

SECOND DIVISION

[G.R. No. 127623, June 19, 1997]

**DOMINADOR VERGEL DE DIOS, PETITIONER, VS. THE HON.
COURT OF APPEALS, SPECIAL THIRTEENTH DIVISION,
VALENTIN SARMIENTO, AND REYNALDO (REGINO) VENTURINA,
RESPONDENTS.**

D E C I S I O N

MENDOZA, J.:

In 1991, petitioner Dominador Vergel de Dios filed ejectment suits against private respondents Valentin Sarmiento and Reynaldo (Regino) Venturina. Originally brought in the Regional Trial Court, Branch VII of Malolos, Bulacan, the cases were eventually referred to the Department of Agrarian Reform Adjudication Board (DARAB) of Region III and there docketed as DARAB Case Nos. 248 and 283, on the ground that they involve primarily agrarian disputes.

In DARAB Case No. 248 (De Dios v. Sarmiento and Venturina), petitioner alleged that he was the owner of a two-hectare farm in Barangay Calawitan, San Ildefonso, Bulacan under agricultural lease to private respondent Valentino Sarmiento; that sometime in 1988, respondent Sarmiento abandoned the landholding by selling his rights thereto to respondent Reynaldo Venturina; and that Sarmiento did not pay rentals, while Venturina refused to surrender the landholding to petitioner. In DARAB Case No. 283 (De Dios v. Venturina), petitioner claimed that Venturina had been cultivating an area of 3.75 hectares without his knowledge and consent and without paying any rent. The land was formerly under leasehold to one Jose Salonga who, before his death on July 5, 1988, had allegedly sold his rights to private respondent Reynaldo Venturina without petitioner's consent.

In a decision dated October 28, 1992, the Provincial Adjudicator declared the agricultural leasehold relationship between petitioner and respondent Sarmiento extinguished and accordingly ordered respondent Venturina to vacate the landholding in question and to turn over its possession to petitioner. The Provincial Adjudicator gave credence to petitioner's claim that Sarmiento had abandoned the landholding by selling his tenancy rights to Venturina based on petitioner's evidence.

On appeal, the DARAB reversed on the ground that petitioner's evidence, on which the Provincial Adjudicator had relied for his decision, was, with respect to petitioner's affidavit, self-serving, and, with regard to the affidavits of his witnesses (Ramon Santiago, Francisco Pullarca, and Diosdado Villanueva), "too good to be true." The DARAB also disregarded as hearsay Manuel Villanueva's affidavit, stating among others that the sale of Sarmiento's tenancy rights was known to the residents of the barangay. Neither the barangay captain nor the chairperson of the Barangay Agrarian Reform Committee (BARC) was presented to attest to this fact. The DARAB instead gave weight to the declaration of Pio Sarmiento that his father