THE SECRETARY OF AGRARIAN REFORM, THE REGIONAL DIRECTOR FOR REGION XI, ALEJO V. DUQUE, MNSA AND THE PROVINCIAL AGRARIAN REFORM OFFICER OF DAVAO CITY, JUAN C. BARROT, BOTH OF THE...

G.R. No. 136827. July 31, 2001

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

These two (2) consolidated petitions for review on certiorari, filed under Rule 45 of the Rules of Court, seek the reversal of the Decision[1] of the Court of Appeals in CA-G.R. SP No. 46262 dated August 5, 1998. However, while petitioners in G.R. No. 136827 entitled "Secretary of Agrarian Reform, et al. v. Tropical Homes, Inc." also pray for a reversal of the appellate court's Resolution[2] dated October 8, 1998 denying their motion for reconsideration, the petitioners-appellants in G.R. No. 136799 entitled "Secretary of Agrarian Reform, et al. v. Tropical Homes, Inc.", pray that the Resolution[3] dated November 10, 1998 of the appellate court ordering their motion for reconsideration expunged from the rollo, be set aside.

The Comprehensive Agrarian Reform Program (CARP) is the bastion of social justice of poor landless farmers, the mechanism designed to redistribute to the underprivileged the natural right to toil the earth, and to liberate them from oppressive tenancy. To those who seek its benefit, it is the means towards a viable livelihood and ultimately, a decent life. The objective of the State is no less certain: "landless farmers and farmworkers will receive the highest consideration to promote social justice and to move the nation toward sound rural development and industrialization."[4] Unfortunately, these two (2) related cases leave us in a serious predicament. For while we sympathize with the economically wanting, especially the landless farmers, we cannot go against what is laid down in our statute books and in established jurisprudence. Thus, we resolved to deny both petitions.

Carlos Iñigo is the former registered owner of parcels of land covered by TCT Nos. 30843, 30844, 30845 and 30846 located in Bago Iñigo, Toril, Davao City, with an aggregate area of more or less One Million Five Hundred Thirty-Two Thousand Four Hundred Fifteen (1,532,415) square meters.

On July 17, 1971, Iñigo and herein respondent Tropical Homes, Inc. (TROPICAL for brevity) entered into a Joint Venture Agreement for the development of the property into a residential area, which was later known as the "Better Living Subdivision".

Inasmuch as the property was located in an agricultural zone, TROPICAL filed with the City Council of Davao an application for reclassification of the area from agricultural into residential.

On October 2, 1972, the City Council of Davao, through Resolution No. 558,[5] declared the site of the Better Living Subdivision as residential area, maintaining that it was outside the present Zonification and Development Plan of the City.

On February 14, 1975, Rosita M. Iñigo, by then the widow of Carlos Iñigo, together with the rest of the heirs of

the late Carlos Iñigo, divided among themselves the properties above-mentioned through a Deed of Extra-Judicial Partition. This Deed was inscribed in the Register of Deeds of Davao City. As a result, TCT Nos. 30843, 30844, 30845 and 30846 were cancelled and in lieu thereof, TCT Nos. 47427, 47428, 47429 and 47430 were issued in their names.

On May 31, 1977, the Joint Venture Agreement dated July 17, 1971 entered into by the late Carlos Iñigo and respondent Tropical was also inscribed in the Registry of Deeds of Davao City. Coupled with the Notice and Manifestation of Conformity of the Heirs of the late Carlos Iñigo, TCT Nos. 47427, 47428, 47429 and 47430 were cancelled and replaced by TCT Nos. 56940, 56941, 56942 and 56943, all registered in the name of TROPICAL.

On August 29, 1990, the Department of Agrarian Reform (DAR), through its Davao City office, notified respondent Tropical that its property would be covered by the CARP.

On April 25, 1991, DAR issued three (3) Notices of Acquisition to TROPICAL, specifying that One Million Thirty-Seven Thousand Two Hundred Seventy-Two (1,037,272) square meters of the land covered by TCT Nos. 56940, 56941, 56942 and 56943 would be the subject of compulsory acquisition.

