



Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
PROVINCIAL AGRARIAN REFORM OFFICE
ADJUDICATION BOARD
Tagbilaran City

RECEIVED
ADJUDICATION BOARD
TAGBILARAN CITY
Tel. No. 31554444

SPS. SANTOS & DIONESIA BACULE,
Complainants,

-versus-

ROLANDO AMORA, ET. AL.,
Respondents.

x - - - - - /

DARAB CASE NO. VII-4032-B-97

For: Recovery of Possession
with Damages

SHERIFF'S REPORT

Last December 21, 1998 undersigned together with Mr. Omar Suarez, the assigned Municipal Agrarian Reform Officer of Ubay, Bohol, his Para-Legal Officer, Mr. Saturnino Lusterio, and one element from Philippine National Police, in the person of SP01. Eler Buca, went to the land in issue in order to execute the decision of the hereabove-entitled case, and hereunder are the events occurred relative thereto:

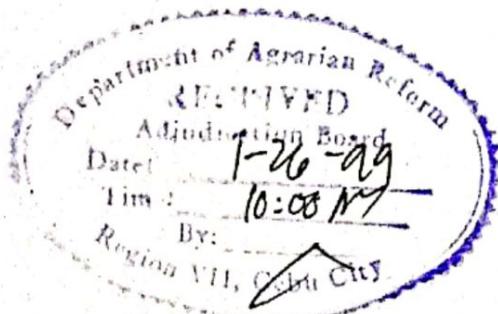
That after arriving in the area we were able to met the herein respondent, Mr. Rolando Amora;

That undersigned wasted no effort by immediately and exhaustively explained to the respondent our purpose of being there;

That herein respondent submits to the decision rendered by the Honorable Adjudicator, and further promise never to interrupt the peaceful occupancy of the bona fide owner.

WHEREFORE, in light of the foregoing, the herein Decision is deemed fully executed and properly satisfied.

January 5, 1999 Tagbilaran City, Philippines



Respectfully submitted by,

DONALD S. DORON
Clerk of the Board/Sheriff III



ADJUDICATOR
Region VI Cebu City

SPS. SANTOS & DIONESIA BACULE,
Complainants,

- versus -

ROLANDO AMORA, ET. AL.,
Respondents.

DARAB CASE NO. VII-4032-B-97
(Formerly D-038-BOH-96)

O R D E R

SUBMITTED before this Honorable Board is a Manifestation with Motion to Render Decision filed by complainants' counsel, Atty. Aida Digaum Langcamon, dated July 13, 1998 alleging therein that the present case was already submitted for decision/resolution after the case was heard by the former Adjudicator Atty. Florencio Orcullo, Jr., Provincial Adjudicator of Bohol Province.

A judicious scrutiny of the records, it cannot be gainsaid that the instant case was already ordered as submitted for resolution as gleaned from the dispositive portion of the Board's Order dated June 30, 1997 which is hereunder quoted:

"WHEREFORE, premises considered, this case is deemed submitted for decision, based on all pleadings filed, all documentary evidences submitted, and the whole records on file.

SO ORDERED."

(Order by PARAD Florencio Orcullo, Jr.)

The aforequoted Order has not been reconsidered and/or set aside until this date, thus, the same must be respected and upheld.

WHEREFORE, in the light of the foregoing, the case at bar is deemed submitted for resolution/decision based on the records.

Notify Atty. Aida Digaum Langcamon, Atty. Jose Meneleo Pascual and the parties hereof for their guidance and information.

SO ORDERED

Cebu City, Philippines

30 July 1998


ATTY. ROSALIO T. KINTANAR
Agrarian Reform Adjudicator

RTK/Jr '98

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
Region VII, Cebu City

SPS. SANTOS & DIONESIA BACULE,
Complainants,

-versus-

ROLANDO AMORA, ET. AL.
Respondents.

X - - - - - /

DARAB CASE NO. VII-4032-B-97
(Formerly DCN 038-BOH-96)

FOR : RECOVERY OF POSSESSION
OF A PARCEL OF LAND
WITH DAMAGES

MOTION FOR EXECUTION OF JUDGMENT

COME NOW, the complainants by the undersigned counsel,
in the above-entitled case, and unto this Honorable Board,
most respectfully show:

1. That a decision has been rendered in this case on 20 August, 1998 in favor of the complainants and against the respondents;
2. That the period for appeal has already expired without the respondents having perfected an appeal from said decision;
3. That said decision is now final and executory.

WHEREFORE, it is respectfully prayed that an order of execution of the above judgment be issued.

Tagbilaran City, for Cebu City, Philippines, September
21, 1998.

DEPARTMENT OF AGRARIAN REFORM
BUREAU OF AGRARIAN LEGAL ASSISTANCE
Province of Bohol
Counsel for the complainants

BY: ATTY. AIDA I. DIGAUM-LANGCAMON
Legal Officer III

The Acting Clerk of the Board
DARAB-Bohol

Greetings.

Please submit/forward the foregoing Motion for Execution of Judgment to the Honorable Adjudication Board, PARAD-Cebu, for its consideration and approval.

ATTY. AIDA I. DIGAUM-LANGCAMON

cc:

- Atty. Jose Meneleo S. Pascual
4th Floor B & F Paray Building
Osmeña Blvd., Cebu City
- Dorotea de la Torre Cabañero
Nonoc Street, Tabunok, Talisay
Cebu City
- Elsa Galola
Sitio Mabuhay, Ubay, B.
- Rolando Amora
Gabi, Ubay, Bohol

REGISTRY RECEIPT

Post Office _____

Letter/Package No. 7718

Posted on 19

Preserve this receipt for reference in case of inquiry

Postmaster/Teller
B73, UBAY, BOHOL

REGISTRY RECEIPT

Post Office _____

Letter/Package No. 7719

Posted on 19

Preserve this receipt for reference in case of inquiry



DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
Region VI Cebu City

SPS. SANTOS & DIONESIA BACULE,
Complainants,

- versus -

ROLANDO AMORA, ET AL.,
Respondents.

DARAB CASE NO. VII-4032-B-97
(Formerly DCN 038-BOH-96)

DECISION

THE CASE AT BAR is an action for Recovery of Possession of a Parcel of Land with Damages. This case was previously handled by Atty. Florencio Orcullo, Jr., Adjudicator of Bohol Province and was subsequently reassigned to this Board for adjudication on the merits.

The facts which spawned the present controversy may be summarized as follows:

In a verified complaint dated May 10, 1996, petitioner asseverates that he is a farmer-beneficiary of a parcel of land of the late Pelayo Cabañero covered under Operation Land Transfer (OLT) Program of the government; that as a consequence thereto, complainant Santos Bacule was issued an Emancipation Patent No. 383296 (TCT No. 6046) covering an area of 1.8487 hectares landholding which Title/Emancipation Patent was registered with the Office of the Register of Deeds of Bohol Province, copy of Emancipation Patent No. 383296 attached as Annex "A"; that by virtue of such grant/award, said complainant assisted by his family continued cultivating the subject land and religiously complied with the obligations of paying the land value thereof

Branch; that sometime in 1992, when the place was besetted by severe drought, complainants was not able to cultivate temporarily as the area is dependent on rain water, was forced to look for another livelihood and when they subsequently returned to their farmholding, complainants discovered that respondent Rolando Amora illegally occupied the area and cultivated the same without the consent or permission from complainants herein; that despite repeated demands to vacate the subject property, respondent refused to vacate the land prompting complainants to ventilate the dispute to the DAR Office of Ubay, Bohol for possible settlement; that during the mediation in the DAR Office, respondent Rolando Amora revealed that it was respondent Dorotea Cabañero who directed him to enter and cultivate the land with the agreement to share any produce therefrom one-half (1/2) through the alleged overseer Elsa Galola; that respondent Rolando Amora however promised to surrender and vacate the land after the "panuig" harvest of 1993 as shown in the amicable settlement signed by the parties attached as Annex "B"; that despite the lapse of the stipulated period and repeated demands to vacate the area, respondent Rolando Amora unlawfully and illegally continued to cultivate and till the land in question to the damage and prejudice of complainants; that the dispute was referred to the Office of the Barangay Agrarian Reform Committee (BARC) of Gabi, Ubay, Bohol for possible settlement, but no settlement was reached as shown from the BARC Certification attached as Annex "C"; that by reason of the illegal and unwarranted possession and cultivation by respondents to the damage of complainants herein, respondents must be ordered to pay for damages and litigation expenses. Finally, complainants prayed that respondent Rolando Amora or agents/representatives of respondents be ordered to vacate the subject land and surrender the peaceful possession and cultivation to complainants; to order respondents to pay for

damages and litigation expenses and such other reliefs just and proper under the premises.

Consistent with the rules, summons dated July 15, 1996 were issued to respondents herein for them to file their answer and/or responsive pleading as prescribed by the rules. Thus far, respondents failed to tender their answer despite ample opportunity afforded to them by the Board. Respondents opted to file a Motion for Additional Period to Submit Position Paper through counsel, Atty. Jose Meneleo S. Pascual, dated April 7, 1997 asking for "thirty (30) days from April 7, 1997 within which to submit their position paper" (Motion, page 1) but nothing has been filed with this Board. Perforce, this resolution.

T H E I S S U E

WHETHER OR NOT COMPLAINANTS ARE ENTITLED TO RECOVER THE SUBJECT LANDHOLDING COVERED UNDER P.D. 27 FROM RESPONDENTS BASED ON THE CIRCUMSTANCES OBTAINING HEREIN.

Noteworthy to underscore the settled rule that with respect to agrarian cases, disputes or controversies, the requisite quantum "substantial evidence" is necessary as the minimum evidentiary support demanded by law. (*Romeo Reyes, et al., vs. Court of Appeals, G.R. No. 96492, November 26, 1992; Bagsican vs. Court of Appeals, 141 SCRA 226; Hernandez vs. Intermediate Appellate Court, G.R. 74323, September 21, 1990*) From legal standpoint, "substantial evidence" has been defined to be such relevant evidence that a prudent mind might accept as adequate to support a conclusion and its absence is not shown by stressing that there is contrary evidence on record, direct or circumstantial for the appellate court cannot substitute its own

wherein lies the weight of evidence or what evidence is entitled to belief. (*Castro vs. Court of Appeals*, 169 SCRA 383; *Uliendo vs. CAR, et al.*, L-12891, October 31, 1960; *Gagola vs. CAR*, 18 SCRA 992)

An assiduous examination of the records, there is no gainsaying the fact that complainants who has farmed and cultivated the landholding in question located at San Pascual (now Gabi), Ubay, Bohol with an area of 18,487 sq. meters, more or less, are actual-tillers/tenant-farmers of the questioned lot for the past many years.

