

FOURTEENTH DIVISION

[CA-G.R. SP. NO. 89033, August 31, 2006]

**TERESITA SAMSON-ORR, PETITIONER, VS. WILFREDO SAMSON,
PROVINCIAL AGRARIAN REFORM OFFICER, TEOFILO
INOCENCIO, AND THE REGISTER OF DEEDS OF TARLAC,
RESPONDENTS.**

DECISION

DIMARANAN-VIDAL, J.:

Before Us is a Petition^[1] under Rule 43 of the Revised Rules of Court filed by Petitioner TERESITA SAMSON-ORR (Petitioner for brevity) from the Decision^[2] of the Department of Agrarian Reform Adjudication Board (DARAB) dated 20 December 2004 in DARAB Case No. 7112 (Reg. Case. No. III-T-118496) and its Resolution^[3] dated 11 February 2005, denying Petitioner's Appeal^[4] and Motion for Reconsideration,^[5] respectively.

THE ANTECEDENTS

Per the record, DARAB Case No. 7112 is an appeal interposed by the Petitioner from the Decision^[6] of the DARAB Region III in DARAB Case No. III-T-1184-96 in a Petition for Annulment of Judgment^[7] rendered in DARAB Case No. 868-T'95 in a Petition for Cancellation of Emancipation Patent No. 492115 with TCT No. 24710 Issued and Registered in the Name of Teresita Samson.

THE FACTS

As synthesized by the DAR Adjudication Board Region III:

For resolution is a petition for annulment of judgment filed by Teresita D. Samson-Orr (Teresita for brevity) against her brother Wilfredo D. Samson, Mr. Teofilo Q. Inocencio, Provincial Agrarian Reform Officer of DAR, Tarlac, Tarlac and the Register of Deeds of Tarlac involving the cancellation of Emancipation Patent (EP) No. 492115 with Transfer Certificate of Title No. 24710 by virtue of a decision rendered by this Forum date May 12, 1995, and plaintiff alleged among others:

That plaintiff is an awardee of the Land Reform Program, P.D. No. 27, of a parcel of land situated at Talaga, Capas, Tarlac, and covered by TCT No. 24710 bearing EP No. 492115, xxx.

That said title is possessed by the plaintiff and the consideration of the transfer was already paid to the Land Bank of the

Philippines; that recently, plaintiff discovered that her TCT No. 24710 bearing E. P. No. 492115 was cancelled by virtue of a decision of the Honorable Board dated May 12, 1995; that the said decision was rendered on a petition of the defendants, Wilfredo D. Samson and Teofilo Q. Inocencio, after the latter have processed a re-allocation of the farmholding to defendant, Wilfredo Samson, and the same was recommended by defendant, Teofilo Q. Inocencio, to DAR Regional Director, Antonio Nuesa; that defendants, Wilfredo D. Samson and Teofilo Q. Inocencio made it appear that plaintiff signed an affidavit of voluntary surrender in favor of the national government through the Samahang Nayon, Inc., at Talaga, Capas, Tarlac, which, affidavit, was falsified, for the plaintiff did not surrender nor signed an affidavit of surrender to the Samahang Nayon since the land is already owned by her and the landholding cannot be the object of surrender since the same is already titled to the plaintiff and could only be transferred upon proper conveyance procedures; that the signature of the plaintiff was also falsified in all the documents like the actual tiller's deed of undertaking; that defendant, Wilfredo Samson, was in fact, was living with the plaintiff and after filing the petition for cancellation of the emancipation patent, the former hide from the plaintiff the service of summons issued by the Board thru maneuvers by letting her mother sign for and in behalf of the plaintiff as well as the receipt of the decision allegedly rendered which constitute an extrinsic fraud which leads to Board to render judgment on the petition; that the decision is void from the beginning for lack of due process and furthermore, the basis of which was through falsified documents and the plaintiff was prevented from contesting the said petition through extrinsic fraud. xxx

In answering the complaint, private defendant Wilfredo D. Samson (Wilfredo for brevity) averred that the defendant admits Paragraph 4 that TCT No. 24710 (EP No. 492115) was cancelled by virtue of a decision of this Board dated May 12, 1995 but the proceeding was with the knowledge and consent of the plaintiff; that defendant admits paragraph 5 in so far as the allegation that the decision has been rendered by this Board in the petition of the former but denies that the documents forwarded to the Regional Director are falsified; that the plaintiff has no valid and legal ground to demand damages neither attorney's fee; that the Board cannot take cognizance of the instant case for failure of the plaintiff to refer the matter before the BARC for mediation/conciliation as provided under the New DARAB Rules of Procedure; that defendant's and plaintiff's father Catalino Samson, was the transferee of tenancy right over the land in question from the former tenant, Fernando Dimatulac, but the plaintiff had fraudulently managed to have the Emancipation Patent issued in her favor; that when the defendant discovered the Emancipation Patent issued in favor of the plaintiff, the former together with their heirs, confronted the plaintiff and as a settlement the plaintiff agreed to transfer her right and

