SPOUSES LUBINA CALIWAG-CARMONA AND RENATO CARMONA, PETITIONERS, VS. HON. COURT OF APPEALS, ADJUDICATION BOARD, DAR QUEZON CITY AND CONSOLACION CALIWAG, REGINA CALIWAG, PRISCILLA...

G.R. NO. 148157. July 27, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court is a Petition for Review of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 55468 affirming the decision of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 6496 affirming, on appeal, the order of the Provincial Agrarian Reform Adjudication Board (PARAB) of Malolos, Bulacan in PARAB Case No. 925-Bul '95.

Victoriano Caliwag was a tenant-tiller of a 3.1693 hectare riceland located in Barrio Partida, San Miguel, Bulacan and a part of the hacienda owned by Cecilio de Leon. On October 15, 1973, the Minister of Agrarian Reform issued in Victoriano's favor a Certificate of Land Transfer (CLT) being the actual occupant, cultivator and possessor of the land.

Victoriano died intestate on April 20, 1980. He was 79 years old. He was survived by his heirs, Consolacion, Regina and Priscilla (all surnamed Caliwag), Rosa Caliwag Chico, Lubina Caliwag Carmona and Almario Buenaventura. On February 1, 1995, the said heirs discovered that the CLT issued to their predecessors had been cancelled by Emancipation Patent (EP) No. A-278850 dated August 9, 1988 under the names of the spouses Renato and Lubina Carmona. The patent was based on a "Pinagsanib na Pagpapawalang-bisa ng Karapatan"[2] purportedly executed on December 23, 1981 by Marciana Sanchez, Victoriano's wife, and their children before Notary Public Alberto B. Mala, Sr. It appears therein that Victoriano's heirs had waived all their rights over the landholding in favor of Renato Carmona and his wife Lubina S. Caliwag, the youngest child of Victoriano and Marciana, allegedly because the couple had been cultivating the landholding and possessed the same. The spouses Carmona then paid the rentals of the property to the landowner and to the Land Bank of the Philippines, and thereafter secured the emancipation patent in their names.

On March 30, 1995, Consolacion and Priscilla Caliwag, Rosa Chico and Almario Buenaventura filed a petition[3] in the PARAB for the cancellation of EP No. A-278850 and for the issuance of the appropriate emancipation patent in their names. They assailed the genuineness and due execution of the Pinagsanib na Pagpapawalang-Bisa ng Karapatan, and alleged the following in their Joint Affidavit dated October 4, 1995:

> KAMI, si REGINA CALIWAG, PRISCILLA CALIWAG, CONSOLACION CALIWAG at ROSA CALIWAG CHICO, nasa wastong gulang, dalaga, maliban si ROSA at may pahatirang sulat sa Barangay Tigpalas, San Miguel, Bulacan, matapos na makapanumpa ng naaayon sa batas ay nagsasaad ng mga sumusunod:
>
> - Na kami ay mga anak at tagapagmana ng aming ama na si VICTORIANO CALIWAG na namatay noong

ika-20 ng Abril, 1980;

- Na kami ay nakamana sa aming ama ng isang lupa na may sukat na 3.1693 hektarya na matatagpuan sa Barangay Partida, San Miguel, Bulacan;

- Na sinasaka namin ang nasabing lupa dahil [ito ay] amin kasama ang aming ibang kapatid at tagapagmana;

- Na lingid sa aming kaalaman at kahit na kami ay walang pahintulot, ang aming bayaw na si Renato Carmona ay gumawa ng hakbang para kamkamin ang nasabing lupa at ilipat sa pangalan nilang mag-asawa ang nasabing lupa at makakuha ng Emancipation Patent;

- Na kailanman hindi kami nakipagkasundo kina Renato at Lubina upang [mapawalang-bisa] ang aming karapatan sa nasabing lupa;

- Na hindi rin namin binigyan ng karapatan sina Lubina at Renato na ilipat ang nasabing lupa sa kanilang pangalan;

- Na si Rosa at Consolación ay hindi marunong pumirma, sumulat o magbasa;

- Na si Regina at Priscilla ay marunong pumirma ng kanilang pangalan ngunit hindi na masyado marunong sumulat at bumasa dahil sa katandaan at kahinaan ng mata;

- Na dahil sa nakasaad sa itaas, masasabi namin na kung mayroon [mang] dokumentong lumabas na gawa namin at ginamit sa paggawa ng Emancipation Patent No. A-2738850 (sic) ito ay dapat mapawalang-bisa dahil kailanman hindi kami pumayag/nakipagkasundo na alisan o ilipat kahit kanino man ang aming karapatan sa nasabing lupa;

- Na katunayan tuloy[-]tuloy ang aming pagsaka o pagtrabaho sa nasabing lupa dahil maliwanag na ito ay amin.

- Ginawa namin ang salaysay na ito upang patotohanan ang mga salaysay na nabanggit sa itaas.[4]

In their answer to the petition, the spouses Carmona alleged that petitioners had already waived or abandoned their tenurial rights over the property as heirs of Victoriano Caliwag under the Pinagsanib na Pagpapawalang-Bisa ng Karapatan which they executed on December 23, 1981. Respondents appended a copy of the deed to their answer. In their Position Paper, the spouses Carmona alleged that in February 1977, Victoriano decided to waive his tenurial rights in their favor because he was too old to cultivate the property. He also had unpaid rentals of 178 cavans of palay, not to mention the loans he had secured from the landowner, Atty. Cecilio P. De Leon. Thereafter, a Leasehold Contract was executed between them and the landowner, and they took possession of the property, paid rentals therefor, including Victoriano's arrears to Atty. De Leon. They insisted that they had been in actual possession of the property for 18 years and that the DAR issued an emancipation patent in their favor.

During the hearing before the PARAB, respondent Renato Carmona failed to adduce in evidence the original copy of the deed despite the repeated requests of petitioners and the PARAB, and offered no explanation for such failure. The PARAB thereafter declared inadmissible in evidence the copy of the deed proffered by respondent, who then adduced the Leasehold Contract, a Salaysay executed by one Feliciano Caliwag, dated February 17, 1977, and the receipts for rentals paid to the landowner and to the Land Bank of the Philippines from 1979 to 1995.[5]

Nevertheless, on February 27, 1996, the PARAB rendered judgment dismissing the petition and affirming the validity of EP No. A-278850. The fallo of the decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

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> 1) Affirming the validity and legality of Emancipation Patent No. 278850 issued in favor of respondent Renato Carmona;
>
> 2) Private respondents Renato and Lubina Carmona be maintained in peaceful possession, cultivation and enjoyment of subject landholding.
>
> Case dismissed for lack of merit. No pronouncement as to cost.
>
> SO ORDERED.[6]

However, on motion of Victoriano's heirs, the PARAB issued a Resolution on June 25, 1995 reversing its decision on the following ground:

> Shadow of doubt cropped up on the execution of the document (Pinagsanib na Pagpapawalang-Bisa sa Karapatan) as emphatically assailed by the petitioners.
>
> In the Pinagsamang Salaysay (Exh. "H") submitted by the plaintiffs, they denied having signed the Pinagsanib na Pagpapawalang-Bisa sa Karapatan. They claimed that their signature and thumbmarks were forged. That fact was never denied by the private respondents. Furthermore, on several occasions during the hearing of this case, the private respondent had been asked, in open court, to produce the alleged original of the Pinagsanib na Pagpapawalang-Bisa sa Karapatan but they failed to produce the same. The original document remained not submitted by the respondents despite series of reiterations from the Board, for further and proper scrutiny and valuation of the same.
>
> All the foregoing circumstances being considered, this Forum is inclined to believe that there was a deceit or fraud having committed in the execution of the aforementioned document which has been utilized by the private respondents to be able to cancel the CLT issued in favor of Victoriano Caliwag an (sic) eventually led to the issuance of EP No. [278850] in the name of Renato Carmona.[7]

The PARAB declared EP No. A-278850 void, and ordered the issuance of another patent over the landholding in the names of the heirs of Victoriano.

On appeal, the DARAB rendered judgment on July 27, 1998,[8] affirming the appealed resolution of the PARAB. It declared that Victoriano Caliwag was a bona fide holder of a CLT being the actual occupant, cultivator and possessor of the landholding under controversy. Upon the issuance of Presidential Decree (P.D.) No. 27 entitled "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 Thereof" on October 21, 1972, the ownership over the disputed land was passed on to him. The DARAB cited the case of Locsin v. Valenzuela,[9] where the Court held that the ownership of lands subjected to Operation Land Transfer (OLT) is moved or transferred from the registered owners to the tenants. It also held that "title to lands acquired pursuant to P.D. No. 27 shall not be transferable except by hereditary succession or in favor of the government;" hence, the immediate heirs of the late Victoriano Caliwag are entitled to the ownership and possession of the subject landholding by virtue of succession.

