

LETICIA GONZALEZ, PETITIONER, VS. INTERMEDIATE APPELLATE COURT AND MELCHOR MATIC, RESPONDENTS.

G.R. No. 69477. May 29, 1987

Ponente: PARAS, J.

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PARAS, J.:

THIS IS AN APPEAL BY CERTIORARI FROM THE JUDGMENT OF THE COURT OF APPEALS[1] IN THE CASE CA-G.R. CAR NO. 03332, SUSTAINING PRIVATE RESPONDENT MELCHOR MATIC'S RIGHT OF REDEMPTION UNDER THE PROVISIONS OF SECTION 12 OF THE AGRICULTURAL LAND REFORM CODE (REP. ACT 3844).

PETITIONER LOURDES GONZALES WAS THE OWNER OF TWO (2) PARCELS OF RICELAND SITUATED AT KAINGIN, SAN RAFAEL, BULACAN. ONE PARCEL IS A ONE-HECTARE LOT, WHILE THE OTHER PARCEL HAS AN AREA OF 2.75 HECTARES, MORE OR LESS.

ON MAY 29, 1974, PETITIONER AND PRIVATE RESPONDENT MELCHOR MATIC EXECUTED A TENANCY AGREEMENT (KASUNDUAN SA PAMUMUWISAN) COVERING THE AFORESAID LOTS WHEREIN IT WAS AGREED THAT THE LATTER AS TENANT OF THE FORMER, WILL CULTIVATE THE LAND.

ON JULY 19, 1974, PETITIONER SOLD TO ONE RODOLFO TAGLE THE PARCEL OF LAND WITH AN AREA OF 2.75 HECTARES FOR P5,000.00 WHICH PARCEL OF LAND IS NOW EMBRACED BY TCT NO. 239735.

ON DECEMBER 30, 1975, PETITIONER SOLD THE OTHER PARCEL OF LAND IN FAVOR OF ONE ESABELITA ALDEA FOR P6,000.00 WHICH PARCEL OF LAND IS NOW EMBRACED BY TCT NO. T-199904.

BOTH TRANSACTIONS WERE MADE WITHOUT THE KNOWLEDGE OF AND WITHOUT THE SAME BEING OFFERED FOR SALE TO PRIVATE RESPONDENT AS THE REGISTERED TENANT THEREOF, IN VIOLATION OF SECTION 12 OF RA 6389.

SOMETIME IN NOVEMBER 1981, PRIVATE RESPONDENT LEARNED OF THE TWO (2) SALES. HE OFFERED TO REDEEM THE LAND PURSUANT TO SECTION 12 OF RA 6389, BUT PETITIONER REFUSED. SO, ON MARCH 25, 1982 RESPONDENT FILED A COMPLAINT FOR REDEMPTION BEFORE THE DEFUNCT COURT OF AGRARIAN RELATIONS IN BALIWAG, BULACAN (CAR CASE NO. 1544) AND ON AUGUST 11, 1982 HE CONSIGNED WITH THE SAME COURT THE REDEMPTION MONEY IN THE SUM OF P11,000.00.

THE LOWER COURT, AFTER TRIAL, RENDERED JUDGMENT IN FAVOR OF PETITIONER AND DISMISSED THE COMPLAINT ON THE GROUND THAT THE SALE OF THE LAND IN QUESTION WAS FICTITIOUS FOR THE CONSIDERATION THEREFOR WAS LOW, THAT THE REAL INTENTION OF

THE PETITIONER-VENDOR, IN ACCORDANCE WITH HER ORAL TESTIMONY, WAS TO GIVE THE LAND TO THE VEN-DEES WHO ARE HER NEPHEW AND NIECE AND WHILE SHE WAS STILL ALIVE, TO CREATE A TRUST RELATIONSHIP AMONG THEMSELVES; THAT THE CONTRACTS BEING NULL AND VOID, NO RIGHT OF REDEMPTION MAY RIPEN IN FAVOR OF THE TENANT.

ON APPEAL TO THE RESPONDENT INTERMEDIATE APPELLATE COURT, THE DECISION OF THE TRIAL COURT WAS SET ASIDE AND PRIVATE RESPONDENT WAS ALLOWED TO REDEEM THE PROPERTIES. SAID COURT RULED THAT THE CONTRACTS EXECUTED BY PETITIONER TRANSFERRING THE PARCELS OF LAND TO RODOLFO TAGLE AND ISABELITA ALDEA ARE CONTRACTS OF ABSOLUTE SALE AND THAT PETITIONER CANNOT ORALLY CLAIM, THROUGH HER OWN TESTIMONY, AFTER BEING SUED, THAT THE CONTRACTS WERE FICTITIOUS AND SIMULATED JUST TO AVOID THE CONSEQUENCES THEREOF.

