

DANILO DC. ALEJANDRO, PETITIONER, VS. HEIRS OF PAMFILO ALEJANDRO, NAMELY: MARIANITA, PATROCINA, BALTAZAR, GAUDENCIO, SILVINO, FORTUNATO, ALL SURNAMED ALEJANDRO, AND MERCEDES VDA...

Ponente: SALANDANAN-MANAHAN, J.

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SALANDANAN-MANAHAN, J.:

Land has spawned countless disputes because man is inexorably bound to it from cradle to grave for domicile, life, sustenance, and other fundamental needs. For others, having a small landholding is their only means to get out of bondage and oppression or to build a promising future for their progeny.¹ This is perhaps what the progenitor of the contending siblings had in mind when he applied to be a beneficiary of the land reform law, never to have imagined that the land he hoped to set his family free from poverty will cause the instant strife.

THE CASE

Before this Court is a Petition for Review^[2] under Rule 43 of the 1997 Revised Rules of Civil Procedure and Section 54 of Republic Act (RA) 6657 seeking to annul and modify the following issuances of the Department of Agrarian Reform Adjudication Board (DARAB):

- Decision^[3] promulgated on August 15, 2012; and
- Resolution^[4] promulgated on June 27, 2013 which denied the Motion for Reconsideration^[5] filed by the petitioner.

THE ANTECEDENTS

The instant family feud was the result of contending claims between petitioner on one side and the matriarch and other siblings on the other over two (2) parcels of agricultural land with an aggregate area of 8,995 square meters, more or less, situated at Poblacion Sur, Talavera, Nueva Ecija.^[6]

The two (2) parcels of agricultural land in litis were acquired by Pamfilo Alejandro (Pamfilo), the patriarch of the parties, during his lifetime and covered by the following titles:

- (a) TCT No. EP No. 37299 covering a land area of 4,481 square meters and was issued on December 15, 1988; and
- (b) TCT No. EP No. 37696 covering a land area of 4,514 square meters and was issued on January 02, 1989.^[7]

On July 11, 1996, Pamfilo passed away. He was survived by his wife and nine (9) children.^[8]

After eleven years from the demise of Pamfilo or on July 12, 2007, private respondents filed DARAB Case No. 597^[9] for partition asking that they be declared co-owners in equal shares of the two (2) parcels of agricultural land and seeking that the subject landholdings be partitioned among themselves in accordance with the laws on succession. Private respondents averred that when Pamfilo died in 1996, he left his wife and nine (9) children as

his heirs thereby making them as co-owners pro-indiviso of the said landholdings. Except herein petitioner, all of the heirs are amenable to the partition of the said parcels of land in order to put an end to the co-ownership.[10]

Several demands were allegedly made to petitioner but for unknown reason, he refused to partition the landholdings. Private respondents brought the matter before the Barangay Agrarian Reform Committee (BARC) but petitioner and his spouse failed to appear.[11]

On August 8, 2007, petitioner filed his Answer with Affirmative Defense and Motion to Dismiss[12] in DARAB Case No. 597 on the ground that no BARC Certification was presented to show that the controversy passed through the BARC as required under the DARAB Rules. The said Motion to Dismiss was denied in PARAD's October 10, 2007 Resolution[13] on the basis that the lack of BARC Certification is not a ground for the dismissal of action.

On even date or on August 08, 2007, petitioner filed a separate case docketed as DARAB Case No. 615[14] for cancellation of TCT No. EP No. 37696 which was registered under the name of Pamfilo. Petitioner alleged that the parcel of land covered by TCT No. EP 37696 was previously owned by Oscar Ventanilla.[15]

Sometime in 1977, Pamfilo transferred possession and actual cultivation of the said parcel of land to herein petitioner as the eldest child and as its regular farm worker. From then on, it was the petitioner who has been paying the necessary lease rentals and amortization of the agricultural land to Oscar Ventanilla.[16]

In 1989, upon issuance of TCT No. EP 37696, Pamfilo surrendered to petitioner the owner's duplicate copy thereof. Petitioner then started paying the real estate tax of the land covered by TCT No. EP 37696.[17]

To the mind of petitioner, full ownership has been transferred to him. Hence petitioner seeks the cancellation of TCT No. EP 37696 which was previously registered in the name of Pamfilo A. Alejandro and pray for the issuance of a new emancipation patent in his name.