The DARAB rejected the contention of the spouses Carmona that the Caliwag heirs' right to the landholding in question had been waived upon the execution of the Pinagsanib na Pagpapawalang-Bisa sa Karapatan.[10]

The spouses Carmona filed a petition for review with the CA on the following issues:

> I
>
> WHETHER OR NOT PUBLIC RESPONDENT ADJUDICATION [BOARD] GROSSLY ERRED IN HOLDING THAT PRIVATE RESPONDENTS HAVE HEREDITARY RIGHT OVER THE LAND IN QUESTION;

II

WHETHER OR NOT PUBLIC RESPONDENT ADJUDICATION BOARD GROSSLY ERRED IN HOLDING THAT PETITIONERS SPOUSES RENATO CARMONA AND LUBINA CALIWAG-CARMONA COMMITTED DECEIT AND FRAUD IN THE ISSUANCE OF EMANCIPATION PATENT NO. A-278850 IN THEIR FAVOR;

III

WHETHER OR NOT PUBLIC RESPONDENT ADJUDICATION BOARD'S DECISION DATED JULY 27, 1998 AFFIRMING THE ORDER OF THE PROVINCIAL ADJUDICATION BOARD, MALOLOS, BULACAN, DATED JUNE 25, 1997, IS CONTRARY TO THE ESTABLISHED FACTS AND PROFFERED DOCUMENTARY EXHIBITS THEREIN, EXISTING LAWS AND JURISPRUDENCE APPLICABLE ON THE MATTER AT ISSUE.[11]

The spouses Carmona maintained that their failure to adduce the original copy of the Pinagsanib in evidence was of no moment since the heirs of Victoriano had not acquired any right whatsoever over said landholding, and, as such, they had nothing to waive or relinquish. Such heirs had never possessed nor cultivated the land in question; in contrast, petitioners have been in the peaceful, continuous, open, public and adverse possession of the land since 1977 up to the present, coupled with their full payment of the land amortization duly acknowledged by the original owner Atty. Cecilio De Leon, and later his heirs.[12]

On July 31, 2000, the CA rendered judgment dismissing the petition and affirming the decision of the DARAB with modification. The CA declared that although the spouses Carmona paid the remaining balance of the amortization for the land in litis to the former landlord, the landholding had been placed in the name of Victoriano in the master list of the DAR. Thus, he was considered the rightful owner, having been issued a CLT on October 15, 1973 under P.D. No. 27 by virtue of his "being the actual occupant, cultivator and possessor of the landholding under controversy." The appellate court further held that under P.D. No. 226, which specifies the procedure for the registration of title to lands acquired under P.D. No. 27, full compliance by the grantee with the required undertakings (such as payment of the land) causes the grant of title under the Tenant Emancipation Decree and the subsequent issuance of an EP in favor of the farmer/grantee.[13] There was no transfer of rights over the CLT. When petitioners paid the remaining balance of the amortization on the disputed land, they did so only in representation of Victoriano, that is, the payments they made were in the latter's behalf which, however, did not confer the ownership rights to them. The CA stressed that payments made in behalf of the deceased grantee are to be considered advances made by petitioner who are only entitled to be reimbursed therefor.[14] The CLT expressly provides that "the title to the land shall not be transferred except by hereditary succession," therefore, the EP issued subsequent to the CLT under P.D. No. 27 should be issued in the name of the grantee's legal heirs. The CA declared, however, that respondents must reimburse to the spouses Caliwag the amounts paid by them to complete the amortization on the land, with the amount corresponding to Lubina's proportionate share in the inheritance as heir of Victoriano. The CA pointed out that petitioners were repeatedly told to produce the original copy of the Pinagsanib for proper scrutiny, and that they failed to do so, thus rendering it inadmissible under the Best Evidence Rule.[15] The CA concluded that the document was properly rejected by the PARAB.[16] The fallo of the decision reads:

WHEREFORE, there being no reversible error in the appealed decision, the same is hereby AFFIRMED with the MODIFICATION that respondents are ordered to pay petitioners, spouses Renato Carmona and Lubina Carmona, the amount they paid for the remaining balance of the amortization for the subject land less the amount representing Lubina Carmona's share therein, all in proportion to their respective shares in the land.

SO ORDERED.[17]

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The spouses Carmona filed a motion for reconsideration, which the CA denied.

In the instant petition for review on certiorari, the spouses Carmona, now petitioners, raise the following issues:

> - Whether or not public respondents Honorable Court of Appeals and Honorable Adjudication Board committed grave abuse of discretion where in their respective decisions rendered in the above-entitled case mainly focused on a single documentary exhibit and totally brushed aside other documentary proofs adduced therein;
>
> - Whether or not the decisions rendered by the public respondents Honorable Court of Appeals and Honorable Adjudication Board are contrary to existing jurisprudence, rules and regulations applicable on the matter at issue; and
>
> - Whether or not public respondent Honorable Court of Appeals and Honorable Adjudication Board grossly erred in not considering that private respondents' cause of action against petitioners spouses had already been barred by the principles of prescription, laches and estoppel.[18]

