

PEDRO GABRIEL, FERNANDO JAMIAS, ALFREDO NIEDO, MABINI JAMIAS, BRAULIO TANGO, MARIANO ECHAVARI, ISIDRO RECITES, BERNARDO BAQUIRIN, FERMIN JAMIAS, FRANCISCO NIEDO, GAVINO JAMIAS, ...

G.R. No. 156482. September 17, 2008

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

In this petition for review on certiorari under Rule 45 of the Rules of Court, petitioners seek the reversal and setting aside of the following issuances of the Court of Appeals (CA) in CA-G.R. SP No. 73197, to wit:

- 1) Resolution dated October 18, 2002,[1] dismissing their petition for review of the decision dated September 12, 2002 of the Department of Agrarian Reform Adjudication Board (DARAB), Diliman, Quezon City;[2] and
- 2) Resolution dated December 17, 2002,[3] denying petitioners' motion for reconsideration.

The root of the controversy in this case is a large tract of rice land known as the Jamias Estate, with a total area of 36.5794 hectares situated in Bantog, Asingan, Pangasinan and originally covered by Original Certificate of Title No. 23299 in the names of the now deceased spouses Martin and Delfina Jamias.

Upon Martin Jamias' death in 1958, his wife, Delfina, and six (6) children, who are the respondents herein, namely Inanama, Murmuray, Langit, Dalisay, Liwawa and Isagani, all surnamed Jamias, inherited the Jamias Estate. Immediately thereafter, said heirs partitioned among themselves the whole property at 1/7 each for which Transfer Certificate of Title No. 36192 was issued in their names on June 20, 1961. Eventually, on November 7, 1972, the heirs were issued their separate and individual titles corresponding to their respective portions of the estate, which, as found by the DARAB, were as follows:

NAMES AREA/HAS. TCT NO. LOCATION/PANGASINAN

Inanama 5.1826 T-5920 Bantog, Asingan

Murmuray 5.1826 T-5919 do

1.0210 T-5955 do

6.2036

Langit 5.1826 T-5923 do

0.9169 T-5958 do

6.0995

Dalisay 5.1826 T-5922 do

1.5809 T-5954 do

6.7635

Liwawa 5.1826 T-5925 do

2.2529 T-5956 do

7.4355

Isagani 5.1826 T-5921 do

1.2381 T-5935 Libertad, Tayug

7.6707

Delfina 5.1826 T-5924 Bantog, Asingan

1.6532 T-1874/T-18703 Amestad

2.4521 TD 15743-TD15744 San Roque, San Nicolas

1.5298 TD 16442 Legaspi, Tayug

10.8177

On November 29, 1980, Delfina Jamias died. However, on May 15, 1981, the whole Jamias Estate was covered by Operation Land Transfer (OLT) pursuant to Presidential Decree (P.D.) No. 27.[4] Having been identified by the Department of Agrarian Reform (DAR) as farmer-beneficiaries, herein petitioners (tenants on the said land) were issued Certificates of Land Transfer (CLTs).

Claiming that their landholdings were erroneously covered by OLT since they already have individual Torrens titles covering the same, respondents filed, with the DAR on July 12, 1981, a petition/application for exemption/retention of seven (7) hectares each of the Jamias Estate and for the cancellation of the CLTs issued to the petitioners covering portions thereof. During the pendency of the said petition, or on September 21, 1983, emancipation patents were issued and distributed by the DAR to the petitioners.

Eventually, on March 17, 1986,[5] then DAR Minister Conrado Estrella granted the respondents' petition/application, thus:

WHEREFORE, PREMISES CONSIDERED, Order is hereby issued:

- Granting and giving due course to the petition of Inanama, Murmuray, Langit, Dalisay, Liwawa and Isagani, all surnamed Jamias, to retain not more that seven (7) hectares each of their tenanted Riceland situated at Bant[o]g, Asingan, Pangasinan;
- Recalling and/or canceling the Certificates of Land Transfer covering portions of the retained areas issued to the tenants;
- The landowner shall maintain the tenants in the peaceful possession and cultivation of the landholding under leasehold;
- Directing the DAR District Officer of Urdaneta, Pangasinan to prepare and issue the Certificates of Agricultural Leasehold (CAL) in favor of the herein tenants;
- Authorizing the [respondents] to withdraw the lease rentals deposited by the tenants with the Land Bank, in his favor if there are any.

SO ORDERED.