THE DISPOSITIVE PORTION OF THE DECISION READS -

"WHEREFORE, THE DECISION APPEALED FROM IS HEREBY SET ASIDE, AND ANOTHER ONE ENTERED, SUSTAINING THE RIGHT OF PLAINTIFF TO REDEEM THE PROPERTIES COVERED BY TCT NO. 238735 AND THAT COVERED TCT NO. 199904 FROM RESPECTIVE DEFENDANTS, ISABELITA ALDEA AND RODOLFO TAGLE, WHO ARE HEREBY ORDERED TO EXECUTE THE CORRESPONDING DEEDS OF SALE IN PLAINTIFF'S FAVOR, WITHIN TEN (10) DAYS FROM FINALITY OF THIS DECISION; OTHERWISE, THE PROPER REGISTER OF DEEDS SHALL EXE-CUTE THE DEEDS OF SALE. COSTS AGAINST DEFENDANTS PRO-RATA.

SO ORDERED." (PP. 26-27, ROLLO)

FROM THIS DECISION, PETITIONER INTERPOSED THE PRESENT APPEAL, WHICH WE FIND WITHOUT MERIT.

THE PRIVATE RESPONDENT'S RIGHT TO REDEEM THE PROPERTY IN QUESTION IS PURSUANT TO THE PROVISIONS OF SECTION 12 OF RA 6389 WHICH PROVIDES -

"IN CASE THE LANDHOLDING IS SOLD TO A THIRD PERSON WITHOUT THE KNOWLEDGE OF THE AGRICULTURAL LESSEE, THE LATTER SHALL HAVE THE RIGHT TO REDEEM THE SAME AT A REASONABLE PRICE AND CONSIDERATION: XXX. THE RIGHT OF REDEMPTION UNDER THIS SECTION MAY BE EXERCISED WITHIN ONE HUNDRED EIGHTY DAYS FROM NOTICE IN WRITING WHICH SHALL BE SERVED BY THE VENDEE ON ALL LESSEES AFFECTED AND THE DEPARTMENT OF AGRARIAN REFORM UPON THE REGISTRATION OF THE SALE, AND SHALL HAVE PRIORITY OVER ANY OTHER RIGHT OF LEGAL REDEMPTION. X X X."

IN HER ATTEMPT TO DEFEAT PRIVATE RESPONDENT'S RIGHT OF REDEMPTION, PETITIONER CLAIMS THAT THE CONTRACTS ARE FICTITIOUS AND THAT SHE DID NOT REALLY SELL THE LAND-HOLDINGS BUT EXECUTED THE CONTRACTS MERELY FOR THE PURPOSE OF CREATING A TRUSTEESHIP RELATION AMONG THEMSELVES.

PETITIONER'S AFORESAID CLAIM IS UNTENABLE. AS CORRECTLY RULED BY RESPONDENT COURT, THE CONTRACTS IN QUESTION, CLEARLY WORDED AS THEY ARE, NEED NO FURTHER INTERPRETATION. THEY ARE NO OTHER THAN CONTRACTS OF ABSOLUTE SALE, WHICH BY PETITIONER'S OWN ADMISSION, WERE INTENDED TO TRANSFER AS IN FACT, THEY TRANSFERRED THE LEGAL TITLE OF THE PROPERTY INVOLVED TO THE VENDEES ALDEA AND TAGLE, WHILE IN THE MEANTIME SHE RETAINED THE BENEFICIAL OWNERSHIP THEREOF. TO FACILITATE THE REGISTRATION, SHE EVEN EXECUTED AN AFFIDAVIT OF NON-TENANCY.

AFTER CAUSING THE CONTRACTS TO BE REGISTERED AND CERTIFICATES OF TITLE ISSUED TO THE VENDEES, PETITIONER CANNOT NOW CLAIM THAT THE CONTRACTS WERE FICTITIOUS AND SIMULATED. WHETHER THE CONSIDERATION WAS RELATIVELY LOW OR INADEQUATE, OR WHETHER THERE WAS IN FACT NO CONSIDERATION AT ALL, IS A MATTER AMONG THE PARTIES TO THE SALE ITSELF BUT WHICH THEY MAY NOT INVOKE TO FRUSTRATE THE RIGHT OF REDEMPTION ACCORDED BY LAW TO PRIVATE RESPONDENT.

WHEREFORE, JUDGMENT IS HEREBY RENDERED DISMISSING THE PETITION AND AFFIRMING THE APPEALED DECISION. COSTS AGAINST PETITIONER.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Padilla, Bidin, and Cortes, JJ., concur.

[1] PENNED BY JUSTICE SIMEON M. GOPENGCO, PONENTE, AND JUSTICES LINO M. PATAJO, JOSE F. RACELA, JR., AND FIDEL P. PURISIMA, CONCURRING.

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