With the implementation of the epochal legislation - Presidential Decree No. 27 decreeing the emancipation of the tenant-farmers from the bondage of the soil, the DAR Office has identified complainants herein as tenant-farmers/CARP beneficiaries of the land in question. Consequently, complainants eventually received an Emancipation Patent No. 383296 bearing TCT No. 6046 registered before the Office of the Register of Deeds of Bohol Province (Annex "A"-Complaint: Exhibit "A") evidencing their status as farmer-beneficiaries pursuant to P.D. 27.

Sometime in 1992, complainants herein brought about by temporary drought or dry spell severely affecting the subject property which is dependent on rain water was forced to engage in a proverbial greener pasture by looking for another livelihood to tide the economic hardship in the meantime but soon after returning the landholding in question, to the chagrin of complainants, the latter discovered that respondent Rolando Amora illegally occupied the controverted lot and cultivated the same without the consent or permission of complainants prompting them

refused to heed said demands. That the agrarian dispute was ventilated to the DAR Office of Ubay, Bohol for possible amicable settlement and respondent Amora argued that he was allowed by respondent Dorotea Cabañero (wife of the late Pelayo Cabañero) to till the land in question, although, respondent Amora promised and obligated himself to surrender and vacate the subject land after the "Panuig" harvest season of 1993 as shown in the document entitled "Amicable Settlement" dated August 2, 1993 signed by complainant Santos Bacule and respondent Rolando Amora duly attested by DAR Para-Legal Officer Naranjo of DAR, Ubay, Bohol (Annex "B"-Complaint; Exhibit "B"), the full-text is hereunder cited for reference:

"AMICABLE SETTLEMENT"

We complainant and respondent in the above-captioned case, do hereby agree to settle our dispute as follows:

1. That the OLT beneficiary Mr. Santos Bacule will allow the tilling this coming harvest season (Panuig) only, 1993 to Mr. Rolando Amora in the landholding of Pelayo Cabañero, Gabi, Ubay, Bohol.

and bind ourselves to comply honestly and faithfully in the above terms of settlement.

Entered into this 2nd day of August , 1993.

COMPLAINANT:

RESPONDENT:

(SGD) SANTOS BACULE

(SGD) ROLANDO AMORA

ATTESTATION

I hereby certify that the foregoing amicable settlement was entered into by the parties freely and voluntarily, after I had explained to them the nature and consequences of such settlement.

(SGD) AMADEO J. MARANJO
Para-Legal Officer
MARO San Pascual, Ubay"
(Annex "B"; Exh. "B")

Subsequently, however, respondent Amora failed to comply with his legal obligation as above-cited compelling complainants to demand from said respondent to surrender the land and vacate the area but the latter persistently continued to cultivate the questioned lot to the damage and prejudice of the complainants herein who are bona-fide tenant-beneficiaries of the property in question.

It is a well-settled rule in this jurisdiction that complainant as tenant-farmers are entitled to the protective mantle of security of tenure as provided for by law. (Section 7, Republic Act 3844; Section 6, par. 3, Republic Act 6657 - CARP Law) That as tenant-farmers thereof, complainants are entitled to peaceful possession and enjoyment of the subject land and cannot be summarily and arbitrarily ousted, removed or ejected without legal cause and authority from the Court/Adjudication Board. There is no dispute that complainants was ousted and ejected from their tenanted cultivation without valid cause nor Court/Board's Order, thus, the ejectment above-mentioned is diametrically illegal, unwarranted and contrary to law, public order and public policy.

The security of tenure as spelled out under pertinent agrarian laws and jurisprudential rule on the matter simply means the continued and unhampered enjoyment and possession of the tenants of their landholdings except when their dispossession or ejectment had been authorized by virtue of a final and executory judgment but none has been shown so far. (*Catorce vs. Court of Appeals*, 129 SCRA 210; *Evanagelista vs. Court of Appeals*, 158 SCRA 41) The purpose of the law is not far to discern and that is the preservation of the tenancy relationship between the

to promote the welfare of the people and the security of the tenant, and to protect him from being unjustly dispossessed of the land. As the axiom in land tenure goes that once a tenant is always a tenant. Thus, agrarian law was established in the light of the social justice precept of the Constitution and in the exercise of the police power of the State to promote the common weal. (*Primero vs. Hon. Pedro Dinglasan, CAR Judge, et al.*, G.R. 59082, June 28, 1991; Justice Paras)

WHEREFORE, in the light of the foregoing reasons, a Decision is hereby rendered as follows, to wit:

1. DECLARING complainants as bona fide-tenants/farmer-beneficiaries of the land in question as evidenced by Emancipation Patent No. 383296 (TCT No. 6046), thus, entitled to security of tenure as provided for by law;
2. DIRECTING the respondents to peacefully vacate the subject landholding and turn-over possession thereof to complainants herein.

Notify Atty. Aida Digaum, Atty. Jose Meneleo Pascual, DAR PARO Bohol and all the parties of this Decision for their guidance and information.

SO ORDERED

Cebu City, Philippines

20 August 1998

RTE/dr'98

ATTY. ROSALIO T. KINTANAR
Agrarian Reform Adjudicator
REGISTRY RECEIPT

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DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
Region VI Cebu City

SPS. SANTOS & DIONESIA BACULE,
Complainants,

- versus -

ROLANDO AMORA, ET. AL.,
Respondents.

DARAB CASE NO. VII-4032-B 97
(Formerly D-038-BOH-96)

O R D E R

SUBMITTED before this Honorable Board is a Manifestation with Motion to Render Decision filed by complainants' counsel, Atty. Aida Digaum Langcamon, dated July 13, 1998 alleging therein that the present case was already submitted for decision/resolution after the case was heard by the former Adjudicator Atty. Florencio Orcullo, Jr., Provincial Adjudicator of Bohol Province.