This landholding is what is now involved in the present controversy.

Following the issuance of the corresponding Notices of Valuation, the DAR Regional Director instructed the Register of Deeds of Davao City to cancel the titles of three (3) separate parcels of land consisting of an area of One Million Thirty-Seven Thousand Two Hundred Seventy-Two (1,037,272) square meters, the area subject to compulsory acquisition. Thereafter, TCT No. T-184249 was issued in the name of the Republic of the Philippines.

Consequently, DAR, through Certificate of Land Ownership Award (CLOA) No. 301148, distributed the landholding to the identified farmer-beneficiaries.

On November 17, 1993, TROPICAL filed a petition with the Provincial Agrarian Reform Adjudicator (PARAD)[6] for the cancellation of the CLOA mainly on the ground that the landholding was outside the coverage of the CARP.

While the petition was pending, a Motion For Intervention[7] was filed by Rolando B. Bersamin, Gaudencio O. Basa, Henry Cabrera, Rolando A. Bersamin II, Isidora Fallorina, Rodrigo Chavez, Arnel Dahoyla, Sandro Severino, Bellano Pacyao, Genara Diez and Eddie Maniego, all of whom alleged that they are bona fide residents of the landholding but were excluded in the CLOA.

In a Decision[8] dated May 6, 1997, the PARAD ruled in favor of TROPICAL. It also denied the motion for intervention, finding that the right over the property could be properly threshed out in a separate proceeding duly instituted for that purpose. Since their subsequent motion for reconsideration was similarly denied, the petitioners, as respondents in that case, filed a Notice of Appeal with the Department of Agrarian Reform Adjudication Board (DARAB) on May 30, 1997. Three (3) days later, they filed a Manifestation and Motion for the Issuance of a Temporary Restraining Order (TRO) and Writs of Preliminary Prohibitory and Mandatory Injunction with the same office, claiming that TROPICAL arrogated upon itself possessory rights over the property by causing the demolition of the farmers-beneficiaries' houses, fencing the property and posting guards to secure the area, in clear violation of the DARAB New Rules on Procedure.[9] DARAB issued an Order granting the motion. Moreover, in a Decision[10] dated December 4, 1997, DARAB reversed the ruling of the PARAD.

On December 11, 1997, TROPICAL filed a petition for review on certiorari with the Court of Appeals and an Urgent Motion for the Issuance of a TRO. It claimed that it would suffer irreparable injury if the execution of the

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assailed DARAB Decision was not enjoined; and that if petitioners continue demolishing the gates and the fence surrounding the land, unauthorized persons would be able to illegally enter and occupy it, bringing to naught all the time, effort and money consumed in clearing the area.[11] Subsequently, the appellate court granted the TRO prayed for, which was later replaced by a Writ of Preliminary Injunction.

On August 5, 1998, the Court of Appeals rendered its questioned Decision[12] in favor of TROPICAL. Both petitioners and petitioners-appellants filed their respective motions for reconsiderations. While the first motion was denied for having been filed beyond the fifteen (15) day reglementary period, the second motion for reconsideration was ordered expunged from the rollo, pursuant to the motion for partial reconsideration filed by TROPICAL. In that motion, it was alleged inter alia that petitioners-appellants are not parties to the case and that at no point in the whole legal process, from the PARAD to the Court of Appeals, were they allowed to intervene.

Hence, the present petitions.