Eventually DARAB Case No. 597 and DARAB Case No. 615 were consolidated.

On March 31, 2008, Presiding Adjudicator Marvin V. Bernal, Provincial Agrarian Reform Adjudication Board (PARAD), Nueva Ecija rendered a Joint Decision.[18] PARAD ruled that lands acquired under the Land Reform Program of the Government shall not be partitioned as it leads to fragmentation which is abhorred by the agrarian reform laws. PARAD found the provisions of Administrative Order No. 14, series of 1988 applicable hence ordered that a collective title in the name of the heirs be issued. The fallo of the Joint Decision reads:

WHEREFORE in view of the foregoing, judgment is hereby rendered as follows:

(a) DISMISSING the petition for partition;

(b) DECLARING TCT No. EP 37696 and TCT No. EP 37292 registered in the name of PAMFILO ALEJANDRO as NULL and VOID and to HAVE NO FORCE AND EFFECT upon rendition of this judgment;

(c) ORDERING the MARO concerned to cause the generation of the new Emancipation Patents in favor of the HEIRS OF PAMFILO ALEJANDRO;

(d) ORDERING further the Register of Deeds to cancel TCT No. EP 37696 and TCT No. EP 37292, and to register the new Emancipation patent thus generated;

(e) NO COSTS.

SO ORDERED.

Unperturbed, petitioner appealed[19] on the ground that the PARAD committed errors in the findings of fact or conclusion of law. Petitioner further prayed that he be allowed to litigate as pauper.

On May 13, 2008, an Order[20] was issued by the PARAD admitting the Notice of Appeal and granting the Motion to Litigate as Pauper.

While appeal before the DARAB is pending, petitioner filed Urgent Motions To Issue Temporary Restraining Order (TRO) and To Cite [Private Respondents] Heirs in Contempt of Court[21] with the PARAD alleging that despite receipt of his Notice of Appeal private respondents still subdivided and fenced for partition the whole disputed lands by putting markers (mohon) and planted coconut trees inside the premises of petitioner, contrary to the decision of the PARAD.

Petitioner further asseverated that: private respondents mauled and kidnapped him and was brought to the house of private respondent Gaudencio on October 22, 2007; his spouse was mauled by private respondents sometime in April 30, 2008; on May 17, 2008, private respondents destroyed the planted squash and harvested the fruits planted thereon without his permission, to his prejudice as those are the main source of income of his family.[22]

The foregoing acts of harassment compelled petitioner to file criminal complaints before the DOJ which were docketed as I.S. Nos. 08E-1166 and 08 E-1274.[23] Thus, to avoid bloodshed and untoward incidents among siblings, petitioner prayed that a temporary restraining order be issued to restrain private respondents from entering the premises of the petitioner.[24]

On June 12, 2008, petitioner filed his Appeal Memorandum[25] arguing that when their father, Pamfilo, died in 1996, the private respondents allowed eleven (11) years to lapse before they decided to partition the subject lands which include the 4,514 square meters owned by petitioner in view of his continuous possession and actual cultivation for thirty (30) years.

On May 15, 2009, petitioner again filed a Urgent 2nd Motion for An Ocular Inspection and Issuance of Temporary Restraining Order[26] with the DARAB. Petitioner alleged that his Urgent Motions To Issue Temporary Restraining Order (TRO) and To Cite [Private Respondents] Heirs in Contempt of Court filed on May 28, 2008 were not acted upon by the PARAD as the folders of cases were already forwarded to the DARAB on July 07, 2008.

