

BONIFACIO ESPINOZA, PETITIONER, VS. PROVINCIAL ADJUDICATOR OF THE PROVINCIAL AGRARIAN REFORM ADJUDICATION OFFICE OF PAMPANGA AND MARIA QUIBULOY, RESPONDENTS.

G.R. NO. 147525. February 26, 2007

Ponente: CORONA, J.

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CORONA, J.:

Under review are the January 14, 1994 decision[1] and June 01, 2000 resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 502 UDK. The CA dismissed petitioner Bonifacio Espinoza's petition for certiorari imputing grave abuse of discretion on the part of the provincial adjudicator of the Provincial Agrarian Reform Adjudication Office (PARAD) of San Fernando, Pampanga in deciding DARAB Case No. 203-P-90.

The events leading to this petition for review on certiorari stemmed from an agrarian dispute before the PARAD, San Fernando, Pampanga. A complaint[3] for ejectment was filed against petitioner by private respondent Maria V. Quibuloy, as co-owner and administratrix of three parcels of land covered by Transfer Certificate of Title No. 3676. She alleged that petitioner had reneged on his obligations as tenant to pay the rent and till the subject landholding.

Instead of answering the complaint, petitioner moved to dismiss the case for lack of jurisdiction. He cited Section 1, Rule III of the 1989 Rules of Procedure of the Department of Agrarian Reform Adjudication Board (1989 DARAB Rules), providing for conciliation proceedings before the Barangay Agrarian Reform Council (BARC) prior to initiating the case. He contended that presentation of a certification from the BARC, attesting that the dispute had been submitted to it for mediation or conciliation without any success of settlement, was a jurisdictional requirement. On that note, he concluded that the provincial adjudicator could not take cognizance of the agrarian dispute due to Quibuloy's failure to present the required certificate.

The hearing on the motion to dismiss was set on November 7, 1990.[4] On the said date, petitioner or his counsel failed to appear, hence the motion was submitted for resolution.[5]

Without issuing a ruling on petitioner's motion, the provincial adjudicator set the case for hearing on May 22, 1991. Again, neither petitioner nor his counsel attended the hearing. Thus, Quibuloy was allowed to present her evidence ex-parte. Thereafter, the dispute was ordered submitted for decision.[6]

Just before the decision was rendered, petitioner filed his answer assailing Quibuloy's personality to bring suit. Petitioner also offered unsubstantiated denials of Quibuloy's charges. As his defense, he denied allegations of non-payment of rents and non-tillage of the land for lack of knowledge and information to form a belief as to the veracity thereof.

The provincial adjudicator was sufficiently convinced that Quibuloy's allegations were true and correct. Accordingly, he decided the case against petitioner.[7]

Instead of immediately appealing from the adjudicator's decision, petitioner allowed the reglementary period to

lapse. Thereafter, he filed a petition for certiorari with the CA.

The appellate court dismissed the petition as "unavailing and vacuous." [8] It reiterated the well-settled rule that certiorari lies only in cases of errors of jurisdiction and not errors of judgment. It stressed that certiorari cannot be a substitute for a lost appeal.

Now, petitioner comes to us with practically a rehash of the issues already raised in the CA, to wit:

I.

WHETHER OR NOT PUBLIC RESPONDENT PROVINCIAL ADJUDICATOR OF THE [PARAD] OF PAMPANGA IS CORRECT IN PROCEEDING WITH DARAB CASE NO. 203-P-90 WITHOUT FIRST COMPLYING WITH THE JURISDICTIONAL REQUIREMENTS SET FORTH IN SECTION 1, RULE III OF THE [1989] DARAB REVISED RULES OF PROCEDURE.

II.

WHETHER OR NOT PUBLIC RESPONDENT PROVINCIAL ADJUDICATOR OF THE [PARAD] OF PAMPANGA IS CORRECT IN DECIDING DARAB CASE NO. 203-P-90 WITHOUT FIRST RESOLVING PETITIONER'S MOTION TO DISMISS.

III.

