

## THIRD DIVISION

[ G.R. No. 222768, September 02, 2020 ]

**JOSEFINA ARINES-ALBALATE AND JUANA ARINES,  
PETITIONERS, VS. SALVACION REYES AND ISRAEL REYES,  
RESPONDENTS.**

### D E C I S I O N

**CARANDANG, J.:**

This Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court assails the Decision<sup>[2]</sup> dated December 1, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 125265, which reversed and set aside the Decision<sup>[3]</sup> dated November 21, 2011 of the Department of Agrarian Reform Adjudication Board (DARAB) and dismissed Josefina Arines-Albalante (Josefina) and Juana Arines' (collectively, petitioners) complaint in DARAB Case No.V-RC-062-CS-03. Likewise assailed is the Resolution<sup>[4]</sup> dated January 19, 2016 of the CA, which denied petitioners' motion for reconsideration.

### Facts of the Case

This case stemmed from a complaint for illegal ejectment filed by Josefina, represented by her sister-in-law Juana Arines, against respondents Salvacion Reyes (Salvacion) and Israel Reyes (collectively, respondents) before the Provincial Agrarian Reform Adjudication Board (PARAD), San Jose, Pili, Camarines Sur.<sup>[5]</sup>

Josefina is the daughter of Sergio Arines, the original tenant of the subject rice holding known as Lot 5543 consisting of one hectare, more or less, located at Sta. Isabel, Buhi, Camarines Sur. The subject landholding has a lease rental of 20 cavans per harvest. During his lifetime, Sergio remitted the landowner's share to respondent Salvacion who received it personally or through her representative. No receipts were issued by the landowners. Sergio Arines died in 1997.<sup>[6]</sup>

Josefina alleged that sometime in May 2003, Salvacion verbally advised her to desist from cultivating the subject land and surrender possession thereof to them. When Josefina refused to heed the demand, respondents, with the assistance of several workers, forcibly entered the land and undertook its cultivation. Despite repeated demands, respondents refused to return possession of the land to Josefina.<sup>[7]</sup>

Josefina brought the issue before the Barangay Agrarian Reform Committee (BARC) Chairperson for possible amicable settlement. The BARC recommended to the Municipal Agrarian Reform Office (MARO) for mediation but to no avail. Hence, Josefina filed this case for illegal ejectment and reinstatement to the possession of the subject landholding with payment of their unrealized production of 60 cavans per cropping.<sup>[8]</sup>

By way of special and affirmative defenses, respondents claimed that Josefina is without legal capacity to sue and be sued as she is a deaf-mute.<sup>[9]</sup> Juana Arines, on the other hand, has not been legally authorized to represent Josefina. Respondents averred that petitioners are not the registered tenants of Salvacion, and neither did they legally succeed their alleged predecessor-in interest, Sergio Arines, as the latter had abandoned the land. No one of the children of the late Sergio Arines - some of whom are abroad- have actually and personally cultivated the subject land considering that the farm had always been subleased to third parties. Respondents posited that petitioners breached the stipulations in the Provincial Rental Contract.<sup>[10]</sup> They claimed that Sergio Arines did not deliver dry and clean palay as those delivered were wet and decayed palay, and that petitioners had occupied 1.5 hectares of their landholding. Respondents averred that as of June 6, 2003, the late Sergio Arines incurred arrearages for irrigation fees in the amount of P118,108.87. Respondents prayed for the dismissal of the complaint and declare petitioners as non-tenants of the landholding in question.<sup>[11]</sup>

### **Ruling of the PARAD**

After submission of the parties' position papers, the Provincial Adjudicator of San Jose, Pili, Carnarines Sur rendered a Decision<sup>[12]</sup> dated December 16, 2004, granting the complaint. The dispositive portion reads:

WHEREFORE, the foregoing considered, judgment is hereby rendered in favor of the complainants, and other issue as follows:

1. Ordering the respondents to reinstate complainant Josefina Arines-Alba[Il]ate as agricultural lessee of the subject landholding, and for the former to maintain and respect the latter's possession and cultivation of the same;
2. Ordering the respondents to pay the complainants sixty (60) cavans of palay per cropping, from the time of the institution of this action up to its final termination.

SO ORDERED.<sup>[13]</sup>

The Provincial Adjudicator ruled that respondents took the law in their own hands. If they have legal grounds and substantial evidence to support them, they should invoke the aid of a forum of competent jurisdiction, in this case, the Office of the Provincial Adjudicator, to address their cause.<sup>[14]</sup> Petitioners were dispossessed by respondents from their landholdings without authorization or order. The affirmative and special defenses of respondents, if found to be true, may be considered grounds for ejectment of petitioners.<sup>[15]</sup>

Respondents moved for reconsideration but the motion was denied in the Order dated March 10, 2005.<sup>[16]</sup>

### **Ruling of the DARAB**

On appeal, the DARAB affirmed *in toto* the Decision<sup>[17]</sup> of the Adjudicator in its Decision<sup>[18]</sup> dated November 21, 2011. The DARAB enunciated the principle in agrarian law that the ejectment of tenant must be premised on a ground/s provided for by law. In the absence of any lawful ground for ejectment, the tenant/lessee must be reinstated because she is basically clothed with security of tenure.<sup>[19]</sup> In this case, respondents' counter allegations of abandonment and non-payment of rentals were not supported by substantial evidence. The filing of reinstatement case by Josefina negated any concluding statement of voluntary abandonment on their part.<sup>[20]</sup> Also, respondents should have demanded the delivery of the fair or regular share of dry and clean palay or harvests from their own land or at most, filed the corresponding case for ejectment before the Adjudicator. Respondents must not put the law into their hands by unjustly ejecting petitioners from the landholding and taking its possession or the cultivation thereof without due process of law.<sup>[21]</sup>

Respondents elevated the case to the CA via a petition for review under Rule 43 of the Rules of Court.

