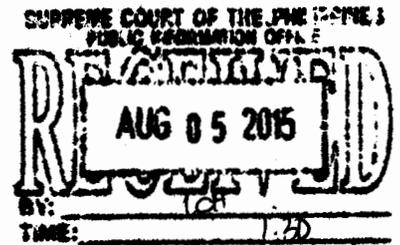




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 22, 2015** which reads as follows:*

“G.R. No. 216862 (Vincent C. Masada, *petitioner*, v. Consolacion T. Sibayan, respondent.). – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

This resolves the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the 4 September 2014 Decision¹ and 27 January 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. SP. No. 130703.

This case stemmed from the complaint for Maintenance of Peaceful Possession with Prayer for Injunction and/or Temporary Restraining Order filed by Consolacion T. Sibayan (Sibayan) against Vincent C. Masada (Masada) before the Department of Agrarian Reform Adjudication Board (DARAB), Office of the Provincial Adjudicator.

Sibayan alleged that she and her husband were asked by Atty. Constantino Tadena (Atty. Tadena) to be the caretakers and tenants of the latter’s property located at Sitio Lamuan, *Barangay* Quisao, Pililla, Rizal.

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¹ *Rollo*, pp. 185-195; Penned by Associate Justice Priscilla J. Baltazar-Padilla with Associate Justices Noel G. Tijam and Agnes Reyes Carpio concurring.
² *Id.* at 212.

They were also tasked to oversee and tend the adjoining property which was being managed by Atty. Tadena. The property belonged to Atty. Tadena's son-in-law, Mario Songco (Mario), and the latter's brother, Luis Songco:

With the permission of Atty. Tadena, Sibayan and her family built their house on a portion of the land belonging to Mario and cleared and cultivated the land to make it suitable for agriculture. They continued to cultivate and till the land in accordance with their agreement with Atty. Tadena.

Sibayan and her family thereafter regularly delivered part of their harvests to the relatives of Atty. Tadena, Mario and Luis.

When the family of Atty. Tadena, Mario and Luis left for the United States of America to live there for good, Masada took interest in the properties being tilled by Sibayan and her family. Asserting his claim of ownership, Masada ousted Sibayan and her family from the properties. They were prohibited from entering the properties in question and from doing any farm work thereon.

Masada contended that Sibayan was not a tenant on the subject properties and had no authority to occupy the same. The properties in question are covered by TCT Nos. 435437 and 435438 under the name of the late Glicerio Abeto (Glicerio), his mother's second husband. These properties were allegedly given to his mother, Dominga Abeto (Glicerio's wife and only heir) per Order dated 19 May 1982 of the Court of First Instance, Branch VI, Rizal, Pasig.

He averred that Dominga Abeto, thereafter, ceded the lot covered by TCT No. 435437 to Atty. Tadena through a deed of conditional sale and transfer as payment for the latter's services. However, the land was not transferred to Atty. Tadena's name because he left for the United States of America. At present, the property is still under the name of the late Glicerio Abeto. As regards TCT No. 435438, Masada stated that the lot was sold by his mother to Luis Songco but the latter failed to pay the full purchase price thereof. Masada claims that the ownership of the lot remained with his mother, Dominga Abeto.

On 25 January 2011, the Provincial Adjudicator rendered a decision in favor of Sibayan. It held that Sibayan and her family should be reinstated in the subject landholdings. Masada and any person acting for and in his behalf were ordered to maintain Sibayan and her immediate farm household in their peaceful possession and cultivation over the subject lands.

Masada appealed the Decision of the Provincial Adjudicator before the DARAB for allegedly being contrary to law and evidence.

On 10 June 2013, the DARAB denied the appeal and affirmed *in toto* the 25 January 2011 Decision of the Provincial Adjudicator.

Undaunted, Masada assailed the DARAB decision before the CA.

In a Decision dated 4 September 2014, the CA denied the petition for review filed by Masada and affirmed the assailed Decision of the DARAB.

Masada filed a motion for reconsideration but this was likewise denied by the CA in a Resolution dated 27 January 2015.

Masada is now before this Court raising the following issues:

Whether the CA erred in declaring Sibayan as a bona fide tenant in the disputed properties.

Whether the CA erred in declaring that the DARAB has jurisdiction over the case in dispute.

We find the petition bereft of merit.

