

FIRST DIVISION

[G.R. NO. 141593-94, July 12, 2006]

**MELENCIO BERBOSO AND CONCEPCION BERBOSO,
PETITIONERS, VS. HON. COURT OF APPEALS, BELEN CARLOS,
CORAZON CARLOS, AND JKM INTERNATIONAL, RESPONDENTS.**

D E C I S I O N

CHICO-NAZARIO, J.:

Before Us is a Petition for Review of the Decision^[1] in the consolidated cases of CA-G.R. SP No. 41568 and No. 42122 of the Court of Appeals dated 29 December 1996, which affirmed the 1 March 1996 Decision of the Office of the President in O.P. Case No. 5994 and the 25 June 1996 Decision and 16 September 1996 Resolution of the Department of Agrarian Reform Adjudication Board^[2] (DARAB) in DARAB Case No. 1283. In its Decision, the Court of Appeals directed the Register of Deeds, Meycauayan, Bulacan, to cancel Transfer Certificates of Title (TCTs) No. EP-149-M and No. EP-150-M and to reinstate cancelled TCTs No. T-114000 (M), 120510 (M), 102513 (M), 120514 (M), 120516 (M), and 120517 (M) in the name of herein private respondent JKM INTERNATIONAL, INC. (JKM), as well as TCTs No. 122924 (M) and 122925 (M) in the name of Wong Lee Lee.

Culled from the records are the following facts:

On 29 November 1973, herein private respondents Belen and Corazon Carlos, together with Manuel, Alberto, Antonio and Rafaelito, all surnamed Carlos, filed with the Bureau of Land Acquisition, Distribution and Development of the Department of Agrarian Reform (DAR), a joint request for the conversion of their parcel of land consisting of 48.2789 hectares of unirrigated riceland situated at Calvario, Iba, and Camalig, Meycauayan, Bulacan, and covered by TCTs No. 48182 and No. 48183 issued by the Register of Deeds of Meycauayan, Bulacan.

On 22 January 1975, DAR Secretary Conrado F. Estrella issued an Order^[3] declaring the said parcels of land suitable for residential, commercial, industrial and other urban purposes. The dispositive portion thereof reads:

In view of the foregoing, and considering the parcels of land subject hereof to be suitable for residential, commercial, industrial or other urban purposes as verified and recommended by the Department of Local Government and Community Development and the Agrarian Reform Team Leader concerned, the course and the parcels of land subject hereof are hereby declared suitable for residential, commercial,, industrial and other urban purposes subject however, to the provisions of Presidential Decree 406 and other Presidential Decrees, Letters of Instruction, Memoranda and General Orders which may hereafter be promulgated as declared by the President in his land policy speech.

It is understood further, that the possession of the agricultural tenant-farmers concerned of their respective landholdings shall not be disturbed until they are duly paid and their landholdings shall already be developed for urban purposes whereby their continuous possession thereof is no longer tenable.

Pursuant to the 22 January 1975 Order, private respondents Carloses effected the payment of the compensation due their agricultural tenants. However, herein petitioners Melencio and Concepcion Berbosos, successors-in-interest of one of their original tenants, Macario Berbosos, refused to vacate their landholdings.

On 1 September 1989, private respondents Carloses filed with the DARAB Region III a Petition^[4] for Confirmation of the Order of Conversion and for the Determination of the Amount of Disturbance Compensation docketed as DARAB Case No. 101-Bul '89. On 7 October 1989, private respondents Carloses and Emiliano Berbosos, brother of herein petitioners Berbosos and the named respondent in DARAB Case No. 101-Bul '89, filed with the DARAB a Joint Motion^[5] to Determine the Amount of Disturbance Compensation due to the respondent/tenant agreeing to abide with the decision of the Board. On 16 October 1989, private respondent Corazon Carlos executed a Deed of Absolute Sale of Real Property in favor of their co-respondent herein JKM which involves one parcel of land consisting of 20,186 square meters covered by TCT No. T-225598 on even date, private respondent Belen Carlos executed another Deed of Absolute Sale of Real Property also in favor of JKM which involves one parcel of land consisting of 20,110 square meters covered by TCT No. T-58059. The said parcels of land sold by private respondents Carloses to JKM are the subjects of the dispute between the private respondents Carloses and JKM, on one hand, and petitioners Berbosos, on the other.

In its Decision^[6] dated 18 December 1989, the DARAB ordered private respondents Carloses to pay Emiliano Berbosos the total amount of P112,644.00 equivalent to five years disturbance compensation.