A judicious scrutiny of the records, it cannot be gainsaid that the instant case was already ordered as submitted for resolution as gleaned from the dispositive portion of the Board's Order dated June 30, 1997 which is hereunder quoted:

"WHEREFORE, premisses considered, this case is deemed submitted for decision, based on all pleadings filed, all documentary evidences submitted, and the whole records on file.

SO ORDERED."

(Order by PARAD Florencio Orcullo, Jr.)

The aforequoted Order has not been reconsidered and/or set aside until this date, thus, the same must be respected and upheld.

WHEREFORE, in the light of the foregoing, the case at bar is deemed submitted for resolution/decision based on the records.

Notify Atty. Aida Digaum Langcamon, Atty. Jose Meneleo Pascual and the parties hereof for their guidance and information.

SO ORDERED

Cebu City, Philippines

30 July 1998

ATTY. ROSALIO T. KINTANAR
Agrarian Reform Adjudicator

RTK/dr '98

2nd Floor H-H Bldg., P. Burgos St., Cebu City

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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
Region VII, Cebu City

SPS. SANTOS and DIONESIA BACULE,
Complainants,

RECEIVED
DATE: 7/18/99 TIME: 10:15 a.m.
NAME: *[Signature]*

DARAB CASE NO. VII-4032-B-97
Formerly DC No. 038-BOH-96

-versus-

ROLANDO AMORA, ET. AL.,
Respondents.

FOR : RECOVERY OF POSSESSION
OF A PARCEL OF LAND
WITH DAMAGES

x ----- /

**MANIFESTATION
WITH MOTION TO RENDER DECISION**

Complainants , by the undersigned counsel , unto this Honorable Board most respectfully show and state:

That an ex-parte hearing on the above-captioned case has already been conducted and terminated on November 05, 1996;

That complainants had likewise submitted their Position Paper incorporating therein all its documentary evidences on March 06, 1997;

That respondents were duly notified of the proceedings of the case and furnished of all the pleadings and documentary evidences of the complainants;

That the former Adjudicator of DARAB-Bohol in its order dated June 03, 1997 submitted/set the case for decision;

That a considerable period of time has lapsed from the issuance of the order without a DECISION being rendered;

That to set the case for another hearing will resultantly prolong the agony of the complainants who had long been unlawfully deprived of their rights to possess and cultivate the subject landholding acquired through Operation Land Transfer Program of the Department of Agrarian Reform ,

[Signature]

P R A Y E R

WHEREFORE , premises considered it is respectfully prayed of this Honorable Board to render decision on the above-cited case on the basis of all the pleadings filed and documentary evidences submitted by the complainants.

Tagbilaran City (for Cebu City), July 13, 1998.

DEPARTMENT OF AGRARIAN REFORM
BUREAU OF AGRARIAN LEGAL ASSISTANCE
Province of Bohol
Counsel for the complainants

BY: ATTY. AIDA I. DIGAUM-LANGCAMON
Legal Officer III

The Acting Clerk of the Board
DARAB-Bohol

Greetings.

Please submit/forward the foregoing Manifestation with Motion to Render Decision to the Honorable Adjudication Board , PARAD-Cebu for its consideration.

ATTY. AIDA I. DIGAUM-LANGCAMON
LEGAL OFFICER III

copy furnished :

- Atty. Jose Meneleo S. Pascual
4th Floor B & F Paray Building
Osmeña Blvd., Cebu City
- Dorotea de la Torre Cabanero
Nonoc Street, Tabunok, Talisay
Cebu City
- Elsa Galola
Sitio Mabuhay, Ubay, Bohol
- Rolando Amora
Gabi, Ubay, Bohol

Pascual 121

REGISTRY RECEIPT	
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REGISTRY RECEIPT	
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Cabanero 121

Galola 121

Amora 121

DEPARTMENT OF AGRARIAN REFORM
PROVINCIAL ADJUDICATION BOARD
BOHOL
Tagbilaran City

SPS. SANTOS C. BACULE and
DICHESIA C. BACULE,
Complainants,

DARAB CASE NO. VII-C38-BOH-96

FOR:

- versus -
ROLANDO AMORA, ET. AL.,
Respondents

X - - - - - /

O R D E R

On 11 February 1997, because of the Respondents' failure to appear and upon manifestation by Complainants, through Counsel, an Order was issued, pertinent portion of which reading as follows:

"This Adjudicator, however, in the interest of due process suggested that Complainants, through Counsel, first file their Position Paper with a copy thereof furnished the Respondents who may file their Comments or Opposition thereto, to which Complainants acceded.

"WHEREFORE, premises considered, the Complainants, through Counsel, are directed to submit their Position Paper, incorporating therein all documentary evidence supporting their case, within 15 days from today as prayed for, furnishing at least two (2) copies to this Adjudicator and one (1) copy to each Respondents who may comment or file a Counter Position Paper within fifteen (15) days from receipt thereof.

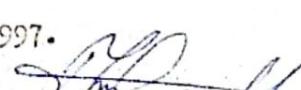
"Further proceedings are held in abeyance until the submission of the Position Papers". (See Order dated 11 February 1997, Records)

On 6 March 1997, Complainants through Counsel filed their Position Paper with a copy furnished by registered mail to all Respondents. On 10 April 1997 Atty. Jose Mineleo S. Pascual, by special appearance, sent by registered mail a Motion for additional period to submit Position Paper. On 18 April 1997 Complainants through Counsel filed their Opposition to said Motion. Unfortunately up to the present Respondents have never filed their Position Paper although in their Motion they asked for 30 days from April 7, 1997 to file the same. Indeed, this Adjudicator has stretched the period to afford the parties all opportunities under agrarian justice to present their evidence, however, on the part of Respondents, they appear to be adamant to the extent that their inaction is construed as lack of interest to prosecute their defense and that they waive their right to due process.

WHEREFORE, premises considered, this case is deemed submitted for decision, based on all pleadings filed, all documentary evidences submitted, and the whole records on file.

SO ORDERED.

Tagbilaran City, Philippines, 30 June 1997.


FLORENCIO M. ORCULLO, JR.
Provincial Adjudicator

Department of PROVINCIAL ADJUDICATION BOARD
BOHOL
Tagbilaran City

RECEIVED
DATE: 4/14/97 TIME: 3:00
NAME: J. Aquino

SPS. SANTOS BACULE, ET. AL.,
Complainants,

- versus -

ROLANDO AMORA, ET. AL.,
Respondents.

X-----/

DARAB CASE NO. VII-038-BOH-96
FOR: RECOVERY OF POSSESSION OF
A PARCEL OF LAND WITH
DAMAGES

MOTION FOR ADDITIONAL PERIOD
TO SUBMIT POSITION PAPER

The undersigned counsel, by special appearance, to this
Honorable Office, most respectfully states:

1. That on April 4, 1997, respondents engaged the
services of the undersigned.

2. That due to compelling reasons, undersigned will
represent herein respondents only for purposes of this
motion.

3. That justice would be best served if respondents
are given thirty (30) days from April 7, 1997 within which
to seek legal assistance and accordingly to submit the
position paper.

4. That this motion is not filed for any dilatory
purpose.

WHEREFORE, it is most respectfully prayed of this
Honorable office to grant respondents at least thirty (30)
days from April 7, 1997 within which to submit their
position paper.

Other reliefs just and equitable are likewise most
respectfully prayed.

Cebu City (For Tagbilaran City) Philippines, April 7,
1997.

Jose Meneleo S. Pascual

JOSE MENELEO S. PASCUAL
Counsel for Respondents
by Special Appearance
4/Floor B&F Paray Bldg.
Osmeña Blvd., Cebu City
IBP No. 428820 - 01/28/97

NOTICE

Acting Clerk of the Board
Provincial Adjudication Board
Department of Agrarian Reform
Tagbilaran City
Bohol, Philippines

G R E E T I N G S :

Kindly submit the foregoing for the consideration of
this Honorable Office immediately upon receipt hereof pre-
ferably on April 11, 1997 at 9:00 A.M. without further
appearance.

Jose Meneleo S. Pascual
JOSE MENELEO S. PASCUAL

COPY FURNISHED:

Atty. Aida Digaum
DARPO, LAD
Tagbilaran City
Bohol, Philippines

20662

RECEIVED
APR 10 1997
APR 10 1997

SPS. SANTOS BACULE, ET. AL.
Complainants,

- versus -

ROLANDO AMORA, ET. AL.,
Respondents.

X ----- /

DARAB CASE NO. VII-038-BOH-96

F o r :

RECOVERY OF POSSESSION OF A
PARCEL OF LAND WITH DAMAGES

T R A N S C R I P T
Of Stenographic Notes Taken Down During The Proceedings
Of The Above-Entitled Case Held At DARAB Office,
Tagbilaran City on February 13, 1997 at 9:20 in the
morning conducted by PARAD FLORENCIO M. ORCULLO, JR.

PARAD : Let's formally call the case. Darab
Case No. VII-038-BOH-96, Sps. Santos
Bacule, et. al., VS. Rolando Amora, et.
al. for Recovery of Possession of a
Parcel of Land with Damages.

Appearances please.

Atty. Aida Digaum:
Respectfully appearing for the Complainants
Your Honer.

PARAD : The last incident that we had was in the
MARC office of Talibon, Bohol, on November
21, 1996 wherein respondent Elsa Galela
appeared without counsel and the rest of
the respondents failed to appear. At that
time, respondent told us that she advised
her co-respondent Dereste Cabahere, the
owner of the land to give way to Complainants
considering that the Complainants are the
patentees under the OLTA program and that
she also told her brother. Because of
that your representation manifested your
intention that because of the fat chance
for settlement, because what your clients
only wanted according to Mrs. Bacule is
that, if the respondent would return to
them their tillage and then, they would
gladly drop this case, so much so, that
the initial conference was reset to another
date. Records shows that the respondent
were sent notices of the hearing scheduled
for today but they failed to appear. What
do you say?

Atty. Digaum : I manifest Your Honer that considering the
lapse of time given to the respondents to
appear in order to reach an amicable settle-
ment and despite such lapse of time they
failed, and in fairness to my clients, the
Complainants, who are here, I would request
this Honorable Adjudicator to have the case
adjudicated in view of the ex-parte hearing
that were conducted and the submission of
documentary evidence that we have.

PARAD : You mean, you want this case to be decided?

Atty. Digaum : Yes.

PARAD : Based on the whole records of the case, considering that there was a time when the respondent are given the opportunity to cross-examine. Will it be alright if you make a memorandum or position paper and with a copy furnish the respondents so that, they may be able to comment on the same and with or without respondents' comment, this case may be decided depending on whatever respondents wanted in the interest of due process.

Atty. Digaum : We are willing your Honor to submit.

PARAD : How many days?

Atty. Digaum : Fifteen(15) days Your Honor.

O R D E R

When this case was called for hearing this morning, Complainants appeared together with their Counsel.

At the first opportunity, Atty. Digaum for the Complainants manifested that since Respondents failed to appear, that this case be decided on the merits considering that the Complainants already presented their evidence bu the Respondents failed to cross-examine the Complainants when given such opportunity.

This Adjudicator, however, in the interest of due process suggested that Complainants, through Counsel, first file their Position Paper with a copy thereof furnished the Respondents who may file their comments or Opposition thereto, to which Complainants acceded.

WHEREFORE, premises considered, the Complainants, through Counsel, are directed to submit their Position Paper, incorporating therein all documentary evidence supporting their case, within fifteen(15) days from today as prayed for, furnishing at least two(2) copies to this Adjudicator and one(1) copy to each Respondent who may comment or file a counter position paper within fifteen(15) days from receipt thereof.

Further proceedings are held in abeyance until the submission of the Position Papers.

SO ORDERED.

City of Tagbilaran, Philippines, 11 February 1997.

(SGD). DIONESIA BACULE (SGD). ATTY. AIDA DIGAUM
(SGD). SANTOS BACULE

C E R T I F I C A T I O N

I hereby certify that I have taken down the above proceedings to the best of my knowledge and belief.

LIZA P. SOSOTER
Stenographer

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
PROVINCE OF BOHOL
CITY OF TAGBILARAN

BLECS FOR TRANSMISSION

F O :

- ROLANDO AMORA Y REAMBONANZA - GABI, UBAY, BOHOL
- ELSA CALOLA - SITIO MADURAY, SAN PASCUAL, UBAY, BOHOL
- SPS. SANTOS AND LIONESTIA BACULE - SAN PASCUAL, UBAY, BOHOL

T E X T :

PLEASE BE NOTIFIED HEARING SCHEDULED FEBRUARY 5, 1997
CASE NO. 038, RESET TO FEBRUARY 11, 1997, DARAB, TAGBILARAN
AT 9:00 O'CLOCK IN THE MORNING.

will be
PARAD IS IN DAVAO CITY FEBRUARY 5, 1997 FOR A
CONFERENCE.

THANK YOU.

C. O. B.

F R O M :

Bantugan
ALMA LILIBETH T. BANTUGAN
Actg. Clerk of the Board-DARAB

R O :

APPROVED FOR RELEASE

T O T :

ENGR. MARIO BATOY
BLECS Supervisor

G
DATE 29-97

Republic of the Philippines
Department of Agrarian Reform
PROVINCIAL ADJUDICATION BOARD
B O H O L
Tagbilaran City

SPS. SANTOS BACULE EP. AL.,
Complainants,

DARAB CASE NO. VII-038-BOH-96

- VERSUS -

ROLANDO AMORA, EP. AL.,
Respondents.

F O R :

RECOVERY OF POSSESSION OF A
PARCEL OF LAND WITH DAMAGES

NOTICE OF HEARING

NAME	ADDRESS
ROLANDO AMORA y Reamburanga	Gabi, Ubay, Bohol
ELSA GALOLA	Sitio Mabuhay, Ubay
DOROTEA DE LA TORRE CABANERO	Nonoc St., Tabunok, Cebu City
SPS. SANTOS & DIONESIA BACULE	San Pascual, Ubay, Bohol
ATTY. AIDA DIGAUM	DARPO, LAD, Tagbilaran City

The parties and their respective counsel, if any, are required to appear at the continuation of hearing/s initial hearing on:

Date : February 5, 1997 Time: 9:00 A.M.
Place: DARAB Office, Tagbilaran City

On said date, the parties are required to submit their respective Sworn Statements or Affidavits and supporting documentary evidence and the affidavits of their witnesses, which shall take the place of their direct testimony.

WITNESS, THE HONORABLE PARAD FLORENCIO M. ORCULLO, JR., Presiding Adjudicator, at Tagbilaran City, Philippines, this 10th day of January, 1997.


ALMA LILIBETH T. BANTUGAN
Acting Clerk of the Board

Department of Agrarian Reform
PROVINCIAL ADJUDICATION BOARD
B O H O L
Tagbilaran City

SPS. SANTOS BACULE, ET. AL.,
Complainants,

DARAB CASE NO. VII-038-BOH-96

- versus -

For :

ROLANDO AMORA, ET. AL.,
Respondents.

RECOVERY OF POSSESSION OF A
PARCEL OF LAND WITH DAMAGES

X ----- /

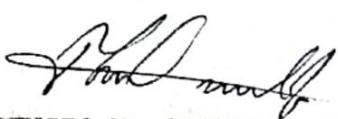
O R D E R

In view of the non-availability of an RP vehicle to convey this Adjudicator and his staff, to conduct the hearing in this case at San Pascual, Ubay, Bohol, and upon verbal request of counsel for the Complainant, the scheduled hearing for tomorrow at the MARO office at San Pascual, Ubay, Bohol, is hereby cancelled and reset to February 5, 1997 at the DARAB Office, Tagbilaran City, at 9:00 in the morning.

Immediately send notices to counsels and parties for their due information and guidance.

SO ORDERED.

City of Tagbilaran, Philippines, 6 January 1997.


FLORENCIO M. ORCULLO, JR.
Provincial Adjudicator

Mugim
Mugim 1/10/97
Atty. (Signature)

DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
B O H O L
Tagbilaran City

SPOUSES SANTOS C. BACULE AND
DIONESIA CAMPO BACULE,
Complainants,

DARAB CASE NO. VII-038-BOH-96

- VERSUS -

F O R :

ROLANDO AMORA, ELSA GALOLA,
AND DOROTEA DE LA TORRE
CABANERO,
Respondents.

RECOVERY OF POSSESSION OF A
PARCEL OF LAND WITH DAMAGES

X - - - - - /

O R D E R

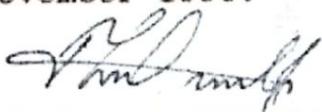
The Complainants have terminated their testimonial evidence
and offered their documentary Exhibits "A" to "I".

Inorder to give the last chance for Respondents to cross-examine the Complainants' witnesses, to examine all the documentary exhibits presented and to present their evidence, let the continuation of the hearing of the case be set on November 21, 1996 at DAR Office, Talibon, Bohol, at 9:00 o'clock in the morning and at 2:00 o'clock in the afternoon, whole day session.

Serve copies of this Order to Counsels and immediately send notices to the parties and their witnesses for their due information and proper guidance.

SO ORDERED.

City of Tagbilaran, Philippines, 5 November 1996.


FLORENЦIO M. ORCULLO, JR.
Provincial Adjudicator

Tagbilaran City

SPS. SANTOS BACULE, ET AL.

Complainant(s)/Plaintiff(s),

DARAB CASE NO. VII-038-DOK-96

- VERSUS -

ROLANDO AMORA, ET AL.

Defendant(s)/Respondent(s),

X - - - - - /

F O R :

RECOVERY OF POSSESSION OF A PARCEL
OF LAND WITH DAMAGES

NOTICE OF HEARING

NAME	ADDRESS
ROLANDO AMORA	Gabi, Ubay, Bohol
ELSA GALOLA	Sitio Mabuhay, Ubay, Bohol
DOROTEA DELA TORRE CABANERO	Nonoc St., Tabunok, Talisay, Cebu City
ATTY. AIDA D. LANGCAJON	LAD, DAR, Tagbilaran City
SPS. SANTOS & DIONESIA BACULE	San Pascual, Ubay, Bohol

The parties and their respective counsel, if any, are required to appear at the continuation of hearing/s initial hearing on:

Date : NOVEMBER 5, 1996 Time: 9:00 A.M.
Place: DARAB OFFICE, Tagbilaran City

On said date, the parties are required to submit their respective Sworn Statements or Affidavits and supporting documentary evidence and the affidavits of their witnesses, which shall take the place of their direct testimony.

WITNESS, THE HONORABLE PARAD FLORENCIO M. ORCULLO, JR., Presiding Adjudicator, at Tagbilaran City, Philippines, this 10th day of October 1996.

(Signature)
Date 11/11/96
Bawed

A. Bantugan
ALMA LILIBETH T. BANTUGAN
Acting Clerk of the Board

REGISTRY RECEIPT

Post Office R. R. Amore

Letter/Package No. 7187

Posted on 2 A 1968

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

REGISTRY RECEIPT

Post Office Elsa Golola

Letter/Package No. 7187

Posted on 2 A 1968

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

REGISTRY RECEIPT

Post Office Sr. Santa Barbara

Letter/Package No. 7191

Posted on 2 A 1968

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

REGISTRY RECEIPT

Post Office D. De la Torre

Letter/Package No. 7189

Posted on 2 A 1968

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
B O H O L
Tagbilaran City

SPOUSES SANTOS C. BACULE AND
DIONESIA CAMPO BACULE,
Complainants.

DARAF CASE NO. VII-038-BOH-96

- VERSUS -

F O R :

ROLANDO AMORA, ELSA GALOLA,
AND DOROTEA DE LA TORRE
CABANERO,
Respondents.

RECOVERY OF POSSESSION OF A
PARCEL OF LAND WITH DAMAGES

x ----- /

O R D E R

After the termination of the direct testimonies of Complainants who identified their affidavits and other documents, they through counsel, ask for another setting for ex-parte hearing on November 5, 1996.

Considering that up to the present, the Respondents have not filed their Answer and have not even appeared for today's hearing despite notices sent to them and in the highest interest of due process, let the continuation of the ex-parte hearing be reset on the above stated date at 9:00 o'clock in the morning. Immediately serve notices to Respondents for their due information and proper guidance.

The Complainants as well as their counsel are notified of this Order in Open Court and notices need not be sent them.

SO ORDERED.

City of Tagbilaran, Philippines, 10 October 1996.


FLORENCIOS M. ORMULLO, JR.
Provincial Adjudicator

MEAN
(10/16/96)

No. 383296

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
LAND REGISTRATION AUTHORITY

REGISTRY OF DEEDS FOR THE PROVINCE OF BOHOL

ANNEX A

Transfer Certificate of Title

No. 6046

Entered in accordance with Presidential Decree Nos. 266 and 1529, pursuant to an EMANCIPATION PATENT issued by the Department of Agrarian Reform, at Quezon City, on the 8th day of May, in the year nineteen hundred and ninety, and spread in the records of the said Department of Agrarian Reform, as follows:

"REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
EMANCIPATION PATENT No. 383296

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:
WHEREAS, pursuant to the provisions of Presidential Decree No. 27, dated October 21, 1972, DECREING THE EMANCIPATION OF TENANTS FROM THE BONDAGE OF THE SOIL, TRANSFERRING TO THEM THE OWNERSHIP OF THE LAND THEY TILL AND PROVIDING THE INSTRUMENTS AND MECHANISM THEREFOR, a Certificate of Land Transfer was issued on July 20, 1973 unto SANTOS BACULE, covering a parcel of agricultural land, situated in Barangay San Pascual (NOW) Gabi, Municipality of Ubay, Bohol, Philippines, containing an area of EIGHTEEN THOUSAND FOUR HUNDRED EIGHTY SEVEN (18,487) square meters, more or less, which is now particularly bounded and described at the back hereof;

WHEREAS, it has been established that the herein grantee has fully complied with the requirements for the final grant of title under said Presidential Decree No. 27.

NOW, THEREFORE, KNOW YE, That by authority of the provisions of Presidential Decree No. 266, dated August 4, 1973, issued in relation to Presidential Decree No. 27, dated October 21, 1972, there is hereby granted unto the said SANTOS BACULE, married to Dionisia Campo, of legal age, Filipino and a resident of Gabi, Ubay, Bohol,

this EMANCIPATION PATENT covering the parcel of agricultural land herein described.
TO HAVE AND TO HOLD said parcel of agricultural land in absolute ownership, with all the rights and privileges appurtenant thereto, subject to the condition that it shall not be transferred except by hereditary succession or to the Government in accordance with the provisions of Presidential Decree No. 27, Code of Agrarian Reforms of the Philippines and other existing laws and regulations, and to the further conditions that the herein grantee shall remain a member of a duly registered farmers' cooperative and that he shall not at any time employ tenants in the cultivation of the land.

Ownership over the parcel of agricultural land subject hereof has been originally recorded in the Land Registration Authority and in the office of the Register of Deeds of Bohol, in the name of the herein grantee pursuant to a Certificate of Land

Transfer numbered 0-049249

IN TESTIMONY WHEREOF, and by authority vested upon me by law, I, Corazon C. Aquino, President of the Philippines, hereby cause these letters to be made patent and the seal of the Republic of the Philippines to be hereunto affixed.

Given at Quezon City, Philippines, on this 8th day of May, in the year of Our Lord nineteen hundred and ninety.

BY AUTHORITY OF THE PRESIDENT
OF THE PHILIPPINES

EDMUND T. L. RODRIGUEZ
Secretary of Agrarian Reform

Entered in the Registry of Deeds of Bohol
pursuant to Section 2 of Presidential Decree No. 266 and Section 105 of Presidential Decree No. 1529, on this 23rd day of March, nineteen hundred and ninety five, at 9:30 a.m. For the Reg. of Deeds-Bohol

Gabi, Ubay, Bohol
(Owner's postal address)

AGUSTINO GARAY
Register of Deeds

Exh. "A" Comp
10/10/96 AD

THIS DEED IS MADE PURSUANT TO THE EMANCIPATION ACT OF 1973.

Exh 10/10/96

JOINT AFFIDAVIT

No, Santos Baculo and Dionesia Campo Baculo, both Filipino, of legal ages, husband and wife, respectively and residents of San Pascual, Ubay, Bohol after having sworn to in accordance with law, depose and say:

That we are the complainants for Recovery of Possession of a parcel of land situated at San Pascual, (now gabi), Ubay, Bohol covered by Transfer Certificate of Title No. 6046 with an area of 1.8487 hectares against Rolando Amora, Elsa Galola and Dorotea de la Torre Cabaforo;

That said parcel of land was acquired by affiant Santos Baculo through the Operation Land Transfer Program of the government, Emancipation Program of March 1995;

That by virtue of such award/grant affiants possessed and continued cultivation of the same with the assistance of family members to the exclusion of other persons and paid purchase price with Land Bank of the Philippines, Talibon, Branch;

That sometime on 1992, when the locality was experiencing a drought and we were unable to cultivate the landholding as the same is totally dependent to rain water, we were forced to venture to other places for family's subsistence;

That upon our return we discovered respondent Rolando Amora already occupying and started cultivating the same;

That respondent Rolando Amora did not ask permission from us to enter and till the land in question;

That desirous to settle the matter peacefully, we requested Rolando Amora to vacate and surrender the tillage but despite repeated demands, respondent was hesitant and continued cultivation; and which situation prompted the herein affiants to refer the matter to DAR personnel of Ubay, Bohol;

That during the conference respondent Rolando Amora admitted and revealed that it was Mrs. Dorotea de la Torre Cabaforo who directed him to enter and till the land awarded to me; and that shares are to be given to her through her overseer, Elsa Galola;

That respondent Amora pleaded and promised to vacate and surrender the tillage after the panig harvest of 1993 but despite the lapse of the agreed period, the latter remained and continued cultivating the land to the great misery and prejudice of the landowner/affiants;

That this matter has been referred to the Barangay Agrarian Reform Committee in the locality but no settlement has been reached;

That by reason of the unlawful act of the respondents, we suffered damages representing the unrealized income estimated to five hundred (500) cavans of palay that may be raised therefrom amounting to P213,750.00;

S. Santos Baculo

S. Santos Baculo

at 11:15 AM today from Post Office at 11:15 AM today
Post Office at 11:15 AM today

at 11:15 AM today from Post Office at 11:15 AM today
Post Office at 11:15 AM today

REGISTRY RECEIPT

Elsa Halka

Post Office _____

4083

Letter/Package No. _____

Posted on _____ 19 _____

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

REGISTRY RECEIPT

Roland Dambanma
Omane

Post Office _____

038

Letter/Package No. _____

4084

Posted on _____ 19 _____

Preserve this receipt for reference in case of inquiry

Postmaster/Teller