Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MONICO LIGTAS, Petitioner,	**G.R. No. 200751**
	Present:
-versus-	CARPIO, *J., Chairperson,* BRION, DEL CASTILLO, MENDOZA, and LEONEN, *JJ.*
PEOPLE OF THE PHILIPPINES, Respondent.	**Promulgated:** AUG 17 2015

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DECISION

"Bakit niya babawiin ang aking saka?" tanong ni Tata Selo. "Dinaya ko na ba siya sa partihan? Tinuso ko na ba siya? Siya ang may-ari ng lupa at kasama lang niya ako. Hindi ba't kaya maraming nagagalit sa akin ay dahil sa ayaw kong magpamigay ng kahit isang pinangko kung anihan?"

Hindi pa rin umaalis sa harap ng istaked si Tata Selo. Nakahawak pa rin siya sa rehas. Nakatingin siya sa labas ngunit wala siyang sino mang tinitingnan.

. . . .

"Binabawi po niya ang aking saka," sumbong ni Tata Selo. "Saan pa po ako pupunta kung wala na akong saka?"

. . . .

Habang nakakapit sa rehas at nakatingin sa labas, sinasabi niyang lahat ay kinuha na sa kanila, lahat, ay! ang lahat ay kinuha na sa kanila. .

- "Tata Selo" (1963) by Rogelio R. Sikat

LEONEN, *J.*:

The uncontested declaration of the Department of Agrarian Reform Adjudication Board that Monico Ligtas was a tenant negates a finding of theft beyond reasonable doubt. Tenants having rights to the harvest cannot be deemed to have taken their own produce.

This is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court, assailing the Court of Appeals Decision[2] dated March 16, 2010 and the Resolution[3] dated February 2, 2012.[4] The Court of Appeals affirmed the Decision[5] of the Regional Trial Court finding Monico Ligtas (Ligtas) guilty beyond reasonable doubt of theft.[6]

Ligtas was charged with the crime of theft under Article 308 of the Revised Penal Code.[7] The Information provides:

> That on or about the 29th day of June 2000 at Sitio Lamak, Barangay San Juan, Municipality of Sogod, Province of Southern Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent of gain, entered into the abaca plantation belonging to one Anecita Pacate, and once inside the plantation, did then and there willfully, unlawfully and feloniously harvested 1,000 kilos of abaca fibers, valued at Php29,000.00 at Php29.00 per kilo, without the consent of said owner, Anecita Pacate, to her damage and prejudice in the aforestated amount of Twenty Nine Thousand Pesos (Php29,000.00), Philippine currency.
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> CONTRARY TO LAW.[8]

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1 *Rollo*, pp. 8–23.

2 Id. at 92–110. The case was docketed as CA-G.R. CEB-CR No. 00482. The Decision was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Edgardo L. Delos Santos (Chair) and Socorro B. Inting of the Eighteenth Division, Court of Appeals Cebu City.

3 Id. at 118–119. The Resolution was penned by Associate Justice Edgardo L. Delos Santos (Chair) and concurred in by Associate Justices Ramon Paul L. Hernando and Victoria Isabel A. Paredes of the Nineteenth Division, Court of Appeals Cebu City.

4 Id. at 21.

5 Id. at 35–49-A. The Decision was penned by Judge Rolando L. Gonzalez of Branch 39 of the Regional Trial Court of Sogod, Southern Leyte.

6 Id. at 109.

7 Id. at 92. *See* REV. PEN. CODE, art. 308. Who are Liable for Theft. — Theft is committed by any person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent.
Theft is likewise committed by:
1. Any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner;
2. Any person who, after having maliciously damaged the property of another, shall remove or make use of the fruits or object of the damage caused by him; and
3. Any person who shall enter an enclosed estate or a field where trespass is forbidden or which belongs to another and without the consent of its owner, shall hunt or fish upon the same or shall gather fruits, cereals, or other forest or farm products.

8 Id. at 93.

Ligtas pleaded not guilty.[9]

The prosecution presented five (5) witnesses during trial: Efren Cabero (Cabero), Modesto Cipres (Cipres), Anecita Pacate, SPO2 Enrique Villaruel, and Ernesto Pacate.[10]

According to the prosecution witnesses, Anecita Pacate was the owner of an abaca plantation situated at Sitio Lamak, Barangay San Juan, Sogod, Southern Leyte. On June 29, 2000, Cabero, the plantation's administrator, and several men, including Cipres, went to the plantation to harvest abaca upon Anecita Pacate's instructions. At about 10:00 a.m., Cabero and his men were surprised to find Ligtas harvesting abaca at the plantation. Ligtas was accompanied by three (3) unidentified men. Allegedly, Ligtas threatened that there would be loss of life if they persisted in harvesting the abaca. Cabero reported the incident to Anecita Pacate and the police.[11]

On July 2, 2000, Cabero and Cipres went back to the plantation and conducted a survey on the condition of the plantation. They found that 1,000 kilos of abaca, valued at ₱28.00 per kilo, were harvested by Ligtas.[12]

On July 3, 2000, Ligtas and Anecita Pacate confronted each other before the Sogod Police Station.[13] Ligtas admitted to harvesting the abaca but claimed that he was the plantation owner.[14]

The defense presented three (3) witnesses during trial: Ligtas; Pablo Palo, his neighbor; and Delia Ligtas, his wife.[15] According to Ligtas, he had been a tenant of Anecita Pacate and her late husband, Andres Pacate since 1993.[16] Andres Pacate installed him as tenant of the 1.5 to two hectares of land involved in the criminal case.[17]

Ligtas allegedly "made his first harvest in 1997."[18] He then gave Anecita Pacate her share to the harvest.[19] However, he could not remember the exact amount anymore.[20] Previously, Ligtas and Pablo Palo were workers in another land, around 15 hectares, owned by Anecita Pacate and

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9 Id.
10 Id.
11 Id. at 93–98.
12 Id. at 94 and 96.
13 Id. at 94 and 96–99. The confrontation was pursuant to a summons sent to Ligtas by the Sogod police.
14 Id. at 94.
15 Id. at 42–47.
16 Id at 45 and 99. Records show that Anecita Pacate and Andres Pacate, Sr. (Id. at. 17) had two sons: Ernesto Pacate and Andres Pacate, Jr. (Id. at 42). However, Andres Pacate, Sr. is referred to in the records as "Andres Pacate."
17 Id.
18 Id. at 45.
19 Id.
20 Id.

