

ROMANITA CONCHA, BENITA COSICO, DOMINGO GARCIA, ROMEO DE CASTRO, PEDRO CONCHA, CONSTANTINO CONCHA, ROLANDO NAVARRO, ROSALINDA DE TORRES, CANDIDA DE TORRES, RODELO COSICO, TEODOL...

G.R. No. 162446. March 29, 2010

Ponente: PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-162446/>

PERALTA, J.:

Before this Court is a Petition for Review on certiorari,[1] under Rule 45 of the Rules of Court, seeking to set aside the Amended Decision[2] of the Court of Appeals (CA), in CA-G.R. SP No. 73303.

The controversy involves the determination of who between petitioners Romanita Concha, Benita Cosico, Domingo Garcia, Romeo de Castro, Pedro Concha, Constantino Concha, Rolando Navarro, Rosalinda de Torres, Candida de Torres, Rodelo Cosico, Teodolfo Capuno, Antonio de Torres, Maxima Concha, Gabriel Concha, Irineo Concha, and Braulio de Torres and respondents Paulino Rubio, Sofia Rubio, Ambrocia Barleta, Segundo Crisostomo, Milagros Gayapa, Lasaro Concha, and Lorenzo Navarro, are qualified to become beneficiaries over a portion of land covered by Transfer Certificate of Title Nos. T-140494, T-140492 and T-140491, registered in the name of Lilia E. Gala, Luisita E. Gala and Teresita E. Gala, respectively, with an aggregate area of 33.5006 hectares, more or less.

The facts of the case, as succinctly put by the CA, are as follows:

The subject landholding was placed under the Compulsory Acquisition Scheme of the Comprehensive Agrarian Reform Program (CARP) of the government. On June 16, 1993, a Notice of Coverage was sent to the landowners.

In her Affidavit dated August 17, 1993, the Municipal Agrarian Reform Officer (MARO) of Tiaong, Quezon, named as beneficiaries, viz: IRENEO CONCHA, BRAULIO DE TORRES, LAZARO CONCHA, SEGUNDINA CRISTOMO, AMBROSO BARLETA, RAYMUNDO GAYAPA, SOFIA RUBIO, SOSIMO LOPEZ, SEGUNDA LOPEZ, LORENZO NAVARRO, INANG RUBIO, GABRIEL CONCHA, ROMANITA CONCHA, BENITA COSICO, DOMINGO GARCIA, ROMEO DE CASTRO, PEDRO CONCHA, CONSTANTINO ZITA, ROLANDO NAVARRO, ROSALINDA DE TORRES, CANDIDA DE TORRES, RODELO COSICO, TEODOLFO CAPUNO, ANTONIO DE TORRES, and, MAXIMA CONCHA (Annex "A" of the Complaint, Rollo, pp. 52-53).

On March 24, 1995, respondents filed a complaint for declaration of their tenancy and their identification as beneficiaries and for disqualification of the petitioners to become beneficiaries over the subject landholding docketed as DARAB CASE NO. IV-Qu-1-014-95 (Annex "D", Rollo, pp. 45-51). They alleged that they are the tenants thereof and have not relinquished their rights over the same, as they returned the monetary awards given by the landowners (Ibid., p. 4, Rollo, p. 48).

Meanwhile, the registered owners of the subject land entered into a joint project with 1[st] A.M. Realty

Development Corporation, represented by Atty. Alejandro Macasaet for its development.

On April 26, 1995, the Department of Agrarian Reform (DAR) approved the landowners' application for conversion, subject to the following conditions:

1. The farmer-beneficiary, if any, shall be paid disturbance compensation pursuant to R.A. 3844 as amended by R.A. 6389;
2. The remaining 18.5006 hectares shall be covered by CARP under compulsory acquisition and the same be distributed to qualified farmer-beneficiaries.

x x x x

In relation to paragraph 2 thereof, the MARO pursued the coverage of the remaining 18.5006 has. The petitioners herein were identified as qualified farmer-beneficiaries where three (3) Certificates of Land Ownership Awards (CLOA) were issued in their favor (Annexes "C", "C-1. & "C-2").

Respondents, on the other hand, were paid of their disturbance compensation. They now, however, question the validity and legality of the institution of the petitioners as beneficiaries over the subject landholding.

