

**CARMELITA M. BANGCONG, PETITIONER, VS. ANDREW N. BAYSA
(PROVINCIAL AGRARIAN REFORM ADJUDICATOR FOR THE
PROVINCE OF BULACAN), VIRGILIO D.J. ROBLES (DARAB
PROVINCIAL SHERIFF), AND...**

Ponente: YBAÑEZ, J.

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YBAÑEZ, J.:

This petition for certiorari[1] seeks to set aside the 22 March 2010 Order[2] of Provincial Adjudicator Andrew N. Baysa (Baysa) denying the Motion to Exclude From Coverage of Writ of Possession[3] filed by petitioner Carmelita M. Bangcong (Bangcong) and the subsequent 29 April 2011 Order[4] denying her motion for reconsideration in DARAB Case No. DCN R-03-02—0590'96.

The Antecedents

DARAB Case No. DCN R-03-02-0590'96 is a petition filed before the Department of Agrarian Reform Adjudication Board (DARAB) entitled “Gil del Rosario, et al., petitioners, vs. Conchita Pacheco and the Register of Deeds of Meycauayan, Bulacan, respondents” praying that judgment be rendered: (1) ordering the issuance of Certificates of Land Transfer (CLTs) to Gil del Rosario (del Rosario), Claro T. Failano (Failano) and Benjamin Rosario (Rosario), and nullification (of) Transfer Certificates of Title issued over their landholdings; (2) ordering the implementation of the CLTs issued to Juan Zafra, Rufino San Pedro, and Renato San Pedro; and (3) ordering the respondents to pay litigation expenses and damages as determined by this Board.

In their petition, del Rosario, Failano and Rosario alleged that they are the tenants of the now deceased Pedro G. Lazaro (Lazaro), over parcels of agricultural land in Bocaue, Bulacan which Lazaro acquired with two other vendees through a conditional deed of sale dated 6 April 1949 from the Roman Catholic Archbishop of Manila (RC Estate). Among the conditions which was duly annotated at the back of the title is that the vendees bound themselves to resell said lands only to actual tenant-farmers, lessees or bona fide residents of Bocaue, Bulacan.[5]

In violation of the conditions in the deed of sale, Lazaro donated an 11,750 square-meter portion of his share then under the cultivation of tenant-farmers del Rosario, Failano and Rosario in favor of Conchita Pacheco (Pacheco) in whose favor TCT No. T-18482 (M) was issued. The new TCT omitted the conditions set forth in the previous title. Subsequent transactions were entered into by Pacheco involving the donated property to persons other than tenants-farmers which resulted in the issuance of TCT Nos. T-209954 (M) in the name of Sps. Rudencio and Alejandro Yap Javier, T-209956 (M) in the name of Dalisay Valerio, T-209957 in the name of Sps. Gil del Rosario and Maura Capalad, T-209958 (M) in the name of Valencia del Rosario, T-213722 (M) in the name of Sps. Rudencio and Alejandro Yap Javier, T-213727 (M) in the name of Ponciano del Rosario, T-213728 (M) in the name of Adoracion del Rosario, T-213729 (M) in the name of Adoracion del Rosario, and T-213730 (M) in the name of Sps. Luis and Preciosa Pascual. These transactions adversely affected petitioners del Rosario, Failano and Rosario whose rights under agrarian laws were disregarded.[6]

Lazaro likewise donated other portions of the area he acquired that also adversely affected the rights of petitioners

Juan Zafra, Rufino San Pedro, Ceferino San Pedro and Renato San Pedro who were already issued CLTs. Petitioners del Rosario, Failano and Rosario, on the other hand, were not issued CLTs for the lands they till because of their involvement in a case brought to the Court of Appeals entitled “Maria Rosario Lazaro-Batongbakal, et al. vs. Hon. Secretary of Agrarian Reform, et al. (CA-G.R. SP No. 26354)” where it was ruled that the case be brought to the DARAB.[7] Thus, DARAB Case No. DCN R-03-02—0590’96.

