HEIRS OF EMILIANO SAN PEDRO, REPRESENTED BY LUZVIMINDA SAN PEDRO CUNANAN, PETITIONERS, VS. PABLITO GARCIA AND JOSE CALDERON, RESPONDENTS.

G.R. No. 166988. July 03, 2009

Ponente: PERALTA, J.

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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 November 17, 2004 Decision[2] and February 8, 2005 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP. No. 69144.

The facts of the case.

On July 1, 1991, the petitioners, Heirs of Emiliano San Pedro, represented by Ligaya San Pedro and Leonila San Pedro, filed a Complaint[4] for "Nullification of Kasulatan ng Bilihang Tuluyan and Kasulatan ng Pagkakautang and Restoration of Tenurial Rights Covered by Operation Land Transfer" against respondents Pablito Garcia and Jose Calderon before the Provincial Adjudicator of the Department of Agrarian Reform Adjudication Board (DARAB).

It was alleged that a farm lot measuring 1.8627 hectares, situated at Dampol 2[nd], Pulilan, Bulacan, originally owned by Virginia King Yap, was acquired by Emiliano San Pedro sometime in 1987 by virtue of Presidential Decree No. 27 (P.D. No. 27).[5] A portion of said lot, however, has been assigned and conveyed by San Pedro to Calderon as early as 1980 through a Kasulatan ng Bilihang Tuluyan.[6]

In 1982, San Pedro mortgaged to Garcia the landholding for P30,000.00 with the condition that one-half of the landholding should be delivered to Garcia as collateral, and that Garcia shall till the land as long as the obligation remains unsettled. The transaction between San Pedro and Garcia was reduced into writing as evidenced by a Kasulatan ng Pagkakautang. In the same year, Calderon sold to Garcia the portions of the land sold by San Pedro to him in 1980. Thus, Garcia currently controls and cultivates the whole landholding of San Pedro.[7]

Petitioners, in their Complaint, prayed that the sale and mortgage entered into by San Pedro be declared null and void for violation of P.D. No. 27, and that their possession over the landholding be restored upon payment of the unpaid loan of P30,000.00 obtained by San Pedro during his lifetime.[8]

In their Position Paper,[9] respondents claim that Calderon was the real tenant of Virginia King Yap and not San Pedro, who was just helping Calderon till the land. Respondents further alleged that San Pedro was only able to obtain a Certificate of Land Transfer because at that time Calderon left for Manila. Upon his return, Calderon confronted San Pedro, who then acknowledged through a Sworn Statement[10] that Calderon was the real tenant of Virginia King Yap. Later on, both parties entered into a Kasulatan ng Bilihang Tuluyan ceding the entire property to Calderon. Because of San Pedro's voluntary acknowledgment of his right, Calderon rewarded San Pedro P50,000.00.[11]

Furthermore, respondents alleged that Calderon still continued to avail of the services of San Pedro because he could not find any helper who could work with him on the land. However, sometime in October 1982, Calderon discovered that San Pedro, through a Kasulatan ng Pagkakautang borrowed P30,000.00 from Garcia and mortgaged one-half of the land he was working on. Calderon tried to settle the matter with Garcia, who manifested his desire to get his money back. However, because San Pedro had no money to pay, the parties brought their problem to the Samahang Nayon where Calderon and San Pedro suggested that Garcia could buy the land and cultivate the same. Subsequently, in a conference before the Samahang Nayon, Calderon and San Pedro decided to surrender the landholding to the Samahang Nayon to be awarded to any person who would be willing to pay the value of the land and the P30,000.00 obligation incurred by San Pedro. Garcia decided to purchase the land and in the presence of the Samahang Nayon officials paid Calderon P60,000.00 while the P30,000.00 obtained by San Pedro was already considered part of the purchase price. Thus, respondents claim that, as of October 1982, the Samahang Nayon already considered Garcia as the lawful owner and cultivator of the land in question.[12]

On the other hand, in their Position Paper,[13] petitioners claim in the main that the conveyances made by San Pedro are void ab initio for such violated the provisions of P.D. No. 27.

