

**REGIONAL AGRARIAN REFORM ADJUDICATION BOARD, OFFICE OF
THE REGIONAL ADJUDICATOR, SAN FERNANDO, PAMPANGA,
CECILIA MANIEGO, JOSE BAUTISTA, ELIZA PACHECO, JUANITO
FAJARDO, MARIO PA...**

G.R. No. 165155. April 13, 2010

Ponente: DEL CASTILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-165155/>

DEL CASTILLO, J.:

Rules of procedure are tools to facilitate a fair and orderly conduct of proceedings. Strict adherence thereto must not get in the way of achieving substantial justice. So long as their purpose is sufficiently met and no violation of due process and fair play takes place, the rules should be liberally construed, especially in agrarian cases.

This Petition for Certiorari[2] assails the June 9, 2004 Decision[3] of the Court of Appeals (CA) in CA-G.R. SP No. 79304 which granted the Petition for Certiorari of respondents and held that petitioners' notices of appeal are mere scrap of paper for failure to specify the ground for the appeal; and for being forged. Also assailed is the August 31, 2004 Resolution[4] denying petitioners' motion for reconsideration. The assailed Decision disposed as follows:

WHEREFORE, premises considered, the Petition is GRANTED and the Notices of Appeal filed by the private respondents before the public respondent are hereby decreed without legal effect.

SO ORDERED.[5]

Factual Antecedents

Respondents are co-owners of several parcels of land primarily devoted to rice production consisting of 58.8448 hectares, located at Sta. Barbara, Baliuag, Bulacan and covered by Transfer Certificate of Title (TCT) Nos. T-158564, T-215772, T-215776, T-215777, T 215775. Petitioners are in actual possession of the said land as tillers thereof. According to respondents, petitioners are agricultural lessees with the obligation to pay annual lease rentals. On the other hand, petitioners aver that they are farmer-beneficiaries under Presidential Decree 27, who have been granted Certificates of Land Transfer (CLTs) and (unregistered) emancipation patents (EPs).

On March 6, 2002, respondents filed a complaint for ejectment against petitioners for non-payment of rentals before the Department of Agrarian Reform Adjudication Board (DARAB), Office of the Regional Adjudicator, San Fernando, Pampanga. They alleged that petitioners failed to pay and remit the agreed lease rentals to respondents since 1994, or for a period of eight years. The case was docketed as DARAB Case No. R-03-02-0213-Bul'02.

Among the named defendants were Avelino Santos (Avelino) and Pedro Bernardo (Pedro), who were already deceased at the time of the filing of the complaint. Per the death certificates presented before the Regional Adjudicator, Avelino died on December 29, 1997, while Pedro passed away on July 25, 1999. Thus, when the

complaint for ejectment was filed in 2002, the actual tillers on the land were already the successors-in-interest of Avelino and Pedro, namely Delfin Sacdalan (Delfin) and Roberto Bernardo (Roberto), respectively. Despite such disclosure, no amendment to implead the real parties-in-interest was made to the complaint. Instead on May 9, 2002, the Regional Adjudicator ordered the respective legal heirs to substitute the named decedents in the case. For some reason, no formal substitution of party litigants took place either. However, it is clear from the records, and neither party disputes, that notwithstanding the non-amendment of the complaint and the absence of a formal substitution, the heirs of Avelino and Pedro appeared and participated in the proceedings below. The position papers of respondents[6] as well as petitioners[7] both named Delfin and Roberto as the heirs of the two decedents and parties to the case.[8] Thus, the records support a conclusion that the respondents acquiesced to the participation of the said heirs as the real parties-in-interest.

Rulings of the Regional Adjudicator

a) Decision dated January 23, 2003

After the submission of the parties' respective position papers, Regional Adjudicator Fe Arche Manalang (Manalang) issued a Decision[9] dated January 23, 2003 in favor of respondents, the dispositive portion of which states:

WHEREFORE, premises considered, judgment is hereby rendered:

- Severing and extinguishing the existing tenancy/agricultural leasehold relationship existing between the plaintiffs-landowners and the defendants over the landholdings described in paragraph 2 of the complaint.
- Directing the defendants and all persons claiming rights under them to:
- Vacate the landholdings in question and peacefully surrender possession thereof to the plaintiffs;
- Remove at their own expense all structures and other improvements introduced thereon if any;
- Continue to pay to the plaintiffs the annual leasehold rentals due thereon until the latter are fully restored to the premises in question.
- Directing the said defendants to pay to the plaintiffs, jointly and severally the amount of P300,000.00 as and by way of liquidated damages;
- Denying all other claims for lack of basis; and
- Without pronouncement as to costs.

SO ORDERED.

