

SPS. VALDERAMA CRUZ AND GUILLERMA LAPIG, PETITIONERS, VS. SPS. GARARDO SANTOS AND ANITA SANTOS, RESPONDENTS.

Ponente: SABIO, JR., J.

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SABIO, JR., J.:

This is a Petition for Review under Rule 43 of the 1997 Rules of Civil Procedure, which seeks to annul and set aside the Decision,[1] dated December 7, 2004, of the Department of Agrarian Reform Adjudication Board (DARAB).

The records disclose the following antecedent facts, which are pertinent in the present petition, to wit:

Petitioners allege that respondents were the registered owners of a parcel of land located at Balasing, Sta. Maria, Bulacan covered by Transfer Certificate of Title (TCT) No. EP 021 (M).

They aver that on June 19, 1990, respondent Garardo Santos executed a document denominated as “Kasulatan ng Pagsasauli ng Lupa na Ipinagkaloob ng Pamahalaan” (Kasulatan),[2] which stated that the latter is waiving his rights to the subject land. In the same document, he declared the cancellation of the title in his name and transferred his rights in favor of, herein, petitioner Valderama B. Cruz.

Upon the other hand, respondents, in their complaint filed before the Regional Trial Court of Bulacan, asseverated that they are the owners of a parcel of land with TCT No. EP-021 (M) located at Sta. Maria, Bulacan. The subject landholding is devoted to rice and other fruit-bearing trees.

Sometime in July of 1988, they obtained a loan from the petitioners in the amount of Php 20,000.00. In consideration of such amount, they allowed the petitioners to till the subject landholding for a period of three years.

They alleged that they offered to pay the amount they borrowed from the petitioners. However, despite tendering their payment for the loan earlier obtained and repeated demands to vacate the property, petitioners refused to return the subject land. They submitted that the “Kasulatan” was a falsified document.

Respondents originally filed their complaint before the Regional Trial Court (RTC) of Bulacan. However, in an Order, dated November 20, 1995, the case was forwarded to the Department of Agrarian Reform of Malolos, Bulacan.

After both parties had submitted the pertinent pleadings, the Provincial Adjudicator, Gregorio D. Sapera, rendered his Decision,[3] dated May 5, 1998, in favor of the petitioners. The dispositive portion reads:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the defendants and against the plaintiffs and order is hereby issued:

- DISMISSING the case for lack of factual and legal basis;
- DIRECTING the MARO, PARO and the Register of Deeds of Bulacan to cancel EP. No. A-019191;

- ORDERING the plaintiffs their representatives and other persons acting in their behalves to maintain the defendants in peaceful possession of the subject land;

- DIRECTING the MARO of Sta. Maria, Bulacan and the PARO to process the application of qualified applicants to purchase the subject land in accordance with existing rules and regulations;

No pronouncement as to costs.

SO ORDERED.”

On appeal, DARAB resolved the sole issue as to whether respondents are entitled to recover the subject land from the petitioners or not. In overturning the decision of the provincial adjudicator, the DARAB held that the respondents’ voluntary surrender to the government was not established in as much as it was not clear and convincing. The dispositive portion reads:

“WHEREFORE, premises considered, the challenged decision is set aside, a new one is hereby rendered ordering defendants-spouses to vacate the subject landholding and turnover the possession to the plaintiffs.

SO ORDERED.”[4]

Petitioners now come to the succor of this court, through this petition for review, with the following submissions, to wit:

I

THE DARAB CENTRAL OFFICE COMMITTED GRAVE REVERSIBLE ERROR IN SETTING ASIDE THE DECISION OF THE PROVINCIAL ADJUDICATOR OF REGION III, MALOLOS IN FINDING THAT THE EXECUTION OF DOCUMENT ENTITLED KASULATAN NG PAGSASAULI NG LUPA NA IPINAGKALOOB NG PAMAHALAAN BEFORE NOTARY PUBLIC SERGIO ESQUIVEL BERNABE ON JUNE 19, 1990, (EXHIBIT 2) IS A DISQUALIFICATION AS FARMER BENEFICIARIES AND THEY CAN BE DISPOSSESSED FROM THE SUBJECT LAND

II

THE DARAB CENTRAL OFFICE COMMITTED GRAVE REVERSIBLE ERROR IN REVERSING THE DECISION OF THE PROVINCIAL ADJUDICATOR BY RELYING MERELY ON SIMPLE ALLEGATION OF RESPONDENTS THAT THEY OBTAINED A LOAN FROM THE PETITIONERS AND DISREGARDED DOCUMENT OF KASULATAN NG PAGSASAULI NG LUPA NA IPINAGKALOOB NG PAMAHALAAN.