On September 20, 1995, the Provincial Adjudicator rendered a Decision[14] dismissing the complaint, the dispositive portion of which reads:

> WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the complaint for lack of merit.
>
> SO ORDERED.[15]

In said Decision, the Provincial Adjudicator concluded that San Pedro was not the real tenant of the subject landholding and that the latter had violated the provisions of P.D. No. 27 that an awardee of land under the above law shall not at anytime employ tenants in the cultivation of the land. Moreover, the Provincial Adjudicator ruled that the acts of San Pedro were tantamount to an abandonment, which thereby extinguished the tenancy relationship. Furthermore, the Provincial Adjudicator ruled that San Pedro had no more tenurial right because he had already abandoned and surrendered his right to the Samahang Nayon.[16]

On October 16, 1995, petitioners, through their representative Leonila San Pedro, filed a Motion for Extension of Time to file a Motion for Reconsideration.[17]

After a year, on October 21, 1996, respondents filed a Manifestation[18] stating that no motion for reconsideration was filed by petitioners despite their request for an extension, nor was an appeal interposed by them. Accordingly, respondents prayed for the issuance of an entry of judgment. Later, on November 5, 1996, respondents then filed a Motion to Issue Order of Finality.[19]

On November 29, 1996, the Provincial Adjudicator issued an Order[20] granting the motion of respondents, the pertinent portion of which reads:

> Inasmuch as the plaintiff thru their representative, Leonila San Pedro, that as of this date, did not file any Motion for Reconsideration nor notice of appeal within the prescriptive period of fifteen (15) days, the Board's Decision dated September 20, 1995, is now FINAL.
>
> SO ORDERED.[21]

On February 5, 1997, petitioners filed a Notice of Appeal[22] to which respondents in response filed an Opposition.[23] Respondents argued that the decision of the Board was already final and executory by virtue of

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the November 29, 1996 Order of the Provincial Adjudicator.

Notwithstanding the belated appeal, the records of the case were elevated to the DARAB, as a matter of course, which then rendered a Decision[24] favorable to petitioners, the dispositive portion of which reads:

> WHEREFORE, premises considered, the decision of the Adjudicator a quo dated September 20, 1995, is hereby REVERSED and SET ASIDE. A new one is hereby rendered to read as follows:
>
> - Declaring the EP No. A-004783 issued to the late Emiliano San Pedro, predecessor-in-interest of plaintiffs-appellants valid and binding;
>
> - Declaring the "Kasulatan ng Bilihang Tuluyan" and "Kasulatan ng Pagkakautang" as null and void;
>
> - Ordering the defendants-appellees to turn over the physical possession of the subject landholding to herein plaintiffs-appellants;
>
> - Ordering the plaintiffs-appellants to pay the defendants-appellees the amount stated in the "Kasulatan ng Bilihang Tuluyan" and "Kasulatan ng Pagkakautang."
>
> No pronouncement as to cost.
>
> SO ORDERED.[25]

In said Decision, the DARAB allowed the belated appeal notwithstanding that it was filed one year and five months out of time. The DARAB justified its decision by citing Section 2 of the new DARAB Rules which provides for a liberal construction of the rules.[26] Moreover, the DARAB held that the transactions entered into by San Pedro and respondents violated P.D. No. 27.[27]

Respondents filed a Motion for Reconsideration[28] assailing the DARAB Decision. On January 25, 2002, the DARAB issued a Resolution[29]denying respondents' Motion for Reconsideration.

On March 6, 2002, respondents filed with the CA a Petition for Review under Rule 43 of the Rules of Court assailing the Decision and Resolution of the DARAB.

