

FIFTEENTH DIVISION

[CA-G.R. SP No. 128953, February 20, 2015]

**ANDRES M. CRUZ, REPRESENTED BY REYNALDO M. CRUZ,
PETITIONER, VS. TEODULO V. GARCIA , RESPONDENT.**

D E C I S I O N

GAERLAN, S.H., J.:

This petition^[1] for review under Rule 43 of the Rules of Court seeks to reverse and set aside the Decision^[2] dated 10 September 2012 as well as the Resolution^[3] dated 14 February 2013, rendered by the Department of Agrarian Reform Adjudication Board ("DARAB" for brevity) in DARAB Case No. 17354. The assailed Decision declared respondent as the legitimate successor-allocatee of the subject property and ordered petitioner to vacate and surrender physical possession of the same to the former. On the other hand, the questioned Resolution denied petitioner's motion for reconsideration of the said Decision.

FACTS

The property involved in the instant case is a 1.1409 hectare parcel of land, situated at Barangay Talampas, Bustos, Bulacan and presently covered by Transfer Certificate of Title (TCT) No. T-2431-EP^[4] under the name of herein respondent, Teodulo V. Garcia.

The subject property was previously covered by Certificate of Land Transfer (CLT) No. 0-082895 issued to respondent's father, Pio Garcia, as a farmer-beneficiary under Presidential Decree No. 27.

On 7 June 1999, respondent, in his capacity as one of the heirs of Pio Garcia, lodged a letter-protest^[5] before the Department of Agrarian Reform (DAR) Region III and requested for the recovery of the said property, which was then in the possession of herein petitioner, Andres M. Cruz.

In an Order^[6] dated 7 September 1999, the Regional Director ordered for the issuance of Emancipation Patent in favor of the heirs of Pio Garcia, as represented by respondent, and likewise ordered petitioner to refrain from doing any act which would disturb the peaceful possession and occupation of the premises by the heirs.

Petitioner moved for reconsideration^[7] of the said Order but the same was denied.^[8] Thus, he filed an appeal^[9] before the Office of the DAR Secretary. On 15 June 2006, the DAR Secretary issued an Order,^[10] the dispositive portion of which reads:

"WHEREFORE, premises considered, Order is hereby issued:

1. UPHOLDING the Certificate of Land Transfer No. 0-082895 issued to Pio Garcia;
2. GRANTING the Application for Retention of the heirs of Exaltacion Garcia over five (5) hectares of the land covered by Original Certificates of Title Nos. P-5402, P-5704, P-5705, P-5706 and P-5740, which retention area shall not include the one hectare portion covered by Certificate of Land Transfer No. 0-082895 issued to Pio Garcia; and
3. DIRECTING the Regional Director, Provincial Agrarian Reform Officer, and Municipal Agrarian Reform Officer concerned to determine the proper successor to Certificate of Land Transfer No. 0-082895 issued to Pio Garcia in accordance with Memorandum Circular No. 19, Series of 1978.

SO ORDERED.”^[11]

As petitioner's motion for reconsideration came to naught and there being no further appeal to the Office of the President or to the Court of Appeals, the above-mentioned Order became final and executory, certified through an Order of Finality^[12] dated 7 March 2007.

As a result thereof, respondent was able to have TCT No. T-2431-EP, covered by Emancipation Patent No. 00790860, issued in his name and registered in the Registry of Deeds of Bulacan.

Allegedly, efforts were made by respondent to recover possession of the subject property from petitioner but the latter refused to heed his request to vacate the same, despite the issuance of emancipation patent and title in his name. Consequently, respondent filed a complaint^[13] for ejectment before the Office of the Provincial Adjudicator of Bulacan.

In his Answer,^[14] petitioner claimed that he is the lawful owner of the subject property as it had been sold to him by Pio Garcia, for the consideration of P22,000.00. The property was formerly owned by Exaltacion Garcia. It was in 1976 when a “Kasunduan Buwisan Sa Sakahan”^[15] was executed between him and Exaltacion Garcia, covering the property in question. However, it failed to reflect the correct description of the property, thus, another “Kasunduan Buwisan Sa Sakahan”^[16] was executed between petitioner and Patria G. Aranas, an heir of Exaltacion Garcia. Notwithstanding the sale and the “Kasunduan,” a CLT was still issued in favor of the deceased Pio Garcia.

Meanwhile, petitioner filed a petition^[17] for the cancellation of TCT No. T-2431-EP.