WHETHER OR NOT PUBLIC RESPONDENT ERRED IN RULING THAT PETITIONER'S ANSWER TO PRIVATE RESPONDENT'S COMPLAINT IN DARAB CASE NO. 203-P-90 WAS FILED OUT OF TIME AND IN NOT CONSIDERING THE SAME.

IV.

WHETHER OR NOT PUBLIC RESPONDENT IS CORRECT IN DECIDING DARAB CASE NO. 203-P-90 IN FAVOR OF PRIVATE RESPONDENT ON THE BASIS OF THE SELF-SERVING AFFIDAVIT OF THE LATTER AND HER LONE WITNESS CONSIDERING HER FAILURE TO PRESENT THE TITLE OF THE LAND IN QUESTION (TCT NO. 3676) OR ANY DOCUMENT TO SHOW HER AUTHORITY TO ACT AS ADMINISTRATOR OF THE SAME.

V.

WHETHER OR NOT THE [CA's] DISMISSAL OF THE PETITION FOR CERTIORARI AND DENIAL OF [PETITIONER'S] MOTION FOR RECONSIDERATION IS PROPER. [9]

We deny the petition.

A special civil action of certiorari is an independent action, raising the question of jurisdiction where the tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction. [10] The ultimate purpose of such action is to keep an inferior tribunal within the bounds of its jurisdiction or relieve parties from arbitrary acts of courts. [11]

A petition for certiorari was never meant as a mode of reviewing errors of judgment committed by an inferior tribunal. Thus, it has been settled that the remedy of certiorari is not a substitute for an appeal lost by the party entitled thereto especially if the right of appeal was lost through negligence. [12] When the remedy of appeal is available but is lost due to petitioner's own negligence or error in the choice of remedies, resort to certiorari is precluded.

Under the 1989 DARAB Rules, [13] an aggrieved party may appeal the decision of a provincial adjudicator to the

Adjudication Board within 15 days from receipt. In this case, petitioner allowed the appeal period to lapse and instead filed a petition for certiorari in the CA roughly three months after the assailed decision was rendered.

It is evident that the CA acted on the petition properly.

Even if, in the greater interest of substantial justice, certiorari may be availed of, it must be shown that the adjudicator acted with grave abuse of discretion amounting to lack or excess of jurisdiction, that is, that the adjudicator exercised his powers in an arbitrary or despotic manner by reason of passion or personal hostilities, so patent and gross as to amount to an evasion or virtual refusal to perform the duty enjoined or to act in contemplation of law.[14]

As correctly found by the appellate court, there is no showing that errors of jurisdiction or grave abuse of discretion were committed by public respondent.

On the first assigned error, the 1989 DARAB Rules exempted parties residing in non-adjoining barangays from presenting the BARC certification.[15] Since it is undisputed that Quibuloy resided in San Nicolas 1st, Lubao, Pampanga while petitioner stayed in San Agustin, Lubao, Pampanga, the former was not required to present the BARC certification before the adjudicator taking cognizance of the agrarian dispute. Needless to say, the provincial adjudicator did not err in entertaining the dispute notwithstanding the absence of the BARC certification.

On the second issue, administrative agencies exercising quasi-judicial functions are not bound by technical rules followed in courts of law. The adjudicator is given enough latitude, subject to the essential requirements of administrative due process, to be able to expeditiously ascertain the facts of the agrarian dispute.[16]

While there may have been a technical lapse on the part of the adjudicator in disposing of the motion to dismiss, the assailed acts of the adjudicator did not amount to a grave abuse of discretion justifying a writ of certiorari. Considering the technical flexibility afforded to agrarian adjudicators, the order may easily be construed as a denial of the motion to dismiss. What would have been the prudent recourse under the rules was to submit an answer immediately, participate in the hearing and appeal an adverse decision. Sadly, petitioner failed to do any of these. It is now too late for him to dispute the adjudicator's decision.