Andres Pacate.[21]

Ligtas alleged that on June 28, 2000, Anecita Pacate sent workers to harvest abaca from the land he cultivated. Ligtas prevented the men from harvesting the abaca since he was the rightful tenant of the land.[22]

Furthermore, Ligtas denied harvesting abaca at the plantation on June 29, 2000. He claimed that he was with Cabero and Cipres attending a barangay fiesta at Sitio Hubasan, San Juan, Sogod, Southern Leyte, when the alleged harvesting happened.[23]

Meanwhile, Ligtas filed a Complaint before the Department of Agrarian Reform Adjudication Board (DARAB) of Sogod, Southern Leyte for Maintenance of Peaceful Possession on November 21, 2000.[24] On January 22, 2002, the DARAB rendered the Decision[25] ruling that Ligtas was a bona fide tenant of the land.[26]

While records are bereft as to when the DARAB Decision was formally offered as evidence before the trial court, records are clear that the DARAB Decision was considered by both the trial court[27] and Court of Appeals[28] and without any objection on the part of the People of the Philippines.[29]

In the Decision dated August 16, 2006, the Regional Trial Court held that "the prosecution was able to prove the elements of theft[.]"[30] Ligtas' "defense of tenancy was not supported by concrete and substantial evidence nor was his claim of harvest sharing between him and [Anecita Pacate] duly corroborated by any witness."[31] His "defense of alibi cannot prevail over the positive identification . . . by prosecution witnesses."[32]

The dispositive portion of the Decision reads:

> WHEREFORE, finding the accused Monico Ligtas guilty beyond reasonable doubt of the crime of Theft, this court hereby renders judgment, sentencing him:

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21 Id. at 42–47.
22 Id. at 46 and 99.
23 Id.
24 Id. at 28 and 196.
25 Id. at 28–34. The case was docketed as DARAB Case No. VIII-319-SL-2000. The Decision was penned by Provincial Adjudicator Miguel G. Polinar.
26 Id. at 33.
27 Id. at 49.
28 Id. at 104.
29 Id. at 178.
30 Id. at 48.
31 Id.
32 Id. at 100.

> 1. To suffer the indeterminate penalty of four (4) years, nine (9) months and ten (10) days as minimum to eight (8) years and eight (8) months as maximum;
> 2. To indemnify the offende[d] party:
>   a. The amount of P29,000.00 for the value of the abaca stole[n];
>   b. The amount of P5000.00 as moral damages;
>   c. The amount of P10,000.00 as litigation expenses/attorney's fees;
> 3. To pay the costs.
>
> SO ORDERED.[33]

I

The Court of Appeals affirmed the ruling of the trial court.[34] According to it, "the burden to prove the existence of the tenancy relationship"[35] belonged to Ligtas. He was not able to establish all the essential elements of a tenancy agreement.[36]

The Court of Appeals declared that Ligtas' reliance on the DARAB Decision "declaring him as a bonafide tenant of the . . . land is irrelevant in the case at bar":[37]

> Jurisprudence is replete with cases declaring that "findings of or certifications issued by the Secretary of Agrarian Reform, or his authorized representative, in a given locality concerning the presence or absence of a tenancy relationship between the contending parties, are merely preliminary or provisional and are not binding upon the courts.["][38]

As to the ownership of the land, the Court of Appeals held that Ligtas had taken conflicting positions. While he claimed to be a legitimate tenant, Ligtas also assailed Anecita Pacate's title over the land. Under Rule 131, Section 2 of the Rules of Court, a tenant cannot deny the title of his or her landlord at the time of the commencement of the tenancy relation.[39]

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33 Id. at 49-A. Per the testimonies of the witnesses before the trial court and as adopted by the Court of Appeals, the "Kasabutan" or Agreement dated February 24, 2007 was previously executed between Ligtas and Anecita Pacate. The Agreement involved another incident of theft committed by Ligtas against Anecita Pacate. He was also charged with theft in 1988; however, the case was ultimately dismissed (Id. at 18–19, 37, 40, 41–43, 46–47, and 49).

34 Id. at 109.

35 Id. at 101.

36 Id. at 101–103.

37 Id. at 104.

38 Id., *citing Cornes, et al. v. Leal Realty Centrum Co., Inc., et al.*, 582 Phil. 528, 552 (2008) [Per J. Chico-Nazario, Third Division].

39 Id. at 108.

The Court of Appeals remained unconvinced as to Ligtas' allegations on ownership. "He claims that the parcel of land owned by [Anecita Pacate] is different from the subject abaca land. However, such assertion was based merely on the testimony of the municipal assessor, not an expert competent to identify parcels of land."[40]

More importantly, the Court of Appeals ruled that Ligtas committed theft by harvesting abaca from Anecita Pacate's plantation.[41] Ligtas had constructive possession of the subject of the theft without the owner's consent.[42] "The subject of the crime need not be carried away or actually taken out from the land in order to consummate the crime of theft."[43]

Furthermore, Ligtas' argument that the abaca did not constitute as personal property under the meaning of Article 308 of the Revised Penal Code was erroneous.[44] Following the definition of personal property, the abaca hemp was "capable of appropriation [and] [could] be sold and carried away from one place to another."[45] The Court of Appeals affirmed the trial court's finding that about 1,000 kilos of abaca were already harvested.[46] Hence, all the elements of theft under Article 308 of the Revised Penal Code were sufficiently established by the prosecution.

The Court of Appeals ruled that Ligtas' defense of alibi could not excuse him from criminal liability.[47] His alibi was doubtfully established. "[W]here an accused's alibi is established only by himself, his relatives and friends, his denial of culpability should be accorded the strictest scrutiny."[48]

Ligtas' attack on the credibility of the witnesses did not prosper.[49] He failed to show that the case was initiated only through Anecita Pacate's quest for revenge or to ensure that Ligtas would be evicted from the land.[50]

The Court of Appeals dismissed Ligtas' appeal and affirmed the trial court's Decision finding Ligtas guilty beyond reasonable doubt of theft under Article 308 of the Revised Penal Code.[51] The dispositive portion of the Decision reads:

WHEREFORE, the instant Appeal is **DISMISSED**. Accordingly,

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40 Id.
41 Id. at 105.
42 Id.
43 Id.
44 Id. at 105–106.
45 Id. at 106.
46 Id.
47 Id.
48 Id. at 107–108.
49 Id. at 107.
50 Id. at 108.
51 Id. at 109.

