

JULIAN S. LEBRUDO AND REYNALDO L. LEBRUDO, PETITIONERS, VS. REMEDIOS LOYOLA, RESPONDENT.

G.R. No. 181370. March 09, 2011

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition[1] for review on certiorari assailing the Resolution[2] dated 4 January 2008 and Decision[3] dated 17 August 2007 of the Court of Appeals (CA) in CA-G.R. SP No. 90048.

The Facts

Respondent Remedios Loyola (Loyola) owns a 240-square meter parcel of land located in Barangay Milagrosa, Carmona, Cavite, known as Lot No. 723-6, Block 1, Psd-73149 (lot), awarded by the Department of Agrarian Reform (DAR) under Republic Act No. 6657[4] (RA 6657) or the Comprehensive Agrarian Reform Law of 1988. This lot is covered by Certificate of Land Ownership[5] (CLOA) No. 20210 issued in favor of Loyola on 27 December 1990 and duly registered on 14 March 1991 under Transfer of Certificate of Title (TCT)/CLOA No. 998.

On 27 June 1995, petitioner Julian S. Lebrudo (Lebrudo), now deceased and represented by his son, petitioner Reynaldo L. Lebrudo, filed with the Office of the Provincial Agrarian Reform Adjudicator (PARAD) of Trece Martires City, Cavite, an action[6] for the cancellation of the TCT/CLOA in the name of Loyola and the issuance of another for the one-half portion of the lot in Lebrudo's favor.

In a Decision[7] dated 18 December 1995, the PARAD dismissed the case without prejudice on the ground that the case was filed prematurely. On 11 March 1996, Lebrudo re-filed the same action.[8]

Lebrudo alleged that he was approached by Loyola sometime in 1989 to redeem the lot, which was mortgaged by Loyola's mother, Cristina Hugo, to Trinidad Barreto. After Lebrudo redeemed the lot for P250.00 and a cavan of palay, Loyola again sought Lebrudo's help in obtaining title to the lot in her name by shouldering all the expenses for the transfer of the title of the lot from her mother, Cristina Hugo. In exchange, Loyola promised to give Lebrudo the one-half portion of the lot. Thereafter, TCT/CLOA No. 998 was issued in favor of Loyola. Loyola then allegedly executed a Sinumpaang Salaysay[9] dated 28 December 1989, waiving and transferring her rights over the one-half portion of the lot in favor of Lebrudo. To reiterate her commitment, Loyola allegedly executed two more Sinumpaang Salaysay[10] dated 1 December 1992 and 3 December 1992, committing herself to remove her house constructed on the corresponding one-half portion to be allotted to Lebrudo.

Thereafter, Lebrudo asked Loyola to comply with her promise. However, Loyola refused. Lebrudo sought the assistance of the Sangguniang Barangay of Milagrosa, Carmona, Cavite; the Philippine National Police (PNP) of Carmona, Cavite; and the Department of Agrarian Reform to mediate. However, despite steps taken to amicably settle the issue, as evidenced by certifications from the PNP and the barangay, there was no amicable settlement.

Thus, Lebrudo filed an action against Loyola.

In her Answer, Loyola maintained that Lebrudo was the one who approached her and offered to redeem the lot and the release of the CLOA. Loyola denied promising one-half portion of the lot as payment for the transfer, titling and registration of the lot. Loyola explained that the lot was her only property and it was already being occupied by her children and their families. Loyola also denied the genuineness and due execution of the two Sinumpaang Salaysay dated 28 December 1989 and 3 December 1992. The records do not show whether Loyola renounced the Sinumpaang Salaysay dated 1 December 1992.