The petitioners filed an Omnibus Motion for Reconsideration[6] of the aforesaid Order on the ground that the same was unsupported by the law and the facts and has been rendered moot and academic by the issuance of CLTs and, then later, of emancipation patents in their names.

Meanwhile, sometime in 1987, Torrens titles covering the landholdings subject of the emancipation patents earlier issued to the petitioners were personally distributed to the latter by the then President of the Philippines, Corazon C. Aquino.

On May 20, 1991, then DAR Secretary Benjamin Leong issued an Order[7] affirming with modification the assailed Order of March 17, 1986. Among others, it was declared in his Order that the cancellation/revocation of the emancipation patents which were issued to the tenants within the retained areas should be made before a proper court. The dispositive portion of the said Order reads:

WHEREFORE, premises considered, this Order is hereby issued denying the instant Omnibus Motion for lack of merit and affirming the Order dated March 17, 1986 of this Department with the following modifications:

- The landholdings of Inanama, Murmuray, Langit and Dalisay all surnamed Jamias being less than seven (7) hectares each, are exempted from the coverage of Operation Land Transfer, while Delfina, Isagani and Liwawa, all surnamed Jamias, are entitled to retain not more than seven (7) hectares of their landholdings and the excess areas thereof should be covered under OLT.
- Directing the issuance of Certificates of Land Transfer, if none has yet been issued, to the tenants within the excess areas of the landholdings of Delfina, Isagani and Liwawa.
- This Order shall serve as a basis for the cancellation/revocation before the proper court of the Emancipation Patents (EPs) issued to the tenants within the exempt/retained areas and which are already registered.

SO ORDERED.

Seeking the nullification of the two (2) aforementioned Orders of the DAR for allegedly having been executed with grave abuse of discretion considering that titles were already issued to them, the petitioners filed a petition for certiorari[8] before the CA. In its decision dated April 21, 1992,[9] the CA, ruling that the distribution of land titles to the petitioners was improper considering that the same was made during the pendency of respondents' petition/application for exemption/retention with the DAR, dismissed for lack of merit the petition for certiorari declaring that:

The mere distribution of land titles to petitioners consequently posed no legal impediment to the ultimate resolution of the pending petition of respondents for retention of portions of lands already previously distributed.

Petitioners appealed the CA's April 21, 1992 Decision to this Court. However, in a Resolution dated September 20, 1995, the Court denied the petition for failure to sufficiently show that the CA had committed any reversible error in the questioned judgment. The Court's resolution subsequently became final and executory as shown in the Entry of Judgment dated February 5, 1996[10] issued by the Supreme Court Judicial Records Office.

Thereafter, respondents filed a motion for the issuance of a writ of execution of the DAR Order dated May 20, 1991 with the DAR Regional Office in San Fernando, La Union. On September 11, 1997, the DAR Regional Director issued a Resolution[11] granting the motion but pertinently directed the respondents to file with the DARAB an action for the cancellation or recall of the emancipation patents covering the retained areas. To quote from the Resolution:

WHEREFORE, by virtue of the authority vested in me by law and the Implementing guidelines thereof, Order is hereby issued:

1)

Directing the Provincial Agrarian Reform Office (PARO) of Pangasinan or his duly authorized representatives to implement the Order dated March 17, 1986 as affirmed by the Order dated May 20, 1991 as to the segregation of the retention area and the documentation of the coverage relative to the excess on the landholdings of Delfina, Isagani and Liwawa, all surnamed Jamias;

2)

Directing the Municipal Agrarian Reform Office (MARO) of Asingan, Pangasinan to cause the execution of leasehold contracts between the [respondents] and the tenants within the retention area;

3)

Directing the tenants within the retained areas to pay the lease rentals due to the [respondents], respectively;

4)

Directing the [respondents] to file an action to (sic) the Department of Agrarian Reform Adjudication Board (DARAB) for the cancellation or recall of the Emancipation Patents covering the retained areas.

SO ORDERED. [Emphasis supplied]

Pursuant to the aforecited Resolution, respondents separately filed on June 5, 1998 with the DARAB, Region I, Urdaneta City, Pangasinan, their respective petitions[12] for cancellation and recall of the emancipation patents covering the exempt/retained areas.

The petitioners forthwith moved for a dismissal of the petitions on the main ground of lack of jurisdiction of the DARAB Regional Office. Petitioners' motion, however, as well as their subsequent motion for reconsideration, were denied as per Orders dated November 16, 1998 and January 7, 1999,[13] respectively.

