

THIRD DIVISION

[G.R. No. 191359, November 11, 2020]

**LUCILA PURIFICACION,* PETITIONER, VS. CHARLES T. GOBING
AND ATTY. JAIME VILLANUEVA, RESPONDENTS.**

DECISION

HERNANDO, J.:

Challenged in this Petition for Review^[1] is the October 30, 2009 Decision^[2] of the Court of Appeals (CA) in CA-GR SP No. 106821 which denied petitioner Lucila Purificacion's (Lucila) claim for a 1,000-square meter lot as Disturbance Compensation in addition to the amount of P1,046,460.00 she already received. Also assailed is the February 16, 2010 Resolution^[3] of the CA denying Lucila's Motion for Reconsideration thereof.

The Antecedents

A 35,882 square meter parcel of agricultural land, covered by Transfer Certificate of Title (TCT) No. T-252445 (subject lot), located at Anabu I, Imus, Cavite, was formerly owned by Elmer Virgil Villanueva, Francis Andrew Villanueva, Mine-O Jenovillanueva and Paul Frederick Villanueva (former landowners).^[4]

Petitioner Lucila and her late husband, Jacinto Purificacion, (collectively, Purificacion spouses) were tenants in the foregoing subject lot.^[5]

In May 1993, respondent Atty. Jaime Villanueva (Atty. Villanueva), representing the former landowners of the subject lot, sold 33,882^[6] square meters of the subject lot to respondent Charles Gobing (Gobing) of Charles Builders, Inc. Respondent Gobing then converted the purchased lot into a residential subdivision called Gold Lane Subdivision.^[7]

On July 1, 1993, Atty. Villanueva paid the Purificacion spouses a disturbance compensation amounting to P1,046,460.00.^[8]

However, Lucila claimed that in addition to the foregoing amount, she and her late husband had a mutual agreement with Atty. Villanueva and Gobing (collectively, respondents) that they will relinquish their tenancy rights over the subject lot, except the 1,000 square meter portion where their house is located, as part of the disturbance compensation. To support her claim, Lucila presented the following as evidence: (a) May 20, 1993 Letter;^[9] and (b) an unnotarized Malayang Salaysay.^[10] The relevant portions of said documents read:

A. Letter dated May 20, 1993 (May 1993 Letter):

Dear Mr. Gobing:

This is with [regard] to the ONE THOUSAND (1,000 sqm) portion of the property being allocated to the tenants, JACINTO and LUCILA PURIFICATION.

This is to confirm our agreement that the said 1,000 square meters shall be allocated at the back portion of the whole property (33,882 sqm, TCT #T-252445) adjacent to the creek.

Thank you.

Very truly yours,
(Sgd.) ATTY. JAIME VILLANUEVA

Conforme

(Sgd.) CHARLES T.
GOBING

B.) Unnotarized Malayang Salaysay:

Kami, sina JACINTO PURIFICA[C]ION at LUCILA PURIFICA[C]ION, mag-asawa, nasa hustong gulang, at nanirahan sa Anabu II, Imus, Cavite, matapos na manumpa ng naayon sa batas ay buong laya na nagsasalaysay ng mga sumusunod:

x x x x

Na magmula sa paglagda namin sa salaysay na ito ay hindi na kami muli pang papasok sa bukid nina G. ELMER VIRGIL S. VILLANUEVA, JR., FRANICS ANDREW M. VILLANUEVA, MINE-O JENO S. VILLANUEVA and PAUL FREDERICK M. VILLANUEVA;

Na isinasagawa namin ang lahat na ito kapalit ng Disturbance Compensation na halagang ISANG MILYON APATNAPU'T ANIM NA LIBO AT APAT NA RAAN ANIM NA PUNG PISO (P1,046,460.00) at ISANG LIBONG METRO CUADRADONG (1,000 SQM) LUPA at kusang loob at walang sinumang tumakot o pumilit o nangako ng anuman pa sa amin.

