMS No. 017) relied on more heavily by the Bureau of Lands as the more faithful indication of the exact area of Castro's landholding than per DAR Survey Form No. 1 which was based on mere approximations. For this reason, there appears to be no ground to annul or cancel said CLT.

Relative thereto, petitioners laid too much stress on the fact that in their supposed tenancy relationship, private respondent failed to prove consent and consideration.[6]

As aforesaid, the questioned tenancy relationship started with the original owner and persisted despite the change of ownership. The act of subdividing the whole land into several agricultural and residential lots between and among the heirs of the original owner thereby resulting in a substantial change in the boundaries of the lot awarded to private respondent pursuant to Land Reform Law[7] cannot be invoked by petitioners to justify their claim that there is no tenancy relation between petitioners and private respondent. The fact is that private respondent is and has been a tenant of the Relucios since 1945. The tenancy relationship was not affected by the transfer of the ownership of the landholding, as the new owner assumes the rights and obligations of the previous owner.[8] Otherwise stated, tenancy right attaches to the landholding regardless of whoever may subsequently become the owner thereof.[9] Furthermore, under the Land Reform Code, tenants are entitled to the enjoyment and possession of their landholdings except when their dispossession has been authorized by the Court in a judgment that is final and executory.[10]

Finally, petitioners cannot claim that they have been deprived of due process. It will be recalled that a full blown hearing was conducted before Atty. Romeo Bello in the Nueva Ecija Agrarian Reform District Office where both parties presented oral and documentary evidence. The reinvestigation conducted by Atty. Rustico M. Escoto was upon appeal by private respondent from Bello's order. The evidence and records of the case were forwarded by Bello's district office to Atty. Escoto, which in turn were considered by the latter in the questioned report. Aside from the fact that petitioners were furnished a copy of the appeal, the same was resolved on the basis of position papers, memoranda and the evidence previously presented to Atty. Bello.[11]

It has already been settled that what due process abhors is not lack of previous notice but absolute lack of opportunity to be heard.[12] To satisfy due process, official action must be responsive to the supremacy of reason and the dictates of justice.[13] There is no denial of due process where petitioner was afforded every opportunity to present its case.[14]

Petitioners claim that "prior to the issuance of private respondent's CLT said private respondent never paid a single centavo of lease rental to petitioners. After the issuance of the CLT, neither the government nor private respondent paid a single centavo to petitioners as consideration for the one-half hectare now being confiscated x x x." [15]

The records show however, that private respondent had been religiously paying the landowner's share of the produce as well as the rentals to Rolando Relucio who acted as administrator of the estate of Felipe Relucio, Sr.[16]

WHEREFORE, the Court Resolved to DISMISS the instant petition for lack of merit.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Cortes, JJ., concur.

[1] Rollo, p. 125.

[2] Rollo, p. 55.

[3] *Ateneo de Manila v. Court of Appeals*, 145 SCRA 100 (October 16, 1986).

[4] *Id.* at 106.

[5] *Antipolo Realty Corp. v. NHA*, 153 SCRA 399 (1987 citing *Pambuhan Sur United Mine Workers v. Samar Mining Co., Inc.*, 94 Phil, 932, 941 (1954)).

[6] Rollo, p. 172.

[7] P.D. 27.

[8] *Dimitui v. CAR*, 21 SCRA 933.

[9] Rollo, p. 32.

[10] *Quilantang v. Court of Appeals*, 48 SCRA 294, 298; *Tiongson v. Court of Appeals*, 49 SCRA 429; *Paulo v. Court of Appeals*, 54 SCRA 253.

[11] Rollo, pp. 147-148.

[12] *Tajonero v. Lamoroza*, 110 SCRA 438 (1981).

[13] *Venzon v. Ardoles*, 56 SCRA 493 (1974).

[14] *Municipality of Daet v. Hidalgo Enterprises, Inc.*, 138 SCRA 265 (1985).

[15] Rollo, pp. 150-151.

[16] Rollo, p. 151.

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