Sometime on January 1996, respondents together with the landowners filed another case for annulment of CLOAs and prayer for Preliminary Injunction and Restraining Order docketed as DARAB CASE NO. IV-Qu-I-006-96. This case was consolidated with the earlier DARAB CASE NO. IV-Qu-I-014-95 and the hearing(s) were jointly held.[3]

On August 9, 1999, the Office of the Provincial Adjudicator (PARAD) rendered a Decision[4] dismissing the case, the dispositive portion of which reads:

WHEREFORE, it is judged that, this case be, and hereby is, DISMISSED for lack of merit.

SO ORDERED.[5]

The PARAD ruled that respondents had waived their rights as tenants and as farmer-beneficiaries of the Department of Agrarian Reform (DAR) program, as evidenced by their Salaysay (for respondent Paulino Rubio) and their Magkasamang Sinumpaang Salaysay (for the rest of the respondents).[6] In addition, the PARAD ruled that it had no authority to rule on the selection of farmer-beneficiaries, as the same was a purely administrative matter under the jurisdiction of the DAR.[7]

Respondents filed a Notice of Appeal[8] of the PARAD Decision.

On November 17, 2000, the Department of Agrarian Reform Adjudication Board (DARAB) rendered a Decision[9] setting aside the PARAD Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the appealed decision dated 09 August 1999 is hereby SET ASIDE. Order is given to the Register of Deeds for the Province of Quezon to cancel the Certificates of Land Ownership Award issued to Private Defendants-Appellees, and the MARO of Tiaong, Quezon and PARO for the Province of Quezon to generate and issue new Certificates of Land Ownership Award in favor of Plaintiffs-Appellants.

SO ORDERED.[10]

The DARAB ruled that in order for a voluntary surrender by an agricultural tenant of his landholding to be valid, the same must be done due to circumstances more advantageous to him and his family – a consideration, which, the DARAB found, was bereft of any evidence as shown by the records of the case.[11]

Aggrieved, petitioners filed a Motion for Reconsideration[12] of the DARAB Decision. On September 6, 2002, the DARAB issued a Resolution[13] denying their motion.

Petitioners then appealed to the CA.

On September 9, 2003, the CA issued a Decision[14] ruling in favor of petitioners, the dispositive portion of which reads:

WHEREFORE, premises considered, the petition is hereby GRANTED. The 17 November 2000 Decision of the DARAB is REVERSED and SET ASIDE. The titles over the subject land issued in favor of herein petitioners are upheld.

SO ORDERED.[15]

Respondents then filed a Motion for Reconsideration of the CA Decision.

On February 27, 2004, the CA issued an Amended Decision[16] granting respondents' motion for reconsideration, the dispositive portion of which reads:

WHEREFORE, premises considered, the Motion for Reconsideration is hereby GRANTED and the DARAB Decision dated November 17, 2000 is REINSTATED.

SO ORDERED.[17]

The salient portions of the Amended Decision are hereunder reproduced to wit:

A more than cursory reading of the arguments in support of their Motion for Reconsideration prompted Us to reconsider Our Decision for the following reasons:

1. Why would respondents choose to remain tenants on the 15-hectare retained area when they can be beneficiaries of the 18-hectare remaining portion of the subject agricultural land? In other words, why would they choose to be leaseholders when they can be landowners?
2. If indeed they chose to remain in the 15-hectare retained area, the same was eventually developed into a residential subdivision under the Conversion Order issued by the DAR. Obviously, there can be no agricultural tenant over a residential land. And
3. It is indubitable that respondents are recognized tenants on the subject land and they had returned the disturbance compensation for the 15-hectare retained area and instead, opted to be beneficiaries over the CARP covered 18-hectare portion. Respondents should therefore be given the priority in the selection of qualified farmer-beneficiaries under Section 22 of RA 6657.[18]

Hence, herein petition, with petitioners raising a sole assignment of error, to wit:

WHETHER OR NOT THE HONORABLE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB) IS CLOTHED WITH JURISDICTION TO RESOLVE THE ISSUE INVOLVING THE IDENTIFICATION AND SELECTION OF QUALIFIED FARMER-BENEFICIARIES OF A LAND COVERED BY THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP).[19]

The petition is meritorious.

Petitioners argue that the DARAB is not clothed with the power or authority to resolve the issue involving the identification and selection of qualified farmer-beneficiaries since the same is an Agrarian Law Implementation case, thus, an administrative function falling within the jurisdiction of the DAR Secretary.[20]

Petitioners' argument is well taken.

