

## TWELFTH DIVISION

[ CA-G.R. SP. NO. 88149, August 30, 2006 ]

**SPS. VALDERAMA CRUZ AND GUILLERMA LAPIG, PETITIONERS,  
VS. SPS. GARARDO SANTOS AND ANITA SANTOS,  
RESPONDENTS.**

### D E C I S I O N

**SABIO, JR., J.:**

This is a Petition for Review under Rule 43 of the 1997 Rules of Civil Procedure, which seeks to annul and set aside the Decision,<sup>[1]</sup> dated December 7, 2004, of the Department of Agrarian Reform Adjudication Board (DARAB).

The records disclose the following antecedent facts, which are pertinent in the present petition, to wit:

Petitioners allege that respondents were the registered owners of a parcel of land located at Balasing, Sta. Maria, Bulacan covered by Transfer Certificate of Title (TCT) No. EP 021 (M).

They aver that on June 19, 1990, respondent Garardo Santos executed a document denominated as "*Kasulatan ng Pagsasauli ng Lupa na Ipinagkaloob ng Pamahalaan*" (*Kasulatan*),<sup>[2]</sup> which stated that the latter is waiving his rights to the subject land. In the same document, he declared the cancellation of the title in his name and transferred his rights in favor of, herein, petitioner Valderama B. Cruz.

Upon the other hand, respondents, in their complaint filed before the Regional Trial Court of Bulacan, asseverated that they are the owners of a parcel of land with TCT No. EP-021 (M) located at Sta. Maria, Bulacan. The subject landholding is devoted to rice and other fruit-bearing trees.

Sometime in July of 1988, they obtained a loan from the petitioners in the amount of Php 20,000.00. In consideration of such amount, they allowed the petitioners to till the subject landholding for a period of three years.

They alleged that they offered to pay the amount they borrowed from the petitioners. However, despite tendering their payment for the loan earlier obtained and repeated demands to vacate the property, petitioners refused to return the subject land. They submitted that the "*Kasulatan*" was a falsified document.

Respondents originally filed their complaint before the Regional Trial Court (RTC) of Bulacan. However, in an Order, dated November 20, 1995, the case was forwarded to the Department of Agrarian Reform of Malolos, Bulacan.

After both parties had submitted the pertinent pleadings, the Provincial Adjudicator,

Gregorio D. Sapera, rendered his Decision,<sup>[3]</sup> dated May 5, 1998, in favor of the petitioners. The dispositive portion reads:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the defendants and against the plaintiffs and order is hereby issued:

1. DISMISSING the case for lack of factual and legal basis;
2. DIRECTING the MARO, PARO and the Register of Deeds of Bulacan to cancel EP. No. A-019191;
3. ORDERING the plaintiffs their representatives and other persons acting in their behalves to maintain the defendants in peaceful possession of the subject land;
4. DIRECTING the MARO of Sta. Maria, Bulacan and the PARO to process the application of qualified applicants to purchase the subject land in accordance with existing rules and regulations;

No pronouncement as to costs.

SO ORDERED."

On appeal, DARAB resolved the sole issue as to whether respondents are entitled to recover the subject land from the petitioners or not. In overturning the decision of the provincial adjudicator, the DARAB held that the respondents' voluntary surrender to the government was not established in as much as it was not clear and convincing. The dispositive portion reads:

"WHEREFORE, premises considered, the challenged decision is set aside, a new one is hereby rendered ordering defendants-spouses to vacate the subject landholding and turnover the possession to the plaintiffs.

SO ORDERED."<sup>[4]</sup>

Petitioners now come to the succor of this court, through this petition for review, with the following submissions, to wit:

## I

THE DARAB CENTRAL OFFICE COMMITTED GRAVE REVERSIBLE ERROR IN SETTING ASIDE THE DECISION OF THE PROVINCIAL ADJUDICATOR OF REGION III, MALOLOS IN FINDING THAT THE EXECUTION OF DOCUMENT ENTITLED KASULATAN NG PAGSASAULI NG LUPA NA IPINAGKALOOB NG PAMAHALAAN BEFORE NOTARY PUBLIC SERGIO ESQUIVEL BERNABE ON JUNE 19, 1990, (EXHIBIT 2) IS A DISQUALIFICATION AS FARMER BENEFICIARIES AND THEY CAN BE DISPOSSESSED FROM THE SUBJECT LAND

## II

THE DARAB CENTRAL OFFICE COMMITTED GRAVE REVERSIBLE ERROR IN