> the assailed Decision dated . . . August 16, 2006 of the Regional Trial Court of Sogod, Southern Leyte, Branch 39, in Criminal Case No. R-225, finding accused-appellant Monico Ligtas guilty beyond reasonable doubt of Theft under Article 308 of the Revised Penal Code, is hereby **AFFIRMED in all respects.**
>
> **SO ORDERED.**[52]

Ligtas filed a Motion for Reconsideration,[53] which the Court of Appeals denied on February 2, 2012.[54]

II

On April 4, 2012, Ligtas filed this Petition assailing the Court of Appeals Decision and Resolution.[55] This court required People of the Philippines to file its Comment on the Petition within 10 days from notice.[56]

The issues for consideration of this court are:

First, whether questions of fact may be raised in a petition for review on certiorari under Rule 45 of the Rules of Court;

Second, whether the DARAB Decision, finding petitioner Monico Ligtas as tenant of the land owned by private complainant Anecita Pacate and located at Sitio Lamak, Barangay San Juan, Sogod, Southern Leyte is conclusive or can be taken judicial notice of in a criminal case for theft; and

Third, whether the Court of Appeals committed reversible error when it upheld the conviction of petitioner Monico Ligtas for theft under Article 308 of the Revised Penal Code.

The Petition is meritorious.

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52 Id.

53 Id. at 112–115.

54 Id. at 118–119.

55 Id. at 21. Petitioner filed a Motion for Extension of Time to File Petition for Review for 30 days dated March 2, 2012 (Id. at 2–4), which the court granted (Id. at 122).

56 Id. at 122. The Resolution was dated March 4, 2013. Respondent, through the Office of the Solicitor General, filed its Comment on June 27, 2013 (Id. at 128–143). In the Resolution (Id. at 145) dated August 14, 2013, this court noted the Comment and required petitioner to file a Reply to the Comment. Petitioner filed his Reply (Id. at 147–149) dated October 14, 2013, which we noted on January 15, 2014 (Id. at 152). In the Resolution (Id. at 165–167) dated July 14, 2014, this court gave due course to the petition and required the parties to submit their respective Memoranda within 30 days from notice. Petitioner's Memorandum (Id. at 184–201) dated October 8, 2014 was posted on October 10, 2014 (Id. at 184). Respondent filed its Memorandum (Id. at 174–182) dated October 2, 2014 before this court on October 3, 2014 (Id. at 174).

III

Petitioner argues that the findings of fact of both the trial court and Court of Appeals must be revisited for being "conclusions without citation of specific evidence on record and premised on the supposed absence of evidence on the claim of petitioner [as] tenant."[57]

Only questions of law are allowed in a petition for review under Rule 45[58] of the Rules of Court.[59] Factual findings of the Regional Trial Court are conclusive and binding on this court when affirmed by the Court of Appeals.[60] This court has differentiated between a question of law and question of fact:

> A *question of law* exists when the doubt or controversy concerns the correct application of law or jurisprudence to a certain set of facts; or when the issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of facts being admitted. A *question of fact* exists when the doubt or difference arises as to the truth or falsehood of facts or when the query invites calibration of the whole evidence considering mainly the credibility of the witnesses, the existence and relevancy of specific surrounding circumstances as well as their relation to each other and to the whole, and the probability of the situation.[61] (Emphasis supplied)

Petitioner admits that the Petition raises substantially factual issues that are beyond the scope of the Rule he seeks redress from.[62] However, there are exceptions to the rule that only questions of law should be the subject of a petition for review under Rule 45:

> (1) when the findings are grounded entirely on speculation, surmises or conjectures, (2) when the inference made is manifestly mistaken, absurd or impossible, (3) when there is grave abuse of discretion, (4) when the judgment is based on misapprehension of facts, (5) when the findings of fact are conflicting, (6) when in making its findings, the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and

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57 Id. at 190.

58 RULES OF COURT, Rule 45, sec. 1 provides:
SECTION 1. Filing of petition with Supreme Court.— A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

59 *See Delos Reyes Vda. Del Prado v. People*, G.R. No. 186030, March 21, 2012, 668 SCRA 768, 778 [Per J. Reyes, Second Division].

60 *See People v. Cardenas*, G. R. No. 190342, March 21, 2012, 668 SCRA 827, 844–845 [Per J. Sereno (now C.J.), Second Division].

61 *Ruiz v. People*, 512 Phil. 127, 135 (2005) [Per J. Callejo, Sr., Second Division], *quoting Republic v. Sandiganbayan*, 425 Phil. 752, 765–766 (2002) [Per C.J. Davide, Jr., En Banc].

62 *Rollo*, p. 190.

> the appellee, (7) when the CA's findings are contrary to those by the trial court, *(8) when the findings are conclusions without citation of specific evidence on which they are based*, (9) when the acts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent, *(10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record*, or (11) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[63] (Emphasis supplied, citation omitted)

This court has held before that a re-examination of the facts of the case is justified "when certain material facts and circumstances had been overlooked by the trial court which, if taken into account, would alter the result of the case in that they would introduce an element of reasonable doubt which would entitle the accused to acquittal."[64]

The issue of tenancy, in that whether a person is an agricultural tenant or not, is generally a question of fact.[65] To be precise, however, the existence of a tenancy relationship is a legal conclusion based on facts presented corresponding to the statutory elements of tenancy.[66]

The Court of Appeals committed reversible error in its assailed Decision when it held that all the essential elements of the crime of theft were duly proven by the prosecution despite petitioner having been pronounced a bona fide tenant of the land from which he allegedly stole.[67] A review of the records of the case is, thus, proper to arrive at a just and equitable resolution.

IV

Petitioner claims that private complainant's filing of criminal charges was motivated by ill will and revenge.[68] The charges were designed to remove petitioner from the land he has legitimately occupied as tenant.[69] Telling is the fact that petitioner filed his Complaint before the DARAB on November 21, 2000, while the Information for Theft was filed on December 8, 2000.[70]

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63 *Delos Reyes Vda. Del Prado v. People*, G.R. No. 186030, March 21, 2012, 668 SCRA 768, 779–780 [Per J. Reyes, Second Division].

64 *Pit-og v. People*, 268 Phil. 413, 420 (1990) [Per C.J. Fernan, Third Division].

65 *Cornes, et al. v. Leal Realty Centrum Co., Inc., et al.*, 582 Phil. 528, 548 (2008) [Per J. Chico-Nazario, Third Division], *citing Mon v. Court of Appeals*, 471 Phil. 65, 78 (2004) [Per J. Carpio, First Division].

