

THIRD DIVISION

[G.R. NO. 141806, January 17, 2005]

MA. ROSARIO L. BATONGBAKAL, PETITIONER, VS. SIMEON ZAFRA, RESPONDENT.

D E C I S I O N

CARPIO-MORALES, J.:

Respondent Simeon Zafra filed a complaint for maintenance of peaceful possession over a landholding situated in Caingin, Bocaue, Bulacan with the Department of Agrarian Reform (DAR) against petitioner Ma. Rosario L. Batongbacal and her alleged co-owners thereof, and also against the Municipality of Bocaue, Bulacan. The complaint, docketed as **DAR Case No. 155-Bul`90**, was later amended to include Francisco Santiago, Jr. as additional defendant.

In his complaint, respondent claimed to be the rightful tenant of the land in question in support of which he invoked an order of the Ministry, now Department, of Agrarian Reform (DAR) dated August 27, 1987 in another case, **Administrative Case No. III-62-87** – a case filed by herein petitioner for cancellation of certificates of land transfer against respondent, in which respondent was found to be a tenant of petitioner; and that he was disturbed by petitioner and her co-defendants by dumping filling materials on the landholding in the course of the construction of a public market on an adjacent lot, thereby preventing him from cultivating the landholding.

By decision of April 14, 1994, the Provincial Adjudicator found for respondent, *viz*:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff and against defendant (sic) as follows:

1. Finding the plaintiff to be a bonafide tenant of the landholding in question;
2. Ordering defendants, Mun. of Bocaue, Bulacan, Ma. Rosario Batongbacal, Celso S. Lazaro, Consorcia Santiago, Rodolfo Lazaro and all other persons acting in their behalves are hereby ordered (sic) to cease and desist from committing any acts tending to eject, oust or disturb the plaintiff in his landholding;
3. Making the Preliminary Injunction issued permanent.

SO ORDERED.

Petitioner and her co-defendant Francisco Santiago, Jr. appealed. The Department of Agrarian Reform and Adjudication Board (DARAB), by Decision of February 16, 1998, dismissed the appeal, affirmed *in toto* the decision of the Provincial

Adjudicator, and ordered petitioner and her co-defendants to vacate the premises and respect respondent's peaceful possession and cultivation thereof.

Petitioner thereafter filed a Motion for Reconsideration and/or New Trial in which she claimed, *inter alia*, that the DARAB decision was based on a falsified case record which contained documents from other cases surreptitiously inserted therein by the DARAB, namely, (1) the exhibits in Administrative Case No. III-62-87, (2) the case folder of CA-GR SP No. 26354 – a petition for certiorari and injunction filed by petitioner, among others, to restrain the re-opening of Administrative Case No. III-62-87, and (3) the documentary evidence in Civil Case No. 91-1939 – an ejectment case filed against respondent by Carlos Cruz, et al. The motion was denied by Resolution of June 4, 1998.

Only petitioner assailed the DARAB decision via a petition for review filed with the Court of Appeals. In her petition before the appellate court, she proffered that she was denied due process as she was not given the opportunity to present evidence and the DARAB surreptitiously inserted documents in the record on which it based its decision; and that she is not the owner of the landholding over which respondent was claiming to be a tenant– that covered by Certificate of Land Transfer (CLT) No. 16(M), hence, he could not have been her tenant thereon.

Petitioner further proffered that the DARAB had no jurisdiction over the case since the land in question is a "commercial or institutional land" covered by the comprehensive development plan of the Municipality of Bocaue, Bulacan.

The Court of Appeals, by Decision of February 23, 1999, dismissed the petition. On the issue of whether she was deprived of due process, the appellate court, noting that petitioner filed her answer before the Provincial Adjudicator whose decision she appealed to the DARAB, and that her documentary evidence in Adm. Case No. III-62-87, the case folder of CA-GR SP No. 26354, and the documentary evidence in Civil Case No. 91-1939 were part of the records of the case, held in the negative.

On the issue of jurisdiction, the appellate court held that in light of the allegations of respondent in his complaint on dispossession of a tenant by the landholder of an agricultural land, the DARAB had jurisdiction over the case.

Petitioner's claim that the land is "commercial or institutional" was discredited by the appellate court as it found that the record did not sufficiently indicate so, and in any case, its proper classification should be determined in a separate and proper complaint as it would involve the validity of the CLT issued to respondent which may not be challenged collaterally.

Petitioner's Motion for Reconsideration of the appellate court's decision raising the same issues having been denied by Resolution of January 31, 2000, she filed the present petition essentially reiterating her arguments before said court.

This Court views as odd for one who denies ownership of a land and yet contests an injunction obtained against her by a tenant thereon. For, as in petitioner's case, if one were not the landowner, then he or she would have no interest in the land and would even have less justification for disturbing the tenant's possession thereof.

At any rate, if indeed petitioner is not a real party in interest, then the assailed

decision would merely be erroneous insofar as petitioner is concerned.

The resolution of the case hinges on four issues, namely, (1) the identity of the land in question, (2) the alleged tenancy of respondent thereon, (3) the classification of the land, and (4) the alleged denial of due process to petitioner.