In their Position Paper before the DARAB,[14] respondents averred that the jurisdiction of the DARAB to hear and decide the issue as to the cancellation of the subject emancipation patents has already become a foregone conclusion and the same is true with respect to their exercise of retention rights as the issue was already decided with finality by this Court. The petitioners, on the other hand, alleged in their Position Paper[15] the following: lack of jurisdiction of the DARAB over the action; no erroneous coverage of the subject land under OLT since it was the President of the Philippines who personally distributed the land titles; and respondents' lack of entitlement to retention rights because they did not signify any intention to cultivate the land.

In a consolidated decision dated June 21, 1999,[16] the DARAB Regional Office, through the Regional Adjudicator, ruled in favor of the respondents and rendered judgment, as follows:

WHEREFORE, premises duly considered, judgment is hereby rendered as follows:

- Declaring the emancipation patents issued in the name of the [petitioners] in these seven (7) cases to be cancelled or null and void on the ground that the landholding is the retained area of the [respondents];
- Directing the Register of Deeds of Pangasinan and the DAR Chief of Operations to effect the cancellation of the Emancipation Patent issued to the [petitioners], the numbers of which are as follows:

x x x x

- Ordering the Register of Deeds to reinstate or restore the titles of the [respondents] which are TCT Nos.

5919, 5955, 5924, 5920, 5925, 5956, 5923, 5922, 5954, 5921, and 5953 if the same have been cancelled; and

- Directing the tenants in the retained areas and the respective owners thereof to execute an Agricultural Leasehold Contract with the assistance of the MARO of Asingan, Pangasinan.

SO ORDERED.

Reiterating the same arguments they earlier made with the DARAB Regional Office, the petitioners appealed to the DARAB, Central Office in Diliman, Quezon City.[17]

In its Decision dated September 12, 2002,[18] however, the DARAB, Central Office affirmed the decision of the Regional Adjudicator and accordingly dismissed petitioners' appeal.

In time, petitioners went to the CA on a petition for review under Rule 43 of the 1997 Rules of Civil Procedure, docketed as CA-G.R. SP No. 73197.

Eventually, in its Resolution dated October 18, 2002,[19] which is subject of the present petition, the CA dismissed outright petitioners' petition for review due to deficiency in form and substance for failure to incorporate and/or attach, as annexes thereto, documents/pleadings materially referred to therein in violation of Paragraph [c],[20] Section 6, Rule 43 in relation to Section 7, Rule 43 of the 1997 Rules of Civil Procedure.

The petitioners moved for reconsideration of the aforesaid Resolution, pointing out that the pleadings enumerated by the CA which they did not attach to their petition were not material to the legal issues they raised therein which were (a) lack of jurisdiction of the DARAB and (2) lack/denial of due process.[21]

The CA, in its Resolution of December 17, 2002,[22] denied petitioners' motion for reconsideration.

Hence, the instant petition before the Court.

Petitioners raise as grounds for the present petition for review on certiorari that: (a) the DARAB has no jurisdiction to cancel and recall emancipation patents and the land titles issued consequent thereto; (b) respondents have no retention rights over the subject land; and (c) petitioners' emancipation patents which were given to them by the President cannot be cancelled by the orders of any subordinate.

The petition must fail.

At the outset, we note that the two (2) CA Resolutions assailed herein dismissed petitioners' appeal from the DARAB issuances on purely technical grounds. Yet, the petition before this Court neither mentions nor presents arguments with regard to the CA's dismissal on procedural grounds. Nonetheless, whether petitioners' omission was done intentionally or inadvertently, this Court sees fit to address the procedural issues if only to underscore the correctness of the dismissal of said petition.

Under Rule 43, Section 6(c) of the 1997 Rules of Civil Procedure, a petition for review shall be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers. Failure of the petitioner to comply with any of the requirements of a petition for review is sufficient ground for the dismissal of the petition pursuant to Section 7 of the same Rule.[23]

Here, it is not disputed that the petitioners failed to attach to their petition filed with the CA copies of the following documents and/or pleadings referred to therein:

- (a) Petition for the recall and cancellation of emancipation patents;
- (b) Appeal memorandum dated October 1, 1999 filed by Barolo Pablo, et. al;