The Decision explained that with the exemption of the subject properties from the coverage of the Comprehensive Agrarian Reform Program (CARP), as evidenced by the December 18, 1992 Order issued by Department of Agrarian Reform (DAR) Regional Director Antonio M. Nuesa (which also directed the cancellation of the issued CLTs/EPs in the proper forum), petitioners could only retain their status as agricultural lessees if they complied with their statutory obligations to pay the required leasehold rentals when they fell due. Since all the petitioners failed to prove that they complied with their rental obligations to respondents since 1994, the Regional Adjudicator held that they could no longer invoke their right to security of tenure.

Aggrieved by the adverse Decision, petitioners filed two separate notices of appeal; one was filed on February 28, 2003[10] by petitioners Marciano Natividad, Alberto Enriquez, Benigno Cabingao, and Rodolfo Dimaapi (first group); while the other was filed on March 5, 2003 by petitioners Cecilia Maniego, Jose Bautista, Eliza Pacheco, Roberto Bernardo, Ismael Natividad,[11] Juanito Fajardo, Antonio Mananghaya,[12] Jovita R. Diaz,[13] Mario

Pacheco, Emilio Peralta, Mario Galvez, and the two decedents Pedro and Avelino (second group).[14] Both notices of appeal were similarly worded thus:

DEFENDANTS, unto this Honorable Board, hereby serve notice that they are appealing the decision rendered in the above-entitled case, which was received on February 18, 2003 to the DARAB, Central Office at Diliman, Quezon City on the grounds of question of law and fact.

Unlike their previous pleadings, which were all signed by Atty. Jaime G. Mena (Atty. Mena), petitioners' notices of appeal were not signed by a lawyer.

On March 6, 2003, respondents filed a motion to dismiss the appeal[15] and an ex-parte motion for the issuance of a writ of execution and/or partial implementation of the decision against non-appealing defendants.[16] They presented three grounds for the dismissal of the appeal: first, the two notices did not state the grounds relied upon for the appeal; second, the March 5, 2003 Notice of Appeal was filed beyond the reglementary period; third, the March 5, 2003 Notice of Appeal contained the forged signatures of the deceased defendants Avelino and Pedro.

b) May 6, 2003 Order

On May 6, 2003, the Regional Adjudicator issued an Order[17] giving due course to the appeal, except with respect to the decedents Avelino and Pedro, whose signatures were held to be falsified. Thus, a writ of execution was issued against the non-appealing defendants and the deceased defendants.

The petitioners received the above Order only on May 8, 2003, together with the writ of execution,[18] which was promptly implemented on the same day and on May 10, 2003.[19]

Dissatisfied with the May 6, 2003 Order of the Regional Adjudicator, both the respondents and the petitioners whose appeal was disallowed, moved for reconsideration of the order. Respondents reiterated[20] that the Regional Adjudicator should not have given due course to the appeal because it did not adhere strictly with Section 2, Rule XIII of the DARAB Rules of Procedure; and that it was a dilatory or frivolous appeal that deserved outright dismissal.

On the other hand, the petitioners who were included in the writ of execution, including the heirs of Avelino and Pedro, now represented by the DAR-Legal Counsel Atty. Dauphine B. Go,[21] argued that the May 6, 2003 Order was hastily executed, without giving them an opportunity to question its correctness. They pointed out that Pedro's signature was not forged, since what appears thereon is actually the name of his widow, Pilar Bernardo (Pilar).[22] As for the signature of Avelino, which was executed by his widow, Jovita Santos (Jovita), the same was an innocent error since she did not know which name to write, having been unaided by counsel. Jovita maintained that she simply thought that writing her deceased husband's name on the Notice of Appeal would relay the intention of the heirs to appeal the adverse decision.[23]

A hearing was conducted on July 3, 2003,[24] where the heirs of Avelino and Pedro personally appeared to explain the alleged falsification of signatures. Pilar, the widow of Pedro, explained that she did not sign the Notice of Appeal herself, but that she allowed her son Roberto to sign it for her. Roberto confirmed his mother's testimony and admitted that he personally signed all documents and pleadings on behalf of his mother, Pilar. Their testimonies are verified by the records. As for Jovita, widow of Avelino, she admits signing her deceased husband's name in all pleadings. All of them explained that their only intention was to sign the pleadings on behalf of their deceased relatives so as to be able to participate in the proceedings.

c) August 5, 2003 Order

Based on these testimonies, Regional Adjudicator Manalang allowed the appeal of the heirs of the two decedents

and nullified the writ of execution as regards them in an Order dated August 5, 2003.[25] It resolved the two motions in this wise:

Plaintiffs in their first-cited motion lightly brushed off the defendants' Notice of Appeal as a mere scrap of paper but [do] not elaborate how they arrived at this conclusion, apart from a general statement that the same [do] not assign any specific errors in the findings of fact and conclusions of law made in the decision being challenged.