On November 17, 2004, the CA rendered a Decision[30] ruling in favor of respondents, the dispositive portion of which reads:

> WHEREFORE, in view of the foregoing, the petition is hereby GRANTED. The January 17, 2001 Decision and the January 25, 2002 Resolution of the DARAB in DARAB Case No. 6869 are hereby SET ASIDE for lack of jurisdiction.
>
> SO ORDERED.[31]

In said Decision, the CA ruled that the failure to perfect an appeal within the reglementary period is not a mere technicality, but is rather, jurisdictional. The CA pointed out that the Revised Rules of the DARAB itself impose a fifteen-day reglementary period to appeal. Moreover, notwithstanding that technical rules may be relaxed in the interest of justice, the CA ruled that the delay of two years[32] in the filing of the appeal in the case at bar no longer fits the liberality rule.[33]

On December 8, 2004, petitioners filed a Motion for Reconsideration[34] which was, however, denied by the CA in a Resolution[35] dated February 8, 2005.

Hence, herein petition, with the following assignment of errors, to wit:

> I.

> WHETHER OR NOT PETITIONERS ARE ENTITLED TO RECOVER THE LANDHOLDING FROM THE PRIVATE RESPONDENTS.
>
> II.
>
> WHETHER OR NOT THE HONORABLE PUBLIC RESPONDENT COURT OF APPEALS COMMITTED GRAVE ABUSE OF AUTHORITY, GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN GRANTING THE PETITION AND SETTING ASIDE THE DECISION DATED JANUARY 17, 2001 AND THE RESOLUTION DATED JANUARY 25, 2002 OF THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD IN DARAB CASE NO 6869.
>
> III.
>
> WHETHER OR NOT THE HONORABLE PUBLIC RESPONDENT COURT OF APPEALS COMMITTED ANY ERROR IN SETTING ASIDE THE DECISION AND RESOLUTION OF THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD IN DARAB CASE NO 6869.[36]

The petition is not meritorious.

At the crux of the controversy is the determination of whether or not the DARAB may entertain an appeal filed beyond the reglementary period by invoking a liberal application of the DARAB Rules of Procedure.

This Court rules in the negative.

It is a matter of record that the Provincial Adjudicator rendered its Decision on September 20, 1995. Notwithstanding that petitioners filed a motion for extension of time, no motion for reconsideration or an appeal was filed by them. It is also a matter of record that petitioners only filed their Notice of Appeal on February 5, 1997. Thus, said appeal was filed approximately after the lapse of one year and five months from the date of the Decision of the Provincial Adjudicator.

The pertinent provisions of the DARAB Revised Rules of Procedure, which was then in force, state:

> Rule I
>
> SECTION 2. Construction. These Rules shall be liberally construed to carry out the objectives of agrarian reform and to promote a just, expeditious, and inexpensive adjudication and settlement of any agrarian dispute, case, matter or concern.
>
> Rule VIII
>
> SECTION 15. Finality of Judgment. The decision, order, or ruling disposing of the case on the merits by the Adjudicator shall be final after the lapse of fifteen (15) days from receipt of a copy thereof by the counsel or representative on record, or in their absence, by the party himself.
>
> Rule XIII
>
> SECTION 1. Appeal to the Board. a) An appeal may be taken from an order or decision of the Regional or Provincial Adjudicator to the Board by either of the parties or both, by giving or stating a written or oral appeal within a period of fifteen (15) days from receipt of the resolution, order or decision appealed from, and serving a copy thereof on the opposite or adverse party, if the appeal is in writing.[37]

Petitioners contend that Section 2 of the DARAB Revised Rules of Procedure categorically states that its own rules of procedures must be liberally construed.[38] Moreover, petitioners cite Section 3, Rule I of the Revised Rules of Procedure of the DARAB to bolster their case:

> 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
>
> c) The provisions of the Rules of Court shall not apply even in a suppletory character unless adopted herein or by resolution of the Board. However, due process of the law shall be observed and followed in all instances.[39]

Petitioners argue that it was the CA's position that the Rules of Procedure of the DARAB cannot be liberally construed.[40] Hence, petitioners contend that the CA committed a grave and serious error when it reversed the September 17, 2001 Decision of the DARAB.

The arguments of petitioners are misplaced.