66 *See Heirs of Nicolas Jugalbot v. Court of Appeals*, 547 Phil. 113, 120 (2007) [Per J. Ynares-Santiago, Third Division]: "Tenancy is not a purely factual relationship dependent on what the alleged tenant does upon the land. It is also a legal relationship[.]"

67 *Rollo*, p. 33.

68 Id. at 194–195.

69 Id. at 195.

70 Id. at 196.

Petitioner argues that he has sufficiently established his status as private complainant's tenant.[71] The DARAB Decision is entitled to respect, even finality, as the Department of Agrarian Reform is the administrative agency vested with primary jurisdiction and has acquired expertise on matters relating to tenancy relationship.[72]

The findings of the DARAB were also supported by substantial evidence.[73] To require petitioner to prove tenancy relationship through evidence other than the DARAB Decision and the testimonies of the witnesses is absurd and goes beyond the required quantum of evidence, which is substantial evidence.[74]

Also, according to petitioner, the DARAB Decision has attained finality since private complainant did not file an appeal. The DARAB's finding as to the parties' tenancy relationship constitutes as *res judicata*.[75]

On the other hand, respondent argues that the Court of Appeals correctly disregarded the DARAB Decision.[76] The trial court could not have taken judicial notice of the DARAB Decision:

> While the DARAB . . . ruled that petitioner is a bonafide tenant of Pacate, courts are not authorized to take judicial notice of the contents of the records of other cases even when such cases have been tried or are pending in the same court, and notwithstanding the fact that both cases may have been heard or are actually pending before the same judge.[77] (Citation omitted)

Moreover, according to respondent, petitioner invokes conflicting defenses: that there is a legitimate tenancy relationship between him and private complainant and that he did not take the abaca hemp.[78] Nevertheless, respondent maintains that petitioner failed to prove all the essential elements of a tenancy relationship between him and private complainant.[79] Private complainant did not consent to the alleged tenancy relationship.[80] Petitioner also failed to provide evidence as to any sharing of harvest between the parties.[81]

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71 Id. at 191.
72 Id.
73 Id. at 193–194.
74 Id. at 194.
75 Id. at 192.
76 Id. at 177.
77 Id. at 178.
78 Id. at 179.
79 Id. at 179–180.
80 Id. at 180.
81 Id. at 178.

We hold that a DARAB decision on the existence of a tenancy relationship is conclusive and binding on courts if supported by substantial evidence.

Generally, decisions in administrative cases are not binding on criminal proceedings. This court has ruled in a number of cases that:

> It is indeed a fundamental principle of administrative law that administrative cases are independent from criminal actions for the same act or omission. *Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or vice versa.* One thing is administrative liability; quite another thing is the criminal liability for the same act.
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> . . . .
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> Thus, considering the difference in the quantum of evidence, as well as the procedure followed and the sanctions imposed in criminal and administrative proceedings, the findings and conclusions in one should not necessarily be binding on the other. Notably, the evidence presented in the administrative case may not necessarily be the same evidence to be presented in the criminal cases.[82] (Emphasis supplied, citations omitted)

However, this case does not involve an administrative charge stemming from the same set of facts involved in a criminal proceeding. This is not a case where one act results in both criminal and administrative liability. DARAB Case No. VIII-319-SL-2000 involves a determination of whether there exists a tenancy relationship between petitioner and private complainant, while Criminal Case No. R-225 involves determination of whether petitioner committed theft. However, the tenancy relationship is a factor in determining whether all the elements of theft were proven by the prosecution.

In its Decision dated January 22, 2002, the DARAB found:

> All the necessary requisites in order to establish tenancy relationship as required in the above-quoted Supreme Court ruling, has been established by the evidence submitted by plaintiff; And these evidences were not controverted by any evidence submitted by the respondent.
>
> In fine, this board found plaintiff a bonafide tenant of the land in question and as such is entitled to a security of tenure, in which case he shall not be dispossessed of his holdings by the landowner except for any of the causes provided by law and only after the same has been proved before, and the dispossession is authorized by the Court and in the judgment that is final and executory[.][83] (Citations omitted)

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82 *Paredes v. Court of Appeals*, 555 Phil. 538, 549–550 (2007) [Per J. Chico-Nazario, Third Division].
83 *Rollo*, p. 33.

The dispositive portion of the DARAB Decision provides:

> **WHEREFORE,** premises being considered, judgment is hereby rendered, finding Monico Ligtas a bonafide tenant of the land subject in this case and well described in paragraph three (3) in the complaint, and ordering as follows, to wit:
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> 1. The respondent and all other persons acting for and in her behalf to maintain plaintiff in the peaceful possession of the land in dispute;
>
> 2. The MARO of Sogod, Southern Leyte, and concurrently the cluster Manager of Sogod Bay DAR Cluster to call the parties and assist them in the execution of a leasehold contract covering the land in dispute, and for the parties to respect and obey such call of the said MARO in compliance with the legal mandate.
>
> 3. Ordering the respondent to pay plaintiff the amount of Five Thousand (P5,000.00) Pesos representing the expenses incurred by plaintiff in vindicating his right and other actual expenses incurred in this litigation.
>
> Other relief sought are hereby ordered dismissed for lack of evidence.
>
> No cost.
>
> **SO DECIDED.**[84]

Private complainant did not appeal the DARAB's findings.

Findings of fact of administrative agencies in the exercise of their quasi-judicial powers are entitled to respect if supported by substantial evidence.[85] This court is not tasked to weigh again "the evidence submitted before the administrative body and to substitute its own judgment [as to] the sufficiency of evidence."[86]

V

The DARAB is the quasi-judicial tribunal that has the primary jurisdiction to determine whether there is a tenancy relationship between adverse parties.[87] This court has held that "judicial determinations [of the

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84 Id. at 33–34.

85 *See Miro v. Mendoza Vda. de Erederos*, G.R. Nos. 172532 & 172544-45, November 20, 2013, 710 SCRA 371, 383 [Per J. Brion, Second Division].

86 *See Autencio v. City Administrator Mañara*, 489 Phil. 752, 761 (2005) [Per J. Panganiban, Third Division].