In a Decision^[11] dated 13 February 2002, the PARAD of Trece Martires City, Cavite decided the case in Lebrudo's favor. The dispositive portion of the decision states:

WHEREFORE, in view of the foregoing, JUDGMENT is hereby rendered:

- a) Declaring Respondent Remedios Loyola disqualified as farmer beneficiary of the subject land identified as Lot 723-6, Block 1, under TCT/CLOA No. 998;
- b) Declaring the Deed of sales over the subject lot illegal and ordered the same set aside;
- c) Declaring Plaintiff JULIAN LEBRUDO entitled to one half (½) of the subject property under TCT/CLOA No. 998 in the name of Remedios Loyola;
- d) Ordering the other one half (½) of the subject lot ready for allocation to qualified beneficiary;
- e) Ordering the DAR PARO Office thru the Operations Division to cancel TCT/CLOA No. 998 and in lieu thereof, to generate and issue another title over the 120 square meters in the name of JULIAN LEBRUDO;
- f) Ordering the survey of the subject lot at the expense of the petitioner so that title be issued to plaintiff herein;
- g) Ordering the Register of Deeds, Trece Martires City to cancel TCT/CLOA No. 998 in the name of Remedios Loyola;
- h) Ordering the Register of Deeds, Trece Martires City to register the title in the name [of] Julian Lebrudo as presented by the DAR or its representative over the lot in question;

No pronouncement as to costs and damages.

SO ORDERED.^[12]

Loyola appealed to the Department of Agrarian Reform Adjudication Board (DARAB).^[13] In a Decision^[14] dated 24 August 2004, the DARAB reversed the decision of the PARAD and ruled in Loyola's favor. The dispositive portion states:

WHEREFORE, premises considered, the appealed decision is hereby REVERSED and SET ASIDE and a new judgment rendered as follows:

1. Upholding and maintaining the validity and effectivity of TCT/CLOA No. 998 in the name of the respondent;
2. Declaring the Sinumpaang Salaysay dated December 28, 1989 and December 3, 1992 attached to the petition as Annex C and F, null and void without legal force and effect;
3. Directing the Register of Deeds of Trece Martires City, Cavite to reinstate TCT/CLOA No. 998 in the name of the respondent.

The status quo ante order issued by this Board on November 3, 2003 is hereby LIFTED.

SO ORDERED.[15]

Lebrudo filed a motion for reconsideration which the DARAB denied in a Resolution[16] dated 12 April 2005. Lebrudo then filed a petition[17] for review with the CA.

In a Decision[18] dated 17 August 2007, the CA affirmed the decision of the DARAB. Lebrudo filed a motion for reconsideration which the CA denied in a Resolution[19] dated 4 January 2008.

Hence, this petition.

The Issue

The main issue is whether Lebrudo is entitled to the one-half portion of the lot covered by RA 6657 on the basis of the waiver and transfer of rights embodied in the two Sinumpaang Salaysay dated 28 December 1989 and 3 December 1992 allegedly executed by Loyola in his favor.

The Court's Ruling

The petition lacks merit.

A Certificate of Land Ownership or CLOA is a document evidencing ownership of the land granted or awarded to the beneficiary by DAR, and contains the restrictions and conditions provided for in RA 6657 and other applicable laws. Section 27 of RA 6657, as amended by RA 9700,[20] which provides for the transferability of awarded lands, states:

SEC. 27. Transferability of Awarded Lands. - Lands acquired by beneficiaries under this ACT may not be sold, transferred or conveyed except through hereditary succession, or to the government, or to the LBP, or to other qualified beneficiaries for a period of ten (10) years : Provided, however, That the children or the spouse of the transferor shall have a right to repurchase the land from the government or LBP within a period of two (2) years. Due notice of the availability of the land shall be given by the LBP to the Barangay Agrarian Reform Committee (BARC) of the barangay where the land is situated. The Provincial Agrarian Coordinating Committee (PARCCOM), as herein provided, shall, in turn, be given due notice thereof by the BARC.

The title of the land awarded under the agrarian reform must indicate that it is an emancipation patent or a certificate of land ownership award and the subsequent transfer title must also indicate that it is an emancipation patent or a certificate of land ownership award.