A reading of the assailed CA decision shows that the CA did not categorically state that the DARAB Rules of Procedure cannot be liberally construed. As a matter of fact, the CA acknowledged that technical rules may be relaxed in the interest of justice.[41] The CA, however, chose not to apply the liberality rule primarily because of the long delay in the filing of the appeal, as well as petitioners' failure to offer an explanation or an excuse for their failure to abide by the reglementary period.[42]

The case of Sebastian v. Hon. Morales[43] is instructive:

> Litigation is not a game of technicalities, but every case must be prosecuted in accordance with the prescribed procedure so that issues may be properly presented and justly resolved. Hence, rules of procedure must be faithfully followed except only when for persuasive reasons, they may be relaxed to relieve a litigant of an injustice not commensurate with his failure to comply with the prescribed procedure. Concomitant to a liberal application of the rules of procedure should be an effort on the part of the party invoking liberality to explain his failure to abide by the rules.[44]

Even if the Rules of Court may not apply in the proceedings before the DARAB, the CA was correct in pointing out that the Revised Rules of the DARAB itself impose a fifteen-day reglementary period to appeal. Since the perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional, the failure of petitioners to so perfect their appeal rendered the questioned decision final and executory.[45] This rule is founded upon the principle that the right to appeal is not part of due process of law, but is a mere statutory privilege to be exercised only in the manner and in accordance with the provisions of the law.[46]

This, of course, does not mean to say that this Court has not in the past allowed a liberal application of the rules of appeal. However, the same applies only in exceptionally meritorious cases. The case of Bank of America, NT & SA v. Gerochi, Jr.[47] is instructive:

> True, in few highly exceptional instances, we have allowed the relaxing of the rules on the application of the reglementary periods of appeal. We cite a few typical examples: In Ramos vs. Bagasao, 96 SCRA 395, we excused the delay of four days in the filing of a notice of appeal because the questioned decision of the trial court was served upon appellant Ramos at a time when her counsel of record was already dead. Her new counsel could only file the appeal four days after the prescribed reglementary period was over. In Republic vs. Court of Appeals, 83 SCRA 453, we allowed the perfection of an appeal by the Republic despite the delay of six days to prevent a gross miscarriage of justice since the Republic stood to lose hundreds of hectares of land already titled in its name and had since then been devoted for educational purposes. In Olacao vs. National Labor Relations Commission, 177 SCRA 38, 41, we accepted a tardy appeal considering that the subject matter in issue had theretofore been judicially settled, with finality, in another case. The dismissal of the appeal

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> would have had the effect of the appellant being ordered twice to make the same reparation to the appellee.
>
> The case at bench, given its own settings, cannot come close to those extraordinary circumstances that have indeed justified a deviation from an otherwise stringent rule. Let it not be overlooked that the timeliness of an appeal is a jurisdictional caveat that not even this Court can trifle with.[48]

In the case at bar, there is no showing of a factual setting which warrants a liberal application of the rules on the period of appeal. To stress, petitioners filed their Notice of Appeal only after one year and five months from the time the Provincial Adjudicator rendered its Decision. Such a delay is unacceptable. Moreover, what makes matters worse is that petitioners offered no explanation or excuse for this Court to consider as to why it took them so long to file their appeal.

Lastly, it cannot escape this Court's notice that, on November 29, 1996, the Provincial Adjudicator issued an Order granting respondents' motion for an order of finality for failure of petitioners to file a motion for reconsideration or an appeal within the reglementary period. Hence, the September 20, 1995 Decision of the Provincial Adjudicator is already final.

Nothing is more in settled law than that once a judgment attains finality it thereby becomes immutable and unalterable. It may no longer be modified in any respect even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land. Just as the losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of the case.[49]

Litigation must end and terminate sometime and somewhere, and it is essential to an effective administration of justice that once a judgment has become final, the issue or cause involved therein should be laid to rest. The basic rule of finality of judgment is grounded on the fundamental principle of public policy and sound practice that at the risk of occasional error, the judgment of courts and the award of quasi-judicial agencies must become final at some definite date fixed by law.[50] The orderly administration of justice requires that the judgment/resolutions of a court or quasi-judicial body must reach a point of finality set by law, rules and regulations. The noble purpose is to write finis to disputes once and for all. This is a fundamental principle in our justice system, without which there could be no end to litigations. Utmost respect and adherence to this principle must always be maintained by those who wield the power of adjudication. Any act which violates such principle must be struck down.[51]

In sum, based on the foregoing discussion, this Court finds: (1) that the CA did not commit any error when it ruled that petitioners' delay of approximately one year and five months in filing an appeal did not fit the liberality rule; and (2) that the DARAB had no jurisdiction to entertain petitioners' appeal as the September 20, 1995 Decision of the Provincial Adjudicator had already attained finality.