87 Rep. Act No. 6657 (1988), sec. 50 provides:

DARAB] have the same binding effect as judgments and orders of a regular judicial body."[88] Disputes under the jurisdiction of the DARAB include controversies relating to:

> tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements.[89]

In *Salazar v. De Leon*,[90] this court upheld the Department of Agrarian Reform's primary jurisdiction over agrarian disputes, which includes the relationship between landowners and tenants.[91] The DARAB Decision is conclusive and binding on courts when supported by substantial evidence.[92] This court ruled that administrative *res judicata* exists in that case:

> Significantly, respondent did not appeal the Decision dated 17 November 1995 of the DARAB in DARAB Case # II-380-ISA'94; consequently, the same has attained finality and constitutes res judicata on the issue of petitioner's status as a tenant of respondent.
>
> Res judicata is a concept applied in the review of lower court decisions in accordance with the hierarchy of courts. *But jurisprudence has also recognized the rule of administrative res judicata*: "The rule which forbids the reopening of a matter once judicially determined by competent authority applies as well to the judicial and quasi-judicial facts of public, executive or administrative officers and boards acting within their jurisdiction as to the judgments of courts having general judicial

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SEC. 50. Quasi-Judicial Powers of the DAR.—*The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).*

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of every action or proceeding before it.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena duces tecum and to enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.

Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the DAR: Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory. (Emphasis supplied)

88 *Martillano v. Court of Appeals*, 477 Phil. 226, 236–237 (2004) [Per J. Ynares-Santiago, First Division], *citing* Rep. Act No. 6657 (1988), secs. 50 and 51.

89 *Suarez v. Saul*, 510 Phil. 400, 409 (2005) [Per J. Ynares-Santiago, First Division], *citing* Rep. Act No. 6657 (1988), sec. 3 (d) in relation to sec. 50 and DARAB Rules of Procedure, Rule II, sec. 1.

90 596 Phil. 472 (2009) [Per J. Chico-Nazario, Third Division].

91 Id. at 484–486.

92 Id. at 489.

> powers. . . It has been declared that whenever final adjudication of persons invested with power to decide on the property and rights of the citizen is examinable by the Supreme Court, upon a writ of error or a certiorari, such final adjudication may be pleaded as res judicata." *To be sure, early jurisprudence was already mindful that the doctrine of res judicata cannot be said to apply exclusively to decisions rendered by what are usually understood as courts without unreasonably circumscribing the scope thereof; and that the more equitable attitude is to allow extension of the defense to decisions of bodies upon whom judicial powers have been conferred.*[93] (Emphasis supplied, citations omitted)

In *Encinas v. Agustin, Jr.*,[94] this court clarified that *res judicata* applies only to decisions rendered by agencies in judicial or quasi-judicial proceedings and not to purely administrative proceedings:

> The CA was correct in ruling that the doctrine of res judicata applies only to judicial or quasi-judicial proceedings, and not to the exercise of administrative powers. Administrative powers here refer to those purely administrative in nature, as opposed to administrative proceedings that take on a quasi-judicial character.
>
> In administrative law, a quasi-judicial proceeding involves (a) taking and evaluating evidence; (b) determining facts based upon the evidence presented; and (c) rendering an order or decision supported by the facts proved. The exercise of quasi-judicial functions involves a determination, with respect to the matter in controversy, of what the law is; what the legal rights and obligations of the contending parties are; and based thereon and the facts obtaining, the adjudication of the respective rights and obligations of the parties.[95] (Citations omitted)

We find it necessary to clarify the two concepts of *res judicata:* bar by prior judgment and conclusiveness of judgment. In *Social Security Commission v. Rizal Poultry and Livestock Association, Inc., et al.*,[96] this court discussed and differentiated the two concepts of *res judicata*:

> *Res judicata* embraces two concepts: (1) bar by prior judgment as enunciated in Rule 39, Section 47(b) of the Rules of Civil Procedure; and (2) conclusiveness of judgment in Rule 39, Section 47(c).
>
> There is "bar by prior judgment" when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action.
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> But where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as

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93 Id. at 488–489.
94 G.R. No. 187317, April 11, 2013, 696 SCRA 240 [Per C.J. Sereno, En Banc].
95 Id. at 260–261.
96 665 Phil. 198 (2011) [Per J. Perez, First Division].

> to those matters actually and directly controverted and determined and not as to matters merely involved therein. This is the concept of *res judicata* known as "conclusiveness of judgment." Stated differently, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies, whether or not the claim, demand, purpose, or subject matter of the two actions is the same.
>
> *Thus, if a particular point or question is in issue in the second action, and the judgment will depend on the determination of that particular point or question, a former judgment between the same parties or their privies will be final and conclusive in the second if that same point or question was in issue and adjudicated in the first suit. Identity of cause of action is not required but merely identity of issue.*
>
> The elements of *res judicata* are: (1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, subject matter, and causes of action. *Should identity of parties, subject matter, and causes of action be shown in the two cases, then res judicata in its aspect as a "bar by prior judgment" would apply. If as between the two cases, only identity of parties can be shown, but not identical causes of action, then res judicata as "conclusiveness of judgment" applies.*[97] (Emphasis supplied, citations omitted)

In *Martillano v. Court of Appeals*,[98] the DARAB Decision finding for the existence of a tenancy relationship between the parties was declared by this court as conclusive on the parties.[99] As in this case, the DARAB Decision[100] in *Martillano* attained finality when the landowner did not appeal the Decision.[101] This court ruled that the doctrine of *res judicata* applies:

> Under the afore-cited sections of RA 6657, the Department of Agrarian Reform is empowered, through its adjudicating arm the regional and provincial adjudication boards, to resolve agrarian disputes and controversies on all matters pertaining to the implementation of the agrarian law. Section 51 thereof provides that the decision of the DARAB attains finality after the lapse of fifteen (15) days and no appeal was interposed therefrom by any of the parties.
>
> *In the instant case, the determination of the DARAB in DARAB*

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97 Id. at 205–206.
98 477 Phil. 226 (2004) [Per J. Ynares-Santiago, First Division].
99 Id. at 236–237.
100 Id. at 229–230. The DARAB Decision pertains to DARAB Case No. 062-Bul '89, which resolved Abelardo Valenzuela, Jr.'s Complaint for "the cancellation of the Certificate of Land Transfer (CLT) No. 0-042751 and/or Emancipation Patent Nos. A-308399 issued in favor of [petitioner] Nicanor Martillano. . . . On April 4, 1990, Valenzuela sold 19 parcels of land[,] . . . more or less 1.3785 hectares[,] to private respondent [William] Po Cham."
101 Id. at 236–237.