Petitioners assert that the PARAB, DARAB, and the CA relied principally on the absence of the original copy of the Pinagsanib na Pagpapawalang-bisa ng Karapatan and ignored the other evidence on record which they adduced to prove their entitlement to the landholding as tenants-tillers: the Salaysay of Feliciano Caliwag dated February 17, 1977; the Leasehold Contract between them and the landowner; the receipts of rental payments to the Land Bank of the Philippines and the landowner; and the Certification issued by the Chairman, Barangay Agrarian Reform Committee.[19] In fact, petitioners aver, their documentary evidence was used by the PARAB when it initially rendered judgment in their favor. They also aver that respondents' cause of action had long prescribed and was barred by laches, filed as it was 18 years from the issuance of EP No. A-278850 in favor of petitioners.

For their part, respondents allege that petitioners never interposed the defenses of prescription and laches in their answer to the petition before the PARAB, and even in the DARAB, and are thus estopped from raising the said issues in this Court for the first time.

The petition has no merit.

We note that the petition filed by petitioners is one for certiorari under Rule 65 of the Rules of Court. This is erroneous. The proper remedy from the Decision of the CA is a petition for review on certiorari under Rule 45 of the Rules of Court. Under Section 2 of Rule 45, petitioners had fifteen (15) days from notice of the CA Resolution denying their motion for reconsideration within which to file the same. Petitioners received the said CA Resolution on May 11, 2001, hence, had until May 26, 2001 within which to file their petition. Considering that they failed to file the petition within the reglementary period, the CA Decision became final and executory.

Indeed, in exceptional cases, the Court may consider a petition for certiorari under Rule 65 of the Rules of Court as a petition for review under Rule 45, provided, however, that such petition is filed within the reglementary period therefor under Section 2 of the latter Rule. In this case, however, the petition was filed only on June 5, 2001, long after the reglementary period had already lapsed.

Even if the petition were to be resolved on its merits, the Court finds no cogent reason to reverse the decision of the PARAB, the DARAB, and the CA.

The DARAB and the CA correctly ruled that upon the promulgation of P.D. No. 27 on October 21, 1972, Victoriano Caliwag was deemed the owner of the land in question. As such, he gained the rights to possess, cultivate and enjoy the landholding for himself, which rights were granted to him by the government and to no other. To insure his continued possession and enjoyment of the property, he could not, under the law, make any

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valid form of transfer except to the government by other legal means, or by hereditary succession to his successors. The transfer by the tenant of the ownership, rights or possession of a landholding to other persons, or the surrender of the same to the former landowner constitute a violation of P.D. No. 27, and therefore, null and void.[20]

In this case, Victoriano had been issued a CLT over the landholding. The rights and interest covered by the certificate are beyond the commerce of men. They are not negotiable except when used by the beneficiary as collateral for a loan with the rural bank for an agricultural production.[21] Hence, EP No. A-278850 issued to and under the names of petitioners is null and void.

Thus, in any event, the Salaysay purportedly thumbmarked by Feliciano Caliwag, whom petitioners claim to be Victoriano Caliwag, is void. In said Salaysay, the possession of the landholding was purportedly turned over to Atty. Cecilio De Leon (the former landowner), and to Lubina Caliwag (Victoriano's youngest daughter) and her husband Renato Carmona, to the exclusion of respondents.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. Costs against petitioners.

SO ORDERED.

Panganiban, C.J. (Chairperson), Ynares-Santiago, and Chico-Nazario, JJ., concur
Austria-Martinez, J., no part.

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[1] Penned by Associate Justice Portia Aliño-Hormachuelos, with Associate Justices Ma. Alicia Austria-Martinez (now an Associate Justice of the Supreme Court) and Elvi John S. Asuncion, concurring; rollo, pp. 32-38.

[2] Rollo, p. 95.

[3] CA rollo, pp. 17-29.

[4] Id. at 65-66.

[5] Exhibits "A" to "CC."

[6] CA rollo, p. 71.

[7] Id. at 75-76.

[8] Id. at 91-94.

[9] G.R. No. 51333, February 19, 1991, 194 SCRA 195, 203.

[10] CA rollo, pp. 91-94.

[11] Rollo, pp. 35-36.

[12] CA rollo, pp. 11-12.

[13] Section 2, PRESIDENTIAL DECREE NO. 226.

[14] Article 1236(2), CIVIL CODE OF THE PHILIPPINES.

[15] Section 3, Rule 130, REVISED RULES ON EVIDENCE.

[16] Rollo, pp. 36-37.

[17] Id. at 37.

[18] Id. at 11.

[19] Id. at 12-13.

[20] Torres v. Ventura, G.R. No. 86044, July 2, 1990, 187 SCRA 96, 103.

[21] Id. at 105.

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