

**ESPERANZA VDA. DE LOPEZ AND MODESTA VDA. DE ASUNCION,
PETITIONERS, VS. HON. COURT OF APPEALS AND REYNALD M.
ROMERO, RESPONDENTS.**

G.R. NO. 146035. September 09, 2005

Ponente: GARCIA, J.

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GARCIA, J.

Under consideration is this petition for review on certiorari under Rule 45 of the Rules of Court to nullify and set aside the following issuances of the Court of Appeals (CA) in CA-G.R. SP No. 41904, to wit:

1)

Decision[1] dated February 29, 2000, affirming the order of Provincial Adjudicator Toribio E. Ilao, Jr., PARAB, Region 3, San Fernando, Pampanga, which denied for lack of merit the motion to dismiss filed by petitioners in DARAB Case No. 4098'96; and

2)

Resolution[2] dated November 9, 2000, denying petitioners' motion for reconsideration.

The facts:

Subject of this litigation are two parcels of agricultural land located at Sampaloc (Paligui) Apalit, Pampanga, namely: Lot 847 and Lot 845, with the area of 1.0876 and 1.0632 hectares, respectively. Presently, these lots are covered by Transfer Certificates of Title No. 4304 and 4305, registered in the name of respondent Reynald M. Romero, who is the holder of Certificate of Land Ownership Award (CLOA) Nos. 70690 and 70691 issued by the Secretary of Agrarian Reform on December 1, 1993.

Formerly, the subject parcels of agricultural land were covered by a CLOA in favor of farmer-beneficiary Leonardo Briones. In A.R. Case No. 0029 '94 of the Department of Agrarian Reform (DAR) Regional Office at Region III, Dolores, San Fernando, Pampanga herein petitioners Esperanza Vda. de Lopez and Modesta Vda. de Asuncion challenged the award of subject lots to Briones.

During the pendency of A.R. Case No. 0029 '94, Briones filed with the Provincial Agrarian Reform Adjudication Board (PARAB) at Region III, San Fernando, Pampanga a petition for the cancellation of his CLOA because on November 16, 1992, he executed a "Waiver of Rights" in favor of one Erlinda Quintos. Before this petition for cancellation could be resolved by the PARAB, Briones executed on September 18, 1992 another "Waiver of Rights" in favor of herein respondent Reynald Romero to facilitate the transfer of the two (2) parcels in question to respondent who bought said lots from Briones for P2M, as evidenced by a Deed of Absolute Sale executed by Briones in favor of respondent on April 15, 1992.

In an Order dated January 13, 1993, PARAB Adjudicator Toribio E. Ilao, Jr. granted Briones' petition for cancellation of his CLOA. Pursuant thereto, the DAR Secretary issued CLOA Nos. 70690 and 70691 in favor of respondent Romero on December 1, 1993, on the basis of which TCT Nos. 4304 and 4305 were issued in the latter's name.

Meanwhile, in A.R. Case No. 0029 '94, the DAR Regional Office at Region III issued an Order dated March 7, 1994, which pertinently reads:

- DECLARING Leonardo Briones as disqualified from being a farmer-beneficiary of Lot No. 847 with an area of 1.0876 hectares and a portion of 1.0632 hectares of Lot 845, both situated at Sampaloc (Paligui), Apalit, Pampanga, and to all other lands covered by the agrarian reform program of the government;
- DECLARING said landholdings mentioned in the next preceding paragraph hereof open for disposition to qualified farmer-beneficiaries;
- GIVING preferential rights to Esperanza Vda. De Lopez and Modesta Vda. De Asuncion to purchase the subject landholdings;
- DIRECTING the parties concerned to ventilate their case before the DARAB with respect to the cancellation of the CLOA in favor of Leonardo Briones; and
- DIRECTING the MARO concerned to refrain any person(s) from developing and/or converting the subject landholdings into commercial site.

However, considering that the subject parcels of land were already sold and transferred, and titles thereto already issued in favor of respondent Romero, the aforesaid Order of March 7, 1994 in A.R. Case No. 0029'94 was not enforced. Nevertheless, the DAR Regional Office at Region III continued with its investigation. Then, on December 13, 1995, DAR Region III Director Eugenio B. Bernardo, issued an Order dispositively reading, as follows:

WHEREFORE, in the light of the foregoing premises, an ORDER is hereby issued:

- DISQUALIFYING Reynald Marcelino Romero as farmer-beneficiary of Lot 847 with an area of 1.0876 hectares and a portion of 1.632 hectares of Lot No. 845, both situated at Sampaloc (Paligui), Apalit, Pampanga, and to all other agricultural lands under the agrarian reform program of the government;
- REWARDING Lot No. 847 with an area of 1.0376 hectares and a portion of 1.0632 hectares of Lot No. 845 all at Sampaloc (Paligui), Apalit, Pampanga in favor of Esperanza Vda. De Lopez and Modesta Vda. De Asuncion, and the due issuance of CLOAs in their favor;
- FORFEITING in favor of the government all the payment made by Reynald Marcelino Romero covering the subject lots;
- DIRECTING Esperanza Vda. De Lopez and Modesta Vda. De Asuncion to institute appropriate action before the proper forum for the cancellation of the CLOAs issued in the name of Reynald Marcelino Romero; and
- DIRECTING all DAR personnel concerned and the personnel of DILG and PNP to implement and enforce this Order and the Order, dated March 7, 1991, pursuant to Joint-Memorandum Circular No. 04, Series of 1990.

Upon knowledge of said Order, respondent Romero filed with the Department of Agrarian Reform Adjudication Board (DARAB) at Region III, San Fernando, Pampanga a petition for "Maintenance of Peaceful Possession and Annulment/Cancellation of Order dated December 13, 1995 with Injunction". This petition was docketed before the DARAB's Provincial Agrarian Reform Adjudication Board (PARAB) at Region III as DARAB Case No. 4098

P'96. In said petition, Romero alleged, among others, that as bonafide tenant/tiller, farmer-beneficiary of the subject lots and as the titled owner thereof, he is entitled to security of tenure as mandated by law, but that herein petitioners were harassing, intimidating and threatening him and committing acts tending to eject, oust and remove him from his peaceful possession, occupation and cultivation of the subject lots. Respondent Romero also questioned in the same petition the December 13, 1995 Order issued by DAR Region III Director Bernardo, for having been issued in excess of authority because said Order in effect reversed and set aside the decision of the DAR Secretary who issued the CLOAs in his favor. Respondent Romero likewise raised the issue of qualifications of herein petitioners as farmer-beneficiaries considering that they are residents of Sta. Maria, Minalin, Pampanga and not of Sampaloc, Apalit, Pampanga as certified by Barangay Captain Pedro Isip. In the same petition, Romero, in order to protect his rights pending resolution of his petition for "Maintenance, etc.", prayed for the issuance of a temporary restraining order and a writ of preliminary injunction.

Instead of filing an answer or comment to respondent Romero's aforementioned petition in DARAB Case No. 4098 P'96, petitioners filed a Motion to Dismiss, arguing that the PARAB has no jurisdiction to entertain Romero's aforementioned petition because the questioned Order dated December 13, 1995 of DAR Region III Director Eugenio Bernardo is administrative in nature and, therefore, should have been appealed by Romero to the DAR Secretary. Petitioners' Motion to Dismiss was opposed by Romero, citing the provisions of Rule 2(c) of the Revised Rules of Procedure of the DARAB.

In an Order dated August 14, 1996, PARAB Adjudicator Ilao, Jr., denied petitioners' Motion to Dismiss. Therefrom, petitioner went to the Court Appeals via a petition for certiorari, thereat docketed as CA-G.R. SP No. 41904.

As stated at the threshold hereof, the Court of Appeals, in a Decision dated February 29, 2000, dismissed petitioners' recourse.

In time, petitioners moved for reconsideration but their motion was denied by the appellate court in its Resolution dated November 9, 2000.

Hence, petitioners' instant petition for review commending for our resolution the principal issue of whether or not PARAB Adjudicator Ilao, Jr. had jurisdiction to hear and decide DARAB Case No. 4098 P'96.

Petitioners insist that PARAB had no authority and jurisdiction to hear and decide DARAB Case No. 4098 P'96 because the Order dated December 13, 1995 of DAR Region III Director Eugenio Bernardo, which Romero assails before the PARAB had not been appealed by him and was therefore already final and executory.

We cannot agree.

The DARAB New Rules of Procedure[3] is very clear on this point:

RULE II JURISDICTION OF THE ADJUDICATION BOARD

SECTION 1. Primary and Exclusive Original and Appellate Jurisdiction – The Board shall have 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) under Republic Act No. 6657, Executive Order Nos. 228, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving:

a)

The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and

use of all agricultural lands covered by the CARP and other agrarian laws;

xxx xxx xxx

f)

Those involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority; (Emphasis supplied.)

xxx xxx xxx

As factual antecedents, it remains indisputable that the lots subject of this case were already covered by TCT Nos. 4304 and 4305, duly registered in respondent Romero's name, pursuant to CLOA Nos. 70690 and 70691 issued by the Secretary of Agrarian Reform on December 1, 1993.