> *Case No. 062-Bul '89, there being no appeal interposed therefrom, attained finality. Accordingly, the matter regarding the status of Martillano as a tenant farmer and the validity of the CLT and Emancipation Patents issued in his favor are settled and no longer open to doubt and controversy*.
>
> . . . .
>
> We recall that DARAB Case 062-Bul '89 was for the cancellation of petitioner's CLT and Emancipation patents. The same effect is sought with the institution of DARAB Case No. 512-Bul '94, which is an action to withdraw and/or cancel administratively the CLT and Emancipation Patents issued to petitioner. Considering that DARAB Case 062-Bul '89 has attained finality prior to the filing of DARAB Case No. 512-Bul '94, no strenuous legal interpretation is necessary to understand that the issues raised in the prior case, i.e., DARAB Case No. 062-Bul '89, which have been resolved with finality, may not be litigated anew.
>
> The instant case is complicated by the failure of the complainant to include Martillano as party-defendant in the case before the adjudication board and the DARAB, although he was finally impleaded on appeal before the Court of Appeals.
>
> The belated inclusion of Martillano as respondent in the petition will not affect the applicability of the doctrine of bar by prior judgment. *What is decisive is that the issues which have already been litigated in a final and executory judgment precludes, by the principle of bar by prior judgment, an aspect of the doctrine of res judicata, and even under the doctrine of "law of the case," the re-litigation of the same issue in another action. It is well established that when a right or fact has been judicially tried and determined by a court of competent jurisdiction, so long as it remains unreversed, it should be conclusive upon the parties and those in privity with them. The dictum therein laid down became the law of the case and what was once irrevocably established as the controlling legal rule or decision, continues to be binding between the same parties as long as the facts on which the decision was predicated, continue to be the facts of the case before the court*. Hence, the binding effect and enforceability of that dictum can no longer be resurrected anew since said issue had already been resolved and finally laid to rest, if not by the principle of res judicata, at least by conclusiveness of judgment.[102] (Emphasis supplied, citations omitted)

In *Co v. People, et al.*,[103] this court held that "the doctrine of conclusiveness of judgment also applies in criminal cases."[104] Petitioner in that case was charged with the violation of Republic Act No. 1161, as amended, for the alleged non-remittance of Social Security System contributions.[105] This court upheld the findings of the National Labor Relations Commission in a separate case, which declared the absence of an employer-employee relationship and had attained finality.[106] This court held

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102 Id. at 237–239.
103 610 Phil. 60 (2009) [Per J. Corona, First Division].
104 Id. at 69.
105 Id. at 63–64.
106 Id. at 67.

that:

> The reasons for establishing the principle of "conclusiveness of judgment" are founded on sound public policy. . . . It is allowable to reason back from a judgment to the basis on which it stands, upon the obvious principle that where a conclusion is indisputable, and could have been drawn only from certain premises, the premises are equally indisputable with the conclusion. When a fact has been once determined in the course of a judicial proceeding, and a final judgment has been rendered in accordance therewith, it cannot be again litigated between the same parties without virtually impeaching the correctness of the former decision, which, from motives of public policy, the law does not permit to be done.
>
> Res judicata has two concepts. The first is bar by prior judgment under Rule 39, Section 47 (b), and the second is conclusiveness of judgment under Rule 39, Section 47 (c). Both concepts are founded on the principle of estoppel, and are based on the salutary public policy against unnecessary multiplicity of suits. Like the splitting of causes of action, res judicata is in pursuance of such policy. Matters settled by a Court's final judgment should not be litigated upon or invoked again. Relitigation of issues already settled merely burdens the Courts and the taxpayers, creates uneasiness and confusion, and wastes valuable time and energy that could be devoted to worthier cases.[107] (Citations omitted)

In *VHJ Construction and Development Corporation v. Court of Appeals*,[108] this court ruled that tenancy relationship must be duly proven:

> [A] tenancy relationship cannot be presumed. There must be evidence to prove this allegation. The principal factor in determining whether a tenancy relationship exists is intent. Tenancy is not a purely factual relationship dependent on what the alleged tenant does upon the land. It is also a legal relationship.[109] (Citation omitted)

The DARAB, in DARAB Case No. VIII-319-SL-2000, held that all the essential elements of a tenancy relationship were proven by petitioner.[110] It found that there was substantial evidence to support petitioner's claim as tenant of the land.[111] In rendering the Decision, the DARAB examined pleadings and affidavits of both petitioner and private complainant.[112] It was

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107 Id. at 70–71.

108 480 Phil. 28 (2004) [Per J. Callejo, Sr., Second Division].

109 Id. at 35.

110 *Rollo*, p. 33. *See VHJ Construction and Development Corporation v. Court of Appeals*, 480 Phil. 28, 35 (2004) [Per J. Callejo, Sr., Second Division]: "The requisites of a tenancy relationship are as follows: (1) the parties are the landowner and the tenant; (2) the subject is agricultural land; (3) there is consent by the landowner; (4) the purpose is agricultural production; (5) there is personal cultivation; and (6) there is sharing of the harvests."

111 *Rollo*, p. 33. *See* RULES OF COURT, Rule 133, sec. 5 provides:
SECTION 5. Substantial evidence.— In cases filed before administrative or quasi-judicial bodies, a fact may be deemed established if it is supported by substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

112 *Rollo*, pp. 29–32.

convinced by petitioner's evidence, which consisted of sworn statements of petitioner's witnesses that petitioner was installed as tenant by Andres Pacate sometime in 1993.[113] Petitioner and Andres Pacate had an agreement to share the produce after harvest.[114] However, Andres Pacate had died before the first harvest.[115] Petitioner then gave the landowner's share to private complainant, and had done so every harvest until he was disturbed in his cultivation of the land on June 29, 2000.[116]

We emphasize that after filing her Answer before the DARAB, private complainant failed to heed the Notices sent to her and refused to attend the scheduled hearings.[117] The DARAB even quoted in its Decision the reason offered by private complainant's counsel in his Motion to Withdraw as counsel:

> That as early as the preliminary hearings of the case, the respondent has already shown her intention not to participate the proceedings of the case for reasons known only to her;
>
> That despite the advi[c]e of the undersigned, respondent stood pat with her decision not to participate in the proceedings of the case;
>
> That in view of this predicament, the undersigned can do nothing except to withdraw as he is now withdrawing as counsel for the respondent of the above-entitled case[.][118]

It is true that trial courts are not mandated to take judicial notice of decisions of other courts or even records of other cases that have been tried or are pending in the same court or before the same judge.[119] In declaring that the DARAB's findings on the tenancy relationship between petitioner and private complainant are immaterial to the criminal case for theft, the Court of Appeals[120] relied on *Cornes, et al. v. Leal Realty Centrum Co., Inc., et al.*[121]

