

JOSE R. GUEVARRA, PETITIONER, VS. THE HON. COURT OF APPEALS, AND LUCIA VDA. DE GUEVARRA, RESPONDENTS.

G.R. No. 100894. January 26, 1993

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

Petitioner seeks the review and reversal of the decision promulgated on June 28, 1991 by the Court of Appeals which affirmed the decision of the Regional Trial Court of Pampanga in Agrarian Case No. 1979. The dispositive portion of the trial court's decision reads as follows:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff and against the defendant:

"1. Ordering defendant Jose R. Guevarra and all other persons claiming authority under him to immediately vacate the one-half (1/2) portion of subject landholding with an area of one (1) hectare, more or less, situated at Barangay San Antonio, Bacolor, Pampanga, and surrender possession thereof to the plaintiff Lucia Vda. de Guevarra;

"2. Ordering defendant Jose R. Guevarra to permanently cease and desist from harassing, molesting, disturbing and committing acts tending to eject, oust and remove the plaintiff from her peaceful possession, occupation and cultivation of subject landholding;

"3. Ordering that the proceeds of the harvest from subject landholding deposited with this Court be immediately released to plaintiff Lucia Vda. de Guevarra.

"All other claims and counterclaims are dismissed for lack of legal basis." (pp. 48-49, Rollo.)

The antecedent facts, as summarized by the trial court and adopted by the Court of Appeals, are the following:

"Constancio Guevarra, during his lifetime, was the duly constituted agricultural lessee/tenant of that certain landholding containing an area of 2.2853 hectares, more or less, situated at Barangay San Antonio, Bacolor, Pampanga, owned by Eulalia Liongson. Subject landholding was placed within the coverage of Operation Land Transfer under P.D. No. 27. (Subject landholding was placed within the coverage of Operation Land Transfer under P.D. No. 27.) Constancio Guevarra died in 1972, leaving two known legitimate children and compulsory heirs, namely: Raymundo R. Guevarra, deceased husband of plaintiff Lucia Vda. de Guevarra, and Jose R. Guevarra, herein defendant. Upon the death of Constancio Guevarra, he was succeeded in the cultivation of subject landholding by defendant Jose R. Guevarra (Exhibit '1').

"In 1976, Raymundo R. Guevarra continued the cultivation of subject landholding until 1980, with defendant Jose R. Guevarra working as a farm laborer. In 1980, the land use was shifted from riceland to orchard with the planting of mango trees. From 1980 until 1986, defendant Jose R. Guevarra ceased to work as farm laborer (Exhibit 'B'). Hence, for several years the land was not planted with mango trees (Testimony of Marceliano Sicat, TSN, November 15, 1988, page 23).

"In 1983, defendant Jose R. Guevarra, accompanied by his wife, Floserfina Guevarra, and brother, Raymundo

R. Guevarra, went to the DAR Team Office in San Fernando, Pampanga, and in the presence of DAR Team Leader, Gregorio Nunag, and Agrarian Technologist, Lilia Bravo, executed a Waiver of Right over the subject landholding before Notary Public Valentino Nugoy. The reason for the waiver was ill health, as evidenced by a Medical Certificate presented. The waiver covers Lots Nos. 02029 and 01164. Again, on August 21, 1984, defendant executed another instrument of Waiver of Rights, duly subscribed before Notary Public Valentino Nogoy and entered in his notarial registry as Document No. 339, Page No. 68, Book No. 2, Series of 1984. (Exhibit 'A'.) The document bears the conformity of Floserfina Guevarra, wife of defendant Jose R. Guevarra. As a consequence of the execution of the two (2) waiver of rights, a supplemental parcellary map was prepared by the Bureau of Lands, attested by DAR Officials and Officers of the Samahang Nayon of San Antonio (Exhibits 'D', 'D-1' to 'D-14'), as testified to by DAR Team Leader II, Gregorio Nunag (TSN, July 18, 1988, pages 9-32); Lilia Bravo, DAR Technician (TSN, August 22, 1988, pages 6-12) and Atty. Valentino Nogoy (TSN, October 4, 1988, pages 9-17).

