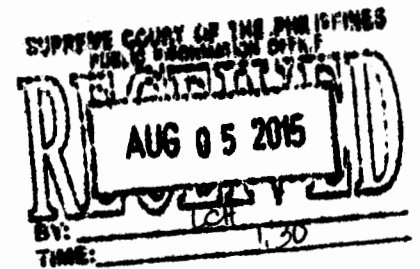




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 17, 2015** which reads as follows:*

“G.R. No. 160766 – ASUNCION REYES, Petitioner, v. RAMONCITO E. AGNIR, THROUGH HIS ATTORNEY-IN-FACT, ANGELINA E. AGNIR, Respondent.

The petitioner assails the decision promulgated on July 7, 2003,¹ whereby the Court of Appeals (CA) affirmed the judgment of the Regional Trial Court, Branch 52, in Sorsogon, Sorsogon² declaring that she was not the tenant of the respondent, and holding that her continued refusal to leave the property of the respondent constituted a cloud on his title and ownership of the land.

The respondent owned the parcel of coconut land measuring 52,697 square meters situated in Sitio Mapili, Rangas, Juban, Sorsogon, having acquired the land from his parents by virtue of a deed of absolute sale. His mother, Angelina E. Agnir, was the sister of Loreto Reyes, the deceased husband of the petitioner.³ In 1963, Angelina had allowed Loreto to occupy the land to help him support his family, on the condition that his occupation would only be temporary, and that she would take it back once she needed it. They had no pre-arranged division of the produce inasmuch as Angelina’s intention was only to help her brother send his children to school.⁴ After Loreto died in 1989, and because all his children had already

- over – four (4) pages.....

101

¹ *Rollo*, pp. 33-41, penned by Associate Justice Eliezer R. Delos Santos (now deceased) and concurred by Associate Justice Romeo A. Brawner (now deceased) and Associate Justice Regalado E. Maambong (now deceased).

² *Id.* at 24-28, penned by Judge Honesto A. Villamor.

³ *Id.* at 33.

⁴ *Id.* at 34.

finished their college education, Angelina sent a letter to his widow, the petitioner herein, to inform the latter that she needed the land for herself. The petitioner pleaded to stay on the property for ten more years but Angelina refused. Instead of vacating, the petitioner continued to cultivate the land.

In 1991, Angelina sought to eject the petitioner from the land. The matter was brought to the Barangay Agrarian Reform Committee (BARC), but was referred to the Municipal Agrarian Reform Office (MARO) because Angelina denied that the petitioner was her tenant. The MARO report merely stated that the complaint filed by Angelina was for the "ejection of tenant;" and that Angelina offered to pay disturbance fee but the petitioner refused to accept the offer.⁵

Meantime, the respondent bought the land from his parents. He thereafter filed an action for quieting of title through his mother Angelina as his attorney-in-fact. In its order dated January 24, 1994, the RTC denied due course to the petitioner's affirmative defense of lack of jurisdiction because of lack of any *prima facie* proof of the tenancy relationship between the parties. Ultimately, the RTC declared the respondent as the owner of the land, and ordered the petitioner to surrender its possession because Loreto, her predecessor, had not been the tenant of his sister due to absence of the express or implied consent to the tenancy.⁶

The petitioner appealed, insisting that a tenancy relationship existed between her and the respondent; and that Angelina's filing in the BARC and MARO was an admission of the existence of the tenancy relationship. In the end, the CA ruled in favor of the respondent inasmuch as his complaint had sought the declaration of his ownership of the land and actual, physical, and peaceful possession of the same.⁷ It held that the petitioner did not prove that she was the tenant of the respondent, to wit:

Asuncion's refusal to leave the property, claiming a tenant's right not to vacate the property, casts a cloud upon the owner's interest to possess the property for his own use. Angelina's previous act of allowing Loreto and his family to occupy her land, rent-free, does not create a

- over -

101

⁵ Id. at 34-35.

⁶ Id. at 35-36.

⁷ Id. at 37-38.

permanent indefeasible right of possession in the latter's favor. One whose stay is merely tolerated becomes a deforciant illegally occupying the land or property the moment he is required to leave. Such permission was subsequently withdrawn by the owner, as was appellee Ramoncito's right, and it was immaterial that such withdrawal was made through his attorney-in-fact as the latter being indisputably clothed with authority to do so.⁸

The petitioner has now come to the Court to reverse the ruling of the CA on two grounds, namely: forum shopping, and the existence of a tenancy relationship.

The petition for review lacks merit.

An owner is entitled to fully and freely enjoy his property, possess it without any limitations, and exclude any other person from using it to his detriment as owner.⁹ Although the owner may allow another to use it gratuitously as he so wishes, he cannot be forced into a tenancy relationship if he has no intention to enter into such relationship.

The petitioner contends that she was the respondent's tenant. There is agricultural tenancy if all the following requisites are present, to wit: (1) the parties are the landowner and the tenant or agricultural lessee; (2) the subject matter of the relationship is an agricultural land; (3) there is consent between the parties to the relationship; (4) the purpose of the relationship is to bring about agricultural production; (5) there is personal cultivation on the part of the tenant or agricultural lessee; and (6) the harvest is shared between the landowner and tenant or agricultural lessee.¹⁰

Despite her claim of being the tenant of the land, the petitioner did not establish the concurrence of all the requisites for agricultural tenancy. She did not prove that Angelina, and later on the respondent, ever consented to her tenancy on the land. Furthermore, her insistence on a shared harvest does not convince in light of the minimal amount that she and Loreto had supposedly given to Angelina for that purpose. Verily, not every tiller of land is presumed to be the agricultural tenant thereof.

- over -

101

⁸ Id. at 41.

⁹ Article 428 and Article 429, *Civil Code*.

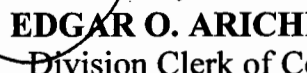
¹⁰ *Rodriguez v. Salvador*, G.R. 171972, June 8, 2011, 651 SCRA 429, 437.

The respondent, being the indisputable owner of the land, is within his right to lawfully demand that the petitioner vacate it, and upon her refusal to do so to initiate judicial eviction against her. He was clearly entitled to bring the action for quieting of title to ensure his peaceful enjoyment thereof. It is beyond question that the Agnirs had merely tolerated the stay on and the use of the land by the Asuncions as an accommodation to Loreto out of sibling affection.

WHEREFORE, the Court **AFFIRMS** the decision promulgated by the Court of Appeals; and **ORDERS** the petitioner to pay the costs of suit.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

101

Atty. Arnulfo L. Perete
Counsel for Petitioner
2nd Flr., Corcuera Bldg.
Magsaysay Street
4700 Sorsogon City

Ms. Angelina E. Agnir
Respondent's Attorney-in-Fact
No. 057 Trinidad Street
San Isidro Subdivision
Pamplona Uno
1740 Las Piñas City

Court of Appeals (x)
Manila
(CA-G.R. CV No. 63059)

Atty. Veronica E. Rubio
Counsel for Respondent
1194 Banaba St., Old Subdivision
Bibingkahan 4700 Sorsogon

The Hon. Presiding Judge
Regional Trial Court, Br. 52
Sorsogon 4700 Sorsogon
(Civil Case No. 92-5760)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR

Handwritten mark