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113 Id. at 29–30.
114 Id. at 30.
115 Id.
116 Id. The DARAB Decision states that Ligtas had peacefully cultivated the land from 1993 to June 29, 2000, when respondent Anecita Pacate ordered men to harvest abaca from the land.
117 Id. at 28.
118 Id. at 29.
119 *See* RULES OF COURT, Rule 129, secs. 1 and 2 provide:
SECTION 1. Judicial notice, when mandatory.— A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of the legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.
SECTION 2. Judicial notice, when discretionary.— A court may take judicial notice of matters which are of public knowledge, or are capable of unquestionable demonstration, or ought to be known to judges because of their judicial functions.
See also Tabuena v. Court of Appeals, et al., 274 Phil. 51, 56–57 (1991) [Per J. Cruz, First Division].
120 *Rollo*, p. 104.
121 582 Phil. 528 (2008) [Per J. Chico-Nazario, Third Division].

In *Cornes,* petitioners, who were farmers of a 21-hectare agricultural land in Tarlac that was principally devoted to sugar and rice and who claim the rights of their predecessors-in-interest, filed separate Complaints before the Provincial Adjudication Board of Region III in Tarlac, Tarlac. They claimed that when the registered owner of the land, Josefina Roxas Omaña, sold the land to respondents, respondents were aware of the tenancy relationship between petitioners and Josefina Roxas Omaña.[122]

Respondents offered a compensation package to petitioners in exchange for the renunciation of their tenancy rights under the Comprehensive Agrarian Reform Law. However, they failed to comply with their obligations under the terms of the compensation package.[123] Petitioners then filed a series of Complaints before the DARAB. The cases were consolidated and resolved by the Provincial Adjudicator.[124]

The Provincial Adjudicator ruled, among other things, that "there was no tenancy relationship [that] existed between the parties."[125] He found that petitioners and their predecessors-in-interest were mere hired laborers, not tenants. Tenancy cannot be presumed from respondents' offer of a compensation package.[126]

On appeal, the DARAB reversed the Decision of the Provincial Adjudicator. It found that there was an implied tenancy between the parties. Petitioners were deemed tenants of the land for more than 30 years. They were entitled to security of tenure.[127]

The Court of Appeals reversed the DARAB Decision and reinstated the Provincial Adjudicator's Decision. It held that there was no substantial evidence to prove that all the requisites of tenancy relationship existed. However, despite the lack of tenancy relationship, the compensation package agreement must be upheld.[128]

This court affirmed the Court of Appeals Decision.[129] It held that petitioners failed to overcome the burden of proving the existence of a tenancy relationship:

> At the outset, the parties do not appear to be the landowner and the tenants. While it appears that there was personal cultivation by petitioners and their predecessors-in-interest of the subject landholding, what was

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122 Id. at 533–534.
123 Id. at 534.
124 Id. at 533–537.
125 Id. at 537.
126 Id.
127 Id. at 540–541.
128 Id. at 543–544.
129 Id. at 558.

> established was that petitioners' claim of tenancy was founded on the self-serving testimony of petitioner Rodolfo Cornes that his predecessors-in-interest had been in possession of the landholding for more than 30 years and had engaged in a "50-50" sharing scheme with JOSEFINA and JOSEFINA's grandmother, the previous owner thereof. Self-serving statements in pleadings are inadequate; proof must be adduced. Such claims do not suffice absent concrete evidence to support them. The burden rests on the shoulders of petitioners to prove their affirmative allegation of tenancy, which burden they failed to discharge with substantial evidence. Such a juridical tie must be aptly shown. Simply put, he who alleges the affirmative of the issue has the burden of proof, and from the plaintiff in a civil case, the burden of proof never parts. The same rule applies to administrative cases. In fact, if the complainant, upon whom rests the burden of proving his cause of action, fails to show in a satisfactory manner the facts upon which he bases his claim, the respondent is under no obligation to prove his exception or defense. . . .
>
> Neither was it shown to the satisfaction of this Court that there existed a sharing of harvests in the context of a tenancy relationship between petitioners and/or their predecessors-in-interest and JOSEFINA. Jurisprudence is illuminating to the effect that to prove such sharing of harvests, a receipt or any other evidence must be presented. None was shown. No receipts were presented as testaments to the claimed sharing of harvests. The only evidence submitted to establish the purported sharing of harvests was the testimony of petitioner Rodolfo Cornes. The sharing arrangement cannot be deemed to have existed on the basis alone of petitioner Rodolfo Cornes's claim. It is self-serving and is without evidentiary value. Self-serving statements are deemed inadequate; competent proof must be adduced. If at all, the fact alone of sharing is not sufficient to establish a tenancy relationship.
>
> *We also sustain the conclusion reached by the Provincial Adjudicator and the Court of Appeals that the testimony of Araceli Pascua, an employee of the DAR in Victoria, Tarlac, that the subject landholding was tenanted cannot overcome substantial evidence to the contrary. To prove the alleged tenancy no reliance may be made upon the said public officer's testimony. What cannot be ignored is the precedent ruling of this Court that the findings of or certifications issued by the Secretary of Agrarian Reform, or his authorized representative, in a given locality concerning the presence or absence of a tenancy relationship between the contending parties, are merely preliminary or provisional and are not binding upon the courts*. This ruling holds with greater effect in the instant case in light of the fact that petitioners, as herein shown, were not able to prove the presence of all the indispensable elements of tenancy.[130] (Emphasis supplied, citations omitted)

Thus, in *Cornes*, this court did not categorically hold that the DARAB's findings were merely provisional and, thus, not binding on courts. What was deemed as a preliminary determination of tenancy was the testimony of the Department of Agrarian Reform employee stating that the land involved was tenanted. Further, the tribunals had conflicting findings on whether petitioners were bona fide tenants.

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[130] Id. at 550–552.

In this case, records are bereft as to whether private complainant appealed the DARAB Decision. Thus, it is presumed that the Decision has long lapsed into finality.[131] It is also established that private complainant participated in the initial stages of the DARAB proceedings.[132] Therefore, the issue of the existence of a tenancy relationship is final as between the parties. We cannot collaterally review the DARAB's findings at this stage. The existence of the final Decision that tenancy exists creates serious doubts as to the guilt of the accused.