### **Ruling of the Court of Appeals**

On December 1, 2014, the CA reversed and set aside the Decision of the DARAB and dismissed petitioners' complaint for illegal ejectment. The CA ruled that Josefina has not established any right to tenancy of the subject farm holding. Citing Section 9 of Republic Act No. (R.A.) 3844 that in case of the death of the agricultural lessee, it is the lessor who is given the option to choose the person to succeed in the cultivation of the landholding from the lessee's heirs, in the following order: (1) the surviving spouse; (2) the eldest direct descendant by consanguinity; and (3) the next eldest descendant or descendants in the order of their age. In case the agricultural lessor fails to exercise his choice within one month from such death, the priority shall be in accordance with the aforesaid order.<sup>[22]</sup> The CA stated that respondents, as landowners, did not signify their choice as to who will succeed as lessee; thus, the surviving spouse of Sergio Arines is deemed to be the successor after his death in 1997. There is no proof that the widow of Sergio Arines had actually and personally tilled the farm and neither is there proof that Josefina is the eldest child of Sergio Arines.<sup>[23]</sup> Further, the CA declared that the element of consent by the landowner is lacking; personal cultivation is absent; and there is no sharing in the produce.<sup>[24]</sup>

Petitioners moved for reconsideration but their motion was denied in the Resolution dated January 19, 2016.<sup>[25]</sup>

Hence, this Petition for Review on *Certiorari* under Rule 45 filed by petitioners anchored on the following grounds:

The Honorable Court of Appeals erred in holding that Josefina Arines-Albalate has not proven her right as tenant of the subject land and the Juana Arines is not a party-in-interest as she has no blood relation to Sergio Arines.

The Honorable Court of Appeals erred in holding that Section 9 of R.A. No. 3844 was not followed in choosing the person who will succeed in the cultivation of the subject land.

The Honorable Court of Appeals erred in holding that the elements of consent, personal cultivation and sharing in the produce for tenancy relationship to exist are lacking.<sup>[26]</sup>

### ***Arguments of Petitioners***

Petitioners contend that the CA erred in holding that Josefina has not proven her right as tenant of the landholding and that Juana Arines is not a party-in-interest as she has no blood relation to Sergio Arines. They stressed that respondents recognized Sergio Arines as the rightful tenant of the land, as they even offered as exhibit the leasehold contract between Sergio Arines and respondent Salvacion Reyes. Thus, when Sergio Arines died, Josefina, his daughter, has the right to succeed him as tenant of the landholding pursuant to Section 9 of RA 1199.<sup>[27]</sup> Further, Josefina had proven the fact of tenancy when she presented and offered in evidence before the PARAD the Certification of the Punong Barangay that she is indeed the tenant of the subject land; the Affidavit executed by a fellow tenant adjoining the land stating that Josefina is in actual cultivation of the property owned by Reyes; and the Certification from the National Irrigation Authority stating the unpaid account for irrigation fees also in the name of tenant Josefina. Thus, by law and evidence, Josefina was able to establish that she is the rightful tenant of the subject property. However, since Josefina is a deaf-mute, she was being assisted in the cultivation of the land by Juana Arines, being an immediate member of the farm household, who also joined her as party to the instant case.<sup>[28]</sup> However, Juana died during the pendency of the case before the CA; hence, the issue pertaining to her legal personality has become moot and academic.<sup>[29]</sup>

As to the order of succession in the cultivation of the land in case of death of the tenant, petitioners claim that it is the agricultural lessor who should exercise the right to choose the successor of the deceased tenant within one month from the latter's death. In this case, it took six years before respondents decided to forcibly eject the tenant of the land. They did not even file an ejectment case as required under Section 37 of RA No. 3844.<sup>[30]</sup>

Finally, petitioners aver that they have proven the elements of consent, actual cultivation and sharing of produce. As such, they have the right to be reinstated as tenant of the landholding forcibly taken away by respondents.<sup>[31]</sup>

### ***Comment of Respondents***

Respondents insist that Josefina has not proven her right as tenant of the subject farmland. Also, they reiterate that Josefina is without legal capacity to sue and be sued as she is a deaf-mute. Juana Arines is neither a member of Josefina's immediate family nor an attorney-in-fact of Josefina.<sup>[32]</sup> Respondents contend that they are not guilty of illegal ejectment. Their entry into the subject landholding was on the advice of the MARO of Buhi, Camarines Sur. Further, petitioners have no document to show that respondents were being paid rentals due from them. The