[11]

However, Lucila claimed that respondents did not fulfill their promise to give them 1,000 square meters of the subject lot. Instead, Gobing demanded Lucila to vacate the land.[12]

On January 3, 2000, Lucila filed a Complaint for Disturbance Compensation.[13] Lucila asserted that she and her late husband agreed to surrender their tenancy rights when the subject lot was sold because of their agreement with respondents that they will be paid disturbance compensation in the amount of P1,000,000.00 plus a 1,000 square meter lot, which is identified as Lot 13, Block 1 of the approved subdivision plan, covered by TCT No. T-463035, registered in the name of Charles Builders Co., Inc., represented by Gobing.[14]

Respondents mainly argued that Lucila has no legal right to demand an additional disturbance compensation of 1,000 square meters of land because she had already been well compensated on July 1, 1993 in the amount of P1,046,460.00, which was more than the amount she can legally claim for pursuant to Department of Agrarian Reform (DAR) Administrative Order (AO) No. 1, series of 1990.^[15] Furthermore, respondents countered that based on the Malayang Salaysay of the Purificacion spouses themselves dated July 1, 1993, which was notarized on July 16, 1993 (Notarized Malayang Salaysay),^[16] there was no mention about a 1,000 square meter portion to be given to them. The Notarized Malayang Salaysay partly reads:

Kami, sina JACINTO PURIFICA[C]ION at LUCILA PURIFICA[C]ION, mag-asawa, nasa hustong gulang, at nanirahan sa Anabu II, Imus, Cavite, matapos na manumpa ng naayon sa batas ay buong laya na nagsasalaysay ng mga sumusunod:

x x x x

Na isinasagawa namin ang lahat na ito kapalit ng Disturbance Compensation na halagang ISANG MILYON APATNAPU'T ANIM NA LIBO AT APAT NA RAAN ANIM NA PUNG PISO (P1,046,460.00) at kusang loob at walang sinumang tumakot o pumilit o nangako ng anuman pa sa amin,^[17]

**Ruling of the
Provincial
Agrarian
Reform
Adjudicator
(PARAD):**

On February 9, 2001, the PARAD rendered a Decision^[18] in favor of respondents herein, the dispositive portion of which reads:

WHEREFORE, premises considered, Judgment is hereby rendered:

1. Finding the instant action devoid of merit for lack of sufficient factual basis and already barred by the Statute of Limitations having been commenced way beyond the three-year prescriptive period under Section 38, R.A. 3844, as amended. Accordingly, the instant complaint is hereby ordered DISMISSED.

2. Finding Complainant's occupancy of the premises identified as Lot 13, Blk. 1 unwarranted, wherefore, ordering said party and any/all person/s acting [under] her authority to vacate the same and relinquish its peaceful possession and enjoyment in favor of Defendant Charles T. Gobing, for the previous landowners Elmer Virgil, Jr., Francis Andrew, Min-O Jenio, and Paul Patrick, all surnamed Villanueva, represented by herein Defendant Atty. Jaime Villanueva in accordance with the Malayang Salaysay dated July 01, 1993 executed by Complainant and her now deceased spouse Jacinto Purificacion; Consequently,

3. Ordering Complainant and any/all person/s acting under her authority to remove any/all such improvements and/or structures they might have introduced or constructed on the premises in question at their own expense; Except, if/when Complainant shall choose to move over to or re-settle in the vacant lot contiguous to and adjoining the rear end portion of Goldlane Subdivision outside its perimeter fence near the Creek, in which case, ... the Defendants shall jointly and severally extend/render such reasonable material assistance to said Party as shall be necessary in relocating her and her farm family.

No pronouncement as to damages, attorney's fees and cost of suit for failure of suitors to prove the same.

SO ORDERED.^[19]

Aggrieved, Lucila moved for reconsideration.