In *Lercana v. Jalandoni*,^[21] this Court was categorical in ruling that the identification and selection of CARP beneficiaries are matters involving strictly the administrative implementation of the CARP, a matter exclusively cognizable by the Secretary of the Department of Agrarian Reform, and beyond the jurisdiction of the DARAB.^[22]

In addition, in *Sta. Rosa Realty Development Corporation v. Amante*,^[23] this Court had an occasion to discuss the jurisdiction of the DAR Secretary in the selection of farmer-beneficiaries, to wit:

x x x Suffice it to say that under Section 15 of R.A. No. 6657, the identification of beneficiaries is a matter involving strictly the administrative implementation of the CARP, a matter which is exclusively vested in the Secretary of Agrarian Reform, through its authorized offices. Section 15 reads:

SECTION 15. Registration of Beneficiaries. -- The DAR in coordination with the Barangay Agrarian Reform Committee (BARC) as organized in this Act, shall register all agricultural lessees, tenants and farm workers who are qualified to be beneficiaries of the CARP. These potential beneficiaries with the assistance of the BARC and the DAR shall provide the following data:

- (a) names and members of their immediate farm household;
- (b) owners or administrators of the lands they work on and the length of tenurial relationship;
- (c) location and area of the land they work;
- (d) crops planted; and
- (e) their share in the harvest or amount of rental paid or wages received.

A copy of the registry or list of all potential CARP beneficiaries in the barangay shall be posted in the barangay hall, school or other public buildings in the barangay where it shall be open to inspection by the public at all reasonable hours.

Meanwhile, Administrative Order No. 10 (Rules and Procedures Governing the Registration of Beneficiaries), Series of 1989, provides:

SUBJECT: I. PREFATORY STATEMENT

Pursuant to Section 15, Chapter IV, of the Comprehensive Agrarian Reform Law of 1988, the DAR, in coordination with the Barangay Agrarian Reform Committee (BARC), as organized pursuant to RA 6657, shall register all agricultural lessees, tenants and farm workers who are qualified beneficiaries of the CARP. This Administrative Order provides the Implementing Rules and Procedures for the said registration.

x x x x

B. Specific

1. Identify the actual and potential farmer-beneficiaries of the CARP.^[24]

Even a perusal of the DARAB Revised Rules shows that matters strictly involving the administrative implementation of the CARP and other agrarian laws and regulations, are the exclusive prerogative of, and cognizable by, the Secretary of the DAR. Rule II of the said Rules read:

SECTION 1. Primary, Original and Appellate Jurisdiction. - The Agrarian Reform Adjudication Board shall have primary jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive Order Nos. 229, 228 and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations.

Specifically, such jurisdiction shall extend over but not be limited to the following:

- a) Cases involving the rights and obligations of persons engaged in the cultivation and use of agricultural land covered by the Comprehensive Agrarian Reform Program (CARP) and other agrarian laws;
- b) Cases involving the valuation of land, and determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank;
- c) Cases involving the annulment or cancellation of orders or decisions of DAR officials other than the Secretary, lease contracts or deeds of sale or their amendments under the administration and disposition of the DAR and LBP;
- d) Cases arising from, or connected with membership or representation in compact farms, farmers' cooperatives and other registered farmers' associations or organizations, related to land covered by the CARP and other agrarian laws;
- e) Cases involving the sale, alienation, mortgage, foreclosure, pre-emption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws;
- f) Cases involving the issuance of Certificate of Land Transfer (CLT), Certificate of Land Ownership Award (CLOA) and Emancipation Patent (EP) and the administrative correction thereof;
- g) And such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

Provided, however, that matters involving strictly the administrative implementation of the CARP and other agrarian laws and regulations, shall be the exclusive prerogative of and cognizable by the Secretary of the DAR.[25]

The administrative function of the DAR is manifest in Administrative Order No. 06-00,[26] which provides for the Rules of Procedure for Agrarian Law Implementation Cases. Under said Rules of Procedure, the DAR Secretary has exclusive jurisdiction over identification, qualification or disqualification of potential farmer-beneficiaries. Section 2 of the said Rules specifically provides, inter alia, that:

SECTION 2. Cases Covered. - These Rules shall govern cases falling within the exclusive jurisdiction of the DAR Secretary which shall include the following:

- (a) Classification and identification of landholdings for coverage under the Comprehensive Agrarian Reform Program (CARP), including protests or oppositions thereto and petitions for lifting of coverage;
- (b) Identification, qualification or disqualification of potential farmer-beneficiaries;
- (c) Subdivision surveys of lands under CARP;
- (d) Issuance, recall or cancellation of Certificates of Land Transfer (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall or cancellation of Emancipation Patents (EPs) or Certificates of Land Ownership Awards (CLOAs) not yet registered with the Register of Deeds;
- (e) Exercise of the right of retention by landowner; x x x[27]

Based on the foregoing, the conclusion is certain that the DARAB had no jurisdiction to identify who between the parties should be recognized as the beneficiaries of the land in dispute, as it was a purely administrative function of the DAR. The PARAD was, thus, correct when it declared that it had no jurisdiction to resolve the dispute, to wit:

As earlier stated no other agency of government is empowered or authorized by law in the selection and designation of farmer beneficiaries except the DAR being purely an administrative function. The Adjudication Board is not clothed with power and authority to rule on the selection of farmer beneficiaries. To do so would be an ultra vires act of said Board, being administrative in character.[28]

It behooves this Court to ask why the DARAB granted affirmative relief to respondents, when clearly the PARAD decision subject of appeal was categorical about its lack of jurisdiction. A reading of the DARAB Decision, however, shows that no discussion of the Board's jurisdiction was made. The failure of the DARAB to look into the jurisdictional issue may, however, be attributed to the fact that petitioners did not raise said issue before the DARAB. Nevertheless, this Court is of the opinion that the same should not be an excuse for, nor should it warrant, the DARAB's action, especially since a plain reading of the PARAD Decision, as earlier stated, shows that it categorically discussed the body's lack of jurisdiction. The same holds true for the CA Decision, which did not tackle the jurisdictional impediment hounding the petition notwithstanding that petitioners raised said issue in their petition.

While this Court in *Torres v. Ventura*[29] ruled that it was hard to believe that a tenant, who had been tilling the land in question for a long time, would suddenly lose interest in it and decide to leave it for good and at a time when he knew that full ownership over the same was soon going to be in his hands,[30] this Court believes that the same consideration should not apply to the case at bar.

In *Department of Agrarian Reform v. Department of Education, Culture and Sports*,[31] this Court held that the administrative prerogative of DAR to identify and select agrarian reform beneficiaries holds sway upon the courts:

In the case at bar, the BARC certified that herein farmers were potential CARP beneficiaries of the subject properties. Further, on November 23, 1994, the Secretary of Agrarian Reform through the Municipal Agrarian Reform Office (MARO) issued a Notice of Coverage placing the subject properties under CARP. Since the identification and selection of CARP beneficiaries are matters involving strictly the administrative implementation of the CARP, it behooves the courts to exercise great caution in substituting its own determination of the issue, unless there is grave abuse of discretion committed by the administrative agency. x x x [32]

Thus, the Municipal Agrarian Reform Officer's (MARO) decision not to include respondents as farmer-beneficiaries must be accorded respect in the absence of abuse of discretion. It bears stressing that it is the MARO or the Provincial Agrarian Reform Officer (PARO) who, together with the Barangay Agrarian Reform Committee, screens and selects the possible agrarian beneficiaries.[33] If there are farmers who claim they have priority over those who have been identified by the MARO as beneficiaries of the land, said farmers can file a protest with the MARO or the PARO who is currently processing the Land Distribution Folder.[34] Afterwards, the proper recourse of any individual who seeks to contest the selection of beneficiaries is to avail himself of the administrative remedies under the DAR and not under the DARAB, which is bereft of jurisdiction over this matter.

In any case, it appears to this Court that the decision of the MARO was arrived at after due consideration of the circumstances of the case. On this note, this Court takes notice of the Affidavit[35] of the MARO explaining her reason for excluding respondents as farmer-beneficiaries. The pertinent portions of the Affidavit are hereunder reproduced, thus:

x x x x

That, in said Affidavit, I certified that the Plaintiff-Appellants (Paulino Rubio et al.) were included in the list of beneficiaries of the subject landholding, but they refused to sign in the prescribed CA forms of the DAR to facilitate the documentation, instead executed two (2) "Sinumpaang Salaysay" dated Oct. 5, 1993 x x x;