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 or to any other 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. x x x (Emphasis supplied)

It is clear from the provision that lands awarded to beneficiaries under the Comprehensive Agrarian Reform Program (CARP) may not be sold, transferred or conveyed for a period of 10 years. The law enumerated four exceptions: (1) through hereditary succession; (2) to the government; (3) to the Land Bank of the Philippines (LBP); or (4) to other qualified beneficiaries. In short, during the prohibitory 10-year period, any sale, transfer or conveyance of land reform rights is void, except as allowed by law, in order to prevent a circumvention of agrarian reform laws.

In the present case, Lebrudo insists that he is entitled to one-half portion of the lot awarded to Loyola under the CARP as payment for shouldering all the expenses for the transfer of the title of the lot from Loyola's mother, Cristina Hugo, to Loyola's name. Lebrudo used the two Sinumpaang Salaysay executed by Loyola allotting to him

the one-half portion of the lot as basis for his claim.

Lebrudo's assertion must fail. The law expressly prohibits any sale, transfer or conveyance by farmer-beneficiaries of their land reform rights within 10 years from the grant by the DAR. The law provides for four exceptions and Lebrudo does not fall under any of the exceptions. In *Maylem v. Ellano*,^[21] we held that the waiver of rights and interests over landholdings awarded by the government is invalid for being violative of agrarian reform laws. Clearly, the waiver and transfer of rights to the lot as embodied in the *Sinumpaang Salaysay* executed by Loyola is void for falling under the 10-year prohibitory period specified in RA 6657.

Lebrudo asserts that he is a qualified farmer beneficiary who is entitled to the lot under the CARP. DAR Administrative Order No. 3,^[22] series of 1990, enumerated the qualifications of a beneficiary:

- Landless;
- Filipino citizen;
- Actual occupant/tiller who is at least 15 years of age or head of the family at the time of filing application; and
- Has the willingness, ability and aptitude to cultivate and make the land productive.

Lebrudo does not qualify as a beneficiary because of (1) and (3). First, Lebrudo is not landless. According to the records,^[23] Municipal Agrarian Reform Officer Amelia Sangalang issued a certification dated 28 February 1996 attesting that Lebrudo was awarded by the DAR with a homelot consisting of an area of 236 square meters situated at Japtinchay Estate, Bo. Milagrosa, Carmona, Cavite. Next, Lebrudo is not the actual occupant or tiller of the lot at the time of the filing of the application. Loyola and her family were the actual occupants of the lot at the time Loyola applied to be a beneficiary under the CARP.

Further, the CA, in its Decision dated 17 August 2007, correctly observed that a certificate of title serves as evidence of an indefeasible title and after the expiration of the one-year period from the issuance of the registration decree upon which it is based, the title becomes incontrovertible. The CA also declared that the basis of Lebrudo's claim, the two *Sinumpaang Salaysay* dated 28 December 1989 and 3 December 1992, were illegal and void ab initio for being patently intended to circumvent and violate the conditions imposed by the agrarian law. The relevant portions of the decision provide:

x x x It is undisputed that CLOA 20210 was issued to the respondent on December 27, 1990 and was registered by the Register of Deeds of Cavite on March 14, 1991, resulting in the issuance of TCT/CLOA No. 998 in her name.

Under Sec. 43, P.D. 1529, the certificate of title that may be issued by the Register of Deeds pursuant to any voluntary or involuntary instrument relating to the land shall be the transfer certificate of title, which shall show the number of the next previous certificate covering the same land and also the fact that it was previously registered, giving the record number of the original certificate of title and the volume and page of the registration book in which the original certificate of title is found.

The certificate of title serves as evidence of an indefeasible title to the property in favor of the person whose name appears therein. After the expiration of the one-year period from the issuance of the decree of registration upon which it is based, the title becomes incontrovertible.

