

FIRST DIVISION

[G.R. No. 155544, August 24, 2007]

MARINO ESCARIZ* Y DE LOS SANTOS, PETITIONER, VS. GENARO D. REVILLEZA, RESPONDENT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari assailing the Decision^[1] of the Court of Appeals (First Division) dated October 21, 1999 in CA-G.R. SP No. 41610, entitled "*Genaro D. Revilleza v. Department of Agrarian Reform Adjudication Board (DARAB) and Marino Escares.*"

This controversy involves a **fruit orchard** situated in San Isidro, Calauan, Laguna with an area of 6,967 square meters. Genaro D. Revilleza, respondent herein, is a retired employee of the University of the Philippines in Los Baños, Laguna. With his retirement money, he bought the orchard from Jose Velasco. Respondent had the property registered in his name under Transfer Certificate of Title Nos. T-98856 and T-98857.

On December 17, 1993, Marino Escariz, petitioner, filed with the Office of the Regional Agrarian Reform Adjudicator, Region IV a complaint for "Recognition of Security of Tenure with Damages and Prayer for Accounting and Depositing of Tenant's Share Pending Litigation" against respondent, docketed as DARAB Case No. LA-0336-93. Petitioner alleged that he has been a long time tenant on the property, planting and tending rambutan and citrus trees thereon; that he shared the harvests with respondent on a 9:10 basis; and that respondent asked him to vacate the property after he demanded his share from the harvests. He then prayed that he be recognized as a tenant and be awarded damages.

In his answer, respondent denied any tenancy relationship with petitioner, claiming that the latter is actually a tenant of the owner of a neighboring riceland. He would occasionally hire petitioner to work on his orchard on a piecework basis. Petitioner illegally entered the property by erecting a shack where he lives. Respondent then prayed for the dismissal of the complaint.

In a Decision^[2] dated October 11, 1994, the Office of the Regional Agrarian Reform Adjudicator rendered its Decision in favor of petitioner, thus:

WHEREFORE, premises considered, judgment is hereby rendered:

1. Declaring the Plaintiff as a *bona fide* and *de jure* tenant over the landholding described in Paragraph 2 of the Complaint;

2. Decreeing his automatic shift in status from share tenant to agricultural lessee as of the date of effectivity of RA 6657 on June 15, 1988;
3. Permanently enjoining the respondent landowner from disturbing the complainant's peaceful possession and cultivation of the subject premises as a legitimate tenant/lessee thereon.
4. Directing the local MARO (Municipal Agrarian Reform Officer) of Calauan, Laguna after due notice to the parties-litigants to:
 - a) Fix the leasehold rentals due on the subject landholding and execute the necessary Contract of Agricultural Leasehold between the parties/litigants pursuant to Section 12 of RA 6657 in relation to Section 34 of RA 3844 as amended in consonance with existing guidelines;
 - b) Undertake final accounting and reliquidation of past harvests derived from the subject landholding since agricultural year 1988 up to the present;
 - c) Divide and apportion the net proceeds therefrom between the parties on the 75-25 sharing basis mandated by law in favor of the complainant tenant/lessee;
5. Denying the parties' collateral claims for damages for lack of basis; and
6. Without pronouncement as to costs.

SO ORDERED.

On appeal by respondent, the DARAB, in its Decision, affirmed the assailed judgment with modification, thus:

WHEREFORE, premises considered, the assailed decision is hereby AFFIRMED with a modification to Paragraph 3 hereof to read:

3. Permanently **prohibiting** the respondent landowner from disturbing the complainant's peaceful possession and cultivation of the subject premises as a legitimate tenant/lessee thereon.

Let the records of this case be remanded immediately to the Adjudicator *a quo* for the immediate implementation of the challenged decree.

SO ORDERED.

Respondent filed a motion for reconsideration but the DARAB denied the same.

Petitioner promptly filed with the Court of Appeals a petition for review, docketed as CA-G.R. SP No. 41610.

On October 21, 1999, the Court of Appeals rendered its Decision finding that none