Petitioner also claimed that despite the appeal, private respondents unstopably harass and intimidate the petitioner and his family prompting the latter to file two (2) separate criminal cases of frustrated murder and theft against Brgy. Captain Franklin, Nenita, Gaudencio, Patrocinia all surnamed Alejandro before the DOJ of Cabanatuan City. However, inasmuch as the aforesaid unlawful acts affected most of the children of the petitioner, the latter withdrew the criminal complaints. Against his will, petitioner signed the Deed of Extra Judicial Partition with Waiver prepared by private respondents without him knowing and understanding the contents thereof.[27]

Also, despite the pendency of an appeal, private respondent illegally subdivided the land in dispute including the portion personally cultivated by petitioner and his family and without authority of law sold the subdivided lots by portion to the following person: (1) Ding Santos; (2) Rado Villiania; (3) Norma Flores; (4) Dante Manabat and (5) Bobbit Lina and certain Henry and Ino.[28]

To prove that an immediate issuance of a TRO is necessary to prevent private respondents from continuously selling the subject lands, petitioner likewise requested that an ocular inspection be conducted to the land in dispute.[29]

On October 08, 2010, DARAB issued an Order[30] directing the private respondents to file comment/answer on the Urgent 2[nd] Motion for An Ocular Inspection and Issuance of Temporary Retraining Order.

On August 15, 2012, DARAB rendered the now assailed Decision[31] that dismissed the appeal and modified PARAD's March 31, 2008 Joint Decision by dismissing both petition for lack of merit. DARAB based its decision on Memorandum Circular No. 19, s. 1978 which provides:

Pursuant to the provisions of Presidential Decree No. 27, and Policy of the Government laid down in the Code of Agrarian Reforms to establish owner-cultivatorship and the economic family size farm as the basis of agricultural development of the country, the following rules and regulations shall be observed in the event of death of a tenant-beneficiary:

1. Succession to the farmholding covered by Operation Land Transfer, shall be governed by the pertinent provisions of the New Civil Code of the Philippines subject to the fragmented;

(a) The farmholding shall not be partitioned or fragmented;

xxx xxx xxx

(3) Extra-judicial settlement between the heirs and/or waiver of rights in favor of one heir, should there be several heirs.

(b) Where there are several heirs, and in the absence of extra judicial settlement or waiver of rights in favor of one heir shall within one month from the death of the tenant-beneficiary be free to choose from among themselves one who shall have sole ownership and cultivation of the land, subject to Paragraph 1 (b) and (c) hereof: Provided however, That [sic] the surviving spouse shall be given first preference; otherwise, in the absence or due to the permanent incapacity of the surviving spouse, priority shall be determined among the heirs according to age (emphasis supplied).

The DARAB likewise rejected the allegation of petitioner, for failure to substantiate, that the land covered by TCT No. EP 37696 was transferred to him by their deceased father, Pamfilo.

Undaunted, petitioner filed a Motion for Reconsideration[32] which was denied by DARAB in its June 27, 2013 Resolution[33].

Hence, the instant Petition for Review with Motion to Litigate as Farmer Pauper-Litigant[34] anchored on the sole ground:

THE HONORABLE BOARD COMMITTED ERROR AMOUNTING TO EXCESS OF JURISDICTION FOR FAILURE TO EXPRESSLY RENDER A CONCLUSIVE JUDGMENT AND LEAVE INJUNCTIVE MOTIONS UNSETTLED VIOLATIVE [OF] SECTION 17 (2) EXECUTIVE ORDER NO. 229 AND SECTION 4 (J)[35] EXECUTIVE ORDER NO. 129-A OF R.A. 6657.[36]

The petitioner maintains that the thirty (30) years of his possession and cultivation of the disputed awarded lands was not opposed by his siblings. Taking into consideration that upon acquisition of EP No. 37696 in 1989 by Pamfilo, the original copy of Owner's Duplicate Certificate (ODC) was delivered outright to petitioner knowing fully well that it was the right mode of transferring unto the latter full ownership of the landholding covered by said ODC. Because of his father's sincere intention, he held on to that action and did what was instructed of him which is to pay the amortizations and to continue the cultivation of the agricultural land.[37]

Petitioner further states that as a mode of acquiring ownership, tradition (delivery) has been defined as a derivative mode whereby ownership and other real rights belonging to a person are transmitted through just title to another. Petitioner claims that transfer of ownership is provided under the Agrarian Reform Laws. But the

DARAB, in the exercise of its appellate power, failed to heed the strong contention and evidence adduced by petitioner when it rendered a decision by simply dismissing both petitions for lack of merit which is not beneficial to any of the party-litigants.[38]