Accordingly, by the time when original petitioner Julian Lebrudo filed on June 27, 1995 the first case (seeking the cancellation of the respondent's CLOA), the respondent's certificate of title had already become incontrovertible. That consequence was inevitable, for as the DARAB correctly observed, an original certificate of title issued by the Register of Deeds under an administrative proceeding was as indefeasible as a

certificate of title issued under a judicial registration proceeding. Clearly, the respondent, as registered property owner, was entitled to the protection given to every holder of a Torrens title.

The issue of whether or not the respondent was bound by her waiver and transfer in favor of Julian Lebrudo, as contained in the several sinumpaang salaysay, was irrelevant. Worse for the petitioner, the DARAB properly held that the undertaking of the respondent to Julian Lebrudo under the sinumpaang salaysay dated December 28, 1989 and December 3, 1992 - whereby she promised to give him ½ portion of the homelot in consideration of his helping her work on the release of the CLOA to her and shouldering all the expenses for the purpose - was "clearly illegal and void ab initio" for being patently intended to circumvent and violate the conditions imposed by the agrarian laws and their implementing rules. He could not, therefore, have his supposed right enforced. x x x [24]

We see no reason to disturb the findings of the CA. The main purpose of the agrarian reform law is to ensure the farmer-beneficiary's continued possession, cultivation and enjoyment of the land he tills.[25] To do otherwise is to revert back to the old feudal system whereby the landowners reacquired vast tracts of land and thus circumvent the government's program of freeing the tenant-farmers from the bondage of the soil.[26]

WHEREFORE, we DENY the petition. We AFFIRM the Decision dated 17 August 2007 and Resolution dated 4 January 2008 of the Court of Appeals in CA-G.R. SP No. 90048.

SO ORDERED.

Velasco, Jr.,[*] Peralta, Abad, and Mendoza, JJ., concur.

[*] Designated additional member per Special Order No. 933 dated 24 January 2011.

[1] Under Rule 45 of the 1997 Revised Rules of Civil Procedure.

[2] Rollo, p. 19. Penned by Justice Lucas P. Bersamin (now a member of this Court) with Justices Portia Aliño Hormachuelos and Estela M. Perlas-Bernabe, concurring.

[3] Id. at 20-29.

[4] An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and for Other Purposes. Approved on 10 June 1988.

[5] Document evidencing ownership of the land granted or awarded to the beneficiary by DAR, and contains the restrictions and conditions provided for in R.A. 6657 and other applicable laws.

[6] Docketed as DARAB Case No. 269-95.

[7] Rollo, p. 32.

[8] Docketed as DARAB Case No. 0357-96.

[9] Rollo, p. 73.

[10] Id. at 74-75.

[11] Id. at 31-39.

[12] Id. at 38-39.

[13] Docketed as DARAB Case No. 11565 (Reg. Case No. 0357-96).

[14] Rollo, pp. 44-53.

[15] Id. at 52.

[16] Id. at 56-57.

[17] Docketed as CA-G.R. SP No. 90048.

[18] Supra note 3.

[19] Supra note 2.

[20] An Act Strengthening the Comprehensive Agrarian Reform Program (CARP), Extending the Acquisition and Distribution of All Agricultural Lands, Instituting Necessary Reforms, Amending for the Purpose Certain Provisions of Republic Act No. 6657, Otherwise Known as the Comprehensive Agrarian Reform Law of 1988, as Amended, and Appropriating Funds Therefor. Took effect on 1 July 2009.

[21] G.R. No. 162721, 13 July 2009, 592 SCRA 440, 452, citing *Lapanday Agricultural & Development Corporation v. Estita*, 490 Phil. 137, 152 (2005).

[22] Revised Rules and Procedure Governing Distribution and/or Titling of Lots in Landed Estates Administered by DAR. Issued on May 1990.

[23] Rollo, p. 50.

[24] Id. at 27-29.

[25] *Corpuz v. Sps. Grospe*, 388 Phil. 1100, 1110 (2000). See also *Torres v. Ventura*, G.R. No. 86044, 2 July 1990, 187 SCRA 96.

[26] *Corpuz v. Sps. Grospe*, supra.

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