While this may be so, it is not for this Office to pass on the merits of the appeal. All that it is called upon to do is to determine whether the same was seasonably filed and perfected by the appellants within the prescribed reglementary period. With an affirmative finding on this aspect, nothing more remains to be done except to allow the appeal to run its full course.

x x x x

Evaluating the parties' conflicting claims x x x this Office finds for the plaintiffs x x x. However, with the voluntary confessions of Pilar Bernardo and Jovita Santos x x x who are the widows of the deceased tenants Pedro Bernardo and Avelino Santos that they really mean to appeal the adverse decision affecting their late spouses' farmholdings, any perceived legal defect in the manner of affixing their signatures on the questioned Notices of Appeal must give way to the greater demands of justice and equity. x x x

x x x x

FOREGOING premises considered, Order is hereby issued:

- Denying the plaintiffs' Motion for Reconsideration filed on May 13, 2003;
- Noting without action the same plaintiffs' Motion for Execution Pending Appeal filed on May 14, 2003;
- Giving due course to the Motion for Reconsideration (from the Order of May 6, 2003 and Writ of Execution dated May 8, 2003) filed by the Heirs of Pedro Bernardo, Heirs of Avelino Santos, and of Ismael Natividad[26] and thereby allowing their appeal to the exclusion of the other defendants-movants;
- Motu proprio quashing the Writ of Execution issued on May 8, 2003 directed against aforementioned defendants and thereby nullifying all proceedings undertaken in connection therewith.

x x x x

SO ORDERED.

Respondents moved for another reconsideration on August 14, 2003.[27] This was denied in the November 13, 2003 Order,[28] which also ordered the sheriff to restore the farmholdings of the heirs of Avelino and Pedro in view of the quashal of the writ of execution as to the said individuals. Respondents sought another reconsideration,[29] which was again denied on January 9, 2004.[30]

Respondents thus filed a petition for certiorari before the CA. They argued that the DARAB no longer had any jurisdiction to reverse the portion of its Decision, which had already been duly executed upon the authority of a writ issued on May 6, 2003. They also insisted that both notices of appeal were infirm for failure to state the grounds for an appeal and for containing forged signatures.

Ruling of the Court of Appeals

The appellate court found merit in respondents' petition.

It held that the Notice of Appeal of the second group bearing the signatures of deceased Avelino and Pedro was a product of forgery, and thus had no legal effect. The appellate court brushed aside the heirs' explanations that they

merely signed the decedents' names to show their intention to appeal the Regional Adjudicator's decision. It found their intentions immaterial and irrelevant to the nullity of a forged instrument.

Further, it found the two Notices of Appeal lodged by the first and second groups to be mere scraps of paper as they failed to comply with the mandate of Section 2, Rule XIII of the "1997 DARAB New Rules of Procedure" (actually, it should have been the 1994 DARAB New Rules of Procedure[31]). According to the CA, the Notices of Appeal failed to specifically allege the grounds relied upon for the appeal. The statement that they are appealing on "questions of fact and law" was held to be insufficient because an appeal, being a mere statutory privilege, must be exercised in the manner prescribed by the provisions of law authorizing it.

Petitioners' Motion for Reconsideration[32] was denied. Hence, this petition seeking a review of the Decision dated June 9, 2004 of the CA.

Issue

The issues raised by both parties are as follows:

(1)

Whether the Notices of Appeal dated February 28, 2003 and March 3, 2003 are "mere scraps of paper" for failure to state the grounds relied upon for an appeal; and

(2)

Whether the Notice of Appeal dated March 3, 2003 is null and void for containing two falsified signatures.

Petitioners' Arguments

Petitioners pray that their Notices of Appeal to the DARAB be given due course on the ground that they have substantially complied with the rules as set forth in Section 2, Rule XIII of the 1994 DARAB New Rules of Procedure. They posit that their appeal on "questions of fact and law" should suffice, even if they omitted the phrase "which if not corrected would cause grave irreparable damage and injury to them". They argue that the stringent application of the rules denied them substantial justice.

Petitioners also argue that the complaint itself was filed against their deceased predecessors-in-interest. Hence, if technicality is to be followed, the complaint should have been dismissed as to the deceased defendants. But the case continued and they, as heirs, participated in the proceedings. Thus when they signed the Notice of Appeal, their intent was not to defraud but only to continue their quest for justice.