On 15 January 1990, Emiliano Berbosos filed with the DARAB a Motion^[7] to Set Aside the 18 December 1989 Decision of the DARAB assailing therein the amount of disturbance compensation. He, together with the other petitioners Berbosos, asserted that he is entitled to either the thirty percent (30%) physical portion of the lot, or the equivalent value thereof in cash, as disturbance compensation. He further asserted that petitioners Berbosos, being tenants of the subject land, should have been included also as parties in the Joint Motion filed in DARAB Case No. 101-Bul '89.

Private respondents Carloses presented a photocopy of Official Receipt No. 3312102^[8] dated 29 January 1990 which states that the same was issued by the DAR to them upon payment of P112,644.00 as disturbance compensation pursuant to the 18 December 1989 Decision.

On 12 February 1990, Emiliano Berbosos filed a Supplemental Motion in support of his earlier Motion to Set Aside the 18 December 1989 Decision which included a Joint Affidavit^[9] executed by her co-petitioners which Motions were denied by the DARAB. The DARAB, upon motion of private respondents Carloses, issued a Writ of

Execution^[10] on 21 February 1990 to enforce the Decision dated 18 December 1989.

On 5 March 1990, Emiliano Berbosos filed with the Court of Appeals a Petition for Review^[11] of the 18 December 1989 Decision of the DARAB docketed as CA-G.R. SP No. 20147.

Meanwhile, on motion of private respondents Carloses, the DARAB issued a Writ of Possession^[12] dated 13 September 1990 against Emiliano Berbosos.

On 26 December 1990, petitioners Berbosos filed an Action for Maintenance of Peaceful Possession, Damages, and Injunction^[13] against private respondents Carloses before the DARAB, docketed as DARAB Case No. 217-Bul '90, alleging therein that the enforcement of the said Writ of Possession would unjustly deprive them of possession of their land since the land being tilled and tenanted by their brother Emiliano Berbosos is separate and distinct from the land they are tenanted from private respondents Carloses, and that they have their own tenanted areas of cultivation which are separate and distinct from that of their brother Emiliano Berbosos.

Upon motion of private respondents Carloses, the DARAB issued on 16 May 1991 an Alias Writ of Execution^[14] against Emiliano Berbosos. The same, however, was not implemented because Emiliano Berbosos refused to sign and acknowledge the Alias Writ of Execution served upon him by Sheriff Armando G. Dionisio.

On 25 March 1992, petitioners Berbosos filed a Petition^[15] before the DARAB, docketed as DARAB Case No. 368-Bul '92, seeking to exercise their right of redemption under Republic Act No. 3844,^[16] as amended. They similarly prayed for the reversion of the subject land to its original agricultural use contending that private respondent JKM had already started utilizing the said land by bulldozing it. Finally, they deposited with the Regional Agrarian Reform Adjudicators (RARAD) the amount of P1,000,000.00 as redemption money. DARAB Case No. 368-Bul '92 was consolidated with DARAB Case No. 217-Bul '90.

On 26 March 1992, the Court of Appeals rendered a Decision^[17] in CA-G.R. SP No. 20147, denying Emiliano Berbosos's Petition for Review, thus:

WHEREFORE, the instant petition and the motion to remand the same to the DARAB are hereby DENIED for lack of merit. Accordingly, the motion for the issuance of a writ of injunction to enjoin the enforcement of the decision is likewise denied and DARAB Case No. 101-Bul '89 is hereby remanded to the public respondent for further proceedings.

On 9 December 1992, petitioners Berbosos filed before the DAR Secretary a Petition^[18] for the Cancellation of the Conversion Order dated 22 January 1975 of previous DAR Secretary Estrella.

On 9 February 1993, the Provincial Agrarian Reform Adjudication Board (PARAB) rendered a Decision^[19] dismissing the consolidated DARAB Cases No. 217-Bul '90 and No. 368-Bul '92. The dispositive portion reads:

WHEREFORE, premises considered, judgment is hereby rendered:

1. Ordering the dismissal of the above-mentioned cases for lack of basis and/or for being moot and academic;
2. Ordering the plaintiffs/petitioners [petitioner Berbosos] to vacate and restore to the defendants' JKM INTERNATIONAL INC. [private respondent JKM] the portion being in their present possession; and
3. All other claims are hereby dismissed likewise, for lack of any legal and factual basis.

Petitioners Berbosos appealed the aforesaid Decision to the DARAB Head Office at Quezon City, which was docketed as DARAB Case No. 1283.

