

SECOND DIVISION

[G.R. No. 144244, November 11, 2005]

**ESTER DELOSO, PETITIONER, VS. SPS. ALFONSO MARAPAO AND
HERMINIA P. MARAPAO, RESPONDENTS.**

D E C I S I O N

TINGA, J.:

This *Petition for Review on Certiorari*^[1] assails the *Decision*^[2] of the Court of Appeals in CA-G.R. SP No. 48503 which reversed the decision of the Department of Agrarian Reform Adjudication Board (DARAB) and declared that petitioner is not a tenant of respondents.

The landholding subject of this case is coconut land located in Badlangon, Ampayon, Butuan City and covered by three transfer certificates of title in the name of respondents.^[3]

It appears that petitioner filed a complaint with the Provincial Agrarian Reform Adjudicator (PARAD) for the province of Agusan del Norte against respondents praying that the latter be enjoined from interfering with her tenurial rights, and that an order be issued fixing the sharing of the net produce of the landholding between the parties and directing respondents to account for the November 1994 harvest. Petitioner claimed that her first husband, the late Primitivo Temple (Primitivo), entered into an agreement with Lino Palomo, father of respondent Herminia P. Marapao, stipulating that they would equally share the produce of the landholding. After the death of Primitivo and her subsequent remarriage to Vicente Deloso in 1986, petitioner averred that she continued to be in possession of the subject landholding and to transact with the copra dealer on behalf of respondents.

Respondents, on the other hand, maintained that Primitivo was not a tenant of the landholding but merely an overseer paid for the work he rendered. After Primitivo's death, his son, Alberto, was installed as overseer also as a paid farmworker. Moreover, respondents alleged that when petitioner remarried, she relocated to Gingoog City with her husband making her allegation of personal cultivation of the landholding an impossibility.

The case was referred to the Municipal Agrarian Reform Officer (MARO) of Butuan City for the purpose of determining, among others, whether petitioner is indeed a tenant of the subject landholding. On the basis of the report of its legal officer tasked to conduct an ocular inspection on the landholding and to investigate the matter, the MARO found Alberto Temple to be the tenant of the landholding.

The PARAD, however, reversed the finding of the MARO and declared that petitioner is a tenant of the landholding.

On appeal, the DARAB affirmed the findings of the PARAD and ruled that the requisites of agricultural tenancy are present. Specifically, the DARAB held that *pesadas* and *vales* presented by petitioner indicate that petitioner shared in the produce of the landholding and personally cultivated the same even after she remarried.

As previously mentioned, the Court of Appeals reversed the decision of the DARAB. The appellate court ruled that the findings of the legal officer who conducted an ocular inspection of the landholding and interviewed the concerned persons, which findings were affirmed by the MARO, should have been duly considered by the DARAB.

The appellate court brushed aside as self-serving the *pesadas* and *vales* presented by petitioner to prove that she shared in the produce of the property. These documents, the Court of Appeals held, cannot prevail over the evidence adduced by respondents to the effect that when she remarried in 1986, petitioner transferred to Gingoog City which is so far from the location of the landholding in Butuan City as to make personal cultivation impossible. Moreover, the Time Book and Payroll presented by respondents prove that petitioner was paid in money and not in crops for the farmwork she rendered.

The appellate court denied petitioner's motion for reconsideration for lack of merit in its *Resolution*^[4] dated March 6, 2000.

Petitioner is now before us contending that the petition filed before the Court of Appeals was deficient in form and substance as it did not contain a statement of facts, issues, and the grounds relied upon for the review. The petition also allegedly failed to point out the findings of the DARAB which are not supported by substantial evidence. The appellate court allegedly violated Sec. 10, Rule 43 of the 1997 Rules of Civil Procedure (Rules of Court) as it failed to first give due course to the petition before proceeding to resolve the same. In so doing, the Court of Appeals allegedly denied her due process. Finally, petitioner avers that the appellate court erred in reversing the decision of the DARAB which is allegedly supported by substantial evidence.

Respondents filed a *Comment on the Petition*^[5] dated October 9, 2000, maintaining that the petition they filed with the Court of Appeals substantially complied with the requirements of the Rules of Court. They explain that the facts of the case and the grounds relied upon for review are found in the heading "DISCUSSION/ARGUMENT" to avoid redundancy. They aver that petitioner was not denied due process in the proceedings before the appellate court because she was able to file a comment on the petition and even filed a motion for reconsideration of the *Decision* rendered.

Respondents further contend that the DARAB decision was not supported by substantial evidence, claiming that the documents relied upon by the DARAB do not prove the existence of a tenancy relationship between the parties. They insist that petitioner did not share in the produce of the landholding but was instead paid for her work on the land and that she abandoned the same when she remarried and relocated to Gingoog City.

Petitioner filed a *Reply to Comment on the Petition* dated March 7, 2001, reiterating

her argument that the petition filed before the appellate court should have been dismissed outright for being deficient in form and substance. She insists that the real issue in this petition is whether the decision of the DARAB is supported by substantial evidence and should have been upheld by the Court of Appeals.

In its *Resolution* ^[6] dated June 27, 2001, the Court required the parties to submit their respective memoranda. Accordingly, petitioner filed a *Memorandum for Petitioner* ^[7] dated November 19, 2001, while respondents filed their *Memorandum* ^[8] dated November 21, 2001.

First, the procedural issues raised by petitioner as regards the alleged deficiency in form and substance of the petition filed with the Court of Appeals and the failure of the latter to first give due course to the petition before proceeding to resolve the same.

An examination of the petition filed with the Court of Appeals reveals that while it does not contain a separate section on statement of facts, the facts of the case are, in fact, integrated in the petition particularly in the discussion/argument portion. Moreover, the decision of the DARAB which contains the facts of the case was attached to the petition and was even quoted by the appellate court. The petition also sufficiently discusses the errors committed by the DARAB in its assailed decision.

There was, therefore, substantial compliance with Sec. 6, Rule 43 ^[9] of the Rules of Court. It is settled that liberal construction of the Rules may be invoked in situations where there may be some excusable formal deficiency or error in a pleading, provided that the same does not subvert the essence of the proceeding and connotes at least a reasonable attempt at compliance with the Rules. After all, rules of procedure are not to be applied in a very rigid, technical sense; they are used only to help secure substantial justice. ^[10]

With regard to the alleged failure of the Court of Appeals to first give due course to the petition, Sec. 10, Rule 43 of the Rules of Court provides:

Sec. 10. *Due course*.—If upon the filing of the comment or such other pleadings or documents as may be required or allowed by the Court of Appeals or upon the expiration of the period for the filing thereof, and on the basis of the petition or the records the Court of Appeals finds *prima facie* that the court or agency concerned has committed errors of fact or law that would warrant reversal or modification of the award, judgment, final order or resolution sought to be reviewed, it **may give due course** to the petition; otherwise, it shall dismiss the same. The findings of fact of the court or agency concerned, when supported by substantial evidence, shall be binding on the Court of Appeals. [Emphasis supplied.]

As can clearly be seen from the foregoing provision, in resolving appeals from quasi judicial agencies such as the DARAB, the appellate court has the discretion to give due course to the petition. It is also within the Court of Appeals' discretion to have the original records of the proceedings under review transmitted to it. ^[11]