The other donees of Lazaro also re-conveyed their lands to others for which several TCTs were issued. These donees of the lands from the RC Estate filed a petition for exemption from Operation Land Transfer (OLT) and cancellation of CLT in Administrative Case No. III-62-67 entitled Maria Rosario Batongbakal, et al., petitioners.[8]

In his 27 August 1987 Order, then DAR Secretary Philip Ella Juico granted the petition and exempted their landholdings from the coverage of OLT, recalled/cancelled the CLTs issued to the tenants thereat, directed the landowners to maintain the tenants in the peaceful possession and cultivation of their respective farmholdings under leasehold, directed the DAR District Officer of Baliuag, Bulacan to prepare and issue the necessary Certificates of Agricultural Leasehold (CALs) to the tenants whose CLTs are cancelled by virtue of this Order, and authorized the petitioners to withdraw from Land Bank of the Philippines the lease rentals deposited by the tenants, if there are any, in their favor. Simeon Zafra sought a reconsideration of the Order in his 5 January 1990 letter.[9]

On 5 February 1991, then Agrarian Reform Secretary Benjamin T. Leong issued an Order with the following dispositive portion, viz:

WHEREFORE, premises considered, the instant Petition for Exemption from Operation Land Transfer Coverage of Maria Rosario Lazaro Batongbakal, et al. is hereby ordered re-opened and referred to the DAR Adjudication Board.

Let the complete records of the case be transmitted to the DAR Provincial Adjudication Board of Bulacan.

SO ORDERED.[10]

The DARAB rendered its Decision on 19 December 1997 as follows:

WHEREFORE, premises considered, judgment is hereby rendered:

(1) Directing the Municipal Agrarian Reform Officer of Bocaue, Bulacan and such other officers and personnel concerned of the Department of Agrarian Reform to generate Emancipation Patents in favor of the petitioners Gil del Rosario, Claro T. Failano and Benjamin Rosario, pursuant to DAR Administrative Order No. 13, Series of 1988, an Order amending the policy guidelines and procedures in the generation and issuance of Emancipation Patents under P.D. 27.

(2) Ordering the private respondent to pay petitioners the sum of Five Thousand Pesos (P5,000) as attorney’s fees. The counterclaim interposed by the answering respondent is hereby DISMISSED for lack of merit.

No pronouncement as to costs.

SO ORDERED.[11]

In finding for the petitioner, the DARAB ratiocinated (sans citations):

Moreover, movants aver that the subject properties are no longer agricultural but commercial properties being located along the McArthur Highway and had long been leased to different tenants engaged in different business/restaurants along McArthur Highway.

x x x

It bears stressing that the issuance of Emancipation Patents favor (sic) of the petitioners by reason of the final and executory judgment of this Board entitles them to acquire possession of the landholding under consideration.

Once an Emancipation Patent is awarded to the beneficiary, he acquires a vested right of absolute ownership in the landholding, a right which has become fixed and established and is no longer open to doubt or controversy. Petitioners, as beneficiaries awarded with Emancipation Patents acquired ownership over the contested lots. Being the owners, petitioners are therefore vested with the right to exercise the attributes of ownership, subject to some restrictions imposed by law, including but not limited to the right of possession (jus possidendi).

x x x

In one case, the High Court ruled that “(when title to property is adjudicated in favor of a party, judgment will be enforced by giving the enjoyment of the property to the party in whose favor title to it has been decided. A judgment is not confined to what appears on the face of the decision, but also covers those necessarily included therein or necessary thereto. Similarly, a writ of possession should also be sought from and issued by the court where a third party is holding a property adversely to the judgment debtor.

The foregoing precepts are basically the underlying consideration that inspired the Board to order the issuance of writ of possession in favor of the petitioners.

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In the instant case, the movants/oppositors are deemed covered by the writ of execution and possession considering that originally, ownership over the landholding covered by the EP issued to the petitioners belong to respondent Conchita Pacheco. It is from the said respondent that the movants derived their rights and

interests over the subject landholding. With this justification, there is therefore a “privity relationship” between the movants and respondent Conchita Pacheco, the original owner of the subject landholding. Any transfer of right, ownership and interest after the coverage of the subject landholding under PD 27 is of no moment for the connection was already established with the identification of Conchita Pacheco as the known owner at the time of coverage of the subject landholding under PD 27.