- (c) Petition to retain 7 hectares;
- (d) Order dated March 17, 1986 of then Minister Estella;
- (e) Omnibus motion for reconsideration filed on April 17, 1986;
- (f) Petition for certiorari filed with the Court of Appeals docketed as SP 25399;
- (g) Decision of the Court of Appeals dated April 21, 1992;
- (h) Petition filed with the Supreme Court docketed as G.R. No. 107043;
- (i) Resolution dated September 20, 1995 of the Supreme Court in G.R. No. 107043;
- (j) Motion for the issuance of writ of execution;
- (k) Order dated November 16, 1998;
- (l) Motion to dismiss;
- (m) Order dated November 16, 1998;
- (n) Motion for reconsideration;
- (o) Order dated January 7, 1999;
- (p) Decision dated June 21, 1999; and
- (q) Appeal memorandum filed with DARAB.[24]

Petitioners' assertion in their motion for reconsideration of the dismissal of their petition that (a) the foregoing documents/pleadings were not material to the issues they raised and (b) anyway, the records of the case may be ordered elevated by the CA, cannot excuse them from failing to comply with a requirement of a petition for review under Rule 43. We reiterate here that the right to appeal is neither a natural right nor a part of due process as it is merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of law.[25] Save for the most persuasive of reasons, strict compliance with procedural rules is enjoined to facilitate the orderly administration of justice.[26] Thus, one who seeks to avail of the right to appeal must comply with the requirements of the Rules. Failure to do so often leads to the loss of the right to appeal.[27]

But even if such procedural infirmity was to be disregarded, the petition must still fail for lack of merit.

Arguing that the cancellation of certificates of title is civil in nature and not agrarian, the petitioners insist that proceedings must be with the regular courts and not with the DARAB.

We are not persuaded.

It is well-settled that the DAR, through its adjudication arm, i.e., the DARAB and its regional and provincial adjudication boards, exercises quasi-judicial functions and jurisdiction on all matters pertaining to an agrarian dispute or controversy and the implementation of agrarian reform laws.[28] 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.[29]

This Court has had the occasion to rule that the mere issuance of an emancipation patent does not put the ownership of the agrarian reform beneficiary beyond attack and scrutiny. Emancipation patents may be cancelled for violations of agrarian laws, rules and regulations. Section 12(g) of P.D. No. 946 (issued on June 17, 1976) vested the then Court of Agrarian Relations with jurisdiction over cases involving the cancellation of emancipation patents issued under P.D. No. 266. Exclusive jurisdiction over such cases was later lodged with the DARAB under Section 1 of Rule II of the DARAB Rules of Procedure.[30]

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.[31] The same holds true in the case of a certificate of title issued by virtue of a void emancipation patent.

From the foregoing, it is therefore undeniable that it is the DARAB and not the regular courts which has jurisdiction herein, this notwithstanding the issuance of Torrens titles in the names of the petitioners. For, it is a fact that the petitioners' Torrens titles emanated from the emancipation patents previously issued to them by virtue of being the farmer-beneficiaries identified by the DAR under the OLT of the government. The DAR ruling that the said emancipation patents were erroneously issued for failing to consider the valid retention rights of respondents had already attained finality. Considering that the action filed by respondents with the DARAB was precisely to annul the emancipation patents issued to the petitioners, the case squarely, therefore, falls within the jurisdiction of the DARAB. As likewise correctly held by the DARAB in its decision:[32]

x x x the present case for cancellation of the EPs is a mere off-shoot of the administrative petition for retention filed by the petitioners as early as 1981. That previous case culminated in a decision upholding petitioners' right of retention. The case at bar is for cancellation of the EPs. Hence, the present case is an incident flowing from the earlier decision of the administrative agency and affirmed judicially involving the same parties and relating to the same lands.

As for petitioners' arguments regarding respondents' retention rights and the validity of the DAR's orders directing the filing of an action for cancellation of petitioners' emancipation patents, suffice it to state that these issues were already subject of the proceedings on the petition for retention filed by respondents in 1981. The DAR Orders of March 17, 1986 and May 20, 1991 which declared respondents' entitlement to retention rights over the subject land and directing the filing of the appropriate action for the cancellation of petitioners' emancipation patents have attained finality as shown by this Court's Entry of Judgment dated February 5, 1996. Indeed, the proceedings before the DARAB now being assailed here (i.e. respondents' petitions to cancel petitioners' emancipation patents) were merely in execution or implementation of the DAR Orders of March 17, 1986 and May 20, 1991 which have long since become final and executory. Indeed, this Court looks with disfavor upon the present attempt of petitioners to avoid execution of the said DAR Orders by litigating anew in this petition matters already previously passed upon with finality by the DAR and the appellate courts, including this Court.