Moving on to the third assignment of error, we hold that petitioner's answer was indeed filed out of time. While the 1989 DARAB Rules provides that the non-answering respondent (petitioner) may be allowed to belatedly file his answer, it also provides that the answer should be filed before the matter is submitted for decision. Here, petitioner submitted his answer after the case was submitted for decision.

Lastly, on the fourth assignment of error, it cannot be overemphasized that only errors of jurisdiction may be reviewed by the CA in a petition for certiorari. "Where the issue or question involved affects the wisdom or legal soundness of the decision - not the jurisdiction of the court to render said decision - the same is beyond the province of a special civil action for certiorari." [17]

In sum, the petition failed to prove that the CA committed any reversible error in denying petitioner's petition for certiorari as well as his motion for reconsideration.

WHEREFORE, the petition is hereby DENIED.

Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, and Garcia, JJ., concur.
Azcuna, J., official leave.

[1] Penned by Associate Justice Jainal D. Rasul (retired) and concurred in by Associate Justices Gloria C. Paras (retired) and Ramon Mabutas, Jr. (retired) of the Seventh Division of the Court of Appeals; rollo, pp. 75-80.

[2] Penned by Associate Justice Ramon Mabutas, Jr. (retired) and concurred in by Associate Justices Demetrio G. Demetria (dismissed from the service) and Jose L. Sabio, Jr. of the Eighth Division of the Court of Appeals; rollo, p. 90.

[3] Docketed as DARAB Case No. 203-P-90.

[4] Order dated September 7, 1990 signed by Hearing Officer Jose V. Reyes of the PARAD, Pampanga, rollo, p. 34.

[5] Order dated December 10, 1990 signed by Hearing Officer Jose V. Reyes of the PARAD, Pampanga, rollo, p. 35.

[6] Order dated August 21, 1991 signed by Provincial Adjudicator Toribio E. Iloa, Jr. of the PARAD, Pampanga, rollo, p. 38.

[7] Decision dated November 7, 1991, penned by Provincial Adjudicator Toribio E. Iloa, Jr. of the PARAD, Pampanga; rollo, pp. 43-48.

[8] Supra note 1, at p. 78.

[9] Petition, rollo, pp. 10-11.

[10] *Romero v. Tan*, G.R. No. 147570, 27 February 2004, 424 SCRA 108.

[11] II Justice Jose Y. Feria and Maria Concepcion S. Noche, *CIVIL PROCEDURE ANNOTATED*, 456-457 (2001).

[12] *Alon v. Court of Appeals*, G.R. No. 132431, 13 February 2004, 422 SCRA 550.

[13] Under Section 1, Rule XXIV, 2003 DARAB Rules of Procedure, "[a]ll cases pending with the [DARAB] and the Adjudicators, prior to the date of effectivity of these rules, shall be governed by the DARAB Rules prevailing at the time of their filing." When the complaint was filed in 1990, the rules prevailing at that time was the 1989 DARAB Rules of Procedure.

[14] See *Cathay Pacific Steel Corporation v. Court of Appeals*, G.R. No. 164561, 30 August 2006.

[15] Rule III of the 1989 DARAB Rules provides:

Section 1. BARC Certification Requirement. The Board or its Adjudicators shall not take cognizance of any agrarian dispute or controversy, unless a certification is presented from the [BARC] of the Barangay where the land involved is located, attesting that the dispute has been submitted to it for mediation or conciliation without any success of settlement, provided that:

- a) The dispute does not fall under any of the exceptions enumerated in the succeeding section;
- b) xxx;
- c) xxx;

d) xxx.

Section 2. Exceptions. BARC Certification under these rules shall not be required in the following cases:

a) xxx;

b) where the parties reside in different barangays unless, they adjoin each other, in which case, the matter will be mediated or conciliated in the Barangay where it is first brought;

c) xxx;

d) xxx;

e) xxx.

[16] See Rule 1, Section 3 and Rule VIII, Section 1, 1989 DARAB Rules, December 26, 1988.

[17] *People v. Court of Appeals*, G.R. No. 142051, 24 February 2004, 423 SCRA 605.

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