

**NORBERTO GERONIMO AND ANACLETO GERONIMO, PETITIONERS,
VS. COURT OF APPEALS, COURT OF AGRARIAN RELATIONS, AND
BELEN L. LUNA, RESPONDENTS.**

G.R. No. 62063. April 28, 1983

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-62063/>

RELOVA, J.:

This is an appeal to annul the writ of execution and the order denying the motion to stay execution issued on April 27, 1982 and June 18, 1982, respectively, by the Court of Agrarian Relations, Fifth Regional District, Branch VI at Baliuag, Bulacan in CAR Case No. 880, entitled "Joaquin Arambulo vs. Norberto Geronimo, et al."; to set aside the decision, dated August 3, 1982, and the resolution dated September 20, 1982, of respondent Court of Appeals; and, to enjoin the said courts from ordering the ejectment of petitioners from the property "until after the Ministry of Agrarian Reform shall have issued the corresponding rules and regulations implementing Presidential Decree No. 27."

The facts are as follows:

On June 26, 1979, the Court of Agrarian Relations in Baliuag, Bulacan rendered a decision in CAR Case No. 880, entitled "Joaquin Arambulo vs. Norberto Geronimo, et al., the dispositive portion of which reads:

"WHEREFORE, in view of all the foregoing, judgment is hereby rendered:

(a) Declaring that defendant Norberto Geronimo used to be the tenant of plaintiff on Lots Nos. 3333, 3219, and 3871, all of the Lolomboy Estate, situated at Prensa, Marilao, Bulacan described in and covered by TCT Nos. T-43360, T-41839 and T-41840 of the Registry of Deeds of Bulacan, respectively, but said Norberto Geronimo had ceased to be such tenant thereon in 1972 when he gave the possession and cultivation thereof to his father, Anacleto Geronimo, without the consent of the plaintiff;

(b) Declaring that defendant Anacleto Geronimo was not, is not and has never been plaintiff's tenant on said Lots Nos. 3333, 3219 and 3871;

(c) Declaring plaintiff to be lawfully entitled to the possession of said Lots Nos. 3333, 3219 and 3871 as absolute owner thereof;

(d) Declaring that defendant Norberto Geronimo was a mere paid laborer on Lots Nos. 3224-A and 3330-A, also of the Lolomboy Estate, situated at Prensa, Marilao, Bulacan covered by TCT No. 78015 and TCT No. 126645, both of the Registry of Deeds of Bulacan, and, therefore, plaintiff is entitled to the lawful possession thereof as absolute owner of the same;

(e) Ordering defendant Anacleto Geronimo, his heirs, successors and assigns, and all persons claiming under him, to vacate Lots Nos. 3333, 3219 and 3871 and deliver possession thereof to plaintiff;

(f) Ordering defendant Norberto Geronimo to vacate Lots Nos. 3224-B and 3330-A and deliver possession thereof to plaintiff; and

(g) Dismissing defendants' counterclaim for actual, moral and exemplary damages for lack of substantiation/merit." (ibid., p. 238)

The Court of Appeals, affirming in toto the decision of the Court of Agrarian Relations, said:

".....

"After a perusal of the record, the transcript of stenographic notes and the documentary evidence, we hold that the findings of fact in the appealed decision are indeed supported by substantial evidence and the conclusions stated therein are not clearly contrary to the law and jurisprudence applicable to the case.

.....

The case therefore does not fall within the scope of P.D. No. 316. The evident implication of this is that should the evidence in the court below show that the defendants are not tenant-farmers then they can be ejected or removed from the subject agricultural land, pursuant to Section 1 of P.D. No. 316. The Ministry of Agrarian Reform further certified that the case was proper for trial, which meant that the court below could as it did, take cognizance of the ejectment case filed against the defendants, pursuant to Section 2 of P.D. No. 316."

Thereafter, herein petitioners elevated the case to this Court by petition for review on certiorari (G.R. No. L-55461).

On December 2, 1981, the Court denied the petition for lack of merit; and, on December 16, 1981, the Court Resolved "to deny the motion (for reconsideration), and this denial is final."

Upon the death of plaintiff Joaquin Arambulo on January 6, 1982, he was substituted by his wife, Belen L. Luna, and their minor children.

On May 20, 1982, petitioners filed with the Court of Agrarian Relations an URGENT MOTION TO STAY EXECUTION of the writ which was issued on April 27, 1982 for the reason that the implementing rules and regulations under Presidential Decree No. 27 have not yet been issued.

On June 18, 1982, Judge Natividad G. Dizon of the Court of Agrarian Relations denied the motion to stay execution, saying as follows:

"Finding no reason compelling enough in point of law to reconsider our Order of April 27, 1982, authorizing the issuance of the writ of execution of the final Decision rendered on June 26, 1979, defendants' 'Urgent Motion to Stay Execution', filed, through counsel, on May 24, 1982, viewed in the light of the opposition thereto, dated May 27, 1982, should be, as it is hereby, DENIED.

"It may be stated in this connection that the issue of referral has already been raised before the appellate Court as may be gleaned from the judgment rendered on October 6, 1980 in CA-G.R. No. 11002-CAR 'Joaquin Arambulo vs. Norberto Geronimo, et al.' (pp. 19-21)"

Petitioners appealed the foregoing order to the Court of Appeals on a petition for review but said petition was dismissed on August 3, 1982 on the ground, among others, that the challenged order of April 27, 1982 directing the issuance of the corresponding writ of execution of the decision rendered on June 26, 1979 (CAR Case No. 880) was filed out of time.

Section 18 of Presidential Decree No. 946 provides:

"SEC. 18. Appeals.— An Appeal may be taken to the Court of Appeals by giving an oral or written notice of appeal with the trial court within the period of fifteen (15) days from notice of order or decision. A copy of the written notice of appeal shall be served within the same period upon the adverse party. In case the notice of appeal is orally made, the clerk of court shall reduce the same to writing, which shall be signed by the

appellant and a copy thereof served within the same period by the clerk of court to the adverse party.

"In case a motion for reconsideration is filed within that period of fifteen (15) days, the notice of appeal shall be filed within ten (10) days from notice of the resolution denying the motion for reconsideration. Only one motion for reconsideration shall be allowed a party."

As aptly stated by the appellate court—

"The subject order of April 27, 1972 was sought to be reconsidered by the petitioners but their motion for reconsideration was denied on June 18, 1982 (Annex B, Petition). This order of denial was received by petitioner's counsel on June 29, 1982 as appearing in the acknowledgment of said order stamped on the upper right hand of Annex B. In any case, no appeal whatsoever in the manner prescribed by Sec. 18 of P.D. 946 was undertaken by petitioners. Instead, long after the period within which to appeal lapsed, an obviously wrong and improper way of challenging the order was sought to be done by means of this petition for review.

"Consequently on this consideration alone, the petition for review should be dismissed."

The petition cannot be granted.

- The Court of Agrarian Relations in CAR Case No. 880 found that petitioner Norberto Geronimo ceased to be a tenant of subject property in 1972 when he gave the possession and cultivation thereof to his father, Anacleto Geronimo, without the consent of the owner, Joaquin Arambulo; and that petitioner Anacleto Geronimo was not, is not and has never been the tenant therein of Arambulo.

- The Court of Appeals, on October 6, 1980, affirmed in toto the above findings of the court a quo (CA-G.R. No. 11002-CAR).

- This Court, on December 2, 1981, acting on the petition for review on certiorari, as well as all subsequent pleadings filed, Resolved "to deny the petition for lack of merit." And on December 16, 1981, the Court Resolved to deny the motion (for reconsideration), adding that "this denial is final." (G.R. No. L-55461)

- Section 1, of Presidential Decree No. 316, provides:

"SECTION 1. No tenant-farmer in agricultural lands primarily devoted to rice and corn shall be ejected or removed from his farmholding until such time as the respective rights of the tenant-farmer and the landowner shall have been determined in accordance with the rules and regulations implementing Presidential Decree No. 27."

Considering that herein petitioners are not the tenants in subject property of private respondent, then they are not covered by said Presidential Decree No. 316.

ACCORDINGLY, the petition is denied. With costs.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Vasquez and Gutierrez, Jr., JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.