Petitioner likewise laments the fact that the injunctive reliefs[39] he filed remained unsettled up to the rendition of the assailed decision to the great damage of petitioner in violation of Section 4 (j)[40], E.O. No. 129-A and Section 17, E.O. No. 229.[41]

Taking the foregoing arguments, the petitioner maintains that the DARAB evidently committed error and grave abuse of discretion amounting to excess of jurisdiction for failure to render judgment conclusively.[42]

In their Comment[43], private respondents agree with the pronouncement of the DARAB and state that the assailed Decision is sufficiently clear as to the reason why both petitions were dismissed. And in view of MAR Memorandum Circular No. 19 cited by the Board as the basis of its dismissal of the petitions, private respondent already filed the appropriate petition before the Office of the Secretary of DAR in order that ownership and cultivation of the disputed landholdings be consolidated in one heir, the surviving spouse Mercedes. Private respondents further contend that the denial of petitioner's appeal was equally supported by a clear ruling which rendered the prayer for injunctive relief moot and academic.

In his Reply[44], petitioner averred that the unresolved motions are obviously beneficial to private respondents because they were not restrained from the unlawful selling of the disputed lands. Petitioner insists that for lack of conclusiveness of judgment, the DARAB committed grave abuse of discretion amounting to excess of jurisdiction.

THE RULING OF THIS COURT

The instant petition is one for review under Rule 43 of the 1997 Revised Rules of Court. However, a reading of the assigned error reveals that the petitioner is assailing the decision and resolution of the DARAB based on the alleged commission of error and grave abuse of discretion amounting to lack of jurisdiction for its failure to render a conclusive judgment. The issue clearly falls under the purview of a petition for certiorari under Rule 65 of the 1997 Revised Rules of Court.

It is settled that a petition for review under Rule 43 or a petition for certiorari under Rule 65 may be availed of in this Court. Which one would depend on the grounds relied upon by the petitioner.[45]

Proper issues that may be raised in a petition for review under Rule 43 pertain to errors of fact, law or mixed questions of fact and law. While a petition for certiorari under Rule 65 should only limit itself to errors of jurisdiction, that is, grave abuse of discretion amounting to a lack or excess of jurisdiction. These remedies are mutually exclusive and not alternative or successive.[46]

The instant petition is for review under Rule 43 but raising the issue of error of jurisdiction is considered an inappropriate mode of appeal hence should have been dismissed outright. Due, however, to the relationship of the parties and the fact that whether the petition was filed under Rule 43 or Rule 65 it was filed within the reglementary period from petitioner's receipt of the resolution of the DARAB, this Court gives it due course in the hope to write finis to an almost two decades of familial discord.[47]

Generally, an appeal taken to the Supreme Court or the Court of Appeal by the wrong or inappropriate mode shall be dismissed. This is to prevent the party from benefiting from one's neglect and mistakes. However, like most rules, it carries certain exceptions. After all, the ultimate purpose of all rules of procedures is to achieve substantial justice as expeditiously as possible.[48]

Now, we resolve the primordial issue at hand. Whether or not the DARAB erred in dismissing the twin petitions for partition and cancellation of emancipation patents filed by the parties against each other and the denial of the motion for reconsideration subsequently filed by the petitioner.

On the issue of partition, We rule that the DARAB correctly dismissed the petition for partition because it is in contravention with agrarian reform laws.

A reading of TCT No. EP No. 37299 and TCT No. EP No. 37696 provide that the covered parcel of agricultural land shall be held in absolute ownership by the transferee, with all the rights and privileges appurtenant thereto, subject to the condition that it shall not be transferred except by hereditary succession or to the Government in accordance with the provisions of Presidential Decree No. 27, Code of Agrarian Reforms of the Philippines and other existing laws and regulations.[49]

Even if the subject agricultural lands were transferred through hereditary succession, partition will still not prosper. To do so will directly contravene Ministry Memorandum Circular No. 19, Series of 1978[50] which states that:

Where there are several heir, and in the absence of extra judicial settlement or waiver of rights in favor of one heir who shall be the sole owner and cultivator, the heirs shall[,] within one month from the death of the tenant-beneficiary[,] be free to choose from among themselves one who shall have sole ownership and cultivation of the land, xxx Provided, however, That [sic] the surviving spouse shall be given first preference; otherwise, in the absence or due to the permanent incapacity of the surviving spouse, priority shall be determined among the heirs according to age.

