

THIRD DIVISION

[G.R. No. 172287, January 15, 2010]

**WELFREDO CENEZE, PETITIONER, VS. FELICIANA RAMOS,
RESPONDENT.**

D E C I S I O N

NACHURA, J.:

This is a petition for review on *certiorari* of the Court of Appeals (CA) Decision^[1] dated December 29, 2005 and Resolution^[2] dated April 7, 2006, which dismissed petitioner's complaint before the Provincial Adjudicator.

Petitioner Welfredo Ceneze^[3] filed an action for declaration as *bona fide* tenant-lessee of two parcels of agricultural land owned by respondent Feliciano Ramos. The two lots are located in Lelemaan, Manaoag, Pangasinan, with an aggregate area of 12,000 square meters. Petitioner alleged that in 1981, Julian Ceneze, Sr. (Julian, Sr.), petitioner's father, transferred his tenurial rights over the landholding to him with the consent and approval of respondent and that, since then, petitioner had been in actual and peaceful possession of the landholding until April 12, 1991, when respondent forcibly entered and cultivated the land for the purpose of dispossessing petitioner of his right as tenant. The complaint prayed that judgment be rendered declaring petitioner as the *bona fide* tenant-lessee of the landholding.^[4]

In her defense, respondent denied that a tenancy relationship existed between her and petitioner, asserting that she had never instituted petitioner as a tenant in any of her landholdings. She averred that petitioner had never been in possession of the landholding, but admitted that it was Julian, Sr. who was the tenant of the landholding. When Julian, Sr. migrated to the United States of America (USA) in 1985, respondent allowed Julian, Sr.'s wife to cultivate the land, but she herself migrated to the USA in June 1988. Respondent later allowed Julian, Sr.'s son, Julian Ceneze, Jr. (Julian, Jr.), to cultivate the landholding, but he likewise migrated to the USA in 1991 without informing respondent. From then on, she took possession of the landholding, cultivated it and appropriated for herself the harvest therefrom. On April 8, 1991, she reported to Gloria Calpito, Municipal Agrarian Reform Officer (MARO) of Manaoag, Pangasinan, the abandonment of the landholding by Julian, Sr., his wife and his son, Julian, Jr.^[5]

On December 19, 1997, the Provincial Adjudicator rendered a decision in favor of petitioner. The dispositive portion of the decision states:

WHEREFORE, premises considered, judgment is rendered declaring Complainant WILFREDO SENEZE (sic) as *bona fide* tenant of the subject landholding.

Order is hereby given to Respondent to maintain Complainant in peaceful possession and cultivation of said parcel of land.

SO ORDERED.^[6]

In finding that petitioner is a *bona fide* tenant-lessee of the landholding, the Provincial Adjudicator relied on the following documents: (a) Certification issued by Perfecto Dacasin, Barangay Agrarian Reform Committee (BARC) Chairman of Barangay Lelemaan, Manaoag, Pangasinan, that petitioner is a *bona fide* tenant of the subject landholding and that he was ejected from it sometime in April 1991; (b) Affidavit executed by Julian, Sr., stating that, with respondent's consent and approval, he transferred his tenurial rights to petitioner before he migrated to the United States in 1981; and (c) Joint Affidavit of Epifanio Castillo, Romulo Camesario and Maximo Caquin, tenants of adjacent landholdings, attesting that petitioner was a tenant of the landholding since 1988, and that they helped in harvesting *palay* products and delivering to respondent her share in the harvest.

On April 21, 2004, the Department of Agrarian Reform Adjudication Board (DARAB) affirmed the decision.^[7]

Respondent elevated the case to the CA through a petition for review. On December 29, 2005, the CA resolved the petition in favor of respondent landowner and dismissed petitioner's complaint, thus:

WHEREFORE, the appealed decision of the Department of Agrarian Reform Adjudication Board is REVERSED and SET ASIDE and another rendered dismissing Wilfredo Seneze's complaint before the Provincial Adjudicator.

SO ORDERED.^[8]

In a Resolution dated April 7, 2006, the CA denied petitioner's motion for reconsideration for lack of merit.^[9]

Petitioner filed this petition for review, alleging that the CA decided the case not in accord with existing law and jurisprudence when it held that petitioner failed to establish that he had a tenancy relationship with respondent.^[10]

The petition is not meritorious.

In resolving this petition, the Court is guided by the principle that tenancy is not purely a factual relationship dependent on what the alleged tenant does upon the land; it is also a legal relationship.^[11] A tenancy relationship cannot be presumed. There must be evidence to prove the presence of all its indispensable elements, to wit: (1) the parties are the landowner and the tenant; (2) the subject is agricultural land; (3) there is consent by the landowner; (4) the purpose is agricultural production; (5) there is personal cultivation; and (6) there is sharing of the harvest.^[12] The absence of one element does not make an occupant of a parcel of land, its