

SECOND DIVISION

[CA-G.R. SP NO. 87148, August 10, 2006]

EUGENIO R. REYES, JOINED BY TIMOTHY JOSEPH M. REYES, MA. GRACIA S. REYES, ROMAN GABRIEL M. REYES, AND MA. ANGELA S. REYES, PETITIONERS, VS. LIBRADA F. MAURICIO AND LEONIDA F. MAURICIO, RESPONDENTS.

DECISION

ENRIQUEZ, JR., J.:

This is a petition for review under *Rule 43 of the 1997 Rules of Civil Procedure, as amended*, which seeks to reverse the decision dated July 07, 1998 and Resolution dated September 28, 2004 of the Department of Agrarian Reform Adjudication Board (hereafter DARAB), the dispositive portions of which read as follows:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of plaintiff Librada Mauricio and against defendant Eugenio R. Reyes and order is hereby issued:

1. Declaring the kasunduan null and void;
2. Ordering defendant to respect the peaceful possession of herein plaintiff Librada Mauricio over the subject landholding;
3. Ordering plaintiff to return the amount of P50,000.00 to herein defendant;
4. No pronouncement as to costs.

SO ORDERED."

"WHEREFORE, in view of the foregoing, the Motion for Reconsideration dated July 28, 1998 is hereby denied and the Decision dated July 7, 1998 is hereby AFFIRMED.SO ORDERED."

The facts of the case as gathered from the records are as follows:

On January 30, 1995, respondents Librada F. Mauricio and Leonida F. Mauricio (hereafter respondent Librada and respondent Leonida, respectively) filed a complaint for annulment of contract and maintenance of peaceful possession with damages against petitioner Eugenio R. Reyes (hereafter petitioner) before the Provincial Agrarian Reform Adjudicator (hereafter Provincial Adjudicator) for the province of Bulacan. In their complaint, respondents alleged that they are the legal heirs of the late Godofredo Mauricio (hereafter Godofredo) who was a lawful registered tenant of petitioner through his predecessors in interest to a parcel of agricultural land situated at Turo, Bocaue, Bulacan consisting of 4,527 square

meters more or less.

Respondents stated that from 1936 until the death of Godofredo in May 1994, the latter had been working on the land in question and introduced improvements consisting of fruit bearing trees, seasonal crops, a house for residential purposes and others of permanent improvements. Respondents claimed that through fraud, deceit, strategy and other unlawful means, petitioner caused the preparation of a document entitled- "*Kasunduan*" dated September 28, 1994 and had the same notarized by Notary Public Ma. Sheila G. Nicolas at Pasig, Metro Manila. Librada denied having appeared before the said notary public. Librada added that she does not know how to read and write. Likewise, the contents of the *kasundaan* was not explained to her when she affixed her thumbmark on the same. Respondents asserted that petitioner's action of ejecting respondents from the property and repossessing the same is in violation of *R.A. No. 6657*.

Petitioner alleged that respondents have no cause of action against him because he is the owner in fee simple of the subject property covered by Transfer Certificate of Title No.T-109456 (hereafter TCT). Petitioner denied respondents' allegation that Leonida is the daughter of Librada and Godofredo. Petitioner denied that Godofredo was his lawful and registered tenant as he merely tolerated and accommodated Godofredo's occupation of the subject land. Petitioner also denied having authorized any person to sign a tenancy agreement with Godofredo.

Petitioner denied the claim of respondents that Godofredo worked on the property from 1936 to May 1994 and introduced improvements thereon. Petitioner stated that the trees on the property had been there even before Godofredo was accommodated by the petitioner on the property. Petitioner also denied that he caused the preparation of the *kasunduan* through fraud and deceit. Petitioner stated that it was Librada who chose that she affix her thumbmark on the same because she was having difficulty writing at that time. Librada was accompanied by her relative, Maximo Francisco when she affixed her thumbmark on the document. Moreover, Librada received on the same day P50,000.00 from petitioner.

Petitioner added that Librada at the time of the execution of the *kasunduan* was in full command of her mental faculty and was not coerced by petitioner. It was Librada together with Teresita Tuazon Ambi who initiated the negotiation with petitioner when they visited him sometime after the death of Godofredo.

During the hearing before the Provincial Adjudicator, several witnesses testified. The Municipal Agrarian Reform Officer testified that Godofredo Mauricio was the bona-fide tenant of the subject landholding. A certification from the BARC President of Turo, Bocaue, Bulacan stating that Godofredo Mauricio was the tenant of the subject landholding was also presented. Moreover, the Provincial Adjudicator added that it was established during the hearing that Leonida was not the daughter of Godofredo and Librada neither was she adopted by them. On December 20, 1996, the Provincial Adjudicator resolved the case on the sole issue of whether or not the "*kasunduan*" dated September 28, 1994 executed by the plaintiff and defendant is valid and enforceable. The dispositive portion of the decision reads as follows:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of plaintiff Librada Mauricio and against defendant Eugenio R. Reyes and order is hereby issued: