SAMUEL ESTRIBILLO, CALIXTO P. ABAYATO, JR., RONGIE D. AGUILAR, TACIANA D. AGUILAR, ARTEMIO G. DE JUAN, ESTANISLAO DELA CRUZ, SR., EDGAR DUENAS, MARIO ERIBAL, REYNALDO C. ESENCIA...

G.R. NO. 159674. June 30, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, seeking the review and reversal of the Resolutions[1] of the Court of Appeals dated 27 January 2003 and 28 August 2003, respectively.

The factual and procedural antecedents are as follows:

The petitioners, with the exception of two, are the recipients of Emancipation Patents (EPs) over parcels of land located at Barangay Angas, Sta. Josefa, Agusan del Sur, with their respective Transfer Certificate of Title (TCT) and EP numbers presented below:

Petitioners

TCT/EP Nos.

Areas
(has.)

1. SAMUEL ESTRIBILLO TCT No. T-287/EP No. A-037675 1.7833

2. CALIXTO P. ABAYATO, JR.

TCT No. T-297/EP No. A-037814
TCT No. T-829/EP No. A-027293 2.0000
0.1565

3. RONGIE D. AGUILAR TCT No. T-913/EP No. A-027295 3.1441

4. TACIANA D. AGUILAR TCT No. T-944/EP No. A-027296 4.2405

5. ARTEMIO G. DE JUAN TCT No. T-302/EP No. A-037809 3.3082

6. ESTANISLAO DELA CRUZ, SR. TCT No. T-290/EP No. A-035676 3.1437

7. EDGAR DUENAS TCT No. T-949/EP No. A-037658 4.0128

8. MARIO P. ERIBAL TCT No. T-952/EP No. A-037836 2.3087

9. REYNALDO C. ESENCIA TCT No. T-950/EP No. A-037844 2.0950

10. RUBEN A. IBOJO TCT No. T-928/EP No. A-037873 1.5737

11. SAMUEL JAMANDRE TCT No. T-909/EP No. A-159348 2.2670

12. HILARION V. LANTIZA TCT No. T-288/EP No. A-037674
TCT No. T-401/EP No. A-037825 4.5526
0.4579

13. ANSELMO LOPEZ TCT No. T-973/EP No. A-037840 4.4939

14. TERESITA NACION TCT No. T-900/EP No. A-037849 2.2140

15. CHARIE E. NASTOR TCT No. T-825/EP No. A-037829 3.9291

16. NELSON L. NULLAS TCT No. T-396/EP No. A-037826 2.7491

17. CARLITO S. OLIA TCT No. T-910/EP No. A-037673 1.7954

18. ROBERTO T.PATIÑO TCT No. T-912/EP No. A-037860 6.4266

19. ANTONIO P. ROCHA TCT No. T-914/EP No. A-037830 2.2143

20. FERNANDO C. RUFINO TCT No. T-923/EP No. A-037848 4.5322

21. PATERNO P. SAIN TCT No. T-954/EP No. A-037813 4.3223

22. CLAUDIO S. SAYSON, and TCT No. T-891/EP No. A-037880 3.7151

23. JOEMARIE VIBO TCT No. T-893/EP No. A-037827 1.3185[2]

The two other petitioners, Emma Gonzaga and Ana Patiño, are the surviving spouses of deceased recipients of EPs over parcels of land also located at Barangay Angas, Sta. Josefa, Agusan del Sur, with their corresponding TCT and EP numbers identified as follows:

(Deceased) Registered Owners

TCT/EP Nos.

Areas
(has.)

1. MANUEL S. GONZAGA TCT No. T-920/EP No. A-037832 4.1953

2. RAFAEL PATIÑO TCT No. T-929/EP No. A-037861 3.0078[3]

The parcels of land described above, the subject matters in this Petition, were formerly part of a forested area which have been denuded as a result of the logging operations of respondent Hacienda Maria, Inc. (HMI). Petitioners, together with other persons, occupied and tilled these areas believing that the same were public lands. HMI never disturbed petitioners and the other occupants in their peaceful cultivation thereof.

HMI acquired such forested area from the Republic of the Philippines through Sales Patent No. 2683 in 1956 by virtue of which it was issued OCT No. P-3077-1661. The title covered three parcels of land with a total area of 527.8308 hectares, to wit:

Lot No.

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Area
(in hectares)

Lot No. 1620, Pls – 4

28.52;

Lot No. 1621, Pls – 4

11.64

Lot No. 1622, Pls – 4

487.47

TOTAL

527.83[4]

On 21 October 1972, Presidential Decree No. 27[5] was issued mandating that tenanted rice and corn lands be brought under Operation Land Transfer and awarded to farmer-beneficiaries.

HMI, through a certain Joaquin Colmenares, requested that 527.8308 hectares of its landholdings be placed under the coverage of Operation Land Transfer. Receiving compensation therefor, HMI allowed petitioners and other occupants to cultivate the landholdings so that the same may be covered under said law.

In 1973, the Department of Agrarian Reform (DAR) conducted a parcellary mapping of the entire landholdings of 527.8308 hectares covered by OCT No. P-3077-1661. In 1975 and 1976, the DAR approved the Parcellary Map Sketching (PMS) and the Amended PMS covering the entire landholdings.

HMI, through its representatives, actively participated in all relevant proceedings, including the determination of the Average Gross Production per hectare at the Barangay Committee on Land Production, and was a signatory of an undated Landowner and Tenant Production Agreement (LTPA), covering the 527.8308 hectares. The LTPA was submitted to the Land Bank of the Philippines (LBP) in 1977.

Also in 1977, HMI executed a Deed of Assignment of Rights in favor of petitioners, among other persons, which was registered with the Register of Deeds and annotated at the back of OCT No. P-3077-1661. The annotation in the OCT showed that the entire 527.8308 hectares was the subject of the Deed of Assignment.

In 1982, a final survey over the entire area was conducted and approved. From 1984 to 1988, the corresponding TCTs and EPs covering the entire 527.8308 hectares were issued to petitioners, among other persons.

In December 1997, HMI filed with the Regional Agrarian Reform Adjudicator (RARAD) of CARAGA, Region XIII, 17 petitions seeking the declaration of erroneous coverage under Presidential Decree No. 27 of 277.5008 hectares of its former landholdings covered by OCT No. P-3077-1661. HMI claimed that said area was not devoted to either rice or corn, that the area was untenanted, and that no compensation was paid therefor. The 17 petitions, which were later consolidated, sought for the cancellation of the EPs covering the disputed 277.5008 hectares which had been awarded to petitioners. HMI did not question the coverage of the other 250.3300 hectares under Presidential Decree No. 27 despite claiming that the entire landholdings were untenanted and not devoted to rice and corn.

On 27 November 1998, after petitioners failed to submit a Position Paper, the RARAD rendered a Decision declaring as void the TCTs and EPs awarded to petitioners because the land covered was not devoted to rice and

corn, and neither was there any established tenancy relations between HMI and petitioners when Presidential Decree No. 27 took effect on 21 October 1972. The Decision was based on a 26 March 1998 report submitted by the Hacienda Maria Action Team. Petitioners' TCTs and EPs were ordered cancelled. Petitioners filed a Motion for Reconsideration, but the same was denied. Petitioners appealed to the Department of Agrarian Reform Adjudication Board (DARAB) which affirmed the RARAD Decision.

After the DARAB denied petitioners' Motion for Reconsideration, the latter proceeded to the Court of Appeals with their Petition for Review on Certiorari. The Court of Appeals issued the following assailed Resolution:

> A perusal of the petition reveals that the Verification and Certification of Non-Forum Shopping was executed by Samuel A. Estribillo who is one of the petitioners, without the corresponding Special Power of Attorneys executed by the other petitioners authorizing him to sign for their behalf in violation of Section 5, Rule 7 of the 1997 Rules of Civil Procedure, as amended.
>
> WHEREFORE, the petition is DENIED DUE COURSE and necessarily DISMISSED.[6]

Petitioners filed a "Motion for Reconsideration With Alternative Prayer with Leave of Court for the Admission of Special Power of Attorney (SPA) Granted to Petitioner Samuel Estribillo by his Co- Petitioners." The Court of Appeals denied the motion by issuing the following assailed Resolution:

> Petitioners seek the reconsideration of Our Resolution promulgated on January 27, 2003 which dismissed the petition for certiorari.
>
> We find no reason to reverse, alter or modify the resolution sought to be reconsidered, since petitioners have failed to show that their belated submission of the special power of attorney can be justified as against the unequivocal requirements set forth by Sec. 5, Rule 7 of the 1997 Rules of Civil Procedure, as amended.
>
> While it is true that the Supreme Court has recognized special circumstances that justify the relaxation of the rules on non-forum shopping, such circumstances, however, are not present in the case at bar.
>
> More importantly, said Rules cannot be relaxed in view of the Supreme Court's ruling in Loquias vs. Ombudsman, 338 SCRA 62, which stated that, substantial compliance will not suffice in a matter involving strict observance by the rules. The attestation contained in the certification [on] non-forum shopping requires personal knowledge by the party who executed the same.
>
> Since the Verification and Certification on Non-Forum shopping was executed without the proper authorization from all the petitioners, such personal knowledge cannot be presumed to exist thereby rendering the petition fatally defective.
>
> Par. 2, Sec. 5 of Rule 7 of the 1997 Rules of Civil Procedure, as amended states:
> "Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice x x x"

It is, thus, clear that the Motion for Reconsideration has no legal basis to support it and should be dismissed forthwith. Moreover, granting arguendo that a special power of attorney belatedly filed could cure the petition's defect, the requirement of personal knowledge of all the petitioners still has not been met since some of the other petitioners failed to sign the same.

WHEREFORE, in view of the foregoing, the Motion for Reconsideration is hereby DENIED.[7]

Petitioners now file this present Petition contending that there had been compliance with Rule 7, Section 5 of the 1997 Rules of Civil Procedure. They further reiterate their argument that the EPs are ordinary titles which become indefeasible one year after their registration.

The petition is impressed with merit.

Petitioners have sufficiently complied with Rule 7, Section 5 of the 1997 Rules of Civil Procedureconcerning the Certification Against Forum shopping

Rule 7, Section 5 of the 1997 Rules of Civil Procedure was preceded by Revised Circular No. 28-91 and Administrative Circular No. 04-94, which required a certification against forum shopping to avoid the filing of multiple petitions and complaints involving the same issues in the Supreme Court, the Court of Appeals, and other tribunals and agencies. Stated differently, the rule was designed to avoid a situation where said courts, tribunals and agencies would have to resolve the same issues. Rule 7, Section 5, now provides:

> Sec. 5. Certification against forum shopping. – The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi- judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.
>
> Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt as well as a cause for administrative sanctions.

Revised Circular No. 28-91 "was designed x x x to promote and facilitate the orderly administration of justice and should not be interpreted with such absolute literalness as to subvert its own ultimate and legitimate objective or the goal of all rules of procedure – which is to achieve substantial justice as expeditiously as possible."[8] Technical rules of procedure should be used to promote, not frustrate, justice.[9] The same guidelines should still apply in interpreting what is now Rule 7, Section 5 of the 1997 Rules of Civil Procedure.

Petitioner Samuel A. Estribillo, in signing the Verification and Certification Against Forum Shopping, falls within the phrase "plaintiff or principal party" who is required to certify under oath the matters mentioned in Rule 7, Section 5 of the 1997 Rules of Civil Procedure. Such was given emphasis by this Court when we held in Mendigorin v. Cabantog[10] and Escorpizo v. University of Baguio[11] that the certification of non-forum shopping must be signed by the plaintiff or any of the principal parties and not only by the legal counsel. In Condo Suite Club Travel, Inc. v. National Labor Relations Commission,[12] we likewise held that:

> The certification in this petition was improperly executed by the external legal counsel of petitioner. For a certification of non-forum shopping must be by the petitioner, or any of the principal parties and not by counsel unless clothed with a special power of attorney to do so. This procedural lapse on the part of petitioner is also a cause for the dismissal of this action. (Emphasis supplied)

The Court of Appeals heavily relied on the seemingly conflicting case of Loquias v. Office of the Ombudsman,[13] where this Court ruled that:

> At the outset, it is noted that the Verification and Certification was signed by Antonio Din, Jr., one of the petitioners in the instant case. We agree with the Solicitor General that the petition is defective. Section 5, Rule 7 expressly provides that it is the plaintiff or principal party who shall certify under oath that he has not

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> commenced any action involving the same issues in any court, etc. Only petitioner Din, the Vice-Mayor of San Miguel, Zamboanga del Sur, signed the certification. There is no showing that he was authorized by his co-petitioners to represent the latter and to sign the certification. It cannot likewise be presumed that petitioner Din knew, to the best of his knowledge, whether his co-petitioners had the same or similar actions or claims filed or pending. We find that substantial compliance will not suffice in a matter involving strict observance by the rules. The attestation contained in the certification on non-forum shopping requires personal knowledge by the party who executed the same. Petitioners must show reasonable cause for failure to personally sign the certification. Utter disregard of the rules cannot justly be rationalized by harking on the policy of liberal construction. (Emphasis supplied)

Loquias, however, was a case involving only five petitioners seeking relief from the Resolution of the Ombudsman charging them with violation of Republic Act No. 3019, where the above declaration "at the outset" was made together with a determination on the lack of jurisdiction on our part to decide the Petition.[14] There being only five petitioners in Loquias, the unreasonableness of the failure to obtain the signatures of Antonio Din, Jr.'s four co-accused is immediately apparent, hence the remark by this Court that "[p]etitioners must show reasonable cause for failure to personally sign the certification." In the present petition, petitioners allege that they are farmer-beneficiaries who reside in a very remote barangay in Agusan del Sur. While they reside in the same barangay, they allegedly have to walk for hours on rough terrain to reach their neighbors due to the absence of convenient means of transportation. Their houses are located far apart from each other and the mode of transportation, habal-habal, is scarce and difficult. Majority of them are also nearing old age. On the other hand, their lawyers (who are members of a non-government organization engaged in development work) are based in Quezon City who started assisting them at the latter part of the RARAD level litigation in 1998, and became their counsel of record only at the DARAB level. The petitioner who signed the initiatory pleading, Samuel Estribillo, was the only petitioner who was able to travel to Manila at the time of the preparation of the Petition due to very meager resources of their farmers' organization, the Kahiusahan sa Malahutayong mga Mag-uugma Para sa Ekonomikanhong Kalambuan (KAMMPE). When the Petition a quo was dismissed, petitioners' counsel went to Agusan del Sur and tried earnestly to secure all the signatures for the SPA. In fact, when the SPA was being circulated for their signatures, 24 of the named petitioners therein failed to sign for various reasons – some could not be found within the area and were said to be temporarily residing in other towns, while some already died because of old age.[15] Be that as it may, those who did not sign the SPA did not participate, and are not parties to this petition.

The Court of Appeals merely said that the special circumstances recognized by this Court that justify the relaxation of the rules on the certification against forum shopping are not present in the case at bar,[16] without discussing the circumstances adduced by the petitioners in their Motion for Reconsideration. Thus, assuming for the sake of argument that the actuation of petitioners was not strictly in consonance with Rule 7, Section 5 of the 1997 Rules of Civil Procedure, it should still be determined whether there are special circumstances that would justify the suspension or relaxation of the rule concerning verification and certification against forum shopping, such as those which we appreciated in the ensuing cases.

In General Milling Corporation v. National Labor Relations Commission,[17] the appeal to the Court of Appeals had a certificate against forum shopping, but was dismissed as it did not contain a board resolution authorizing the signatory of the Certificate. Petitioners therein attached the board resolution in their Motion for Reconsideration but the Court of Appeals, as in this case, denied the same. In granting the Petition therein, we explained that:

> [P]etitioner complied with this procedural requirement except that it was not accompanied by a board resolution or a secretary's certificate that the person who signed it was duly authorized by petitioner to represent it in the case. It would appear that the signatory of the certification was, in fact, duly authorized as so

> evidenced by a board resolution attached to petitioner's motion for reconsideration before the appellate court. It could thus be said that there was at least substantial compliance with, and that there was no attempt to ignore, the prescribed procedural requirements.
>
> The rules of procedure are intended to promote, rather than frustrate, the ends of justice, and while the swift unclogging of court dockets is a laudable objective, it, nevertheless, must not be met at the expense of substantial justice. Technical and procedural rules are intended to help secure, not suppress, the cause of justice and a deviation from the rigid enforcement of the rules may be allowed to attain that prime objective for, after all, the dispensation of justice is the core reason for the existence of courts. [Acme Shoe, Rubber and Plastic Corp. vs. Court of Appeals; BA Savings Bank vs. Sia, 336 SCRA 484].

In Shipside Incorporated v. Court of Appeals,[18] the authority of petitioner's resident manager to sign the certification against forum shopping was submitted to the Court of Appeals only after the latter dismissed the Petition. It turned out, in the Motion for Reconsideration, that he already had board authority ten days before the filing of the Petition. We ratiocinated therein that:

> On the other hand, the lack of certification against forum shopping is generally not curable by the submission thereof after the filing of the petition. Section 5, Rule 45 of the 1997 Rules of Civil Procedure provides that the failure of the petitioner to submit the required documents that should accompany the petition, including the certification against forum shopping, shall be sufficient ground for the dismissal thereof. The same rule applies to certifications against forum shopping signed by a person on behalf of a corporation which are unaccompanied by proof that said signatory is authorized to file a petition on behalf of the corporation.
>
> In certain exceptional circumstances, however, the Court has allowed the belated filing of the certification. In Loyola v. Court of Appeals, et al. (245 SCRA 477 [1995]), the Court considered the filing of the certification one day after the filing of an election protest as substantial compliance with the requirement. In Roadway Express, Inc. v. Court of Appeals, et al. (264 SCRA 696 [1996]), the Court allowed the filing of the certification 14 days before the dismissal of the petition. In Uy v. Landbank, supra, the Court had dismissed Uy's petition for lack of verification and certification against non-forum shopping. However, it subsequently reinstated the petition after Uy submitted a motion to admit certification and non-forum shopping certification. In all these cases, there were special circumstances or compelling reasons that justified the relaxation of the rule requiring verification and certification on non-forum shopping.
>
> In the instant case, the merits of petitioner's case should be considered special circumstances or compelling reasons that justify tempering the requirement in regard to the certificate of non-forum shopping. Moreover, in Loyola, Roadway, and Uy, the Court excused non-compliance with the requirement as to the certificate of non-forum shopping. With more reason should we allow the instant petition since petitioner herein did submit a certification on non-forum shopping, failing only to show proof that the signatory was authorized to do so. That petitioner subsequently submitted a secretary's certificate attesting that Balbin was authorized to file an action on behalf of petitioner likewise mitigates this oversight.
>
> It must also be kept in mind that while the requirement of the certificate of non-forum shopping is mandatory, nonetheless the requirements must not be interpreted too literally and thus defeat the objective of preventing the undesirable practice of forum-shopping. Lastly, technical rules of procedure should be used to promote, not frustrate justice. While the swift unclogging of court dockets is a laudable objective, the granting of substantial justice is an even more urgent ideal.

In Uy v. Land Bank of the Philippines,[19] we, likewise, considered the apparent merits of the substantive aspect of the case as a special circumstance or compelling reason for the reinstatement of the case, and invoked our power to suspend our rules to serve the ends of justice. Thus:

> The admission of the petition after the belated filing of the certification, therefore, is not unprecedented. In

> those cases where the Court excused non-compliance with the requirements, there were special circumstances or compelling reasons making the strict application of the rule clearly unjustified. In the case at bar, the apparent merits of the substantive aspects of the case should be deemed as a "special circumstance" or "compelling reason" for the reinstatement of the petition. x x x

There were even cases where we held that there was complete non-compliance with the rule on certification against forum shopping, but we still proceeded to decide the case on the merits. In De Guia v. De Guia,[20] petitioners raised in their Petition for Review the allowance of respondents' Appeal Brief which did not contain a certificate against forum shopping. We held therein that:

> With regard to the absence of a certification of non-forum shopping, substantial justice behooves us to agree with the disquisition of the appellate court. We do not condone the shortcomings of respondents' counsel, but we simply cannot ignore the merits of their claim. Indeed, it has been held that "[i]t is within the inherent power of the Court to suspend its own rules in a particular case in order to do justice."

In Damasco v. National Labor Relations Commission,[21] the non-compliance was disregarded because of the principle of social justice, which is equally applicable to the case at bar:

> We note that both petitioners did not comply with the rule on certification against forum shopping. The certifications in their respective petitions were executed by their lawyers, which is not correct. The certification of non-forum shopping must be by the petitioner or a principal party and not the attorney. This procedural lapse on the part of petitioners could have warranted the outright dismissal of their actions.
>
> But, the court recognizes the need to resolve these two petitions on their merits as a matter of social justice involving labor and capital. After all, technicality should not be allowed to stand in the way of equitably and completely resolving herein the rights and obligations of these parties. Moreover, we must stress that technical rules of procedure in labor cases are not to be strictly applied if the result would be detrimental to the working woman.

The foregoing cases show that, even if we assume for the sake of argument that there was violation of Rule 7, Section 5 of the 1997 Rules of Civil Procedure, a relaxation of such rule would be justified for two compelling reasons: social justice considerations and the apparent merit of the Petition, as shall be heretofore discussed.

Certificates of Title issued pursuant to Emancipation Patents are as indefeasible as TCTs issued in registration proceedings.

Petitioners claim that the EPs have become indefeasible upon the expiration of one year from the date of its issuance. The DARAB, however, ruled that the EP "is a title issued through the agrarian reform program of the government. Its issuance, correction and cancellation is governed by the rules and regulations issued by the Secretary of the Department of Agrarian Reform (DAR). Hence, it is not the same as or in the same category of a Torrens title."

The DARAB is grossly mistaken.

Ybañez v. Intermediate Appellate Court,[22] provides that certificates of title issued in administrative proceedings are as indefeasible as certificates of title issued in judicial proceedings:

> It must be emphasized that a certificate of title issued under an administrative proceeding pursuant to a homestead patent, as in the instant case, is as indefeasible as a certificate of title issued under a judicial registration proceeding, provided the land covered by said certificate is a disposable public land within the contemplation of the Public Land Law.
>
> There is no specific provision in the Public Land Law (C.A. No. 141, as amended) or the Land Registration

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> Act (Act 496), now P.D. 1529, fixing the one (1) year period within which the public land patent is open to review on the ground of actual fraud as in Section 38 of the Land Registration Act, now Section 32 of P.D. 1529, and clothing a public land patent certificate of title with indefeasibility. Nevertheless, the pertinent pronouncements in the aforecited cases clearly reveal that Section 38 of the Land Registration Act, now Section 32 of P.D. 1529 was applied by implication by this Court to the patent issued by the Director of Lands duly approved by the Secretary of Natural Resources, under the signature of the President of the Philippines in accordance with law. The date of issuance of the patent, therefore, corresponds to the date of the issuance of the decree in ordinary registration cases because the decree finally awards the land applied for registration to the party entitled to it, and the patent issued by the Director of Lands equally and finally grants, awards, and conveys the land applied for to the applicant. This, to our mind, is in consonance with the intent and spirit of the homestead laws, i.e. conservation of a family home, and to encourage the settlement, residence and cultivation and improvement of the lands of the public domain. If the title to the land grant in favor of the homesteader would be subjected to inquiry, contest and decision after it has been given by the Government through the process of proceedings in accordance with the Public Land Law, there would arise uncertainty, confusion and suspicion on the government's system of distributing public agricultural lands pursuant to the "Land for the Landless" policy of the State.

The same confusion, uncertainty and suspicion on the distribution of government-acquired lands to the landless would arise if the possession of the grantee of an EP would still be subject to contest, just because his certificate of title was issued in an administrative proceeding. The silence of Presidential Decree No. 27 as to the indefeasibility of titles issued pursuant thereto is the same as that in the Public Land Act where Prof. Antonio Noblejas commented:

> Inasmuch as there is no positive statement of the Public Land Law, regarding the titles granted thereunder, such silence should be construed and interpreted in favor of the homesteader who come into the possession of his homestead after complying with the requirements thereof. Section 38 of the Land Registration Law should be interpreted to apply by implication to the patent issued by the Director of Lands, duly approved by the Minister of Natural Resources, under the signature of the President of the Philippines, in accordance with law.[23]

After complying with the procedure, therefore, in Section 105 of Presidential Decree No. 1529, otherwise known as the Property Registration Decree (where the DAR is required to issue the corresponding certificate of title after granting an EP to tenant-farmers who have complied with Presidential Decree No. 27), [24] the TCTs issued to petitioners pursuant to their EPs acquire the same protection accorded to other TCTs. "The certificate of title becomes indefeasible and incontrovertible upon the expiration of one year from the date of the issuance of the order for the issuance of the patent, x x x. Lands covered by such title may no longer be the subject matter of a cadastral proceeding, nor can it be decreed to another person."[25]

As we held through Justice J.B.L. Reyes in Lahora v. Dayanghirang, Jr.[26]:

> The rule in this jurisdiction, regarding public land patents and the character of the certificate of title that may be issued by virtue thereof, is that where land is granted by the government to a private individual, the corresponding patent therefor is recorded, and the certificate of title is issued to the grantee; thereafter, the land is automatically brought within the operation of the Land Registration Act, the title issued to the grantee becoming entitled to all the safeguards provided in Section 38 of the said Act. In other words, upon expiration of one year from its issuance, the certificate of title shall become irrevocable and indefeasible like a certificate issued in a registration proceeding. (Emphasis supplied.)

The EPs themselves, like the Certificates of Land Ownership Award (CLOAs) in Republic Act No. 6657 (the Comprehensive Agrarian Reform Law of 1988), are enrolled in the Torrens system of registration. The Property Registration Decree in fact devotes Chapter IX[27] on the subject of EPs. Indeed, such EPs and CLOAs are, in

themselves, entitled to be as indefeasible as certificates of title issued in registration proceedings.

The only defense of respondents, that the issue of indefeasibility of title was raised for the first time on appeal with the DARAB, does not hold water because said issue was already raised before the RARAD.[28]

The recommendation of the Hacienda Maria Action Team to have the EPs cancelled and the lots covered under the Republic Act No. 6657,[29] with the farmer- beneficiaries later on being issued with CLOAs, would only delay the application of agrarian reform laws to the disputed 277.5008 hectares, leading to the expenditure of more time and resources of the government.

The unreasonable delay of HMI in filing the Petition for cancellation more than 20 years after the alleged wrongful annotation of the Deed of Assignment in OCT No. P-3077-1661, and more than ten years after the issuance of the TCTs to the farmers, is apparently motivated by its desire to receive a substantially higher valuation and just compensation should the disputed 277.5008 hectares be covered under Republic Act No. 6657 instead of Presidential Decree No. 27.[30] This is further proved by the following uncontested allegations by petitioners:

(i)

HMI neither asked for rentals nor brought any action to oust petitioners from the farm they were cultivating;

(ii)

HMI had not paid realty taxes on the disputed property from 1972 onwards and never protested petitioners' act of declaring the same for realty taxation;

(iii)

HMI, represented by a certain Angela Colmenares, signed the LTPA covering the entire landholdings or the area of 527.8308 hectares, which was then represented to be rice and corn lands;

(iv)

HMI abandoned the entire landholdings after executing the Deed of Assignment of Rights in 1977.

WHEREFORE, the Resolutions of the Court of Appeals in CA-G.R. SP No. 73902 are REVERSED and SET ASIDE. The following EPs and the corresponding TCTs issued to petitioners or to their successors-in-interest are hereby declared VALID and SUBSISTING:

Original Grantees

TCT/EP Nos.

1. SAMUEL ESTRIBILLO TCT No. T-287/EP No. A-037675

2. CALIXTO P. ABAYATO, JR. TCT No. T-297/EP No. A-037814
TCT No. T-829/EP No. A-027293

3. RONGIE D. AGUILAR TCT No. T-913/EP No. A-027295

4. TACIANA D. AGUILAR TCT No. T-944/EP No. A-027296

5. ARTEMIO G. DE JUAN, TCT No. T-302/EP No. A-037809

6. ESTANISLAO DELA CRUZ, SR. TCT No. T-290/EP No. A-035676

7. EDGAR DUENAS TCT No. T-949/EP No. A-037658

8. MARIO P. ERIBAL TCT No. T-952/EP No. A-037836

9. REYNALDO C. ESENCIA TCT No. T-950/EP No. A-037844

10. RUBEN A. IBOJO TCT No. T-928/EP No. A-037873

11. SAMUEL JAMANDRE TCT No. T-909/EP No. A-159348

12. HILARION V. LANTIZA TCT No. T-288/EP No. A-037674
TCT No. T-401/EP No. A-037825

13. ANSELMO LOPEZ TCT No. T-973/EP No. A-037840

14. TERESITA NACION TCT No. T-900/EP No. A-037849

15. CHARIE E. NASTOR TCT No. T-825/EP No. A-037829

16. NELSON L. NULLAS TCT No. T-396/EP No. A-037826

17. CARLITO S. OLIA TCT No. T-910/EP No. A-037673

18. ROBERTO T. PATIÑO TCT No. T-912/EP No. A-037860

19. ANTONIO P. ROCHA TCT No. T-914/EP No. A-037830

20. FERNANDO C. RUFINO TCT No. T-923/EP No. A-037848

21. PATERNO P. SAIN TCT No. T-954/EP No. A-037813

22. CLAUSIO S. SAYSON TCT No. T-891/EP No. A-037880

23. JOEMARIE VIBO TCT No. T-893/EP No. A-037827

24. MANUEL S. GONZAGA TCT No. T-920/EP No. A-037832

25. RAFAEL PATIÑO TCT No. T-297/EP No. A-037861

Costs against respondent Hacienda Maria, Inc.

SO ORDERED.

Ynares-Santiago, (Acting Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Panganiban, C.J., (Chairperson), on official leave.

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[1] CA-G.R. SP No. 73902. Both Resolutions were penned by Associate Justice Juan Q. Enriquez, Jr., with Associate Justices Bernardo P. Abesamis and Edgardo F. Sundiam, concurring; Rollo, pp. 35-36; 38-40.