Simply put, this court is called upon to determine whether, under existing laws, respondents may transfer their rights over the subject land to the petitioners.

We rule in the negative.

The subject property was awarded to respondents by virtue of PD 27[5] on November 12, 1986. Additionally, PD 27 provides that title to land shall not be transferable except by hereditary succession or to the Government in accordance with the provisions of applicable laws.

In the case of *Estolas v. Mabalot*,[6] the High Court ratiocinated, therein, the non-transferability of lands awarded under PD 27 in this wise:

“...PD 27 specifically provides that title to land acquired pursuant to its mandate or to that of the Land Reform Program of the government shall not be transferable except to the grantee’s heirs by hereditary succession, or back to the government by other legal means. The law is clear and leaves no room for interpretation.

Upon the promulgation of PD 27, farmer-tenants were deemed owners of the land they were tilling. Their emancipation gave them the rights to possess, cultivate and enjoy the landholding for themselves. These rights were granted by the government to them as the tillers and to no other. Thus, to insure their continuous possession and enjoyment of the property, they could not, under the law, effect any transfer except back to the government or, by hereditary succession, to their successors.”

In the case at bench, there was no valid transfer in favor of the government or to the respondents’ successors. However, even from the foregoing, petitioners insist that the “Kasulatan”, purportedly relinquishing petitioners’ right to possess and cultivate the subject land, is valid because it was voluntarily entered into by the parties.

We do not agree.

True the respondents voluntarily and freely waived their rights over the subject property in favor of herein petitioners. However, the law is explicit. Title acquired pursuant to PD 27 shall not be transferable except to the grantee’s heirs by hereditary succession, or back to the government by other legal means, which circumstances not obtaining in the case at bar.

The High Court had already ruled that the sale or transfer of rights over a property covered by the Emancipation Patent is void except when the alienation is made in favor of the government or through hereditary succession.

Even if, for the sheer benefit of argument, we are to accommodate petitioners’ conclusion that respondents did, indeed, waived their rights to possess and cultivate the land, still there was no valid transfer.

It bears stressing that the “Kasulatan” is nullified, not because of forgery, but for the reason, as earlier discussed, that the law prohibits the transfer of rights over the landholding to any private person. Although it may seem that under the “Kasulatan” the respondents had surrendered the landholding to the government, through the Barangay Agrarian Reform Committee (BARC), under the same document, however, respondents, likewise, waived their rights to cultivate and possess the said landholding in favor of the petitioners. The law strictly prohibits such transfer or waiver of rights in favor of the petitioners. If it was the intention of the respondents, as beneficiaries, to waive their rights, they should have followed the procedures laid down by the government to the letter.

Under the law, the proper procedure is to turn over to the government or to any entity authorized by the government to re-allocate the landholding of beneficiaries under PD 27 who waive their rights as such.

In the case at bench, petitioners readily took over the respondents’ landholding, notwithstanding, the requirements of the law. On the basis of the “Kasulatan” alone, petitioners could not take over respondents’ landholding because the Department of Agrarian Reform (DAR) has yet to declare them qualified beneficiaries. The proper procedure for re-allocation must be followed to ensure that there was, indeed, a waiver of rights, and that the subsequent beneficiary is a qualified tenant as provided by law.

To reiterate, the land must be surrendered to the government. Petitioners cannot claim, as their basis, the purported surrender of the landholding to the government by the respondents. It is the government, through, the Department of Agrarian Reform (DAR), which shall award the landholding to another private individual who will be declared qualified beneficiaries under the agrarian laws.[7]

We are affirming the decision of the DARAB, in so far as it ordered the petitioners to vacate the landholding and turnover the possession to the respondents, not on the basis of DARAB’s conclusion that the voluntary surrender was not clearly established, but because the waiver of rights, i.e. the “Kasulatan” is void ab initio for being contrary to law.

WHEREFORE, the petition is DENIED. The assailed Decision, ordering the petitioners to vacate the subject

landholding and turnover the possession to the respondents, is, hereby, AFFIRMED. Costs against the petitioners.

SO ORDERED.

Asuncion-Vicente and Bato, Jr., JJ., concur.

[1] Rollo, pp. 20-25.

[2] Ibid., p. 26.

[3] Ibid., pp. 53-57.

[4] Decision, p. 6, Rollo, p. 25.

[5] DECREEING THE EMANCIPATION OF TENANTS FROM THE BONDAGE OF THE SOIL TRANSFERRING TO THEM THE OWNERSHIP OF THE LAND THEY TILL AND PROVIDING THE INSTRUMENTS AND MECHANISM THEREFOR.

[6] 381 SCRA 702, 708, citing *Torres v. Ventura*, 187 SCRA 96.

[7] See *Corpuz v. Grospe*, 333 SCRA 425, 439.

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