FIRST DIVISION

[G. R. No. 138016, January 30, 2002]

THE HEIRS OF JOSE JUANITE (NAMELY: NICOLASA OSLOB VDA. DE JUANITE, FE JUANITE HEINEN, LUZ JUANITE LAM, HOMER JUANITE, THELMA JUANITE REDOBLE, MAMERTO JUANITE, HERMINIO JUANITE, MA. ELENA JUANITE, ERMERALDINA JUANITE AND AND JOSIENICK JUANITE) AND NICOLASA OSLOB VDA. DE JUANITE, PETITIONERS, VS. THE COURT OF APPEALS, SPS. EDILBERTO ROMERO AND FELISA MERCADO, MACARIO SANCHEZ, EFREN PANIA AND PIO YONSON, RESPONDENTS.

D E C I S I O N

PARDO, J.:

The Case

Appeal *via* certiorari from the decision[1] of the Court of Appeals upholding the ruling of the Department of Agrarian Reform Adjudication Board (DARAB) that the petitioners were not *de jure* tenants on the subject landholding, and hence, had no right of redemption.

The Facts

The facts, as found by the Court of Appeals, are as follows:

> "The spouses Edilberto Romero and Felisa Romero owned a piece of agricultural land in Alegria, Surigao del Norte. On different dates, the Romeros sold separate portions thereof to Efren Pania, Macario Sanchez and Pio Yonson.

> "Claiming to be the agricultural tenants of the land in question, Jose Juanite (now deceased) and his wife, Nicolasa O. Juanite, filed a complaint with the Provincial Agricultural Reform Adjudication Board (PARAB), Department of Agrarian Reform (DAR), against the spouses Edilberto and Felisa Mercado and their vendees above-named for the cancellation of the sales adverted to and for the Juanites to exercise their right of redemption pursuant to RA No. 3844,[2] section 12 of which reads:

>> 'Sec. 12. *Lessee's Right of Redemption.* – In case the landholding is sold to a third person without the knowledge of the agricultural lessee, the latter shall have the right to redeem the same at a reasonable price and consideration: *Provided*, That the entire landholding sold must be redeemed: *Provided, further*, That where there are two or more

agricultural lessees, each shall be entitled to said right of redemption only to the extent of the area actually cultivated by him. The right of redemption under this Section may be exercised within two years from the registration of the sale, and shall have priority over any other right of legal redemption.'

"Edilberto Romero, et al., as defendants, filed their answer with special and affirmative defenses. They alleged that the Romeros, being the owners of the property, had the perfect right to sell any portion thereof to any person. They strongly denied the allegation of the Juanites that the latter were their tenants.

"On October 28, 1993, the PARAB rendered his decision declaring the Juanite spouses as tenants; directing the Municipal Agrarian Reform Officer (MARO) to prepare the leasehold contract in their favor; declaring the deeds of sale executed by the Romero spouses in favor of Efren Pania, Macario Sanchez and Pio Yonson null and void; and directing the latter to vacate the premises.

"On appeal, the DARAB reversed. In its decision dated April 21, 1998, it declared that the Juanites were not tenants on the subject landholding; and hence, had no right of redemption."[3]

On September 7, 1998, petitioners filed with the Court of Appeals a petition for review of the DARAB ruling.[4]

On February 23, 1999, the Court of Appeals promulgated a decision dismissing the petition.[5]

Hence, this appeal.[6]

The Issue

The primordial issue in this appeal is whether the petitioners were tenants of the Romero spouses (respondents) as to entitle them to the right of redemption.[7]

The Court's Ruling

We grant the petition. Although the issue raised is factual, and ordinarily may not be reviewed on certiorari, because of conflicting findings of the DARAB upheld by the Court of Appeals, and the Provincial Agrarian Reform Adjudication Board (PARAB) on the issue of tenancy, we are obliged to review the findings of the Court of Appeals.[8]

The PARAB declared the petitioners to be tenants on the basis of the following evidence:

a)   certification of 28 persons to the effect that spouses Juanite had been working on the land as tenants;