VI

According to petitioner, the elements of theft under Article 308 of the Revised Penal Code were not established since he was a bona fide tenant of the land.[133] The DARAB's recognition of petitioner as a legitimate tenant necessarily "implie[d] that he ha[d] the authority to harvest the abaca hemp from [private complainant's land]."[134] This shows that petitioner had no criminal intent.

As to the existence of another element of theft—that the taking was done without the consent of the owner—petitioner argues that this, too, was negated by his status as private complainant's tenant:

> The purported lack of consent on the part of the private complainant as alleged by the prosecution, is misplaced. In fact, it was even improper for . . . Anecita Pacate to stop or prevent petitioner from harvesting the produce of the landholding because as tenant, petitioner is entitled to security of tenure. This right entitled him to continue working on his landholding until the leasehold relation is terminated or until his eviction is authorized by the DARAB in a judgment that is final and executory.[135] (Citation omitted)

Petitioner argues that the constitutional presumption of innocence must be upheld:

> Well-settled is the rule that where "inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with

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131 *See* Rep. Act No. 6657 (1988), sec. 51 provides:
SEC. 51. Finality of Determination.—Any case or controversy before it shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for reconsideration shall be allowed. Any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof.

132 *Rollo*, pp. 28–29 and 42.

133 Id. at 199.

134 Id.

135 Id.

> his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction." In acquitting an appellant, we are not saying that he is lily-white, or pure as driven snow. Rather, we are declaring his innocence because the prosecution's evidence failed to show his guilt beyond reasonable doubt. For that is what the basic law requires. Where the evidence is insufficient to overcome the presumption of innocence in favour of the accused, then his "acquittal must follow in faithful obeisance to the fundamental law."[136] (Citations omitted)

The Court of Appeals erred when it affirmed the findings of the trial court finding petitioner guilty beyond reasonable doubt of theft.

Article 308 of the Revised Penal Code provides:

> ARTICLE. 308. Who are Liable for Theft. — Theft is committed by any person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent.
>
> Theft is likewise committed by:
>
> 1. Any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner;
>
> 2. Any person who, after having maliciously damaged the property of another, shall remove or make use of the fruits or object of the damage caused by him; and
>
> 3. Any person who shall enter an enclosed estate or a field where trespass is forbidden or which belongs to another and without the consent of its owner, shall hunt or fish upon the same or shall gather fruits, cereals, or other forest or farm products.

The essential elements of theft are: (1) taking of personal property; (2) the property taken belongs to another; (3) the taking was done without the owner's consent; (4) there was intent to gain; and (5) the taking was done without violence against or intimidation of the person or force upon things.[137]

Tenants have been defined as:

> persons who — in themselves and with the aid available from within their immediate farm households — cultivate the land belonging to or possessed by another, with the latter's consent, for purposes of production, sharing the produce with the landholder

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136 Id. at 199–200.

137 *See Gan v. People*, 550 Phil. 133, 159 (2007) [Per J. Chico-Nazario, First Division]; *United States v. De Vera*, 43 Phil. 1000, 1003 (1921) [Per J. Villamor, En Banc]; and *People v. Yusay*, 50 Phil. 598, 607 (1927) [Per J. Villa-Real, En Banc].

> under the share tenancy system, or paying to the landholder a price certain or ascertainable in produce or money or both under the leasehold tenancy system.[138] (Citation omitted)

Under this definition, a tenant is entitled to the products of the land he or she cultivates. The landowner's share in the produce depends on the agreement between the parties. Hence, the harvesting done by the tenant is with the landowner's consent.

The existence of the DARAB Decision adjudicating the issue of tenancy between petitioner and private complainant negates the existence of the element that the taking was done without the owner's consent. The DARAB Decision implies that petitioner had legitimate authority to harvest the abaca. The prosecution, therefore, failed to establish all the elements of theft.

In *Pit-og v. People*,[139] this court acquitted petitioner of theft of sugarcane and banana crops on the basis of reasonable doubt.[140] The prosecution failed to prove lack of criminal intent on petitioner's part.[141] It failed to clearly identify "the person who, as a result of a criminal act, without his knowledge and consent, was wrongfully deprived of a thing belonging to him."[142] There were doubts as to whether the plants taken by petitioner were indeed planted on private complainant's lot when petitioner had planted her own plants adjacent to it.[143] Thus, it was not proven beyond reasonable doubt that the property belonged to private complainant. This court found that petitioner "took the sugarcane and bananas believing them to be her own. That being the case, she could not have had a criminal intent."[144]

In this case, petitioner harvested the abaca, believing that he was entitled to the produce as a legitimate tenant cultivating the land owned by private complainant. Personal property may have been taken, but it is with the consent of the owner.

No less than the Constitution provides that the accused shall be presumed innocent of the crime until proven guilty.[145] "[I]t is better to acquit ten guilty individuals than to convict one innocent person."[146] Thus, courts must consider "[e]very circumstance against guilt and in favor of

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138 *Cornes, et al. v. Leal Realty Centrum Co., Inc., et al.*, 582 Phil. 528, 548 (2008) [Per J. Chico-Nazario, Third Division].
139 268 Phil. 413 (1990) [Per C.J. Fernan, Third Division].
140 Id. at 416 and 423.
141 Id. at 423.
142 Id.
143 Id. at 422–423.
144 Id. at 423, citations omitted.
145 CONST., art. III, sec. 14(2).
146 *Ubales v. People*, 591 Phil. 238, 257 (2008) [Per J. Chico-Nazario, Third Division].

innocence[.]"[147] Equally settled is that "[w]here the evidence admits of two interpretations, one of which is consistent with guilt, and the other with innocence, the accused must be given the benefit of doubt and should be acquitted."[148]

In view of petitioner's acquittal based on reasonable doubt, we find it unnecessary to discuss further the other errors raised by petitioner.

WHEREFORE, the Petition is **GRANTED**. The Court of Appeals Decision dated March 16, 2010 and the Resolution dated February 2, 2012 are **REVERSED** and **SET ASIDE**. Petitioner Monico Ligtas is **ACQUITTED** of the crime of theft under Article 308 of the Revised Penal Code. If detained, he is ordered immediately **RELEASED**, unless he is confined for any other lawful cause. Any amount paid by way of a bailbond is ordered **RETURNED**.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

ARTURO D. BRION
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

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147 Id.

148 Id. at 257–258, *citing People v. Mijares*, 358 Phil. 154, 166 (1998) [Per J. Panganiban, First Division]; *People v. Corpuz*, 459 Phil. 100, 113 (2003) [Per J. Ynares-Santiago, First Division].

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice