

**FELIX LACORDA AND CONCORDIA A. LACORDA, PETITIONERS, VS.
THE HONORABLE INTERMEDIATE APPELLATE COURT, ROLANDO
OLIVA, CYNTHIA OLIVA AND DANTE PARCON, RESPONDENTS.**

G.R. No. 67386. February 28, 1985

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This case is about the right of a homesteader to repurchase the homestead within five years from the date of its sale. The right is granted by Section 119 of the Public Land Act.

The petitioners sold their homestead measuring over 18 hectares on April 2, 1975, to the spouses Rolando and Cynthia Oliva for P53,888.30. Two years thereafter, the Oliva spouses sold the land to Dante Parcon - one of the private respondents - for the same amount.

On February 16, 1980, the petitioners wrote to Parcon and the Oliva spouses; they expressed their desire to repurchase the property for P53,888.30 which they were ready to pay. The repurchase was not effected for which reason the petitioners filed suit in the defunct Court of First Instance of Davao to compel reconveyance.

The Davao Court of First Instance dismissed the complaint and upheld the ownership of Dante Parcon. On appeal to the Intermediate Appellate Court, the decision of the court a quo was affirmed in toto which accounts for the instant petition.

The petition is not impressed with merit; it should be dismissed.

While it is true that the offer to repurchase was made within the statutory period both the trial and the appellate courts found as a fact that the petitioners did not really intend to derive their livelihood from it but to resell part of it for a handsome profit. It is now settled that homesteaders should not be allowed to take advantage of the salutary policy behind the Public Land Law to enable them to recover the land in question from vendees only to dispose of it again at much greater profit. (*Simeon vs. Peña*, L-29049, Dec. 29, 1970, 36 SCRA 610 and other cases cited therein.)

WHEREFORE, the petition is dismissed with costs against the petitioners.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Escolin, and Cuevas, JJ., concur.

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