

FIRST DIVISION

[G.R. No. 122276, November 20, 2001]

**RODRIGO ALMUETE AND ANA ALMUETE, PETITIONERS, VS.
MARCELO ANDRES AND THE COURT OF APPEALS, RESPONDENTS.**

DECISION

YNARES-SANTIAGO, J.:

The subject of this controversy is a parcel of agricultural land identified as Lot 8449 Pls-967, located at San Vicente, Angadanan, Isabela, measuring approximately 72,587 square meters. Way back on March 25, 1957, this parcel was awarded by the then National Resettlement and Rehabilitation Administration (NARRA) to petitioner Rodrigo Almuete. Since then, Rodrigo Almuete exercised exclusive possession of the property, cultivating it and planting thereon narra, fruit trees, rice, corn and legumes. For some twenty-two (22) years, Rodrigo Almuete and his family farmed the subject property peacefully and exclusively.

However, unknown to Rodrigo Almuete, on August 17, 1979, an Agrarian Reform Technologist by the name of Leticia Gragasín filed a field investigation and inspection report stating, among others, that the whereabouts of the original awardee of the subject property, Rodrigo Almuete, was unknown and that he had "waived all his rights as a NARRA settler due to his poor health beyond his control and financial hardship." Gragasín also stated therein that "the actual occupant of the land is Marcelo Andres since April 1967 to date." She recommended to the Director of the Ministry of Agrarian Reform (MAR) in Tuguegarao, Cagayan that the award in favor of Rodrigo Almuete be cancelled and that the land be awarded to respondent Marcelo Andres. Consequently, Marcelo Andres was allowed to file his homestead application. To further support his application, Marcelo Andres represented to the MAR (now DAR) officials that sometime in 1965, Rodrigo Almuete sold the subject property to one Victor Masiglat, who gave the former a radiophono set as consideration therefor. Since Victor Masiglat was disqualified from acquiring the subject property owing to his also being a NARRA awardee, he transferred the said property to Marcelo Andres in exchange for one (1) carabao and the sum of Six Hundred Pesos (P600.00). These successive transfers were not covered by written contracts between the parties.

On the strength of the MAR Regional Director's recommendation and Marcelo Andres' representations, the latter was granted and issued a homestead patent.

In the meantime, unaware that the NARRA award in his favor had been cancelled and that a homestead patent had been issued to Marcelo Andres, Rodrigo Almuete and his family, particularly his daughter Ana Almuete, continued to cultivate and farm the subject property. In 1982, Rodrigo Almuete built a house in Barangay Fortune, Alicia, Isabela, where he resided while working as a driver for a rice mill. From time to time, he would visit the farm to deliver supplies and pay wages to the

laborers who worked therein.

In 1988, the DAR Regional Director recommended the transfer of ownership over the subject property to Marcelo Andres. On July 7, 1988, the DAR issued Original Certificate of Title (OCT) No. P-52521 in the name of Marcelo Andres, which certificate was registered in the Registry of Deeds of Isabela on January 26, 1989.

Shortly thereafter, Marcelo Andres, accompanied by ten (10) other persons armed with bolos and other bladed implements, entered the subject property, claiming exclusive right of ownership and possession. They felled the narra trees, converting the same to lumber, and destroyed the mongos planted by the Almuetes. Marcelo Andres gained control, and took possession, of approximately half of the subject property.

Rodrigo Almuete wasted no time in complaining to the DAR authorities of Marcelo Andres' encroachment into and occupation of the subject property. It was only then that he learned that the subject property had been titled in the name of Marcelo Andres and that the award in his favor had been cancelled because he had allegedly abandoned the subject property. Upon Rodrigo Almuete's inquiry, the records of the local office of the Department of Environment and Natural Resources (DENR) showed that he was still the listed owner of the subject property.

Consequently, Rodrigo Almuete and his daughter, Ana Almuete, filed an action for reconveyance and recovery of possession against Marcelo Andres with the Regional Trial Court of Cauayan, Isabela, Branch 20, docketed as Civil Case No. Br-20-530.

On November 26, 1993, the trial court rendered judgment as follows:

WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendant Marcelo Andres:

(1) declaring plaintiff Rodrigo Almuete owner of the land in question, now covered by Original Certificate of Title No. P-52521 in the name of the defendant Marcelo Andres;

(2) ordering the defendant Marcelo Andres and/or his representatives to vacate the land in question and deliver the peaceful possession thereof to the plaintiffs;

(3) ordering the defendant Marcelo Andres to reconvey at his expense, the title, OCT No. P-52521, to the plaintiff Rodrigo Almuete; and

(4) ordering the defendant Marcelo Andres to pay to the plaintiffs P13,000.00 by way of attorney's fees.

Costs against the defendant.

SO ORDERED.^[1]

The trial court found that Marcelo Andres did not acquire any right over the subject property when he supposedly bought it from Victor Masiglat because the latter never acquired ownership from the original owner, Rodrigo Almuete. Besides, defendant

Marcelo Andres could not present any valid document to prove his acquisition of the said property. It also found that Rodrigo Almuete did not abandon the subject property. Rather, Leticia Gragasin of the MAR made obviously false assertions in her report, knowingly misleading the Regional Director into cancelling the name of Rodrigo Almuete as an awardee and issuing the homestead patent in the name of Marcelo Andres. Hence, the cancellation of Rodrigo Almuete's award and the issuance of the homestead patent in favor of Marcelo Andres were perpetrated through fraud.

Marcelo Andres failed to appeal; thus, the trial court's decision became final and executory. On February 15, 1994, a writ of execution was issued. Marcelo Andres filed a motion to quash the writ of execution, but the trial court did not act on it on the ground that it had no more jurisdiction over the case.^[2]

Marcelo Andres filed a petition for certiorari before the Court of Appeals, stating at the outset that his counsel had failed to file a timely motion for reconsideration of the decision or an appeal due to "sheer ignorance of the law."^[3] In his petition, Andres assailed the trial court's jurisdiction over the nature as well as the subject matter of the case. He argued that since the subject property was agricultural land covered by a homestead patent, exclusive jurisdiction was with the Department of Agrarian Reform Adjudication Board (or DARAB), not with the regular courts. Respondent Andres also stressed that the original action was for ejectment, which was cognizable by the municipal trial courts, not by the Regional Trial Courts. Consequently, for want of jurisdiction, the trial court's decision was null and void; and cannot be enforced by writ of execution or any other legal means.

On August 9, 1995, the Court of Appeals rendered the impugned Decision, disposing as follows:

WHEREFORE, finding the petition meritorious, the writ of certiorari prayed for is GRANTED. Judgment is rendered DISMISSING Civil Case No. Br. 20-530 of the Regional Trial Court, Branch 20, Cauayan, Isabela and declaring the decision rendered therein, the order granting the motion for execution and the writ of execution issued NULL and VOID. In the event the writ of execution has been carried out, respondent Court is ordered to restore petitioner in possession of the land, to cancel whatever new title may have been issued to private respondents, to reinstate petitioner's OCT P-52521, and the restitution of whatever sums collected from petitioner as expenses of reconveyance or attorney's fees. Respondent Court is ordered to restore the *status quo* before the complaint, the decision and the writ of execution.

SO ORDERED.^[4]

Petitioners moved for the reconsideration of the decision. On October 6, 1995, the Court of Appeals issued the assailed Resolution,^[5] denying the motion for reconsideration.

Hence, the instant petition for review, ascribing to the Court of Appeals grave abuse of discretion amounting to lack or excess of jurisdiction when: