

**\*\*Title:\*\***

Nagano vs. Tanjanco

**\*\*Facts:\*\***

1. **\*\*Introduction:\*\***

- Involves whether respondents could retain five hectares each under PD 27.
- Concerns a 238.7949-hectare land in Nueva Ecija.

2. **\*\*Property Details and Initial Ownership:\*\***

- Originally under TCT No. 1221012.
- 144 hectares owned by Spouses Jose Tanjanco and Anita Suntay.
- 95.5845 hectares co-owned by respondents and their two siblings.

3. **\*\*Claim for Retention:\*\***

- In 1999, respondents seek retention under RA 6657 for five hectares each.
- Claim included portions of Lot Nos. 72, 77, 133, 134, 137, and 153.

4. **\*\*Opposition by Petitioners:\*\***

- Assert respondents disqualified as they owned more than 24 hectares on the property.
- Cited PD 27 and DAO 04-91 prohibitions.

5. **\*\*Procedural History:\*\***

- **\*\*2004:\*\*** DAR Regional Director denied the retention application, citing disqualification under DAO 04-91.
- **\*\*2009:\*\*** DAR Secretary's ruling affirmed the regional director's decision but on different grounds.
- **\*\*2009 (Oct 1):\*\*** On motion for reconsideration, the DAR Secretary granted the retention application.
- **\*\*2010:\*\*** Petitioners' motion for reconsideration denied, appeal to the Office of the President (OP).
- **\*\*2011:\*\*** OP reinstated initial decisions denying retention.
- Respondents filed for reconsideration, which was denied.
- **\*\*2012:\*\*** CA reinstated the October 1, 2009 Resolution of DAR Secretary, granting retention.
- Petitioners' motion rejected, leading to a Petition for Review on Certiorari to the Supreme Court.

**\*\*Issues:\*\***

1. **\*\*Real Parties in Interest:\*\***

- Are the petitioners legitimate opponents of the retention application given their alleged questionable acquisition of land?

2. **\*\*Timeliness of Appeal:\*\***

- Was the appeal to the OP timely filed after the DAR Secretary's resolution on the motion for reconsideration?

3. **\*\*Entitlement to Retention:\*\***

- Are respondents entitled to retention under the agrarian reform laws given their land ownership status?

**\*\*Court's Decision:\*\***

1. **\*\*Real Parties in Interest:\*\***

- Petitioners are NOT real parties in interest.  
- Any transfers of lands covered by PD 27 must be by hereditary succession or to the government.  
- The transfers cited by petitioners were null and void, disqualifying them from opposing the application.

2. **\*\*Timeliness of Appeal:\*\***

- Petitioners' appeal to OP was belatedly filed.  
- Appeal needed to be filed within 15 days post the October 1, 2009 Resolution; failing to do so rendered the resolution final and executory.

3. **\*\*Entitlement to Retention:\*\***

- Court acknowledged a serious flaw in CA's finding of retention entitlement.  
- DAO 04-91 disqualified those who owned more than 24 hectares as of October 21, 1972.  
- Retention application covered the entire 238.7949 hectares, disqualifying respondents under DAO 04-91 since they each owned more than 24 hectares during filing.

Despite recognizing issues with retention entitlement, the Supreme Court denied the petition due to the finality of the October 1, 2009 Resolution and lack of standing for petitioners.

**\*\*Doctrine:\*\***

1. **Finality and Immutability of Judgments:**

- Reinforced that once a judgment becomes final and executory, it cannot be altered, barring recognized exceptions.

2. **Validity of Land Transfers under PD 27:**

- Lands covered by PD 27 can only be transferred to heirs through hereditary succession or to the government.

**Class Notes:**

- **Real Parties in Interest (Sec. 13.2, Rule III, DAO 03-03):** Only real parties in interest can oppose applications.

- **Finality of Administrative Orders (Sec. 32, Rule V, DAO 03-03):** Defines timelines for appeals; final orders are immutable if not timely contested.

- **Transfer Restrictions under PD 27:** Transfers invalid unless to heirs or government.

- **Doctrine on Void Contracts:** Contracts violating prohibitive laws (PD 27) are void ab initio.

**Historical Background:**

- **Agrarian Reform under PD 27:** Aimed at tenant farmer emancipation and land transfer.

- **Transfer Limitations:** Provided clear statutory framework restricting ownership changes to safeguard farmers.

- **RA 6657:** Enhanced agrarian reform, modifying retention rights, with significant focus on land distribution and tenant protections.