That, I have done my best to convince the said Plaintiff-Appellants to cooperate in the documentation under Compulsory Acquisition of the subject landholdings, but with violent reaction, they said, they already received

disturbance compensation from the landowners in CASH and lots x x x;

That, the said lots with a total area of 1.5 hectares should be part of 18.5 hectares to be covered by CARP, as mentioned in the ORDER issued by DAR Undersecretary JOSE C. MEDINA, JR., dated April 26, 1995, but Mr. Paulino Rubio (Plaintiff-Appellant) requested 1.5 hectares were already given to them (Plaintiff-Appellants) by the landowners, Teresita Gala as part of their disturbance compensation and should be processed through VLT which the undersigned MARO agreed; x x x. That, it is not true, they (Plaintiff-Appellants) returned the money given by the landowners, in fact, they used it in building their houses in the lot given to them;

That, the said lot was already transferred to Sps. Paulino Rubio and Isabel B. Rubio through private transaction without DAR Clearance as evidence by the herein-attached Xerox copies of TCT No. T- 360494 and Tax Declaration No. 39-013-0778;

x x x x

That, after the said Plaintiff-Appellants build their houses in 1993 in the above-mentioned lots, and after the above-mentioned "SINUMPAANG SALAYSAY" were executed, they already abandoned the landholding in question, reason why the MARO, BARC and partner NGO KAMMPIL- Mr. Pastor Castillo to screen additional beneficiaries from the regular farm workers of the subject landholdings- such as magtatabas, mag-iipon, magkakariton who lived in adjacent barangays; x x x.[36]

The foregoing declaration of the MARO strengthens the earlier Decision of the PARAD which ruled that the waivers executed by respondents were valid and binding, thus:

The text and substance of the affidavit of Paulino Rubio, quoted as follows:

- 1) Na sinasabi nina IRENEO CONCHA AT BRAULIO DE TORRES sa kanilang sinumpaang salaysay may petsa Agosto 17, 1993 na ako raw ay CARP beneficiary sa lupang sakop ng Titulo No. T-140491, T-140492 at T- 140494 na ako ang kanilang tinutukoy na Inang Rubio pagkat ang palayaw sa akin ay Inong;
- 2) Na ang naulit na salaysay ay kasinungalingan at maaaring sila ay managot sa Batas dahil sa salaysay na iyan at ako naman ay walang ginawang application bilang beneficiary sa mga lupang naulit;
- 3) Na itong si Braulio de Torres ay tumanggap na rin ng disturbance compensation buhat sa may-ari ng lupa noong Hunio 7, 1993 at ito namang si Ireneo Concha kailan man ay walang naging karapatan ano man sa lupa sapagkat ang nagtrabaho sa lupa ay ang kaniyang kapatid na si Gabriel Concha na tumanggap din ng disturbance compensation;
- 4) Na hindi rin naman mga beneficiaries itong sina Maxima Concha na kapatid ni Gabriel at ang kanyang asawa na si Teodulfo Capuno at si Romanita Concha na asawa ni Irene; hindi rin beneficiaries itong asawa ni Braulio na si Candida de Torres and at ang kanilang anak na si Antonio de Torres at manugang na si Rosalinda de Torres;
- 5) Yaong mga binayaran ng disturbance compensation ay kusang-loob nilang inalis ang kanilang mga bahay sa loob ng niogan at ang lahat nang binanggit ko sa itaas ay pawang wala ng mga bahay sa niogan maliban kay Braulio de Torres na ayaw umalis;
- 6) Na hindi rin beneficiaries itong mga dayuhan na sina Nenita at Rodelo Cosico at si Constantino Zita;
- 7) Kung ako man ay gagawing beneficiary sa lupa pagdating ng panahong ito ay aking tatalikuran pagka't wala namang pakikinabangin sa niogan na matatanda na ang puno ng niog na dapat ng putulin sapagka't maliliit ang bunga.[37]

Noted that affiant Paulino Rubio, admitted that he never applied as farmer beneficiary (Paragraph 2- Affidavit). That in case he (Paulino) will be listed as farmer beneficiary, he will reject it for the land is no longer productive

as the coconut existing thereon are already old and it is ready to be cut and are no longer bearing fruits (Paragraph 7- Affidavit).