WHEREFORE, premises considered, the petition is DENIED for lack of merit. The November 17, 2004 Decision and February 8, 2005 Resolution of the Court of Appeals in CA-G.R. SP No. 69144 are AFFIRMED.

Costs against petitioners.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Velasco, Jr., and Nachura, JJ., concur.

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[1] Rollo, pp. 3-18.

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[2] Penned by Associate Justice Romeo A. Brawner (now deceased), with Associate Justices Josefina Guevara-Salonga and Magdangal M. De Leon, concurring; id. at 20-26(A).

[3] Id. at 29.

[4] CA rollo, pp. 37-41.

[5] Decreeing the emancipation of tenants from the bondage of the soil transferring to them the ownership of the land they till and providing the instruments and mechanism therefore.

[6] CA rollo, p. 8.

[7] Id.

[8] Id. at 9.

[9] Id. at 66-73.

[10] Certified by the Records Officer of the DARAB as missing. Marked as page 33 of DARAB Case No. 6869; id. at 65.

[11] Id. at 56.

[12] Id. at 67-68.

[13] Id. at 74-75.

[14] Id. at 86-91.

[15] Id. at 91.

[16] Id. at 90-91.

[17] Id. at 92.

[18] Id. at 94-95.

[19] Id. at 96-97.

[20] Id. at 98.

[21] Id.

[22] Id. at 99.

[23] Id. at 100.

[24] Id. at 23-34.

[25] Id. at 33-34.

[26] Id. at 27-28.

[27] Id. at 30.

[28] Id. at 101-108.

[29] Id. at 35-36.

[30] Supra note 2.

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[31] Rollo, p. 26.

[32] Since the Provincial Adjudicator rendered its Decision on September 20, 1995 and petitioners filed their Notice of Appeal on February 5, 1997, only approximately one (1) year and five (5) months has elapsed and not two years as computed by the CA.

[33] CA rollo, p. 209.

[34] Id. at 215-218.

[35] Id. at 223.

[36] Rollo, p. 7.

[37] CA rollo, p. 247, now superceded by the 2003 DARAB Rules of Procedure.

[38] Rollo, p. 14.

[39] Id. at 13-14.

[40] Id.

[41] CA rollo, p. 248.

[42] Id.

[43] 445 Phil. 595 (2003).

[44] Id. at 605. (Emphasis supplied.)

[45] Sy Chin v. Court of Appeals, 399 Phil. 442, 451(2000); Yao v. Court of Appeals, 398 Phil. 86, 100 (2000); Republic v. Court of Appeals, 379 Phil. 92, 98 (2000); Apex Mining, Inc. v. Court of Appeals, 337 Phil. 482, 493 (1999); Almeda v. Court of Appeals, G.R. No. 1201013, July 16, 1998, 292 SCRA 587, 593-594. (Citations omitted.)

[46] Lazaro v. Court of Appeals, 386 Phil. 412, 417 (2000); Republic v. Court of Appeals, supra; Videogram Regulatory Board v. Court of Appeals, 332 Phil. 820, 828 (1996). (Citations omitted.)

[47] G.R. No. 73210, February 10, 1994, 230 SCRA 9.

[48] Id. at 15-16.

[49] Dapar v. Biascan, G.R. No. 141880, September 27, 2004, 439 SCRA 179, 199.

[50] Ramos v. Combong, Jr., G.R. No. 144273, October 20, 2005, 473 SCRA 499, 504.

[51] Sumalo Homeowners Association of Hermosa, Bataan v. Litton, G.R. No. 146061, August 31, 2006, 500 SCRA 385, 397.

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