On September 4, 2001, the PARAD issued its Order^[20] reversing its earlier February 9, 2001 Decision. The dispositive portion of the Order reads:

WHEREFORE IN VIEW THEREFROM, the DECISION rendered dated February 9, 2001 is reversed in toto and instead a new judgment is entered and hereby rendered:

a.) Declaring Lot 13, Block 1 of the approved plan part of the subject land to be the lawful homelot of complainants [Purificacion Spouses] herein;

b.) Ordering the Defendants to surrender to plaintiff TCT No. T-463035 in the name of Charles Builders Co. Inc., as represented by Charles T. Gobing for the registration and transfer;

c.) Ordering respondents and all persons claiming rights under them to respect and maintain [complainants] in peaceful possession and occupancy of the homelot in question;

d.) Ordering the Register of Deeds, Trece Martires City, [to] transfer TCT No. T-463035 in the name of plaintiff Lucila Purificacion.

No pronouncement as to costs and damages.

SO ORDERED.^[21]

Respondents appealed the foregoing adverse Order to the Department of Agrarian Reform Adjudication Board (DARAB).

**Ruling of the
Department
of Agrarian
Reform
Adjudication
Board**

(DARAB).

In its April 8, 2008 Decision,^[22] the DARAB reversed the PARAD's September 4, 2001 Order. The DARAB mainly held that: (a) the tenancy relation between Lucila and the owner of the subject lot has been severed when the land she once tenanted was converted from agricultural into non-agricultural land (*i.e.*, residential land). Thus, the essential requisite of tenancy, wherein the land subject of the relationship must be an agricultural land, is no longer present; (b) Section 36(1) of Republic Act (RA) No. 3844,^[23] as amended, and DAR AO No. 1, series of 1990, hold that dispossessed tenants or displaced farmer-beneficiaries in view of the conversion of the lands into non-agricultural use, ought to be paid disturbance compensation equivalent to five times the average of the gross annual value of the harvest for the last five preceding calendar years. Thus, respondents have complied with their obligation to pay disturbance compensation since the P1,046,460.00 disturbance compensation paid to Lucila in July 1, 1993 is more than the amount required by the law, rules and regulations.^[24]; (c) assuming for the sake of argument that Lucila is still entitled to disturbance compensation of 1,000 square meters, the same has already prescribed. Section 38 of RA No. 3844 provides that any cause of action under said Code shall be barred if not commenced within three years after such cause of action accrued. Lucila's cause of action accrued in July 1993. However, it was only in January 2000, or after more than six years that she instituted the action;^[25] and (d) the PARAD acted with grave abuse of discretion amounting to lack or excess of jurisdiction when she issued the Order dated February 9, 2001. The PARAD erred in ordering the surrender of TCT No. T-46035, which covers an area of 35, 882 square meters, in the name of Charles Builders Co., Inc. and in directing the Register of Deeds of Cavite to cancel the same and transfer it in the name of Lucila. Consequently, the PARAD awarded to Lucila the entire area of the subject lot or the whole Goldlane Subdivision, and yet Lucila was merely claiming for 1,000 square meters.^[26]

In view of the foregoing, the DARAB struck down the September 4, 2001 Order of the PARAD for having been issued with grave abuse of discretion amounting to lack or excess of jurisdiction.^[27] The dispositive portion of the DARAB's Decision reads:

WHEREFORE, premises considered, the assailed 04 September 2001 Order is hereby REVERSED and SET ASIDE and the 09 February 2001 Decision is hereby REINSTATED.^[28]

Lucila moved for reconsideration of the foregoing Decision, which was denied in the DARAB's Resolution dated December 5, 2008.^[29]

Lucila then filed an appeal with the CA via a Petition for Review under Rule 43 of the Rules of Court assailing the April 8, 2008 Decision of the DARAB.

Ruling of the Court of Appeals:

In its October 30, 2009 Decision,^[30] the appellate court upheld the findings of the DARAB. It noted that Lucila's action has already prescribed. It also held that even if the petition were filed on time, it remains bereft of merit since Lucila was already properly paid her disturbance compensation. The appellate court further held that the additional compensation she is claiming on the basis of an alleged promise by