

**DEPARTMENT OF AGRARIAN REFORM, REP. BY OIC SECRETARY
JOSE MARI B. PONCE, PETITIONER, VS. MA. REGINA I. SAMSON, J.
DOMINIC SAMSON, ANNE-MARIE SAMSON AND LIESL MARIE
EUGENIE SAMSO...**

G.R. No. 161910. June 17, 2008

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

These consolidated petitions assail the October 10, 2003 Decision[1] of the Court of Appeals in CA-G.R. SP No. 60036, reversing and setting aside the June 29, 2000[2] Decision of the Office of the President and enjoining the Secretary of the Department of Agrarian Reform (DAR) and the Register of Deeds of Calamba, Laguna from implementing the same. Also assailed is the January 27, 2004[3] Resolution denying the motion for reconsideration.

During his lifetime, Enrique T. Samson[4] applied for exemption from the coverage of the Comprehensive Agrarian Reform Program (CARP) over nine (9) parcels of land with an aggregate area of 27.7359 hectares, located in Barangays Pansol and Sukol, Calamba, Laguna, and covered by Transfer Certificate of Title Nos. T-151979, T-151980, T-94607, T-94605, T-94606, T-60653, T-203493, T-203494, T-203495 issued by the Register of Deeds for Calamba, Laguna in the name of Samson.

In an undated Order issued sometime in 1995, the subject lots were declared exempt from CARP coverage by DAR Regional Director Percival C. Dalugdug.[5] The dispositive portion of said Order reads:

WHEREFORE, premises considered and pursuant to AO No. 10, Series of 1994, Order is hereby issued approving the exclusion from CARP Coverage of the subject nine (9) parcels of land provided, however, that their disposition or any project to be implemented therein shall be subject to DENR's clearance and to the Moratorium contained in Section 5 of Executive Order 121 dated August 24, 1993.

SO ORDERED.[6]

On March 19, 1997, petitioners-farmers filed an Opposition/Petition alleging that they received the undated Order of DAR only on January 27, 1997. They prayed that the same be set aside and nullified because although the lands covered by the Order have a slope of more than 18%, the same were fully developed and planted with variety of plants, and to which some of them have their farm houses built.[7]

In an Order[8] dated March 4, 1998, DAR considered the Opposition/Petition filed as an appeal and disposed of the same as follows:

WHEREFORE, premises considered order is hereby issued, ordering the Regional Office No. IV to segregate the areas with agricultural developments and cover the same (under) the Comprehensive Agrarian Reform Program (CARP) and exempting the balance.

SO ORDERED.[9]

DAR found no evidence that the subject lots are within the Makiling Forest Reserve Area; and the fact that these are titled lands supports the contention that these are neither public lands nor within the reservation area. It also noted that the ocular inspection report submitted by their team confirms the presence of agriculturally developed portions in the area. Hence, portions of the subject landholding even with a slope of more than 18% may still be covered by CARP due to the presence of agriculturally developed areas.

On July 12, 1999, Samson learned that a group of surveyors inspected the subject properties for the purpose of determining which portions should be distributed to his tenants. When he sought clarification from the DAR Provincial Agrarian Reform Officer, Felixberto Kagahastian, as to the purpose of the survey, he was informed for the first time about the "Appeal" filed by the farmers which was subsequently granted by DAR. Samson was able to secure a copy of the March 4, 1998 Order only on July 16, 1999.

On August 9, 1999, Samson assailed the Order before the Office of the President arguing that he was not notified of the appeal; that had he been properly apprised, he could have presented evidence to prove that the properties have a slope of 18% or over and are not developed; and that petitioner-farmers are not qualified beneficiaries of the CARP. He denied that he was represented during the alleged ocular inspection conducted by DAR on February 17, 1998.[10]

On June 29, 2000, the Office of the President rendered a Decision,[11] the dispositive portion of which reads:

WHEREFORE, foregoing premises considered, the assailed DAR order dated March 4, 1998 is hereby AFFIRMED and the instant appeal DISMISSED.

SO ORDERED.[12]

The Office of the President ruled that any alleged procedural lapses committed in the proceedings before the DAR were cured when Samson interposed the appeal before it which gave him an opportunity to present evidence and to substantiate the claim that the subject land is exempt from CARP coverage. Likewise, the DAR Secretary considered all available records including Samson's application for exemption thus, there is no denial of due process.

The Office of the President sustained DAR's ruling that the subject properties were within the coverage of CARP after finding that although the land has a slope of more than 18%, there are portions which are agriculturally developed. These findings were based on the supplemental report submitted by Marino A. Austria, DAR's Senior Agrarian Reform Technologist on August 23, 1994 and the report of the DAR team who conducted the ocular inspection on February 17, 1998. The Office of the President also ruled that the Order granting Samson's application for exemption was not supported by evidence.[13]

Samson appealed to the Court of Appeals which rendered the assailed Decision reversing and setting aside the Decision of the Office of the President and enjoining the DAR Secretary and the Register of Deeds for Calamba, Laguna, from implementing the June 29, 2000 Decision of the Office of the President. The dispositive portion of the Decision reads:

WHEREFORE, the instant petition is given DUE COURSE and GRANTED. The respondent DAR Secretary, his successors, agents and representatives, and the Register of Deeds for Calamba, Laguna are hereby enjoined from implementing the Decision dated June 29, 2000 of the Office of the President in O.P. Case No. 99-D-889 as well as those from which it was derived.

SO ORDERED.[14]

The Court of Appeals ruled that there was a final decree of CARP exemption issued in favor of Samson and its reversal by DAR and the Office of the President is grossly irregular. It ruled that DAR committed grave abuse of discretion in entertaining the belated appeal of the farmers. Though technical rules of procedure and evidence are not strictly applied in administrative proceedings, entertaining an appeal filed after more than a year had lapsed is a total disregard of the rules, an abuse of discretion to favor one party.

Petitioners filed separate motions for reconsideration which were denied by the Court of Appeals in a Resolution[15] dated January 27, 2004. Thereafter, they filed separate petitions for review on certiorari which was ordered consolidated by the Court in its Resolution dated March 10, 2004.[16]

In G.R. No. 161910, petitioner DAR alleged that the Court of Appeals erred:

- WHEN IT RULED THAT PETITIONER COMMITTED A FAUX PAS WHICH WAS FATAL AND DAMAGING TO THE DEFENSE OF BOTH PUBLIC AND PRIVATE RESPONDENTS AND FAILED TO CONSIDER THE ESTABLISHED FACT, AND EXISTING JURISPRUDENCE, THAT RESPONDENT OR THEIR PREDECESSOR WERE ALLOWED TO BE HEARD AND THERE WAS AVAILMENT THEREOF.
- WHEN IT REVERSED THE DECISIONS OF THE OFFICE OF THE PRESIDENT AND OF DAR ON THE GROUND THAT PETITIONER COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT ENTERTAINED THE 1997 APPEAL OF THE FARMERS.[17]

On the other hand, in G.R. No. 161930, petitioners-farmers raised the following issues:

I.

WHETHER THE HONORABLE COURT OF APPEALS ERRED IN REVERSING THE DECISION OF THE OFFICE OF THE PRESIDENT AS WELL AS THAT OF THE DEPARTMENT OF AGRARIAN REFORM.

II.

WHETHER THE COURT OF APPEALS ERRED IN HOLDING THAT RESPONDENTS WERE DENIED DUE PROCESS OF LAW.[18]

The resolution of these consolidated cases revolves around the propriety of the appeal interposed by farmers-petitioners before the DAR. Petitioners insist there was no grave abuse of discretion when DAR entertained the appeal and that respondents were not denied due process during the proceedings. On the other hand, respondents argue that they were denied due process because they were not able to participate in the proceedings before the DAR and that their appeal with the Office of the President did not cure the said procedural lapse.

Administrative Order No. 13 series of 1990 (A.O. No. 13-90)[19] as revised by Administrative Order No. 10 series of 1994 (A.O. No. 10-94)[20] provides that the Order of the Regional Director approving or denying the application for exemption shall become final 15 days from receipt of the same unless an appeal is made to the Secretary.[21] Though the undated Order of Regional Director Dalugdug appears to have been issued sometime in 1995, the farmers-petitioners alleged that they were notified of said Order only on January 27, 1997. Hence, when petitioners-farmers filed their Opposition/Petition on March 19, 1997, the period to appeal had expired.

