

SECOND DIVISION

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

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

D E C I S I O N

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