As can likewise be deciphered from the records, the movants’ possession of the property was premised on the alleged sale of the said property to them. Assuming this to be true, it is readily apparent that said movants acquired title to and possesses (sic) the property as the original owner’s transferee. Any right they have over the property is necessarily derived from that of respondent Pacheco or to whomever respondent Pacheco transferred the same. As transferees, they merely stepped into the former owner’s shoes. In the instant case, considering that the property was already placed under the coverage of PD 27 when the said law took effect in 1971, with the tenants thereof being considered as deemed (sic) owners of the same as of the effectivity of the law, the only interest that was transferred to the movants is the right pertaining to that of the original owner which is the right to be paid just compensation. The movants are therefore the successor-in-interest of respondent Conchita Pacheco, to whom the latter had conveyed her interest in the property for the payment of just compensation. Consequently, their occupancy of the property cannot be considered adverse to petitioners.

x x x

It is of no moment that the movants were not specifically named in the writ of possession, as they merely stepped into the shoes of the original owner.[12]

Sometime in March 2008, petitioner received a copy of a Second Writ of Possession[13] dated 26 February 2008 as follows:

NOW THEREFORE, you are hereby ordered to direct the defendants and all persons claiming rights under him to vacate the subject landholding and place plaintiff in physical possession of the said landholding with the assistance of military and police authorities with competent jurisdiction and make written report within five (5) days from service hereof.

SO ORDERED.[14]

On 14 April 2008, petitioner Bangcong filed a Motion to Exclude from Coverage of Writ of Possession alleging, i.e., that not being a party in DARAB Case No. DCN R-03-02-0590’96, she is not bound by the judgment in that case.[15] Further alleged in her motion is that TCT No. T-424735 (M)[16] issued in her favor on 18 September 2003 by the Register of Deeds of Meycauayan, Bulacan was cancelled by TCT No. EP-432 (M)[17] that was likewise issued by the same Register of Deeds of Meycauayan, Bulacan on 1 September 2005.

In his Order of 22 March 2010,[18] public respondent ruled, viz:

WHEREFORE, premises considered, order is hereby issued denying the Motion to Quash Writ of Possession filed by the movants.

SO ORDERED.[19]

The motion for reconsideration[20] filed by petitioner was similarly denied by public respondent in an order dated 29 April 2011.[21]

Aggrieved by these rulings, the instant petition was filed where petitioner Bangcong alleges that she and her family had been residing and doing business since 1984 in a 200 square-meter lot at 3-D Binan, Bocaue, Bulacan where they constructed a two-storey building for residential and commercial purposes. On 22 February 2000, the spouses Gil del Rosario (del Rosario) and Maura Capalad-del Roario (Capalad), as vendors, executed a Deed of Absolute Sale[22] in favor of petitioner Bangcong involving the same parcel of land and covered by Transfer Certificate of Title (TCT) No. T-209957.[23]

As a result of the sale, the Registry of Deeds of Bulacan issued TCT No. 424735 (M)[24] on 18 September 2003 in Bangcong's favor. However, private respondents were able to secure TCT No. EP-432[25] on 1 September 2005, through an Emancipation Patent, registered in the name of private respondents Heirs of Gil del Rosario, represented by Capalad, which includes the same lot previously sold to the petitioner.[26]

Petitioner now submits this sole issue was submitted for resolution:[27]

Issue

WHETHER OR NOT PETITIONER IS ENTITLED TO THE RELIEFS PRAYED FOR, THAT IS, NULLIFICATION OF THE QUESTIONED ORDERS FOR GRAVE ABUSE OF DISCRETION

Private respondents fled neither a comment nor memorandum.

The Ruling of This Court

The petition is bereft of merit.

There is no dispute that the subject property was once a tenanted rice land that was under coverage by P.D. No. 27 or more popularly known as the Emancipation Decree. It was signed into law in view of the fact that the old concept of land ownership by a few has spawned valid and legitimate grievances that gave rise to violent conflict and tension. The law points out that reformation must start with the emancipation of the tiller from the bondage of the soil.[28] It recognized the importance of encouraging a more productive agricultural base of the nation's economy. In order to achieve this objective, the decree laid down a scheme for the purchase by small farmers of the lands they were tilling. Landowners of agricultural lands which were devoted primarily to rice and corn production and exceeded the minimum retention area were thus compelled to sell, through the intercession of the government, their lands to qualified farmers at liberal terms and conditions.[29]

In the case at bar, the disputed 200 square-meter lot is a portion of a parcel of land with an area of 11,750 square meters that Pedro Lazaro donated to Conchita Pacheco. This parcel of land was awarded by the DARAB in favor of del Rosario, Failano and Rosario in its Decision of 19 December 1997. On 22 February 2000, the Spouses Gil del Rosario and Maura Capalad del Rosario sold the said 200 square-meter lot to herein petitioner Bangcong who was issued TCT No. T-424735 (M) by the Registry of Deeds of Meycauayan, Bulacan on 18 September 2003. This title was later cancelled by TCT No. EP-432 in favor of the Heirs of Gil del Rosario, represented by Maura Capalad who was issued Emancipation Patent No. 00717264 by the DAR.

