

SECOND DIVISION

[G.R. No. 178575, June 29, 2010]

**JULIAN FERNANDEZ, PETITIONER, VS. RUFINO D. FULGUERAS,
RESPONDENT.**

DECISION

NACHURA, J.:

This is a petition for review on *certiorari* of the Decision^[1] of the Court of Appeals (CA) dated February 25, 2007 and its Resolution^[2] dated June 8, 2007.

Petitioner Julian Fernandez filed with the Department of Agrarian Reform Adjudication Board (DARAB) a complaint for nullification of Emancipation Patent (EP) and reconveyance against respondent Rufino D. Fulgueras over a parcel of land situated in Barangay Nanguma, Mabitac,

Laguna, with an area of 1.7 hectares. Petitioner averred that he holds a Certificate of Land Transfer over the said landholding. He claimed that, since 1982, he allowed his cousin, respondent Rufino Fulgueras, to till the land and, in return, the latter shared the harvest with him. He related that the sharing of harvest, however, stopped sometime in 1996, and from then on, respondent failed and refused to deliver his share of the harvest. Petitioner avowed that, in August 1999, he learned that the property has been registered in the name of respondent under Transfer Certificate of Title No. TEP-436.

In a decision dated July 5, 2000, the Provincial Adjudicator declared respondent's title valid, and dismissed the complaint for lack of cause of action.^[3] Petitioner moved for reconsideration. The Provincial Adjudicator denied the motion for lack of merit in an Order dated August 8, 2000.^[4]

Thereafter, petitioner filed a petition for relief from judgment^[5] under Section 4, Rule IX of the DARAB New Rules of Procedure. In said petition, petitioner's counsel explained that he was not able to file an appeal because he suffered from serious anxieties and deep worries for his wife who was hospitalized due to continuous bleeding.

On August 6, 2002, the Provincial Adjudicator dismissed the petition, stating that the grounds relied upon by petitioner were not extrinsic in nature. The dispositive portion of the resolution states:

WHEREFORE, the Petition [for] Relief from Judgment is ordered
DISMISSED.

Accordingly, all Orders issued relative to and in connection with the

instant petition and inconsistent with the final and executory decision rendered are hereby set aside and declared without force and effect.

SO ORDERED.^[6]

Petitioner filed a notice of appeal but it was denied due course by the Provincial Adjudicator in an Order dated October 15, 2002 on the ground that an ordinary appeal was not the proper remedy.^[7]

Petitioner then filed a petition for *certiorari* with the DARAB, praying that it set aside the August 6, 2002 resolution and October 15, 2002 Order, declare respondent's EP as void, and order the issuance of a new EP to petitioner.^[8]

On March 30, 2005, the DARAB rendered a decision, finding that the Provincial Adjudicator gravely abused his discretion when he dismissed the complaint based on conclusions not supported by the record. The dispositive portion of its decision reads:

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered SETTING ASIDE the decision of the Hon. Adjudicator a quo and entering a new one as follows:

- 1) Declaring the Emancipation Patent No. 409333 issued to private respondent Rufino Fulgueras as null and void;
- 2) Ordering the cancellation of the said Emancipation [P]atent issued in favor of respondent, and that a new one be generated and issued in favor of Petitioner, being the legitimate farmer beneficiary of the subject land.

SO ORDERED.^[9]

In a resolution^[10] dated August 3, 2005, the DARAB denied respondent's motion for reconsideration.

Respondent elevated that case to the CA again, through a petition for *certiorari*, which was treated by the CA as a petition for review under Rule 43 of the Rules of Court.

On February 25, 2007, the CA rendered a Decision in respondent's favor, thus:

WHEREFORE, premises considered, the instant petition is hereby GRANTED. The challenged Decision is REVERSED and SET ASIDE. The PARAD Decision in Reg. Case No. R-0403-0081-99 STANDS.

SO ORDERED.^[11]

On June 8, 2007, the CA denied petitioner's motion for reconsideration;^[12] hence,