However, we find no error on the part of petitioner DAR when it entertained the appeal of farmers-petitioners after finding the same meritorious, consistent with the declared policies of RA 6657 in giving the welfare of the landless farmers and farm workers the highest consideration. In several instances, even the Court entertained and

allowed lapsed appeals in the higher interest of justice.[22] Moreover, proceedings before the DAR are summary and pursuant to Section 50 of RA 6657, the department is not bound by technical rules of procedure and evidence, to the end that agrarian reform disputes and other issues will be adjudicated in a just, expeditious and inexpensive action or proceeding.[23]

It is important to reiterate that administrative agencies are not bound by the technical niceties of law and procedure and the rules obtaining in the courts of law. It is well-settled that rules of procedure are construed liberally in proceedings before administrative bodies and are not to be applied in a very rigid and technical manner, as these are used only to help secure and not to override substantial justice.[24]

Besides, we find that respondents were not denied due process. In administrative proceedings, a fair and reasonable opportunity to explain one's side suffices to meet the requirements of due process.[25] In *Casimiro v. Tandog*,[26] the Court held:

The essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard. In administrative proceedings, such as in the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of. "To be heard" does not mean only verbal arguments in court; one may be heard also thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.

In administrative proceedings, procedural due process has been recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings which may affect a respondent's legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in one's favor, and to defend one's rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing or contained in the records or made known to the parties affected.[27]

In the instant case, it was not shown that farmers-petitioners sent notices or copies of their Opposition/Petition to respondents. However, as correctly ruled by the Office of the President, there is no denial of due process because the DAR Secretary, in issuing the assailed Order, considered all available records of the case at the DAR Regional Office, including respondents' application for exemption and its supporting documents, as well as the farmers-petitioners' petition/opposition.

Neither can the DAR be faulted for sending its notices to respondents' predecessor's previous address in Quezon City as it was the same address appearing in the undated Order of Director Dalugdug. Thus, it was proper for the said agency to rely on the last known address appearing in their records.

In any event, the Court agrees with petitioners that any procedural defect in the proceedings before the DAR was cured when Samson appealed before the Office of the President. In *Gonzales v. Civil Service Commission*,[28] the Court ruled that any seeming defect in the observance of due process is cured by the filing of a motion for reconsideration and that denial of due process cannot be successfully invoked by a party who has had the opportunity to be heard thereon.[29] Likewise, in *Autencio v. City Administrator Mañara and the City of Cotabato*,[30] the Court ruled that where the party has the opportunity to appeal or seek reconsideration of the action or ruling complained of, defects in procedural due process may be cured.[31] It should be noted that although the March 4, 1998 ruling of the DAR had attained finality, the Office of the President still entertained respondents' appeal thus giving them the opportunity to be heard.

Courts will not interfere in matters which are addressed to the sound discretion of the government agency

entrusted with the regulation of activities coming under the special and technical training and knowledge of such agency. Administrative agencies are given wide latitude in the evaluation of evidence and in the exercise of their adjudicative functions, latitude which includes the authority to take judicial notice of facts within their special competence.[32]

As to whether the subject properties are exempt from CARP coverage, the Court of Appeals did not make any findings inasmuch as it limited its discussion in resolving the procedural issues raised before it. Considering that these issues involve an evaluation of the DAR's findings of facts, this Court is constrained to accord respect to such findings. It is settled that factual findings of administrative agencies are generally accorded respect and even finality by this Court, if such findings are supported by substantial evidence. The factual findings of the Secretary of DAR who, by reason of his official position, has acquired expertise in specific matters within his jurisdiction, deserve full respect and, without justifiable reason, ought not to be altered, modified or reversed.[33]

The DAR and the Office of the President ruled that only certain portions of the subject properties may be placed under the coverage of the CARP due to the agricultural developments they found thereon. Hence, it ordered that these areas be segregated for CARP coverage while the rest of the subject properties shall remain exempt. The Court notes however that there is no final determination yet as to which portions of the properties are to be covered and whether the farmers-petitioners herein are qualified beneficiaries. As such, respondents may still participate in the segregation of these areas and exercise other rights provided for landowners under RA 6657.