Petitioner now avers that her title cannot be cancelled by a subsequent emancipation patent but instead should

pass through the regular courts in view of the doctrine of indefeasibility of Torrens title.[30] This argument fails to persuade.

It is the well-settled rule that the DAR, through its adjudication arm, i.e., the DARAB and its regional and provincial adjudication boards, exercise quasi-judicial functions and jurisdiction on all matters pertaining to an agrarian dispute or controversy and the implementation of agrarian reform laws.[31] Pertinently, it is provided in the DARAB Revised Rules of Procedure that the DARAB has primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) and related agrarian reform laws. Such jurisdiction shall extend to cases involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents which are registered with the Land Registration Authority.[32]

To emphasize the DARAB's jurisdiction, it was held in the case of *Centeno vs. Centeno* that "the DAR is vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have the exclusive jurisdiction over all matters involving the implementation of the agrarian reform program." The DARAB has primary, original and appellate jurisdiction "to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive Order Nos. 229, 228 and 129-A, R.A. 3844 as amended by R.A. 6389, P.D. No. 27 and other agrarian laws and their implementing rules and regulations.[33]

For sure, the jurisdiction of the DARAB cannot be deemed to disappear the moment a certificate of title is issued, for, such certificates are not modes of transfer of property but merely evidence of such transfer, and there can be no valid transfer of title should the CLOA, on which it was grounded, be void. The same holds true in the case of a certificate of title issued by virtue of a void emancipation patent.[34]

It is thus undeniable that it is the DARAB and not the regular courts which has jurisdiction in this case notwithstanding the issuance of Torrens title in the name of the petitioner. For, it is a fact that the private respondents' Torrens title emanated from the emancipation patent previously issued to them by virtue of being the farmer-beneficiaries identified by the DAR under the OLT of the government. Considering that the action filed by herein respondents with the DARAB was precisely to seek issuance of certificates of land transfer in their favor, the case squarely falls within the jurisdiction of the DARAB.

P.D. No. 27, as amended, forbids the transfer or alienation of covered agricultural lands after 21 October 1972 except to the tenant-beneficiary. The agricultural land awarded to del Rosario is covered by P.D. No. 27. He was awarded a certificate of land transfer on 19 December 1997. Therefore the sale of the disputed lot to petitioner Bangcong on 22 February 2000 is void for being contrary to law,[35] and del Rosario remained the owner of the agricultural land.

In *Heirs of Guillermo A. Batongbacal vs. Court of Appeals, et al.*,[36] involving the similar issue of sale of a covered agricultural land under P.D. No. 27, the Supreme Court held:

Clearly, therefore, Philbanking committed breach of obligation as an agricultural lessor. As the records show, private respondent was not informed about the sale between Philbanking and petitioner, and neither was he privy to the transfer of ownership from Juana Luciano to Philbanking. As an agricultural lessee, the law gives him the right to be informed about matters affecting the land he tills, without need for him to inquire about it.

xxx xxx xxx

In other words, transfer of ownership over tenanted rice and/or corn lands after 21 October 1972 is allowed only in favor of the actual tenant-tillers thereon. Hence, the sale executed by Philbanking on January 11, 1985 in favor of petitioner was in violation of the aforequoted provision of P.D. 27 and its implementing guidelines, and must thus be declared null and void.[37]

It should further be noted that under Section 65 of Republic Act No. 6657 which took effect on 15 June 1988, agricultural lands may be reclassified only by the DAR after the lapse of five (5) years from its award to the farmers-beneficiaries.[38] In the instant case, it was neither shown that the DAR reclassified nor approved the reclassification of the subject property. Furthermore, the sale of the property was made barely more than two (2) years after its grant to del Rosario in clear violation of P.D. No. 27.

WHEREFORE, premises considered, the instant petition for certiorari is hereby DENIED for lack of merit and the assailed 22 March 2010 Order[39] of the DARAB Region III and its subsequent 29 April 2011 Order in DARAB Case No. DCN R-03-02—0590'96 are hereby AFFIRMED in toto.

SO ORDERED.

Dimaampao, (Chairman), and Sadang, JJ., concur.

[1] Under Rule 65 of the 1997 Rules of Court.

[2] Rollo, pp. 24-28.

[3] Id., pp. 29-31.