On 17 May 2011, the Regional Adjudicator found petitioner to be the real tenant of the subject property and ruled that unless and until the pending cancellation of emancipation patent is finally settled, tenant security must be guaranteed. Accordingly, the complaint for ejectment was dismissed for lack of merit.^[18]

Respondent sought reconsideration^[19] of the aforesaid ruling. Upon review, no new matters were said to have been raised which would warrant modification or reversal thereof.^[20] Hence, respondent filed a Notice of Appeal.^[21]

On 10 September 2012, the DARAB rendered the assailed Decision,^[22] the dispositive portion of which reads:

“WHEREFORE, the appeal is GRANTED and the assailed Decision dated May 17, 2011, is hereby REVERSED and SET ASIDE. A NEW JUDGMENT is rendered, as follows:

1. DECLARING petitioner-appellant the legitimate successor-allocattee of the subject land and therefore is entitled to full possession and cultivation thereof;
2. ORDERING the respondent-appellee to immediately vacate and surrender the physical possession of the subject land in favor of the petitioner-appellant.
3. ORDERING the respondent-appellee to pay reasonable rent to the petitioner-appellant for the use of the land from the filing of this case in 2009 until he vacates [sic.] and surrender the same to the petitioner-appellant;
4. DIRECTING the MARO of Bustos, Bulacan to assist in the determination of the reasonable rent for the use of the land by respondent-appellee.

No pronouncement as to cost.

SO ORDERED.”^[23]

This time, petitioner moved for the reconsideration^[24] of the Decision rendered by DARAB but the latter stood firm with its earlier pronouncement and denied petitioner's motion.^[25]

Feeling aggrieved, petitioner elevated the matter before this Court via the instant petition, assigning the following grounds as errors:

ISSUES

I

THE HONORABLE DARAB COMMITTED REVERSIBLE ERROR AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION IN ALLOCATING THE SUBJECT LAND AND DECLARING HEREIN RESPONDENT TEODULO GARCIA AS FARMER-BENEFICIARY SANS ANY DOCUMENT SHOWING THAT THE NECESSARY LAND TRANSFER ACTION HAD BEEN UNDERTAKEN PURSUANT TO MINISTRY MEMORANDUM CIRCULAR NO. 19, SERIES OF 1978; and

II

THE HONORABLE DARAB COMMITTED REVERSIBLE ERROR WHEN IT MADE A CONCLUSION THAT THE ACTUAL AREA OF CULTIVATION OF ANDRES CRUZ IS JUST .5 HECTARE THAT IS SEPARATE AND DISTINCT FROM THE LAND IN QUESTION THAT WARRANTS HIS DISPOSSESSION THEREON.

OUR RULING

As a preliminary matter, the DARAB has exclusive appellate jurisdiction to review, reverse, modify, alter, or affirm resolutions, orders, and decisions of its adjudicators.

[26]

Under Section 1, Rule II of the 2003 DARAB Rules of Procedure (the governing rules at the time respondent filed his complaint), the adjudicator has primary and exclusive original jurisdiction to determine and adjudicate, among others, "cases involving the determination of title to agricultural lands where this issue is raised in an agrarian dispute by any of the parties or a third person in connection with the possession thereof for the purpose of preserving the tenure of the agricultural lessee or actual tenant-farmer or farmer-beneficiaries and effecting the ouster of the interloper or intruder in one and the same proceeding."

Thus, the instant case falls within the jurisdiction of DARAB. Contrary to what petitioner impresses upon Us, this is not a case involving the classification and identification of landholdings for coverage under the agrarian reform program nor is it one concerning the identification, qualification or disqualification of potential farmer-beneficiaries, which lie within the jurisdictional prerogative of the Office of the DAR Secretary.

It must be noted that the subject property had already been identified as part of the Operation Land Transfer under Presidential Decree No. 27 and its farmer-beneficiary adjudged, with finality, by the Office of the DAR Secretary in its Order^[27] dated 15 June 2006.

In the aforesaid Order, the Certificate of Land Transfer (CLT) No. 0-082895 issued to respondent's father, Pio Garcia, was upheld. As holder of such, he was deemed the owner of the subject property,^[28] with right to possess and enjoy it for himself. However, taking into consideration his death, the proper successor to the property needs to be determined.

Petitioner alleges that the DARAB committed an error in declaring respondent as the successor-allocatee of the subject property sans any document showing that there was necessary land transfer action undertaken pursuant to Ministry Memorandum Circular No. 19, Series of 1978.

It is a basic rule of evidence that he who alleges something must prove the same.^[29] While the records are bereft of any evidence showing compliance with the procedure for the determination of the successor to the subject property, as laid down in the said Memorandum Circular, TCT No. T-2431-EP enjoys the legal presumption of regularity of issuance.^[30] It was, therefore, incumbent for petitioner