

## FIRST DIVISION

[ G.R. No. 191837, September 19, 2012 ]

**MARIA CONSOLACION RIVERA-PASCUAL, PETITIONER, VS.  
SPOUSES MARILYN LIM AND GEORGE LIM AND THE REGISTRY  
OF DEEDS OF VALENZUELA CITY, RESPONDENTS.**

### D E C I S I O N

**REYES, J.:**

This is a petition for review on *certiorari* assailing the Resolutions dated October 15, 2009<sup>[1]</sup> and March 11, 2010<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 109265.

The facts leading to the filing of this petition are undisputed. Subject of the present controversy is a parcel of land with an approximate area of 4.4 hectares and located at Bignay, Valenzuela City. The property is covered by Transfer Certificate of Title (TCT) No. V-73892, registered in the names of George and Marilyn Lim (Spouses Lim).

On September 8, 2004, Maria Consolacion Rivera-Pascual (Consolacion) filed before the Office of the Regional Agrarian Reform Adjudicator (RARAD) for Region IV-A a petition to be recognized as a tenant of a property located at Bignay, Valenzuela City against Danilo Deato (Deato). At that time, the property, which has an approximate area of 4.4 hectares, was covered by TCT No. 24759 under Deato's name. During the pendency of the petition, Deato sold the property to Spouses Lim. The sale was registered on December 21, 2004 leading to the issuance of TCT No. V- 73892 in favor of Spouses Lim. Considering this development, Consolacion filed a motion on March 3, 2005 to implead Spouses Lim as respondents.<sup>[3]</sup>

The petition, which was docketed as DARAB Case No. R-0400-0012- 04, was granted by Regional Adjudicator Conchita C. Miñas (RA Miñas) in a Decision<sup>[4]</sup> dated December 2, 2005, the dispositive portion of which states:

WHEREFORE, premises considered, judgment is hereby rendered:

- 1) Declaring that petitioner is the tenant of the subject landholding by succession from her deceased father;
- 2) Declaring respondents spouses George and Marilyn Lim to have subrogated to the rights and substituted to the obligation of spouses Danilo and Divina Deato;
- 3) Ordering the respondents and all persons claiming rights under them to maintain petitioner in peaceful possession and cultivation of the agricultural land subject hereof;
- 4) Declaring petitioner to have the right to exercise the right of

- redemption of the subject parcel of agricultural land pursuant to Section 12 of RA 3844 as [a]mended; and
- 5) Dismissing the petition against Louie Cruz, Fire Force Agency and Danny Boy Rivera for having no proximate tenurial relationship with the petitioner hence beyond the jurisdictional ambit of this Office.

SO ORDERED.<sup>[5]</sup>

On July 7, 2006, the foregoing decision became final.<sup>[6]</sup>

Upon Consolacion's motion for execution filed on January 7, 2008, RA Miñas issued a writ of execution on January 8, 2008.<sup>[7]</sup>

On January 21, 2008, Consolacion filed a petition against Spouses Lim and the Registrar of Deeds of Valenzuela City praying for the issuance of an order directing Spouses Lim to accept the amount of P10,000,000.00 which she undertook to tender during the initial hearing, declaring the property redeemed, and cancelling TCT No. V-73892.<sup>[8]</sup> Consolacion consigned with the RARAD the amount of P10,000,000.00 on March 3, 2008.<sup>[9]</sup>

Consolacion's petition, which was docketed as DARAB Case No. R- 0400-001-08, was given due course by RA Miñas in a Decision<sup>10</sup> dated June 2, 2008, the dispositive portion of which states:

**WHEREFORE,** foregoing premises considered, judgment is hereby rendered:

1. As prayed for, declaring that the landholding subject of the petition as lawfully redeemed;
2. Ordering respondent spouses to accept and withdraw the amount of the redemption price consigned with this Office which was deposited for safekeeping indicated in Manager's Check No. 0000004518 issued by Allied Bank in the name of Spouses Marilyn and George Lim and/or DAR Adjudication Board Region IV-A in the amount of ten (10) million pesos;
3. Upon acceptance and the withdrawal of the redemption price as ordered in paragraph 2 hereof, ordering respondent spouses to execute a Deed of Redemption in favor of petitioner;
4. In case of refusal and/or failure of respondent spouses to execute the Deed of Redemption as ordered above, the Regional Clerk of the Board is hereby ordered to execute a Deed of Redemption in the name of the petitioner; and

5. Directing the Register of Deeds for Valenzuela City to cause the cancellation of TCT No. V-73892 registered in the name of respondent spouses Marilyn and George Lim and a new one issued in the name of petitioner upon presentment of the Deed of Redemption.

**SO ORDERED.**<sup>[11]</sup>

On appeal, the Department of Agrarian Reform Adjudication Board (DARAB) issued a Decision<sup>[12]</sup> on February 18, 2009 reversing RA Miñas Decision dated June 2, 2008. Specifically:

**WHEREFORE**, in view of the foregoing, the appealed Decision dated 02 June 2008 is hereby **REVERSED** and **SET ASIDE**. A new judgment is hereby rendered:

1. **DECLARING** the landholding to be not lawfully redeemed;
2. **DECLARING** petitioner-appellee not a bona fide tenant of the subject landholding;
3. **DECLARING** that petitioner-appellee cannot redeem the subject parcel registered in the names of the respondents-appellants;
4. **ORDERING** the respondents-appellants to be maintained in peaceful possession of the subject landholding[; and]
5. **DIRECTING** the Clerk of the Board of the Regional Agrarian Reform Adjudicator of Region IV-A to return the Manager's Check No. 0000004518 issued by Allied Bank in the name of Spouses Marilyn and George Lim and/or DAR Adjudication Board Region IV-A in the amount of Ten Million pesos to herein petitioner-appellee.

**SO ORDERED.**<sup>[13]</sup>

On April 13, 2009, Consolacion moved for reconsideration,<sup>14</sup> which the DARAB denied in a Resolution<sup>15</sup> dated June 8, 2009 for being filed out of time.

SECTION 12 Rule X of the 2003 DARAB Rules provides that a Motion for Reconsideration shall be filed within fifteen (15) days from receipt of notice of the order, resolution, or decision of the Board or Adjudicator. Records show that both the petitioner-appellee and her counsel received