ownership over the said landholding in favor of the defendant, provided that defendant should recognize the plaintiff as part owner thereof in a separate document; that to implement the said agreement/settlement, defendant, after the plaintiff had accomplished the necessary documents, filed a petition for cancellation of EP No. 492115 issued in her favor; that in recognition to plaintiff's share in the said landholding as agreed upon in the settlement, the defendant and the plaintiff executed on July 24, 1997 an instrument entitled Memorandum of Agreement; that in the said Memorandum of Agreement, the plaintiff and the defendant acknowledged their common ownership over the land in question and in case the same is sold, 5% of the proceed (sic) will be given to their mother and 95% will be divided by the defendant and the plaintiff; that the plaintiff is estopped in claiming that the land in question as her sole ownership (sic); that their mother was authorized by the plaintiff to act on her behalf in the cancellation of her EP in favor of the defendant; that the plaintiff could no longer assail or question the decision of this Board dated May 12, 1995, as the same has not only become final but has already been executed and if ever there is still any legal ground for the plaintiff to question the said decision, it is no longer within the province of this Board but rather within the jurisdiction of the Court; that considering the land in question was formerly tenanted by the father of the defendant and the plaintiff and the EP issued in favor of the plaintiff has already been cancelled by virtue of a lawful order of this Board and in lieu thereof new EP in favor of the defendant was issued, plaintiff's remedy is no longer for the annulment of the decision dated May 12, 1995 and the cancellation of the EP issued in favor of the defendant but for payment of her share in the said landholding as one of the heirs of the late Catalino Samson, the former tenant thereof, in accordance with the law on intestate succession or in accordance with said Memorandum of Agreement, and as counterclaim of the defendant against plaintiff, the former replays and reproduces the foregoing allegations that because of the baseless and unwarranted complaint of the plaintiff, the defendant had suffered sleepless nights, wounded feelings and besmirched reputation to which the defendant is entitled to be compensated for moral and exemplary damages in the total amount of P40,000.00; that in order to protect his right and interest, the defendant was constrained to engage the service of counsel for fee in the amount of P10,000.00 plus P5,000.00 per hearing.^[8]

On 29 September 1996, the Provincial Adjudicator of the DAR Adjudication Board Region III rendered a Decision^[9] in DARAB CASE No. III-T-1184-96 entitled *Teresita D. Samson-Orr, Plaintiff, versus Wilfredo D. Samson, Provincial Agrarian Reform Officer Teofilo Q. Innocencio, and the Register of Deeds of Tarlac* in a Petition for Annulment of Judgment, dismissing the complaint of the Plaintiff, herein Petitioner. The latter then filed an Appeal *supra* to the DARAB, Diliman, Quezon City which on 20 December 2004, rendered a Decision *supra*, affirming the decision of the Provincial Adjudicator. The Petitioner filed a Motion for Reconsideration *supra*, dated

14 January 2005 but the same was denied by the DARAB in a Resolution *supra*, dated 11 February 2005.

Hence, the instant appeal.

THE ISSUES

In her appeal, Petitioner interposes the following assignment of errors:

4.1. WHETHER OR NOT THE HONORABLE BOARD GRAVELY ERRED IN FINDING THAT THERE WAS NO EXTRINSIC FRAUD COMMITTED BY THE PRIVATE RESPONDENT IN THE CANCELLATION OF THE EMANCIPATION PATENT ISSUED AND REGISTERED IN THE NAME OF PETITIONER IN THE PETITION FILED BY THE FORMER BEFORE THE PROVINCIAL ADJUDICATION BOARD, DOCKETED AS DARAB CASE NO. 868-T'95;

4.2. WHETHER OF NOT THE CANCELLATION OF PETITIONER'S EMANICIPATION PATENT IN DARAB CASE NO. 868-T'95 VIOLATED THE LATTER'S CONSTITUTIONAL RIGHT TO DUE PROCESS.^[10]

OUR RULING

The assignment of errors being intimately related will be jointly discussed.

In summary, Petitioner contends that there was extrinsic fraud in DARAB Case No. 868-T'95 because (1) she did not receive the summons, (2) if there was substituted service thereof, the same is invalid as her mother did not inform her of its receipt, and (3) even if the substituted service on 2 May 1995 was valid, she was however prevented from participating in the case by the premature issuance of the decision in DARAB Case No. 868-T'95 on 12 May 1995, the last day she could file her answer. She thus alleged that the foregoing irregularities denied her of due process.

Anent the allegation of the existence of extrinsic fraud, the Supreme Court in the case of *Ramos et al. vs. Hon. Combong, et al.*^[11], ruled:

Extrinsic fraud exists when there is a fraudulent act committed by the prevailing party outside of the trial of the case, whereby the defeated party was prevented from presenting fully his side of the case by fraud or deception practiced on him by the prevailing party.

Fraud is regarded as extrinsic where it prevents a party from having a trial or from presenting his entire case to the court, or where it operates upon matters pertaining not to the judgment itself but to the manner in which it is procured. The overriding consideration when extrinsic fraud is alleged is that the fraudulent scheme of the prevailing litigant prevented a party from having his day in court.^[12]

Verily, the existence of extrinsic fraud in DARAB Case No 868-T'95 was amply demonstrated: it is without doubt that the service of summons^[13] in said case was served to FELISA SAMSON, the mother of the Petitioner and Respondent. It does not appear, however, that FELISA SAMSON was authorized by Petitioner to receive the