"On the basis of the document of waiver executed by defendant Jose R. Guevarra the Department of Agrarian Reform generated/issued Transfer Certificate of Title No. 648 (Emancipation Patent No. 197599) covering Lot No. 02029, with an area of 9,103 square meters and Transfer Certificate of Title No. 649 (Emancipation Patent No. 197566) covering Lot No. 01164 with an area of 13,750 square meters, both issued at Barangay San Antonio, Bacolor, Pampanga. The Titles were fully recorded in the Registry of Deeds of the Province of Bulacan on April 12, 1984 (Exhibits 'C' and 'C-1').

"By virtue of the issuance of TCT Nos. 648 and 649, Raymundo R. Guevarra became the absolute owner in fee simple of subject landholding. He died on August 22, 1985, and was succeeded by his surviving wife, the herein plaintiff, Lucia Vda. de Guevarra.

"Following the advise (sic) of DAR Team leader, Gregorio Nunag, plaintiff decided to plant again palay on subject landholding and in May of 1986 hired a tractor to prepare the land. At this time, defendant Jose R. Guevarra started molesting her, disturbing her peaceful possession and cultivation of subject landholding, compelling the plaintiff to report the matter to the DAR Team leader, the Barangay Captain and the Philippine Constabulary in Pampanga who all advised defendant Jose R. Guevarra to desist from harassing the plaintiff. On June 2, 1986, defendant Jose R. Guevarra forcibly entered one-half (1/2) portion of subject landholding with an area of one (1) hectare, more or less, cultivated the same and planted palay thereon (Testimony of Lucia Vda. de Guevarra, TSN, June 9, 1988, p. 6). (Records, pp. 320-321.)'

"Plaintiff demanded that the defendant vacate the premises. For refusal to desist from farming and occupancy and to leave the one-half portion of the land, plaintiff filed a complaint on June 11, 1986 to permanently restrain defendant from performing acts of dispossession and to enforce the provisions of P.D. No. 27, P.D. No. 316 and Memorandum Circular No. 29 of DAR (now MAR) to protect plaintiff's rights.

"Defendant claimed the rights of a tenant of the subject landholding for having been in possession and for cultivating said land immediately after the death of their father, Constancio Guevarra in 1972.

"It was established that from 1976 to 1980, plaintiff's husband, Raymundo Guevarra, cultivated the landholding as his own with defendant Jose Guevarra working merely as a farm laborer. In 1980, Raymundo stopped planting rice and converted the land into a mango orchard. Because of this shift in principal crop, defendant ceased to work as a farm laborer until 1986 when defendant intruded on the 1/2 portion to farm it." (pp. 49-52, Rollo.)

After trial on the merits, the Regional Trial Court of Pampanga rendered judgment for the plaintiff, the dispositive portion of which was earlier quoted. Not satisfied with the decision, defendant-appellant (now petitioner) appealed to the Court of Appeals. On June 28, 1991, the Court of Appeals affirmed the decision of the trial court and dismissed the appeal.

Defendant-appellant Jose R. Guevarra filed a petition for review in this Court, raising the issue of whether or not

the waiver of rights which he executed in 1983, and reiterated in 1984, was tainted with fraud and deceit which rendered invalid the transfer certificates of title that were issued for the land to his brother, the late Raymundo R. Guevarra.

Whether the waivers which he signed were obtained through fraud and deceit, is a factual issue. Fraud and deceit must be proved by evidence. The finding of the trial court and the Court of Appeals that the waivers were not tainted with fraud or deceit is a factual finding that binds this Court, hence, not reviewable by us (*Bustamante vs. Court of Appeals*, 193 SCRA 603).

WHEREFORE, the petition for review is DENIED. Costs against the petitioner.
SO ORDERED.

Cruz, (Chairman), Padilla, and Bellosillo, JJ., concur.

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