

THIRD DIVISION

[G.R. No. 237583, January 13, 2021]

**FELIX SAMPILO, PETITIONER, VS. ELIAQUIM AMISTAD AND
DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD
(DARAB CENTRAL OFFICE), RESPONDENTS.**

D E C I S I O N

DELOS SANTOS, J.:

The Case

Before the Court is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court assailing the Decision^[2] dated March 10, 2017 and the Resolution^[3] dated January 26, 2018 of the Court of Appeals (CA), Cagayan de Oro City in CA-GR. SP No. 06051-MIN which denied Felix Sampilo's (petitioner) appeal of the Decision by the Department of Agrarian Reform Adjudication Board (DARAB).

The Facts

The subject matter of the case involves a parcel of land with an aggregate area of 1.9860 hectares, situated in Cabasagan, Lala, Lanao del Norte, formerly owned by Claudia Udyang Reble (Reble). The said property was the subject of a leasehold tenancy agreement between Reble, as owner-lessor and petitioner.^[4] On May 29, 2008, petitioner received a Summons and Notice from the Municipal Agrarian Reform Officer Rico S. Balsomo (Balsomo) for a conference meeting. During the conference meeting on June 2, 2008, petitioner was informed by private respondent Eliaquim Amistad (respondent) that he had purchased the subject property from Reble. As proof of his purchase, respondent presented an Extra-Judicial Partition with Sale dated June 14, 2004. Petitioner was then asked to vacate the property and surrender the same to respondent.^[5]

On December 22, 2008, petitioner filed a Complaint for Redemption and Consignation against respondent before the Provincial Agrarian Reform Adjudicator of Lanao del Norte. Petitioner alleged that he was a tenant of the said property since 2002 and had been religiously paying lease rentals to Reble through respondent.^[6]

In his Answer with Counterclaim, respondent moved for the dismissal of the complaint on the ground of failure to state a cause of action and for failure to implead Reble as an indispensable party. Respondent countered that the said property was actually offered to petitioner sometime in 2000, but the latter refused to purchase the property due to financial difficulties. Respondent added that petitioner could no longer exercise his right to redeem the property as prescription had already set in, as more than four years had lapsed since the filing of the complaint.^[7]

On July 30, 2009, the Office of the Provincial Adjudicator rendered a Decision dismissing petitioner's complaint.

The CA cited the Decision of the Provincial Adjudicator, as follows:

In the above[-]entitled case, the fact of tenancy is no longer an issue as this is admitted by both parties. Thus, being a tenant, the complainant is by all means entitled to redeem the subject property x x x in accordance with the requirements set by law, to wit:

- a) The redemptioner must be an agricultural lessee or share tenant;
- b) The land must have been sold by the owner to a third party without prior written notice of the sale given to the lessee or lessees and the DAR in accordance with Sec. 11, RA 3844, as amended;
- c) Only the area cultivated by the agricultural lessee may be redeemed;
- d) The right of redemption must be exercised within 180 days from notice; and
- e) There must be an actual tender or valid consignment of the entire amount which is reasonable price of the land sought to be redeemed.

However, the questioned sale or extrajudicial partition with sale to be specific was executed on June 14, 2004 x x x while the present action for redemption and consignment was filed on December 22, 2008; clearly the present action was filed after the [lapse] of four (4) years from the time when the said deed of conveyance was duly executed on June 14, 2004 x x x, while the present action for redemption and consignment was filed on December 22, 2008; clearly the present action was filed after the [lapse] of four (4) years from the time x x x when the said deed of conveyance was duly executed.^[8]

Petitioner then appealed his case before the DARAB.

The Ruling of the DARAB

In a Decision dated September 13, 2012, the DARAB denied petitioner's appeal. The DARAB ruled that petitioner is not entitled to redeem the subject property. The DARAB held that petitioner failed to comply with the requisite of consignment under Section 11 of Republic Act (R.A.) No. 3844 to validly exercise his right to redeem the property. The DARAB held that the mere intent to redeem if not coupled with an actual tender or valid consignment of the entire amount of redemption price does not warrant the agricultural tenant/lessee to exercise his right of legal redemption.^[9]

The dispositive portion of the DARAB Decision provides:

WHEREFORE, the appeal is DENIED and the Decision dated 30 July 2009 is hereby AFFIRMED.

SO ORDERED.^[10]

The Ruling of the CA

In a Decision dated March 10, 2017,^[11] the CA affirmed the Decision of the DARAB. The CA ruled that Reble, as the owner of the subject property, had the right to dispose of her property to respondent even without the knowledge of petitioner, subject only to petitioner's right of redemption. The CA ruled that the lack of written notice did not render the sale void. Petitioner, as the tenant of the property, is afforded the right of redemption under Section 12 of R.A. No. 3844 in the event that such property is sold without his knowledge. As a result, the CA sustained the findings of the DARAB that petitioner failed to make a valid tender or consignment of the redemption price at the time of the filing of the complaint. As such, petitioner failed to properly exercise his right of redemption.

The dispositive portion of the CA Decision provides:

WHEREFORE, premises considered, the appeal is DENIED. The 13 September 2012 Decision by the DARAB Central Office in DARAB Case No. 16492 (Reg. Case No. X-831-LN-08) is hereby AFFIRMED.

SO ORDERED.^[12]

In a Resolution^[13] dated January 26, 2018, the CA denied petitioner's Motion for Reconsideration.^[14]

The Issue

The issue for resolution is whether petitioner validly exercised his right of redemption.

The Ruling of the Court

The petition has no merit. We affirm the ruling of the CA.

R.A. No. 3844,^[15] also known as "The Agricultural Land Reform Code," is the applicable law governing the rights of leasehold tenants of agricultural lands. Section 12 of R.A. No. 3844, as amended by R.A. No. 6389,^[16] provides:

Sec. 12. Lessees Right of Redemption. – 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: Provided, That where there are two or more agricultural lessees, each shall be entitled to said right of redemption only to the extent of the area actually cultivated by him. The right of the 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. The redemption price shall be the reasonable price of the land at the time of the sale.

Upon the filing of the corresponding petition or request with the department or corresponding case in court by the agricultural lessee or lessees, the said period of one hundred and eighty days shall cease to run.