Moreover, the Ministry Memorandum Circular provides that:

1. Succession to the farmholding covered by Operation Land Transfer shall be governed by the pertinent provisions of the New Civil Code of the Philippines subject to the following limitations:

a. The farmholding shall not be partitioned or fragmented.

b. The ownership and cultivation of the farmholding shall ultimately be consolidated in one heir who possesses the following qualifications:

- (1) being a full-fledged member of a duly recognized farmer's cooperative;
(2) capable of personally cultivating the farmholding; and
(3) willing to assume the obligations and responsibilities of a tenant-beneficiary.

c. Such owner-cultivator shall compensate the other heirs to the extent of their respective legal interest in the land subject to the payment of whatever outstanding obligations of the deceased tenant- beneficiary.

Clearly, Ministry Memorandum Circular No. 19, series of 1978 specifically proscribes the partition of the landholding; should the farmer-beneficiary have several heirs, as in this case, the ownership and cultivation of the landholding must ultimately be consolidated in one heir who possesses the requisite qualifications. Thus, under paragraph 2 of the Memorandum Circular, the parties should agree on one of them to be the sole owner and cultivator of each of the lots covered by TCT No. EP No. 37299 and TCT No. EP 37696.[51]

It is evident, however, that the parties cannot unanimously agree as to who they will designate as the sole owner and cultivator of each of the subject parcels of agricultural land. In such a case and as correctly ruled by the PARAD, DAR Administrative Order No. 14, series of 1988 comes into play. The administrative order authorized the heirs of deceased beneficiary to acquire and register in the name of the heirs lands acquired under the Comprehensive Agrarian Reform Program, to wit:

Under MAR Memorandum Circular No. 19, Series of 1978, in case of death of beneficiary, the farmholding

acquired by him under the land transfer program shall be transferred to his heirs in accordance with the provision of the New Civil Code of the Philippines subject to the condition that the said farmholding shall not be fragmented and the ownership thereof be placed under one heir who possesses all the qualifications of a beneficiary.

The Circular, however, is found not facilitative to speedy implementation of the program as most heirs of deceased beneficiaries could not agree who among them gets the title. As a result of their disagreement, the disposition and titling processes are impeded and the DAR, in most cases, could not anymore complete the documentation requirements.

To remedy the situation and in order to speed up disposition and titling of lands, the following guidelines are hereby adopted:

1. In case beneficiary dies without first obtaining a title in his name, the farmholding shall be transferred and registered in the name of the heir who gets the land as his/her share in the inheritance as stipulated in the Settlement of Estate among the heirs of the beneficiary.
2. In case the estate is not yet settled, the farmholding shall be transferred and registered collectively in the names of all the heirs of the deceased beneficiary. [Emphasis Ours.]

Thus, per instruction of DAR Administrative Order No. 14, series of 1988, the farmholdings should be transferred and registered collectively in the names of all the heirs of the deceased beneficiary.

The petition for cancellation of TCT No. EP No. 37696 with prayer that a new one be issued in the name of herein petitioner was also correctly dismissed by DARAB. However, in view of our discussion of DAR Administrative Order No. 14, series of 1988, a directive that the subject landholdings be transferred and registered collectively in the names of all the parties in this case as heirs of the late Pamfilo Alejandro should have been in order.

Undeniably, Pamfilo was the original beneficiary of the landholdings in *litis*. It was in his name that the emancipation patents were issued and registered. Hence, for all intents and purposes, he is the acknowledged owner of the contested parcels of land. However, despite being the absolute owner of the subject landholdings, it is still subject to the condition that it shall not be transferred except by hereditary succession or to the Government in accordance with the provisions of Presidential Decree No. 27, Code of Agrarian Reforms of the Philippines and other existing laws and regulations.

Thus, the allegation of petitioner that Pamfilo effectively transferred to him ownership of the land covered by TCT No. EP No. 37696 when he handed the Owner's Duplicate Certificate to him upon its issuance in 1989 cannot be given credence because it directly contravenes the rule which provides that lands acquired under the agrarian reform laws are not transferable except through hereditary succession.