WHEREFORE, the instant petitions for review on certiorari are GRANTED. The assailed Decision of the Court Appeals dated October 10, 2003 and the Resolution dated January 27, 2004, in CA-G.R. SP No. 60036 are REVERSED and SET ASIDE. The Order of the Department of Agrarian Reform dated March 4, 1998, as affirmed by the Office of the President, ordering the Regional Office No IV (of the DAR) to segregate the areas with agricultural developments and place the same under the CARP coverage and exempting the rest of the subject properties, is hereby REINSTATED and AFFIRMED.

SO ORDERED.

Austria-Martinez, Chico-Nazario, Reyes, and Brion, JJ., concur.

[*] Designated in lieu of Associate Justice Antonio Eduardo B. Nachura, who is on official leave under the Court's Wellness Program, per Special Order No. 507 dated May 28, 2008, signed by Chief Justice Reynato S. Puno.

[1] Rollo of G.R. No. 161910, pp. 24-34; penned by Associate Justice Roberto A. Barrios and concurred in by Associate Justices Juan Q. Enriquez, Jr. and Arsenio J. Magpale.

[2] Rollo of G.R. No. 161930, pp. 57-60; penned by Executive Secretary Ronaldo B. Zamora.

[3] Rollo of G.R. No. 161910, pp. 36-37.

[4] Substituted by his spouse Ma. Regina I. Samson and their children J. Dominic, Anne-Marie and Liesl Marie Eugenie when he died during the pendency of the case.

[5] Rollo of G.R. No. 161930, pp. 61-62.

[6] Id.

[7] Id. at 99-100.

[8] Id. at 65-68.

[9] Id. at 67-68; penned by Ernesto D. Garilao.

[10] Id. at 77-78.

[11] Id. at 57-60; penned by Executive Secretary Ronaldo B. Zamora.

[12] Id. at 60.

[13] Id. at 70-60.

[14] Id. at 150-151.

[15] Id. at 162-163.

[16] Id. at 15.

[17] Rollo of G.R. No. 161910, p. 14.

[18] Rollo of G.R. No. 161930, pp. 25-26.

[19] Rules and Procedures Governing Exemption of Lands from Comprehensive Agrarian Reform Program (CARP) Coverage Under Section 10 of R.A. No. 6657.

[20] Amending Administrative Order (A.O.) No. 13, Series of 1990 Entitled "Rules and Procedures Governing Exemption of Lands from Comprehensive Agrarian Reform Program (CARP) Coverage Under Section 10 of R.A. No. 6657", to Authorize All Regional Directors to Hear and Decide Applications for Exemption for All Land Sizes."

[21] Section II.3., A.O. No. 10-94.

[22] See *Philippine Commercial Industrial Bank v. Cabrera*, G.R. No. 160368, March 31, 2005, 454 SCRA 792, 801; and *Philippine National Construction Corporation v. Matias*, G.R. No. 156283, May 6, 2005, 458 SCRA 148, 157-158.

[23] *Quismundo v. Court of Appeals*, G.R. No. 95664, September 13, 1991, 201 SCRA 609, 615.

[24] See *Amadore v. Romulo*, G.R. No. 161608, August 9, 2005, 466 SCRA 397, 412-413.

[25] *Autencio v. City Administrator Mañara and the City of Cotabato*, G.R. No. 152752, January 19, 2005, 449 SCRA 46, 55.

[26] G.R. No. 146137, June 8, 2005, 459 SCRA 624.

[27] Id. at 631.

[28] G.R. No. 156253, June 15, 2006, 490 SCRA 741.

[29] Id. at 746.

[30] *Supra*.

[31] Id. at 55-56.

[32] *Quiambao v. Court of Appeals*, G.R. No. 128305, March 28, 2005, 454 SCRA 17, 39.

[33] *Sebastian v. Morales*, 445 Phil. 595, 609 (2003).

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