[4] Id., pp. 16-23.

[5] Id., p. 38.

[6] Id., pp. 38-39, 42.

[7] Id., p. 39

[8] Id., pp. 42-43.

[9] Id., p. 43.

[10] Id.

[11] Id., p. 50.

[12] Id., pp. 25-27.

[13] Id., pp. 51-53.

[14] Id., p. 52.

[15] Id., pp. 29-31.

[16] Id., p. 55.

[17] Id., pp. 56-57.

[18] Id., pp. 24-28.

[19] Id.

[20] *Id.*, pp. 33-37.

[21] *Id.*, pp. 16-23.

[22] *Id.*, p. 54.

[23] *Id.*, p. 8.

[24] *Id.*, p. 55.

[25] *Id.*, pp. 56-57.

[26] *Id.*, pp. 8-9.

[27] *Id.*, p. 73.

[28] *Victorino Torres vs. Leon Ventura*, G.R. No. 86044, 2 July 1990, 187 SCRA 96, 107.

[29] *Melencio Berbos and Concepcion Berbos vs. Hon. Court of Appeals, Belen Carlos, Corazon Carlos, and JKM international*, G.R. Nos. 141593-94, 12 July 2006, 394 SCRA 583 citing *Celso Pagtalunan and Paulina Pagtalunan vs. Hon. Roque A. Tamayo*, G.R. No. 54281, 19 March 1990, 183 SCRA 252, 258.

[30] *Id.*, pp. 9-10.

[31] *Rodolfo Hermoso, et al. vs. C.L. Realty Corporation*, G.R. No. 140319, 5 May 2006, 489 SCRA 556, 562.

[32] Section 1 (f), Rule II of DARAB Revised Rules of Procedure.

[33] *Hon. Antonio M. Nuesa, et al. vs. Hon. Court of Appeals, et al* G.R. No. 132048, 6 March 2002 citing *Cipriano Centeno, et al. vs. Ignacia Centeno*, G.R. No. 140825, 13 October 2000, 343 SCRA 153, cited in *Spouses Federico Atuel and Sarah Atuel and Spouses George Galdiano and Eliada Galdiano vs. Spouses Bernabe Valdez and Conchita Valdez*, G.R. No. 139561, 10 June 2003, 403 SCRA 517.

[34] *Pedro Gabriel, Fernando Jamias, Alfredo Nieto, Mabini Jamias, Braulio Tango, Mariano Echavari, Isidro Recites, Bernardo Baquirin, Fermin Jamias, Francisco Nieto, Gavino Jamias, Juliano Orbillo, Rosendo Nieto, Pacita A. Quiño, Jesus Cacho, Reicardo Taganas, Bernardo Pecio, Celestino Nieto, Francisco Tubera, Juan Nieto, Consolacio Dingal, Sofronio Nieto, Rosalinda Jamias and Domingo Parsaso vs. Murmuray Jamias, Inanama Jamias de Lara, Liwawa Jamias de los Reyes, Langit Jamias, Dalisay Jamias and Isagani Jamias*, G.R. No. 156482, 17 September 2008, 565 SCRA 443.

[35] Civil Code, Art. 1409.

[36] G.R. No. 125063, 24 September 2002, 389 SCRA 517, cited in the case of *Sta. Monica Industrial and Development Corporation vs. The Department of Agrarian Reform Regional Director for Region III, Provincial Agrarian Reform Officer of Bulacan, Municipal Agrarian Reform Officer of Calumpit, Bulacan, and Basilio de Guzman*, G.R. No. 164846, 18 June 2008, 555 SCRA 97.

[37] *Heirs of Batongbacal vs. Court of Appeals*, *id.* at 389 SCRA 525.

[38] *Melchor Hilado, Cesar Aral, Adela Aral, Arturo Villarena, Tarcelo Mirano, Roberto Peduhan, Antonio Solito, Manuel Caniendo, Felix Ortega, Antonio Ballentos, Salvador Mirano, Vicente Onlayao, Federico Orlando, Rogelio Semillano, Salvador de Guzman, Pacifico Talibutab, Nestor Belliran, Salustiano Belliran, Edgardo Cabra, and Yolanda Lestino vs. Hon. Rolando Chavez, Perpetual Help Development and Realty Corp., represented by the Chairman of the Board Julieta C. Salgado*, G.R. No. 134742, 22 September 2004, 438 SCRA 623.

[39] Rollo, pp. 24-28.

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