The procedural infirmities of this case are replete, and sadly, fatal to both causes of action. In G.R. No. 136827, a careful review of the records reveals that the petition should have been dismissed outright for having been filed beyond the reglementary period to appeal. Petitioners' claim that they received the Decision of the Court of Appeals dated August 5, 1998 on the 19[th] of the same month.[13] Thus, counting fifteen (15) days from August 19, 1998, their motion for reconsideration should have been filed on September 3, 1998.[14] However, what they filed instead was a Motion for Extension of Time[15] praying for an additional fifteen (15) days to file their motion for reconsideration. Unfortunately for petitioners, this Court has already ruled squarely on the matter that no such motion for extension shall be entertained. In the case of Habaluyas Enterprises, Inc. v. Japson,[16] we ruled that the fifteen (15) day reglementary period for appealing or for filing a motion for reconsideration cannot be extended. Petitioners argued that the Legal Assistance Division of the DAR Provincial Office in Davao City is undermanned because a substantial number of its staff is on official leave. Surely, this is an understandable excuse, albeit a non-legal one. We cannot go against what is settled in our jurisprudence by the mere expedient that there is not enough people to do the work. This is a problem that should be properly addressed by the executive branch of the government. The DAR must develop a system of procedure that would enable it to comply with the reglementary period for filing pleadings.[17] Apparently, petitioners erroneously assumed that the extension was granted considering that their motion for reconsideration was filed only on September 18, 1998,[18] or fifteen (15) days after the assailed Decision had become final and executory. In Rolloque, et al. v. Court of Appeals, et al.,[19] we already ruled in this wise -

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> The filing by petitioners of a motion for extension of time to file motion for reconsideration did not toll the fifteen (15) days period before a judgment becomes final and executory.
>
> Since the decision of respondent Court of Appeals dated November 28, 1996 has long become final and executory at the time of the filing of this petition, this Court can no longer alter or modify the same.
>
> xxx xxx xxx

Not having perfected their appeal in the manner and within the period fixed by law, the decision of the Court of Appeals had become final and executory. Such a failure carries with it the result that no court can exercise appellate jurisdiction to review the case.[20] However, it is true that we have recognized certain exceptions to this rule. In Ramos v. Bagasao,[21] we excused the delay of four (4) days in the filing of a notice of appeal because the questioned decision of the trial court was served upon appellant at a time when her counsel of record was already dead.[22] Her new counsel could only file the appeal four (4) days after the prescribed reglementary period was over.[23] In Republic v. Court of Appeals,[24] we allowed the perfection of an appeal by the Republic

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despite the delay of six (6) days to prevent a gross miscarriage of justice since it stood to lose hundreds of hectares of land already titled in its name and had since then been devoted for educational purposes.[25] In Olacao v. National Labor Relations Commission,[26] we accepted a tardy appeal considering that the subject matter in issue had theretofore been judicially settled, with finality, in another case.[27] The dismissal of the appeal would have had the effect of the appellant being ordered twice to make the same reparation to the appellee.[28] Unfortunately, we find no reason to make this case an exception. Our ruling in Habaluyas Enterprises, Inc. v. Japson[29] has been in force for fifteen (15) years. It is hard to believe that petitioners were not aware of this ruling, or assuming that they were, their utter disregard of it is simply unacceptable.

The petitioners-appellants in G.R. No. 136799 likewise committed a procedural error fatal to their cause of action. When they filed their Motion for Intervention on November 25, 1996,[30] the DARAB New Rules of Procedure was already in effect.[31] Rule IX, Sec. 3 thereof states -

> SECTION 3. Intervention. The filing of a motion for intervention shall be discouraged. Such motion shall be entertained only upon a clear showing by the would-be intervenor that he has a substantial right or interest in the case that cannot be adequately pursued and protected in another proceeding.