On 5 January 1994, the DAR Secretary Ernesto D. Garilao issued an Order^[20] granting the Motion for Cancellation of the Conversion Order dated 22 January 1975, to wit:

WHEREFORE, Order is hereby issued granting the Petition and the Order dated January 22, 1975 is hereby declared null and void for lack of due process. The 6.2789 hectares shall be covered by operation land transfer pursuant to Presidential Decree No. 27 which includes the 4.0 hectares portion which has been found to be still agricultural in use and tenanted by the petitioners. The corresponding Emancipation Patents shall be generated and issued in favor of petitioners Melencio Berboso and Concepcion Berboso, if they are already qualified.

Private respondents Carloses moved for the reconsideration of the aforementioned Order of DAR Secretary Garilao but the same was denied. Aggrieved, they filed an Appeal with the Office of the President which was docketed as O.P. Case No. 5994.

On 24 October 1994, petitioners Berbosos filed before the DARAB Head Office, Quezon City, a Manifestation with Motion to Withdraw Complaint for Redemption in DARAB Case No. 368-Bul '92, since there was no more need for resolution of the said case in light of the Order of DAR Secretary Garilao dated 5 January 1994 finding the subject lands to be still agricultural in use and tenanted by petitioners Berbosos.

On 1 March 1996, the Office of the President rendered a Decision^[21] reversing and setting aside the Order of DAR Secretary Garilao dated 5 January 1994 and reinstating the Order of the former DAR Secretary Estrella dated 22 January 1975, the dispositive portion of which is reproduced below:

WHEREFORE, premises considered, the Order of the Department of Agrarian Reform dated January 5, 1994 is REVERSED and SET ASIDE and the Order of then DAR Secretary Conrado F. Estrella, dated January 22, 1975 is REINSTATED.

On 25 June 1996, the DARAB Head Office, Quezon City, rendered a Decision^[22] on DARAB Case No. 1283, dismissing the Appeal of petitioners Berbosos and affirming the Decision of the DARAB Region III dated 18 December 1989, ordering as follows:

WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the appeal and AFFIRMING IN TOTO the challenged decision of the Adjudicator a quo. Any emancipation patent/s issued in favor of Melencio Berboso and Concepcion Berboso, or other persons over these landholdings in dispute are hereby ordered CANCELLED.

On 21 August 1996, petitioners Berbosos filed before the Court of Appeals a Petition for Review^[23] of the Decision dated 1 March 1996 of the Office of the President in O.P. Case No. 5994. This Petition was docketed as CA-G.R. SP No. 41568. Again, on 11 October 1996, petitioners Berbosos filed before the Court of Appeals a Petition for Review^[24] of the Decision of DARAB Head Office, Quezon City, in DARAB Case No. 1283. This was docketed as CA-G.R. SP No. 42122. On 3 April 1997, the Court of Appeals issued a Resolution^[25] which ordered the consolidation of CA-G.R. SP No. 42122 and No. 41568.

On 29 December 1999, the Court of Appeals rendered a Decision^[26] dismissing both Petitions for Review, and affirming the Decisions of the Office of the President dated 1 March 1996 and the DARAB dated 25 June 1996. The dispositive portion of the said Decision reads:

WHEREFORE, the petitions in these consolidated cases are hereby DISMISSED and the appealed decisions of the Office of the President and the DARAB are hereby AFFIRMED. Additionally, an order is hereby issued directing the Registry of Deeds, Meycauayan Branch, to cancel Transfer Certificates of Title Nos. EP-149-M and EP-150-M and to reinstate cancelled Transfer Certificates of Title Nos. T-114000 (M), 120510 (M), 102513 (M), 120514 (M), 120516 (M), and 120517 (M) in the name of respondent JKM INTERNATIONAL, INC. as well as Transfer Certificates of Title Nos. 122924 (M) and 122925 (M) in the name of Wong Lee Lee.

Undaunted, petitioners Berbosos filed the instant Petition raising the following issues:

I

THE COURT OF APPEALS ERRED IN INVALIDATING THE TRANSFER CERTIFICATES OF TITLES OF THE PETITIONER BERBOSOS IN THE ABSENCE OF DIRECT ATTACK;

II

THE COURT OF APPEALS ERRED IN UPHOLDING THE VALIDITY OF THE CONVERSION ORDER OF DAR SECRETARY ESTRELLA DATED 22 JANUARY 1975;

III

THE COURT OF APPEALS ERRED IN RULING THAT THE PRIVATE RESPONDENT CARLOSESS HAVE COMPLIED WITH THE REQUIREMENTS FOR CONVERSION OF THEIR LAND UNDER SEC. 36 OF RA 3844;