Abundantly shown that the rest of the co-plaintiffs in their Joint "Magkasamang Sinumpaang Salaysay" (Annex "2") stated, textually quoted:

- 1) Na sinasabi nina IRENEO CONCHA at BRAULIO DE TORRES sa kanilang sinumpaang salaysay may petsa Agosto 17, 1993 na kami raw ay mga CARP beneficiaries sa lupang sakop ng Titulo No. T-140491, T-140492 at T-140494;
- 2) Na ang naulit nilang salaysay ay hindi totoo sapagka't wala naman kaming ginawang pagaaply bilang beneficiary sa naulit na mga lupa at kung inilista man kami ang pagkakalista ay hindi namin alam;
- 3) Na kami ay binigyan ng disturbance compensation at binigyan ng mga lote na may-ari ng lupa bago iyon ipinagbili upang gawing social housing project at kami naman ay lubos na nasiyahan sa ginawa sa amin ng may-ari ng lupa;
- 4) Na ayaw na naming magtrabaho sa lupa na ito ay niogan na ang mga puno ay laos na may mga 100 taon na ang edad at ang mga bunga ay labis ang liliit at hindi naman kami napayag na gawain kaming mga beneficiaries sa lupa, kaya nga lumagda na rin kami noong Hunio 7, 1993 sa pagsasauli sa lupa sa may-ari;
- 5) At kung nagkaroon man kami ng karapatan bilang mga CARP beneficiaries sa naulit na lupa ay ito ay aming tinatalikuran na ngayon sa aming pagkakalagda sa kasulatang ito.[38]

Joint affiants-co-plaintiffs clearly stated that they never applied as farmer beneficiaries in the subject land, and if ever their names were listed in the "DAR List" of farmer beneficiaries, it was not with their consent and knowledge (Paragraph 2- Affidavit). Further, affiants stated that they were paid "disturbance compensation" by the landowner and additionally given "homelots" by said landowner (Paragraph 3- Affidavit). That they are no longer interested to be listed and designated farmer beneficiaries for they can no longer make use, nor benefit from the land, as the existing coconuts are already 100 years old, and that by virtue of this joint "Salaysay", they surrendered voluntarily their respective landholdings to the landowner (Paragraph 4-Affidavit). That in case they will be listed and designated as CARP beneficiaries, they will reject such offer or renounce or waive the same.[39]

In addition, the PARAD observed that respondents were motivated by greed when they chose to repudiate their sworn statements, thus:

After an assiduous study and re-examination of the evidence on hand, the Adjudicator found DAR to have legal and valid reasons in the exclusion of plaintiffs as farmer-beneficiaries based on their sworn statement which waived and renounced their rights as tenants and farmer- beneficiaries of the program. This was based on the fact that plaintiffs were awarded individual "homelots" and paid disturbance compensation by the landowner. It is observed clearly by the Adjudicator that plaintiffs took a bold stance to deny or repudiate their sworn statement simply to enable them to be allocated farm land together with the defendants herein. The Board found that plaintiffs were motivated by greed which will cause undue prejudice to the rights of the defendants herein. Plaintiffs wanted a lion's share of the land by claiming for more areas covered by the program, apart from what they received from the landowner, a homelot and disturbance compensation. This postulate cannot be countenanced by this Board, otherwise plaintiffs will enrich themselves at the expense of the defendants.[40]

While respondents allege that they are the true tenants of the landholdings in dispute, petitioners beg to differ, claiming that they, together with respondents, are the tenants of the land and that the latter have relinquished their rights.[41] This Court cannot address such allegation, as the same is within the exclusive jurisdiction of the DAR.

In any case, it must be stressed that a tenant of a parcel of land, which is later declared to be under the coverage of CARP, is not automatically chosen; nor does he have absolute entitlement to be identified as the farmer-beneficiary thereof as can be gleaned from Section 18 of Republic Act No. 6657, which provides for an order of priority of qualified farmer beneficiaries, thus:

Sec. 22. Qualified Beneficiaries. -- The lands covered by CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless residents of the same municipality in the following order of priority;

- (a) agriculture lessees and share tenants.
- (b) regular farm workers;
- (c) seasonal farm workers;
- (d) other farm workers;
- (e) actual tillers or occupants of public lands;
- (f) collectives or cooperatives of the above beneficiaries; and
- (g) others directly working on the land.