The pertinent and applicable Rule II, Section 1(a) hereinabove quoted clearly states that the DARAB has "primary and exclusive original and appellate jurisdiction" [4] to determine and adjudicate all agrarian disputes involving: (1) the implementation of the CARP under RA 6657, E.O. No. 228, and 129-A, RA No. 3844, as amended by RA No. 6389, PD No. 27 and other agrarian laws and their implementing rules; and (2) the rights and obligations of persons, whether natural or juridical where such person is engaged in the management, cultivation and use of all agricultural lands covered by CARP and other agrarian laws. Thus, inasmuch as the peaceful possession of respondent Romero which is being disturbed by the assailed December 13, 1995 Order of DAR Region III Director Eugenio Bernardo pertains to an agrarian dispute, involving, as they do, the rights of respondent Romero as an awardee of a CLOA over the subject parcels of agricultural land, which are now registered in his name under TCT Nos. 4304 and 4305, we rule and so hold that the PARAB has the primary and exclusive original and appellate jurisdiction over said order assailed in DARAB Case No. 4098 P'96.

Simply put, we find no reversible error on the part of the Court of Appeals in affirming the PARAB's denial of petitioners' motion to dismiss. The Court of Appeals correctly ruled that PARAB Adjudicator Ilao, Jr. has jurisdiction over DARAB Case No. 4098 P'96 under the afore-quoted Rule II, Section 1(a) of the DARAB New Rules of Procedure. Undoubtedly, DARAB Case No. 4098 P'96 is an agrarian dispute involving rights of respondent Romero over the subject agricultural lands, which rights were disturbed by the Order dated December 13, 1995 of DAR Region III Director Eugenio Bernardo by disqualifying Romero as farmer-beneficiary of the subject lots and directing petitioners to institute appropriate action before the proper forum for the cancellation of the CLOAs issued in the name of respondent Romero.

With respect to petitioners' contention that the aforesaid DAR orders had become final and executory on account of respondent Romero's failure to appeal the same to the DAR Secretary, suffice it to say that should the PARAB ultimately find said orders to have been issued without jurisdiction, the PARAB is sufficiently clothed with authority and definitely has the jurisdiction to declare the same null and void under the time-honored principle that void judgments never become final and executory and cannot be the source of any right whatsoever.

Thus, in *Leonor vs. Court of Appeals*, 256 SCRA 69 [1996], this Court, through Mr. Justice Artemio V. Panganiban, categorically ruled:

A void judgment for want of jurisdiction is no judgment at all. It cannot be the source of any right nor the creator of any obligation. All acts performed pursuant to it and all claims emanating from it have no legal effect. Hence, it can never become final and any writ of execution based on it is void; "xxx it may be said to be a lawless thing which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head" (citing Banco Español-Filipino vs. Palanca, 37 Phil. 921, 040 [1918]).

Additionally, it is significant to note that no less than DAR Region III Director Eugenio Bernardo himself admittedly recognized that his office had no jurisdiction to order or direct the cancellation of respondent Romero's CLOA when, in his Order dated December 13, 1995, supra, in A.R. Case No. 0029 '94, he specifically made the following disposition:

- DIRECTING Esperanza Vda. De Lopez and Modesta Vda. De Asuncion [the present petitioners] to institute appropriate action before the proper forum for the cancellation of the CLOAs issued in the name of Reynald Marcelino Romero.

In fine, DAR Region III Director Eugenio Bernardo knew that, under the DARAB's New Rules of Procedure, particularly, Rule II, Section 1(f), supra, it is the Department of Agrarian Reform Adjudication Board (DARAB) which had the primary and exclusive original jurisdiction in cases involving the "issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) xxx."

At this juncture, it should be made clear that this Court is constrained to limit the resolution of this petition on the main issue of which, as between the PARAB and the DAR Regional Office, has jurisdiction to resolve the merits of DARAB Case No. 4098 P'96. Having recognized PARAB's jurisdiction over that case, the Court feels that the merits thereof are best left for the PARAB to determine. The Court adopts such attitude of restraint in deference to a co-equal branch, the Executive Branch of Government, under which the PARAB belongs.

WHEREFORE, petition is hereby DENIED.

Costs against petitioners.

SO ORDERED.

Panganiban, Acting C.J., (Chairman), Sandoval-Gutierrez, and Corona, JJ., concur.
Carpio-Morales, J., on official business.

[1] Penned by the late Associate Justice Eubulo G. Verzola and concurred in by Associate Justices Roberto A. Barrios and Eriberto U. Rosario, Jr. (ret.); Rollo, pp. 29-41.

[2] Rollo, p. 50.

[3] This was the governing Rules during the filing of DARAB Case No. 4098 P'96, which is now superseded by the DARAB's 2003 Rules of Procedure.

[4] See caption of Rule II, Section 1 of the DARAB New Rules of Procedure, supra.

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