Thus, for such a motion for intervention to be entertained, two (2) requisites must concur. First, the would-be intervenor must show that he has a substantial right or interest in the case and that second, it cannot be adequately pursued and protected in another proceeding. The absence of even one requisite will warrant its denial. Acting on this provision, the PARAD in fact denied the motion for intervention, ruling that "their (petitioners-intervenors) rights over the property xxx can be properly threshed out in a separate proceeding duly instituted for the purpose".[32] In Republic v. Sandiganbayan,[33] we held that the discretion of a court (in this case a quasi-judicial agency) to allow intervention, once exercised, cannot be reviewed by certiorari nor controlled by mandamus save in instances where such discretion has been exercised in an arbitrary or capricious manner. Petitioners-appellants have not shown that the exercise of this discretion was made in the manner above-described. Hence, it behooves this Court to leave the denial of the motion for intervention to the wisdom of the PARAD. Besides, the theory of petitioners-appellants that as bona fide occupants of the landholding, they automatically acquire a substantial right or interest in the case[34] is unmeritorious. The (right or) interest here referred to is generally required to be direct and not consequential, and one properly determinable in the action in which intervention is sought.[35] The issue of whether or not they were improperly excluded from the CLOA is an issue totally different from that in G.R. No. 136827, which is whether the City Council of Davao, through Resolution No. 558, validly reclassified the landholding from agricultural area to residential area, hence, rendering it outside the coverage of the CARP. If indeed it was validly reclassified, then there would be no CLOA to speak of. Petitioners-appellants would have had no cause of action. Conversely, if the reclassification was invalid, then the CLOA's legality would merely be affirmed. It must be borne in mind that the alleged substantial right or interest of petitioners-appellants is based not on the legality or illegality of the CLOA brought about by the supposed questionable reclassification done by the City Council of Davao through Resolution No. 558, rather, it is based on their claim that they were improperly excluded from it. Thus, their interest is not one properly determinable in the action in which intervention is sought. To further complicate the case by adding parties who have totally separate interests which can be the proper subject of a separate proceeding, will simply delay the expeditious resolution thereof. It has been settled that the right to intervene is not an absolute right, for the statutory rules or conditions for the right to apply must be shown.[36] As the two (2) requisites were not met, petitioners-appellants have no standing to intervene. At this point, the proper course of action was simply to have filed a separate proceeding altogether.

Furthermore, the fact that petitioners-appellants were served with pleadings, resolutions, orders and decisions from the PARAD to this Court cannot be construed as an implied admission of their being parties to the case. Not

even the Resolution[37] dated December 12, 1997 of the Court of Appeals requiring them to Comment on the Petition of TROPICAL, nor the Resolution[38] dated June 16, 1999 of this Court requiring them to Reply to the Comment[39] filed by the same respondent makes them parties. Intervention is merely collateral or accessory or ancillary to the principal action, and is not an independent proceedings.[40] By this process, a person not originally made a party may be permitted on his own application to obtain the status of a party to the principal action.[41] In other words, the only way for an intervenor to become a party of a case is if a court or any other quasi-judicial agency authorized by law grants his motion to intervene. In the case at bar, petitioners-appellants failed to produce any evidence that would prove that their motion to intervene was granted. In fact, the records show that it was denied by the PARAD. The petitioners-appellants, not being parties to this case, and therefore having no legal standing to file the petition before us, their said petition must be denied.

Finally, even if petitioners-appellants could prove that they had every right to intervene, it is too late in the day to allow the same. The petitioners in G.R. No. 136827 failed to file their motion for reconsideration of the Decision[42] of the Court of Appeals within the reglementary period. Thus, it has become final and executory. Logically, as the case has already been terminated by final judgment, intervention is no longer possible.[43]

It is indeed lamentable that the two (2) instant petitions must be denied for failure to comply with the procedural requirements set forth in the Rules of Court. While it is true that a litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice.[44]

WHEREFORE, in view of the foregoing, the consolidated petitions are hereby DENIED. The assailed Resolution dated November 10, 1998 of the Court of Appeals ordering petitioners-appellants' motion for reconsideration expunged from the rollo is hereby AFFIRMED.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and Quisumbing, JJ., concur.
Buena, J., abroad on official business.

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[1] Penned by Associate Justice Jorge S. Imperial and concurred in by Associate Justices Ramon A. Barcelona and Demetrio G. Demetria (Third Division), Rollo, G.R. No. 136799, pp. 39-53.