The finding of the MARO declaring petitioners as beneficiaries of the land in dispute must, therefore, be accorded respect. It should also be equally binding on the DARAB for the simple reason that the latter has no appellate jurisdiction over the former: The DARAB cannot review, much less reverse, the administrative findings of DAR.[42] Instead, the DARAB would do well to defer to DAR's expertise when it comes to the identification and selection of beneficiaries, as it did in Lercana where this Court noted with approval that, in the dispositive portion of its decision, left to the concerned DAR Offices the determination of who were or should be agrarian reform beneficiaries. In fact, this course of action available to the DARAB is now embodied in Rule II of its 2003 Rules of Procedure, thus:

Section 5. Referral to Office of the Secretary (OSEC). – In the event that a case filed before the Adjudicator shall necessitate the determination of a prejudicial issue involving an agrarian law implementation case, the Adjudicator shall suspend the case and, for purposes of expediency, refer the same to the Office of the Secretary or his authorized representative in the locality x x x.

While it bears emphasizing that findings of administrative agencies – such as the DARAB – which have acquired expertise because their jurisdiction is confined to specific matters, are accorded not only respect but even finality by the courts. Care should be taken so that administrative actions are not done without due regard to the jurisdictional boundaries set by the enabling law for each agency.[43] In the case at bar, the DARAB has overstepped its legal boundaries in taking cognizance of the controversy between petitioners and respondents in deciding who should be declared the farmer-beneficiaries over the land in dispute. The CA thus erred in affirming the decision of the DARAB, which was rendered in excess of jurisdiction.

WHEREFORE, premises considered, the petition is GRANTED. The February 27, 2004 Amended Decision of the Court of Appeals in CA-G.R. SP No. 73303 is hereby REVERSED and SET ASIDE. The September 9, 2003 Decision of the Court of Appeals is REINSTATED.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Nachura, and Perez[*], JJ., concur.

[*] Designated as an additional member in lieu of Associate Justice Jose Catral Mendoza, per Raffle dated March 17, 2010.

[1] Rollo, pp. 9-29.

[2] Penned by Associate Justice Eliezer R. de Los Santos, with Associate Justices B.A. Adefuin-de la Cruz and Jose C. Mendoza (now a member of this Court), concurring; *id.* at 39-41.

[3] Rollo, pp. 113-115.

[4] Records, pp. 162-169.

[5] *Id.* at 169.

[6] *Id.* at 166.

[7] *Id.* at 168.

[8] *Id.* at 170.

[9] *Id.* at 191-195.

[10] *Id.* at 191.

[11] *Id.* at 192.

[12] *Id.* at 199-206.

[13] *Id.* at 219-221.

[14] Rollo, pp. 112-117.

[15] *Id.* at 117.

[16] *Id.* at 39-41.

[17] *Id.* at 40.

[18] *Id.* at 39-40.

[19] *Id.* at 17.

[20] *Id.*

[21] 426 Phil. 319 (2002).

[22] *Id.* at 329-330.

[23] 493 Phil. 570 (2005).

[24] *Id.* at 602-603. (Emphasis supplied.)

[25] *Sta. Rosa Realty Development Corporation v. Amante*, *supra* note 23, at 606-607. (Emphasis supplied)

[26] Issued on August 30, 2000.

[27] *Sta. Rosa Realty Development Corporation vs. Amante*, *supra* note 23, at 608. (Emphasis and underscoring supplied.)

[28] Records, p. 168, (Emphasis supplied.)

[29] G.R. No. 86044, July 2, 1990, 187 SCRA 97.

[30] *Id.* at 103.

[31] 469 Phil. 1083 (2004).

[32] Id. at 1094. (Emphasis supplied)

[33] See *Hermoso et al v. CLT Realty Corporation*, G.R. No 140319, May 5, 2006, 489 SCRA 556, 564.

[34] Id.

[35] Records, pp. 212, 214.

[36] Id.

[37] Id. at 19.

[38] Id. at 20. (Emphasis supplied.)

[39] Id. at 166-167.

[40] Id. at 168-169.

[41] Rollo, p. 27.

[42] Section 1, Rule II of the 1994 DARAB Rules of Procedure recognized the "exclusive prerogative" of DAR over cases involving agrarian law implementation. The DARAB 2003 Rules of Procedure is even more explicit for it provides under Section 3, Rule II that "x x x the Adjudicator or the Board shall have no jurisdiction over matters involving the administrative implementation of R.A. No. 6657 x x x and other agrarian laws x x x."

[43] *Nuesa v. Court of Appeals*, G.R. No. 132048, March 6, 2002, 378 SCRA 351, 362-363.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.