[2] Rollo, p. 5.

[3] Id.

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[4] Id. at 6.

[5] DECREEING THE EMANCIPATION OF TENANTS FROM THE BONDAGE OF THE SOIL TRANSFERRING TO THEM THE OWNERSHIP OF THE LAND THEY TILL AND PROVIDING THE INSTRUMENTS AND MECHANISM THEREFOR.

[6] Id. at 36.

[7] Id. at 39-40.

[8] Gabionza v. Court of Appeals, G.R. No. 112547, 18 July 1994, 234 SCRA 192, 198.

[9] Cusi-Hernandez v. Diaz, 390 Phil. 1245, 1252 (2000).

[10] 436 Phil. 483, 491 (2002).

[11] 366 Phil. 166, 175 (1999).

[12] 380 Phil. 660, 667 (2000).

[13] 392 Phil. 596, 603-604 (2000).

[14] We held in Loquias that "this court will not interfere with the Ombudsman's exercise of his constitutionally mandated investigatory and prosecutory powers. Otherwise stated, it is beyond the ambit of this Court to review the exercise of discretion of the Ombudsman in prosecuting or dismissing a complaint filed before it. Such initiative and independence are inherent in the Ombudsman who, beholden to no one, acts as the champion of the people and preserver of the integrity of the public service. x x x" (Id.)

[15] Rollo, pp. 190-191.

[16] Id. at 30.

[17] 442 Phil. 425, 427-428 (2002).

[18] G.R. No. 143377, 20 February 2001, 352 SCRA 334, 346-347.

[19] 391 Phil. 303, 314 (2000), citing Melo v. Court of Appeals, G.R. No. 123686, 16 November 1999, 318 SCRA 94.

[20] G.R. No. 135384, 4 April 2001, 356 SCRA 287, 294-295.

[21] G.R. Nos. 115755 & 116101, 4 December 2000, 346 SCRA 714, 720-721, citing Condo Suite Club Travel, Inc. v. National Labor Relations Commission, G.R. No. 125671, January 28, 2000, 323 SCRA 679; Philippine Scout Veterans Security and Investigation Agency Inc. v. National Labor Relations Commission, G.R. No. 124500, 4 December 1998, 299 SCRA 690, 694; Judy Phils., Inc. v. National Labor Relations Commission, G.R. No. 111934, 29 April 1998, 289 SCRA 755, 764.

[22]G.R. No. 68291, 6 March 1991, 194 SCRA 743, 749-750.

[23] REGISTRATION OF LAND, TITLES AND DEEDS, Antonio H. Noblejas, p. 431 (1992 revised ed.)

[24] Presidential Decre No. 1529, Section 105: "x x x After the tenant-farmer shall have fully complied with the requirements for a grant of title under P.D. No. 27, an Emancipation Patent which may cover previously titled or untitled property shall be issued by the Department of Agrarian Reform.

The Register of Deeds shall complete the entries on the aforementioned Emancipation Patent and shall assign an

original certificate of title in case of unregistered land, and in case of registered property, shall issue the corresponding certificate of title without requiring the owner's duplicate of the title to be cancelled.x x x"

[25] Amado D. Aquino, LAND REGISTRATION AND RELATED PROCEEDINGS, Chapter XII "Land Patents", p. 139; citing Gomez v. Court of Appeals, G.R. No. L-77770, 15 December 1988, 168 SCRA 503, 511; Duran v. Oliva, 113 Phil. 144, 148-149 (1961).

[26] 147 Phil. 301, 304 (1971).

[27] Chapter IX: CERTIFICATE OF LAND TRANSFER, EMANCIPATION PATENT, AFFIDAVIT OF NON-TENANCY.

[28] DARAB/RARAD Records, p. 472: "x x x It bears emphasis that a patent when registered in the corresponding Register of Deeds is a veritable Torrens title and becomes as indefeasible as to the Torrens title upon the expiration of one (1) year from the date of its issuance. Nullification of certificate may be had only in a case directly attacking its validity but never collaterally."

[29] Under R.A. No. 6657, the Comprehensive Agrarian Reform Law of 1988, Agrarian Reform means the "redistribution of lands, regardless of crops and fruits produced, to farmers and regular farmworkers who are landless, irrespective of tenurial arrangement, x x x."

[30] See DARAB records, p. 472.

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