Respondents' Arguments

Respondents reiterate that the notices of appeal are "mere scraps of paper" for failure to state the grounds relied upon for the appeal and for containing forged signatures. They insist that giving effect to the Notice of Appeal would countenance an act which is criminal in nature. Respondents maintain that there should be strict adherence to the technical rules of procedure because the DARAB rules frown upon frivolous and dilatory appeals.

Our Ruling

The petition is meritorious. The defects found in the two notices of appeal are not of such nature that would cause a denial of the right to appeal. Placed in their proper factual context, the defects are not only excusable but also inconsequential.

Alleged failure to specify grounds for appeal

There is nothing sacred about the forms of pleadings or processes, their sole purpose being to facilitate the application of justice to the rival claims of contending parties. Hence, pleadings as well as procedural rules should be construed liberally. Dismissal of appeals purely on technical grounds is frowned upon because rules of procedure should not be applied to override substantial justice. Courts must proceed with caution so as not to deprive a party of statutory appeal; they must ensure that all litigants are granted the amplest opportunity for the proper and just ventilation of their causes, free from technical constraints.[33] If the foregoing tenets are followed in a civil case, their application is made more imperative in an agrarian case where the rules themselves provide for liberal construction, thus:

Rule I

GENERAL PROVISIONS

Section 2. Construction. These Rules shall be liberally construed to carry out the objectives of the agrarian reform program and to promote just, expeditious, and inexpensive adjudication and settlement of agrarian cases, disputes or controversies.

x x x x

Section 3. Technical Rules Not Applicable. The Board and its Regional and Provincial Adjudicators shall not be bound by technical rules of procedure and evidence as prescribed in the Rules of Court, but shall proceed to hear and decide all agrarian cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity.

x x x x

Rule VIII

PROCEEDINGS BEFORE THE ADJUDICATORS
AND THE BOARD

Section 1. Nature of Proceedings. The proceedings before the Board or its Adjudicators shall be non-litigious in nature. Subject to the essential requirements of due process, the technicalities of law and procedure and the rules governing the admissibility and sufficiency of evidence obtained in the courts of law shall not apply. x x x[34]

Guided by the foregoing principles, we find that the Notices of Appeal substantially complied with all that is required under the 1994 DARAB Rules. The following provisions are instructive in making this conclusion:

Rule XIII

APPEALS

Section 1. Appeal to the Board. a) An appeal may be taken from an order, resolution or decision of the Adjudicator to the Board by either of the parties or both, orally or in writing, within a period of fifteen (15) days from the receipt of the order, resolution or decision appealed from, and serving a copy thereof on the adverse party, if the appeal is in writing.

b) An oral appeal shall be reduced into writing by the Adjudicator to be signed by the appellant, and a copy thereof shall be served upon the adverse party within ten (10) days from the taking of the oral appeal.

Section 2. Grounds. The aggrieved party may appeal to the Board from a final order, resolution or decision of the Adjudicator on any of the following grounds:

a) That errors in the findings of fact or conclusions of laws were committed which, if not corrected, would cause grave and irreparable damage and injury to the appellant;

- b) That there is a grave abuse of discretion on the part of the Adjudicator; or
- c) That the order, resolution or decision is obtained through fraud or coercion.

x x x x

Section 5. Requisites and Perfection of the Appeal. a) The Notice of Appeal shall be filed within the reglementary period as provided for in Section 1 of this Rule. It shall state the date when the appellant received the order or judgment appealed from and the proof of service of the notice to the adverse party; and

b) An appeal fee of Five Hundred Pesos (P500.00) shall be paid by the appellant within the reglementary period to the DAR Cashier where the Office of the Adjudicators is situated. x x x

Non-compliance with the above-mentioned requisites shall be a ground for dismissal of the appeal.

Both Notices of Appeal stated that the petitioners were appealing the decision "on the grounds of questions of fact and of law," which we find sufficient statement of the ground for appeal under Section 2(a), Rule XIII of the DARAB Rules. While the notices omitted to state that "the decision would cause grave and irreparable damage and injury to the appellant," we find such punctilious fidelity to the language of the DARAB Rules unnecessary. Surely by appealing the Decision of the Regional Adjudicator, the petitioners were already manifesting that they will be damaged by the assailed decision. Requiring a literal application of the rules when its purpose has already been served is oppressive superfluity.

It must be stressed that the purpose of the notice of appeal is not to detail one's objections regarding the appealed decision; that is the purpose of the appellants' memorandum.[35] In the context of a DARAB case, the notice of appeal serves only to inform the tribunal or officer that rendered the appealed decision (i.e., the Regional Adjudicator) of the timeliness of the appeal and of the general reason for the appeal, and to prepare the records thereof for transmission to the appellate body (i.e., the DARAB). Petitioners' Notices of Appeal contain everything that is necessary to serve these purposes.

Another important consideration is the fact that petitioners were obviously not assisted by counsel in the filing of the Notices of Appeal. Only the parties were signatories thereto; Atty. Mena's signature was missing, which gives credence to petitioners' assertion that they had already terminated the services of their counsel at that time. Their new counsel, Atty. Dauphine B. Go, DAR-Legal Counsel, entered her appearance only on March 13, 2003, or several days after the Notices of Appeal were filed.[36]

The Regional Adjudicator is also correct when she ruled that she has no power to determine if the appeal is frivolous and intended merely for delay. Such matters are for the appellate body to determine after it has studied the appellant's brief or the appeal memorandum. The body which rendered the appealed decision should not pass upon the question of whether the appeal was taken manifestly for delay because such determination belongs to the appellate body.[37] For the lower body to do so would constitute a review of its own judgment and a mockery of the appellate process. This principle is applicable to agrarian disputes by virtue of Section 8, Rule XIII of the DARAB Rules which states that the Board (not the Regional Adjudicator) has the power to impose reasonable penalties, including fine or censure, on parties who file frivolous or dilatory appeals. The implication is that since the Board is the one which has the power to punish, it is also the one which has the power to decide if there has been a violation. The Regional Adjudicator has no such power. She must allow the appeal if it is timely and compliant with the reglementary requirements. It has been held that when an appeal is filed on time, the approval of a notice of appeal is a ministerial duty of the court or tribunal which rendered the decision.[38]

Effect of "forgery" on the March 5, 2003 Notice of Appeal

Respondents claim, and the CA has ruled, that the March 5, 2003 Notice of Appeal (filed by the second group) was a "forgery" and thus void, because it bore signatures above the names of the deceased Avelino and Pedro, which were obviously not written by the decedents themselves.

First of all, we have to point out that the confusion in this case was brought about by respondents themselves when they included in their complaint two defendants who were already dead. Instead of impleading the decedent's heirs and current occupants of the landholding, respondents filed their complaint against the decedents, contrary to the following provision of the 1994 DARAB Rules of Procedure:

RULE V

PARTIES, CAPTION AND SERVICE OF PLEADINGS

SECTION 1. Parties in Interest. Every agrarian case must be initiated and defended in the name of the real party in interest. x x x

A real party in interest is defined as "the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of a suit." [39] The real parties in interest, at the time the complaint was filed, were no longer the decedents Avelino and Pedro, but rather their respective heirs who are entitled to succeed to their rights (whether as agricultural lessees or as farmers-beneficiaries) under our agrarian laws. [40] They are the ones who, as heirs of the decedents and actual tillers, stand to be removed from the landholding and made to pay back rentals to respondents if the complaint is sustained.

Since respondents failed to correct their error (they did not amend the erroneous caption of their complaint to include the real parties-in-interest), they cannot be insulated from the confusion which it engendered in the proceedings below. But at any rate, notwithstanding the erroneous caption and the absence of a formal substitution of parties, jurisdiction was acquired over the heirs of Avelino and Pedro who voluntarily participated in the proceedings below. This Court has ruled that formal substitution of parties is not necessary when the heirs themselves voluntarily appeared, participated, and presented evidence during the proceedings. [41]

Going now to the alleged "forgery", it is clear from the records that there was never an instant when the respondents (and the Regional Adjudicator) were deceived or made to believe that Avelino and Pedro were still alive and participating in the proceedings below. In fact, respondents were clearly aware that the two were already deceased such that they even indicated the names of the respective heirs in their position paper before the Regional Adjudicator:

Plaintiffs are the agricultural lessors of the following tenant-lessees in the subject landholding primarily devoted to rice production, namely: x x x Pedro Bernardo (deceased), substituted by Roberto Bernardo, Antonio Mananghaya (deceased) substituted by Mariano, Faustino, and Tranquilino all surnamed Mananghaya, x x x Avelino Santos (deceased) substituted by Delfin Sacdalan x x x. [42]

Respondents also never questioned the appearance and participation of the heirs - Roberto and Delfin - in the proceedings below. The parties, as well as the Regional Adjudicator, were all aware of the death of Avelino and Pedro, and of the fact that the complaint (and its corresponding prayer for ejectment) is now directed against their heirs.

Therefore, it is unquestionable that when the heirs of Avelino and Pedro signed the Notice of Appeal, they did not intend, and could not have intended, to visit fraud upon the proceedings. Indeed, any intention to mislead is simply negated by their ready admission and participation in the proceedings as heirs of Avelino and Pedro. Thus, there can be no deception or prejudice, as there were prior repeated disclosures that the named defendants were already dead.

Respondents insist that allowing the appeal would condone an act which is criminal in nature. We do not agree. Article 3 of the Revised Penal Code (RPC) provides that malice or criminal intent (*dolo*) is an essential requisite of all crimes and offenses defined therein.[43] The circumstances narrated above do not indicate the presence of *dolo*. In this regard, it should be noted that the heirs who signed the Notice of Appeal are lay persons unfamiliar with the technical requirements of procedure and pleadings. This unfamiliarity, compounded by the absence of legal counsel, appears to have caused the imperfections in their signing of the Notice of Appeal. We do not see any criminal intent motivating them.

Moreover, in cases of falsification of public documents, such as documents introduced in judicial proceedings, "the change in the public document must be such as to affect the integrity of the same or change the effects which it would otherwise produce; for, unless that happens, there could not exist the essential element of the intent to commit the crime, which is required by Article 3 of the Penal Code".[44] In the instant case, given the heirs' admissions contained in several pleadings that Avelino and Pedro are already deceased and their submission to the jurisdiction of the Regional Adjudicator as the successors-in-interest of the decedents, the effect would be the same if the heirs did not sign the decedents' names but their own names on the appeal. As the recognized real parties in interest, the case actually proceeded against the heirs and the judgment rendered was executed against them. It was thus unnecessary for the heirs to sign the decedents' names when their own names, as the real parties in interest, would have served the same purpose just as effectively.

Given the foregoing circumstances, we conclude that the unfortunate matter of signing the decedents' names in the Notice of Appeal is an innocent and harmless error on the part of the heirs.

Respondents' own procedural errors

At this juncture, we must point out that while respondents bewail petitioners' lack of strict adherence to procedural rules, they also failed to observe some rules. It is evident from the records that respondents filed two motions for reconsideration after the August 5, 2003 Order of the Regional Adjudicator. This is prohibited under Section 12, Rule VIII of DARAB Rules, which provides that only one motion for reconsideration shall be allowed.

Moreover, respondents failed to exhaust administrative remedies[45] when they filed their petition for certiorari before the CA, instead of the Board.[46] The DARAB Rules state that:

Rule XIV Judicial Review

Section 1. Certiorari to the Court of Appeals. Any decision, order, resolution, award or ruling of the Board on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, interpretation of agrarian reform laws or rules and regulations promulgated thereunder, may be brought within fifteen (15) days from receipt of a copy thereof, to the Court of Appeals by certiorari.

An aggrieved party can only resort to judicial review after it has invoked the authority of the Board. Judicial review is not provided for orders, rulings, and decisions of adjudicators. It is stated in Section 1, Rule II that the Board has primary and exclusive, original and appellate jurisdiction over agrarian disputes involving agrarian laws and their implementing rules and regulations. If respondents were strict adherents to procedural rules, they should have followed Section 2(b) of Rule XIII which provides for an appeal to the Board on the ground of grave abuse of discretion on the part of the adjudicator.

These matters, while not raised by the parties, are important considerations in resolving the case where one party laments that she is prejudiced by the leniency that is afforded to the other party. It should be made clear that there

was no partiality or undue advantage given to petitioners that had not likewise been enjoyed by respondents.

Allegation that the basis for the Regional Adjudicator's Decision is an utter fabrication

Petitioners also raise for the first time in the entire proceedings of this case that respondents had presented to the Regional Adjudicator an entirely spurious and fabricated DAR Order exempting respondents' landholdings from the coverage of CARP. It will be recalled that the Regional Adjudicator's decision below is based on the assumption that respondents' landholdings are exempt from CARP coverage, hence the obligation on the part of petitioners to pay lease rentals.

Petitioners maintain that they only discovered the spurious nature of the exemption order during the pendency of their appeal to this Court. They presented several certificates from various DAR offices stating that the latter have no record of the said exemption order in favor of respondents. If such exemption order is indeed fabricated, their possession of CLTs and EPs should be respected, thus they should be held under no obligation to pay rentals to respondents. Thus, they seek the nullification of the exemption order on the ground that it is counterfeit.

On the other hand, respondents assert that the validity of the exemption order had already been settled in the annulment case filed by petitioners against respondents in 1994, docketed as DARAB Case No. 602-B-94. They likewise maintain that the issue involves factual matters which are not within the province of the Supreme Court.

DARAB Case No. 602-B '94 is a complaint for annulment of the regional director's order, which granted respondents' petition for the exemption of their landholdings from the coverage of the CARP. In that case, petitioners assailed the validity of the order on the ground that they were not given an opportunity to present controverting evidence and that the title of petitioners to the land was not registered within the period prescribed by law.