Under DAR Administrative Order No. 02, Series of 1994,[33] that the subject land is found to be exempt/excluded from P.D. No. 27/E.O. No. 228 or CARP coverage or to be part of the landowner's retained area as determined by the DAR Secretary or his authorized representative is a ground for cancellation of an emancipation patent. Thus, this Court finds no reason to disturb the DARAB's order directing the cancellation of petitioners' emancipation patents.

WHEREFORE, the instant petition is DENIED and the Resolutions dated October 18, 2002 and December 17, 2003 of the Court of Appeals are hereby AFFIRMED.

Costs against the petitioners.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Carpio Morales[*], and Azcuna, JJ., concur.

[1] Rollo, pp. 17-19.

[2] The DARAB decision dated September 12, 2002 affirmed the Regional Adjudicator's decision declaring the cancellation of the Emancipation Patents issued in the names of the petitioners.

[3] Rollo, pp. 23-24.

[4] P.D. No. 27 decreed the emancipation of tenants from the bondage of the soil and transferred to them the ownership of the land they till. It was promulgated on October 21, 1972.

[5] Record, pp. 27-31.

[6] Rollo, pp. 48-53.

[7] Rollo, pp. 48-54.

[8] Docketed as CA-G.R. SP No. 25399 entitled Mariano Echavaria et al. v. Benjamin T. Leong as Secretary of DAR and Inanama Jamias.

[9] Rollo, pp. 78-90.

[10] Record, p. 182.

[11] Id., pp.172-175.

[12] Docketed as DARAB Case Nos. 01-1661 to 01-1667 EP 99; Record, Folders DCN 9368-9374.

[13] Record, pp. 116-117 and pp. 121-129.

[14] Rollo, pp. 64-66.

[15] Id., pp. 56-62.

[16] Record, pp. 312-329.

[17] The appeal was docketed as DARAB Case Nos. 9368-9374; Records, pp. 348-355.

[18] Rollo, pp. 34-44.

[19] Supra note 1.

[20] Erroneously indicated as Paragraph (b) of Section 6 in the CA Resolution.

[21] Rollo, pp. 20-21.

[22] Supra note 2.

[23] In full, this section reads:

Sec. 7. Effect of failure to comply with requirements. - The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

[24] Supra note 1.

[25] Marison C. Basuel v. Fact-Finding and Intelligence Bureau (FFIB), G.R. No. 143664, June 30, 2006, 494 SCRA 118, 123.

[26] Id., p. 126.

[27] Neypes v. Court of Appeals, G.R. No. 141524, September 14, 2005, 469 SCRA 633, 638.

[28] Hermoso v. C.L. Realty Corporation, G.R. No. 140319, May 5, 2006, 489 SCRA 556, 562.

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

[30] *Ayo-Alburo v. Matobato*, G. R. No. 155181, April 15, 2005, 456 SCRA 399, 409

[31] *Supra* note 28, p. 563.

[32] *Supra* note 17.

[33] Grounds for the cancellation of registered EPs or CLOAs may include but not be limited to the following:

- Misuse or diversion of financial and support services extended to the ARB (Section 37 of R.A. No. 6657);
- Misuse of the land (Section 22 of R.A. No. 6657);
- Material misrepresentation of the ARB's basic qualification as provided under Section 22 of R.A. No. 6657, P.D. No. 27 and other agrarian laws;
- Illegal conversion by the ARB (Cf. Section 73, Paragraph C and E of R.A. No. 6657);
- Sale, transfer, lease or other forms of conveyance by a beneficiary of the right to use or any other usufructuary right over the land acquired by virtue of being a beneficiary. In order to circumvent the provisions of Section 73 of R.A. No. 6657, P.D. No. 27 and other agrarian laws. However, if the land has been acquired under P.D. No. 27/E.O. No. 228, ownership may be transferred after full payment of amortization by the beneficiary (Sec. 6 of E.O. No. 228);
- Default in the obligation to pay an aggregate of three (3) consecutive amortizations in case of voluntary land transfer/direct payment scheme except in cases of fortuitous events and force majeure;
- Failure of the ARBs to pay for at least three (3) annual amortizations to the LBP, except in cases of fortuitous events and force majeure (Section 26 of RA 6657);
- Neglect or abandonment of the awarded land continuously for a period of two (2) calendar years as determined by the Secretary or his authority represented (Section 22 Of RA 6657);
- The land is found to be expect/excluded from P.D. No. 27/E.O. No. 228 or CARP coverage or to be part of the landowner's retained area as determined by the Secretary or his authorized representative; and
- Other grounds that will circumvent laws related to the implementation of agrarian reform program. (Emphasis supplied)

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