[2] CA Rollo, p. 452.

[3] CA Rollo, p. 462.

[4] Declaration of Policies and Principles, Republic Act No. 6657:

> "AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES."

[5] Rollo, G.R. No. 136827, pp. 126-127.

[6] DARAB v. Court of Appeals, 266 SCRA 404, 419 (1997):

> "The Department of Agrarian Reform's exclusive original jurisdiction is exercised through hierarchically arranged agencies, namely, the Department of Agrarian Reform Adjudication Board (DARAB), the Regional Agrarian Reform Adjudicator (RARAD) and the Provincial Agrarian Reform Adjudicator (PARAD). The latter two exercise "delegated authority," while the first exercises appellate jurisdiction over resolutions,

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> orders, decisions and other dispositions of the RARAD and the PARAD, and "functional supervision" over the RARAD and the PARAD".

[7] Annex "16"; CA Rollo, pp. 351-353.

[8] Penned by Provincial Adjudication Damian L. Aninion, Annex "D", CA Rollo, pp. 51-62.

[9] Sec. 1 Rule XII provides;

> Section 1. Execution Upon Final Order or Decision.
>
> Execution shall issue upon an order, resolution or decision that finally disposes of the action or proceeding. Such execution shall issue as a matter of course and upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

[10] Annex "A"; CA Rollo, pp. 28-43.

[11] CA Rollo, p. 103.

[12] Supra, note 1.

[13] Motion for Reconsideration, CA Rollo, p. 442.

[14] Rule 52 of the New Rules on Civil Procedure state-

> SECTION 1. Period of filing. - a party may file a motion for reconsideration of a judgment or final resolution within fifteen (15) days from notice thereof, with proof of service on the adverse party.

[15] CA Rollo, p. 423.

[16] 142 SCRA 208, 212 (1986).

> "Beginning one month after the promulgation of this Resolution, the rule shall be strictly enforced that no motion for extension of time to file a motion for new trial or reconsideration may be filed with the Metropolitan or Municipal Trial Courts, the Regional Trial Courts, and the Intermediate Appellate Court (now Court of Appeals). Such a motion may be filed only in cases pending with the Supreme Court as the court of last resort, which may in its sound discretion either grant or deny the extension requested."

[17] Fortich v. Corona, 298 SCRA 678, 690 (1998).

[18] CA Rollo, pp. 447-448.

[19] 193 SCRA 47, 56 (1991).

[20] Azores v. Securities and Exchange Commission, 252 SCRA 387; 388 (1996).

[21] 96 SCRA 395 (1980).

[22] Bank of America, NT & SA v. Gerochi, Jr., 230 SCRA 9,15 (1994).

[23] Id.

[24] 83 SCRA 453 (1978).

[25] Supra, note 22.

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[26] 177 SCRA 38, 49 (1989).

[27] Supra, note 22.

[28] Id.

[29] Supra, note 16.

[30] Annex "16"; CA Rollo, pp. 351-353.

[31] June 22, 1994 (Date of Effectivity).

[32] CA Rollo, p. 61.

[33] 184 SCRA 382, 388 (1990).

[34] Annex "16" ; CA Rollo, pp. 351-353.

[35] 59 Am Jur 2d 592.

[36] Big Country Ranch Corp. v. Court of Appeals, 227 SCRA 161, 165 (1993).

[37] CA Rollo, p. 101.

[38] Rollo, G.R. No. 136799, p. 196-A.

[39] Rollo, G.R. No. 136799, p. 181.

[40] J.M. Tuason & Co., Inc. v. Torres, 105 SCRA 653, 673 (1981); Islamic Directorate of the Philippines, et al. v. CA, et al., 272 SCRA 454, 467 (1997).

[41] 59 Am Jur 2d 574, 575.

[42] Supra, note 1.

[43] Rabino v. Cruz, 222 SCRA 493, 501 (1993).

[44] Supra, note 17 at 691.

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