We find the CA decision and resolution to be in accordance with the law and jurisprudence. As the CA correctly ruled: In the agreement between Atty. Tadena and Dominga Abeto, the ownership of the property was already conveyed to the former and the latter made an undertaking to execute the necessary documents to transfer the title of the land to the name

of Atty. Tadena. However, Dominga Abeto failed to do the same. When the agreement between Atty. Tadena and Dominga Abeto was executed, the only thing that was left to be accomplished was to transfer the title of the land to the name of the late Atty. Tadena.³

With respect to TCT No. 435438, Dominga Abeto agreed to sell to Luis Songco the property for ₱25,744.00 with an advance payment of ₱8,000.00 to be made upon the execution of the "Agreement to Sell" on 18 April 1978. It was also part of the agreement that upon execution of the deed, Luis Songco shall have the right to possess the land and introduce improvement thereon. The CA noted that Dominga Abeto admitted in her sworn affidavit that payment of ₱10,000.00 was made by Luis Songco. By virtue of their agreement, the right to possess and introduce improvements on the land in question was therefore transferred to Luis Songco notwithstanding Masada's claim that there was failure to pay the full purchase price. Moreover, Masada failed to substantiate that Luis Songco failed to pay the full purchase price.

The Provincial Adjudicator, the DARAB and the CA, all concurred that Atty. Tadena and Luis Songco are legal possessors of the disputed properties. As legal possessors, they have the authority and capacity to institute tenants thereon.⁴

It was also established that a tenancy relation existed between Atty. Tadena and Sibayan. Even if there was no written contract between them, such relationship was presumed because an agricultural leasehold relation is not determined by the explicit provisions of a written contract alone. It may also exist upon an oral agreement of the parties.⁵

Finally, the petition raises questions of fact which are beyond the coverage of a petition for review on *certiorari*. Settled is the rule that only questions of law may be raised in a petition under Rule 45 of the Rules of Court. It is not this Court's function to analyze or weigh all over again evidence already considered in the proceedings below, our jurisdiction being limited to reviewing only errors of law that may have been committed by the lower court. The resolution of factual issues is the

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³ Id. at 191.

⁴ Id. at 192 citing *Bernas v. CA*, G.R. No. 85041, 5 August 1993, 225 SCRA 119.

⁵ Section 5, Republic Act No. 3844.

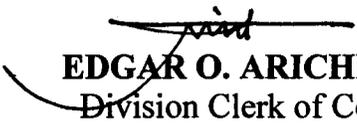
function of the lower courts, whose finding on these matters are received with respect. A question of law which we may pass upon must not involve an examination of the probative value of the evidence presented by the litigants.⁶

As a rule, the findings of fact of the CA are final and conclusive and this Court will not review them on appeal,⁷ subject to exceptions such as those enumerated by this Court in *Development Bank of the Philippines v. Traders Royal Bank*.⁸ Petitioner Masada failed to show that this case falls under any of the exceptions.

WHEREFORE, the Court **ADOPTS** the findings and conclusions of law of the Court of Appeals and **AFFIRMS** its 4 September 2014 Decision and 27 January 2015 Resolution in CA-G.R. SP. No. 130703. The instant petition is hereby **DENIED** for lack of merit.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{m-1/18}

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PUBLIC ATTORNEY'S OFFICE
Counsel for Petitioner
Special and Appealed Cases Service
DOJ Agencies Bldg.
Diliman 1128 Quezon City

Department of Agrarian
Reform Adjudication Board
Annex Bldg., DAR Central Office
Elliptical Rd., Diliman
1128 Quezon City
(DARAB Case No. 17092; Reg.
Case No. IV-R-0409-0061-09)

Judgment Division (x)
Supreme Court

Court of Appeals (x)
Manila
(CA-G.R. SP No. 130703)

Atty. Mario DL. Pagulayan
Counsel for Respondent
Department of Agrarian Reform
Legal Assistance Division
Bagumbayan, Teresa
1880 Rizal

Provincial Agrarian Reform Adjudicator
Office of the Provincial Adjudicator
Department of Agrarian Reform
Adjudication Board – Region IV-A
2nd Flr., ACV Bldg.
Circumferential Rd., Brgy. San Roque
Antipolo 1870 Rizal

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⁶ *Vallacar Transit, Inc. v. Catubig*, 664 Phil. 529, 542 (2011) citing *Land bank of the Philippines v. Monet's Export and Manufacturing Corporation*, 493 Phil. 327, 338 (2005).

⁷ *Sps. Andrada v. Pilhino Sales Corporation*, 659 Phil. 70, 77-78 (2011); *Atlas Consolidated Mining and Dev't. Corporation v. Commissioner of Internal Revenue*, 569 Phil. 483, 492 (2008); *Microsoft Corp. v. Maxicorp, Inc.*, 481 Phil. 550, 561 (2004)

⁸ G.R. No. 171982, 18 August 2010, 628 SCRA 404.