Their complaint was dismissed on the ground of lack of jurisdiction. The provincial adjudicator, as later affirmed by the DARAB^[47] and the CA,^[48] ruled that only the Agrarian Reform Secretary has appellate jurisdiction over the exemption orders issued by a regional director.^[49] Petitioners filed a petition for review before this Court but it was not timely filed. Hence, a resolution was issued where the case was deemed closed and terminated. Entry of judgment was made on September 6, 2002.

Contrary to respondents' arguments, there was never any ruling regarding the validity or authenticity of the exemption order. What was ruled upon, and became final, was that the exemption order cannot be reviewed by the provincial adjudicator or DARAB since exclusive appellate jurisdiction rests in the Office of the DAR Secretary. Thus, it appears that petitioners' right to question the authenticity of the exemption order in the proper forum has not yet been foreclosed.

The instant case, however, is not the proper place to bring the issue of authenticity.

Exemption from the comprehensive agrarian reform law is an administrative matter the primary jurisdiction over which has been lodged with the DAR Secretary.^[50] Moreover, the issue of authenticity is entirely factual.^[51] Since this was never raised below, we have no basis on record to rule on the authenticity of the exemption order.

A final note. After the decision was rendered by the CA, the record shows that several withdrawals of appeal were allegedly filed with the Office of the Regional Agrarian Reform Adjudicator. This new development, however, was not raised by the parties in their memoranda before the Court. For this reason and because of the necessity of verifying the authenticity, voluntariness, and the personalities of the parties that signed the withdrawals of appeal,

the Court deems it prudent to leave the matter for the Board that would hear the appeal.

WHEREFORE, the instant petition is GRANTED and the assailed June 9, 2004 Decision of the Court of Appeals in CA-G.R. SP No. 79304, which gave no legal effect to petitioners' Notices of Appeal, is hereby ANNULLED and SET ASIDE. The August 5, 2003 Order of the Regional Adjudicator giving due course to the two Notices of Appeal is REINSTATED. Let the records of the case be transmitted forthwith to the Adjudication Board which is DIRECTED to proceed to dispose of the appeal with deliberate dispatch.

SO ORDERED.

Carpio, (Chairperson), Brion, Abad, and Perez, JJ., concur.

[1] Only the signatories to the Petition for Certiorari submitted themselves to the jurisdiction of this Court as petitioners.

[2] Rollo, pp. 12-28. In the resolution dated August 31, 2005, the instant "Petition for Certiorari" was given due course notwithstanding procedural infirmities so as not to deny petitioners of their last opportunity to ventilate their cause; *id.* at 263-265.

[3] *Id.* at 30-39; penned by Associate Justice Andres B. Reyes, Jr. and concurred in by Presiding Justice Cancio C. Garcia and Associate Justice Lucas P. Bersamin.

[4] *Id.* at 49.

[5] *Id.* at 39.

[6] DARAB records, pp. 139-138.

[7] *Id.* at 228-227.

[8] Roberto Bernardo was impleaded as a defendant in his own right. After the order for substitution of parties, he was also recognized by both parties in their respective position papers as the representative of the deceased Pedro Bernardo.

[9] Rollo, pp. 71-79.

[10] *Id.* at 80-81.

[11] Now deceased and substituted by Edilberto Natividad.

[12] Now deceased and substituted by Mariano Mananghaya.

[13] Now deceased and substituted by Jeffrey Diaz.

[14] Rollo, pp. 82-83.

[15] *Id.* at 84-86.

[16] *Id.* at 89-91.

[17] *Id.* at 93-94.

[18] Implementation Report dated May 12, 2003, DARAB records, pp. 429-427.

[19] *Id.* at 439.

[20] Plaintiffs' Motion for Reconsideration dated May 13, 2003, *id.* at 424-423.

[21] A motion relieving Atty. Jaime G. Mena of his legal services and the entry of appearance of DAR-Legal Officer Atty. Dauphine B. Go were filed on March 13, 2003, *id.* at 367-361.

[22] *Id.* at 483 and 480.

[23] *Id.* at 482 and 479.

[24] *Id.* at 545-543.

[25] *Id.* at 624-621.

[26] The order admitted its error in the May 6, 2003 Decision which included Ismael Natividad among the deceased parties.

[27] DARAB records, pp. 650-647.

[28] *Id.* at 682-680.

[29] *Id.* at 702-700.

[30] *Id.* at 730-728.

[31] There is no 1997 DARAB Rules of Procedure. The only previous and existing versions are the 1989, 1994, 2003 and 2009 DARAB Rules of Procedure. The complaint in the instant case was filed on March 6, 2002, during the effectivity of the 1994 DARAB Rules of Procedure, thus it is the latter which is applicable in this case. This is further reinforced by the fact that the 2003 DARAB Rules of Procedure, which became effective when the subject notices of appeal were filed, expressly provides in Section 1, Rule XXIV (Miscellaneous Provisions) thereof that "all cases pending with the Board and the Adjudicators, prior to the date of effectivity of these Rules, shall be governed by the DARAB Rules prevailing at the time of their filing."

[32] Rollo, pp. 40-47.

[33] See *Remulla v. Manlongat*, 484 Phil. 832, 841 (2004); *Magsaysay Lines Inc. v. Court of Appeals*, 329 Phil. 310, 322-323 (1996); *Piglas-Kamau (Sari-Sari Chapter) v. National Labor Relations Commission*, 409 Phil. 735, 744-745 (2001).

[34] 1994 DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD RULES OF PROCEDURE.

[35] Section 6. Appeal Memorandum. Upon perfection of the appeal, the Adjudicator shall issue an order requiring the appellant to file an appeal memorandum within ten (10) days from receipt of such order, furnishing a copy thereof to the appellee and his counsel who may reply thereto if he so desires, within the same period of time. The parties may also submit a draft decision desired. After the filing of their respective appeal memoranda or lapse of the period within which to file them, the entire records of the case shall be elevated on appeal to the Board within five (5) days therefrom.

x x x (Rule XII, 1994 DARAB Rules of Procedure)

[36] DARAB records, pp. 365-364.

[37] See *Dasalla v. Hon. Judge Caluag*, 118 Phil. 663, 666 (1963); *ITT Philippines, Inc. v. Court of Appeals*, 160-A Phil. 582, 588 (1975); *Ortigas & Company Limited Partnership v. Velasco*, G.R. No. 109645, July 25, 1994, 234 SCRA 455, 495.

[38] See *Oro v. Judge Diaz*, 413 Phil. 419, 426 (2001).

[39] RULES OF COURT, Rule III, Section 2. The DARAB Rules itself does not define a real party-in-interest.

[40] Section 9 of Republic Act No. 3844, as amended (the Code of Agrarian Reform), provides that in case of the death of the agricultural lessee, the leasehold continues between the lessor and the deceased lessee's heirs in the order specified therein. Similarly, per Presidential Decree No. 27 (Decreeing the Emancipation of Tenants), which is invoked by petitioners, title to land acquired thereunder is transferable by hereditary succession in accordance with the Code of Agrarian Reform, among other laws. Even Republic Act No. 6657, as amended (Comprehensive Agrarian Reform Law), also recognizes the right of the heirs to succeed to the rights of their predecessor-farmer-beneficiary (Section 27).

[41] *Torres, Jr. v. Court of Appeals*, 344 Phil. 348, 366-367 (1997), citing *Vda. de Salazar v. Court of Appeals*, 320 Phil. 373, 377-380 (1995).

[42] Plaintiff's Position Paper, DARAB records, p. 162.

[43] Except in those cases where the element required is negligence or culpa.

[44] *Beradio v. Court of Appeals*, 191 Phil. 153, 168 (1981). See also *People v. Pacana*, 47 Phil. 48, 55-56 (1924); *Lecaroz v. Sandiganbayan*, 364 Phil. 890, 904-905 (1999); *Luague v. Court of Appeals*, 197 Phil. 784, 788 (1982).

[45] What could have been a fatal error in its petition for certiorari before the appellate court was entirely ignored because petitioners herein did not raise it as an issue. It is doctrinal that non-exhaustion of administrative remedies can be waived (see *Rosario v. Court of Appeals*, G.R. No. 89554, July 10, 1992, 211 SCRA 384, 387).

[46] *Department of Agrarian Reform Adjudication Board v. Court of Appeals*, 334 Phil. 369, 381-382 (1997).

[47] *Rollo*, pp. 469-475.

[48] *Id.* at 476-482.

[49] *Id.* at 461-468.

[50] Section 13 of DAR Administrative Order No. 02, series of 2003 (2003 RULES AND PROCEDURES GOVERNING LANDOWNER RETENTION RIGHTS) provides for appeals from the decisions of the Regional Director regarding retention applications to the Secretary. The procedure for such appeals is provided in DAR Administrative Order No. 3, series of 2003 (2003 RULES OF AGRARIAN LAW IMPLEMENTATION CASES), which also provides in Section 10 thereof that, "The Secretary shall exercise appellate jurisdiction over all cases, and may delegate the resolution of appeals to any Undersecretary."

[51] See *Guevarra v. Court of Appeals*, G.R. No. 100894, January 26, 1993, 217 SCRA 550, 553.

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.