Identity of the land in question

Petitioner summarizes her main argument in this wise:

"This is the crux of [petitioner's] defense: not being the owner of the landholding that [respondent] claims, even assuming that he is a lawful tenant of [petitioner], he is not entitled to possession of the land owned by another. Neither can a judgment to place him in possession be legal against [petitioner], who is not the owner; any such judgment would be clearly ineffective as in the first place she has no right to transfer possession of a third party's land."^[1]

Petitioner's argument is flawed. Although the identity of the land is a question of fact, this Court has to resolve the same to finally put this case to rest, as the lack of an explicit resolution thereon appears to be at the root of this controversy.^[2] The decisions of the Court of Appeals, the DARAB, and the DAR Provincial Adjudicator on the case at bar all refer to the "land in question" and the "subject land" without, however, explicitly identifying it.

It is inferred from the record of the case, however, that the subject land is identical to that involved in DAR Adm. Case No. III-62-87 which, by petitioner's own claim, is covered by CLT No. 255927 under the name of respondent. Thus, in her statement of facts in the present petition, petitioner alleges:

4. On May 27, 1984, [petitioner] and her five (5) siblings (Celso, Lauro, Consorcia, Pablito, and Rodolfo) filed a request for cancellation of Certificates of Land Transfer with the then Minister of Agrarian Reform Conrado F. Estrella, seeking their exemption from Operation Land Transfer under Presidential Decree No. 27 on the ground that the land was already commercial in nature since 1974, and they were entitled to exercise retention rights over the abovementioned lands. The letter-request for cancellation of the CLTs was docketed as **Adm. Case No. III-62-87 of the Ministry of Agrarian Reform.**

5. [Respondent] is among those whose Certificates of Land Transfer were sought to be cancelled, he having been a tenant of [petitioner's ascendant] Pedro G. Lazaro over a landholding in Lot 5-E-5-C, (LRC)Psd-03-024538; his CLT was denominated as **CLT No. 0-255927,** PMS No. 006, Lot No. 00013, with an area of 00.7200 hectares." (Emphasis and underscoring supplied)

Respondent's complaint in the case at bar, on the other hand, which challenged petitioner's acts in relation to the same land involved in Adm. Case No. III-62-87 alleged:

3. Plaintiff [herein respondent] is tenanted a parcel of land located at Caingin, Bocaue, Bulacan previously owned by the late Pedro Lazaro while defendants [herein petitioner, et al.] are all heirs of the latter.

4. Plaintiff has been pronounced as rightful tenant of the land in question by the Department of Agrarian Reform resolution of DAR ADM. CASE NO. III-62-87 embodied in the Order dated August 27, 1987. The Order directed the landowner to, among others, maintain the tenants in the peaceful possession and cultivation of their respective farmholdings under leasehold. xxx

5. Sometime during the first half of February, 1990, Defendants caused the dumping of filling materials on subject landholding being as it is adjacent to and abutting the land whereon a public (municipal) market is being constructed. xxx^[3] (Emphasis and underscoring supplied)

Although the subject land was merely described in the complaint in the present case by respondent as "located at Caingin, Bocaue, Bulacan" and as "adjacent to and abutting the land whereon a public (municipal) market is being constructed," his reference to Adm. Case No. III-62-87 shows that that land subject of the latter case is identical with that in the present case.

Moreover, the record indicates that the appellate court, the DARAB and the Provincial Adjudicator, in alluding to the "land in question" or "the subject land," referred to the same land involved in Adm. Case No. III-62-87.

On the issue of whether respondent is "a bona fide tenant of the landholding in question,"^[4] the Provincial Adjudicator held in the affirmative in this wise:

. . . [T]he Board is convinced to resolve the same in the affirmative. Plaintiff has been found by the DAR Team Office and by the investigation conducted by Atty. Rufino Antonio, Trial Attorney II DAR-BALA, Malolos, Bulacan (*sic*). This finding is supported by the Affidavit of Mr. Gil Del Rosario, an adjacent (kahangga) landholder of the plaintiff, certifying plaintiff is indeed a tenant of the landholding he is claiming since the 1940's, exhibit 'A'. The landowners ledger, EP Form 1 also revealed that plaintiff is a bona-fide tenant of Pedro Lazaro, Exhibit 'B'. The tenancy status of the plaintiff is fortified by receipts, exhibits D. D-1, D-2, D-3 all pointing that the former has been paying his lease rentals. Although there is no written contract to prove plaintiff's tenancy status, his long period of cultivating and performing all the phases of agriculture in his landholding coupled with his act of sharing his harvest through the payment of lease rental establishes his status as a bonafide tenant.^[5] (Underscoring supplied)

The affidavit of Mr. Gil Del Rosario referred to above identifies the land being tilled by respondent as that covered by CLT No. 255927. The Landowner's Ledger in the name of petitioner's ascendant Pedro Lazaro includes respondent in the list of farmer-beneficiaries and acknowledges his possession of CLT No. 255927. When the Provincial Adjudicator cited then these documents as evidence of a tenancy relationship between the parties over the land, he must have referred to the