Petitioner invokes paragraph 13 of PD 27 and Section 27 (2) of RA 6657 to support his claim that the transfer made to him by Pamfilo was sanctioned by law.

A reading of paragraph 13, PD 27 however contradicts the position of the petitioner. Paragraph 13 of PD 27 states:

Title to land acquired pursuant to this Decree or the Land Reform Program of the Government shall not be transferable except by hereditary succession or to the Government in accordance with the provisions of this Decree, the Code of Agrarian Reforms and other existing laws and regulations.[52]

In the same vein, Section Section 27 (2) of RA 6657 provides:

Section 27. Transferability of Awarded Lands. — Lands acquired under this Act may not be sold, transferred or

conveyed except through hereditary succession, xxx

If the land has not yet been fully paid by the beneficiary, the rights to the land may be transferred or conveyed, with prior approval of the DAR, to any heir of the beneficiary who, as a condition for such transfer or conveyance, shall cultivate the land himself. Failing compliance herewith, the land shall be transferred to the LBP which shall give due notice of the availability of the land in the manner specified in the immediately preceding paragraph.[53]

Indeed, Section 27 (2) of RA 6657 allows transfer or conveyance by the beneficiary of the land that has not yet been fully paid to any of the beneficiary's heir. However prior approval of the DAR is needed. No approval was given by the DAR in the instant case. Therefore, the purported transfer as claimed by petitioner should not be given effect because the requisites provided by the law was not complied with.

Moreover, TCT No. EP 37696 was issued on January 02, 1989. Pamfilo passed away on July 11, 1996. Under the law of succession, the rights to the succession are transmitted from the moment of the death of the decedent.[54] Thus, the alleged transfer made by Pamfilo to petitioner of the title upon issuance of TCT No. EP 37696 on January 02, 1989 or during his lifetime can not be given effect. This is despite the fact that petitioner was the one that continued paying the rentals and remaining balance of the amortization thereof.

When petitioner paid the remaining balance of the amortization on TCT No. EP 37696, he did so only in representation of Pamfilo, that is, the payments he made were in the latter's behalf which, however, did not confer the ownership rights to him. The payments made in behalf of the deceased grantee are to be considered advances made by the petitioner who is only entitled to be reimbursed therefor pursuant to Article 1236[55] (2) of the New Civil Code.

The payments made by the petitioner of the remaining balance of the amortization on the land covered by TCT No. EP 37696 as well as payments made on the real estate taxes, which are considered as mere advances, should be reimbursed less the amount corresponding to petitioner's proportionate share in the inheritance plus the legal interest of six percent (6%) in accordance with BSP Circular No. 799, series of 2013.

As to the alleged inaction of the DARAB on petitioner's motions, We deemed it best to no longer dwell on the said issue. As averred by petitioner private respondents already subdivided the disputed landholdings and even sold the same to several persons. Therefore, the relief sought in his motions for an ocular inspection and issuance of temporary restraining order is already fait accompli. As far as the instant case is concerned, the issue has become moot and academic, or one which has ceased to present a justiciable controversy, so that a declaration thereon would be of no practical use or value.[56]

But, lest we be misunderstood, nothing herein should be interpreted as to be giving imprimatur to the acts of the private respondent in subdividing and selling of the disputed parcels of land. The validity of which is not for this Court to address and certainly not in the instant petition.

Finally, while we affirm the dismissal by the DARAB of the petitions, We deem it best to give herein parties a more concrete directive in order for them to resolve the primordial issues once and for all pursuant to the provisions of Ministry Memorandum Circular No. 19, series of 1978 in relation to DAR Administrative Order No. 14, series of 1988.

WHEREFORE, the assailed Decision and Resolution of the DARAB are hereby AFFIRMED with MODIFICATIONS, as follows:

1)

TCT No. EP No. 37299 and TCT No. EP No. 37696 registered in the name of PAMFILO ALEJANDRO are hereby DECLARED NULL and VOID and to HAVE NO FORCE and EFFECT;

2)

MARO concerned is hereby ORDERED to cause the generation of new Emancipation Patents in favor of the HEIRS OF PAMFILO ALEJANDRO pursuant to DAR Administrative Order No. 14, series of 1988;

3)

Register of Deeds concerned is hereby ORDERED to CANCEL TCT No. EP No. 37299 and TCT No. EP No. 37696, and to REGISTER the new Emancipation Patent which will be generated;

4)

Private respondents are hereby ORDERED to reimburse petitioner the amount paid by him to complete the amortization on the land covered by TCT No. EP 37696 as well as the real estate tax paid by petitioner, less the amount corresponding to petitioner's proportionate share in the inheritance as heir of Pamfilo Alejandro, plus six percent (6%) legal interest to be computed from the finality of this Decision;

SO ORDERED.

Dimaampao, (Chairperson), and Ybañez, JJ., concur.

[1] *Jovendo Del Castillo v. Abundio Orciga, et al.*, G.R. No. 153850, August 31, 2006.

[2] *Rollo*, pp. 3-9. With Motion to Litigate as Farmer Pauper-Litigant under P.D. 946 which was granted by this Court (Seventeenth Division) in a Resolution dated August 12, 2013.

[3] *Id.* at 112-120.

[4] *Id.* at 125-128.

[5] *Id.* at 121-124.

[6] *Id.* at 79.

[7] *Id.* at 13.

[8] *Id.* at 14.

[9] *Id.* at 13-16.

[10] *Id.* at 14-16.

[11] *Id.* at 13-16.

[12] *Id.* at 27-29.

[13] *Id.* at 48-49.

[14] *Id.* at 35-38.

[15] *Id.* at 36.

[16] *Id.* at 36-37.

[17] Id. at 37.

[18] Id. at 79-82.

[19] Id. at 83-85.

[20] Id. at 86-87.

[21] Id. at 95-100.

[22] Id. at 88-94.

[23] Id.

[24] Id.

[25] Id.

[26] Id. at 101-104.

[27] Id.

[28] Id.

[29] Id.

[30] Id. at 110-111.

[31] Id. at 112-120.

[32] Supra note 5.

[33] Supra note 4.

[34] Supra note 2.

[35] Should be Section 4 (k).

[36] Rollo, p. 7.

[37] Id. at 175-184.

[38] Id.

[39] a) Urgent Motions To Issue Temporary Restraining Order (TRO) and To Cite [Private Respondents] Heirs in Contempt of Court which was with the PARAD on May 28, 2008; and b) Urgent 2nd Motion for An Ocular Inspection and Issuance of Temporary Retraining Order which was filed on May 15, 2009 with the DARAB.

[40] Supra note 35.

[41] Supra note 37.

[42] Id.

[43] Rollo, pp. 136-140.

[44] Id. at 171-173.

[45] ABS-CBN Broadcasting Corporation v. World Interactive Network Systems (WINS) Japan Co., Ltd., G.R. No. 169332, February 11, 2008.

[46] ABS-CBN Broadcastin Corporation v. World Interactive Network Systems (WINS) Japan Co., Ltd., G.R. No. 169332, February 11, 2008.

[47] See Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc., G.R. No. 190515, June 06, 2011.

[48] Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc., G.R. No. 190515, June 06, 2011, citing Almelor v. RTC of Las Piñas, et al., G.R. No. 179620, August 26, 2008.

[49] Id. at 17-22.

[50] See Jovendo Del Castillo v. Abundio Orciga, et al., G.R. No. 153850, August 31, 2006.

[51] See Ernesto L. Natividad v. Fernando Mariano, et al., G.R. No. 179643, June 3, 2013.

[52] Emphasis supplied.

[53] Emphasis supplied.

[54] Article 777, New Civil Code of the Philippines.

[55] Article 1236. The creditor is not bound to accept payment or performance by a third person who has no interest in the fulfillment of the obligation, unless there is a stipulation to the contrary.

Whoever pays for another may demand from the debtor what he has paid, except that if he paid without the knowledge or against the will of the debtor, he can recover only insofar as the payment has been beneficial to the debtor. [Emphasis supplied].

[56] Sps. Felipe and Evelyn Sarmiento and Sps. Greg and Feliza Amarillo v. Sps. Rodolfo and Carmelita Magsino, G.R. No. 193000, October 16, 2013.

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