

PIO DELOS REYES (DECEASED), REPRESENTED BY HEIRS FIDEL DELOS REYES, MAURO DELOS REYES AND IRENE BONGCO (DECEASED), REPRESENTED BY SURVIVING SPOUSE RODOLFO BONGCO, PETITIONERS, V...

G.R. No. 168726. March 05, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] of the 7 January 2005 and 17 June 2005 Resolutions[2] of the Court of Appeals in CA-G.R. No. 87584. In its 7 January 2005 Resolution, the Court of Appeals dismissed the petition for certiorari[3] of Pio delos Reyes, represented by surviving heirs Fidel delos Reyes, Mauro delos Reyes, and Irene delos Reyes Bongco, who was represented by her surviving spouse, Rodolfo Bongco (collectively referred to as "petitioners"). In its 17 June 2005 Resolution, the Court of Appeals denied the motion for reconsideration filed by petitioners.

The Facts

In 1985, Pio delos Reyes applied for exclusion from the coverage of operation land transfer, under Presidential Decree (P.D.) No. 27[4] and Letter of Instruction (LOI) No. 474,[5] parcels of land situated in Hermosa and Ornani, Bataan, covered by Transfer Certificate of Title Nos. T-2058 on Lots 2 and 3, T-4581, and T-2057 on Lots 1156 and 1159. Alternatively, he applied for the right of retention of seven hectares if the properties mentioned would be subject of operation land transfer. He claimed that the properties remained undivided and were still under co-ownership pending the extrajudicial settlement of the estate of his late wife, Margarita Manalili.[6]

In 1988, Pio and his children, Fidel, Mauro, and Irene, executed a deed of extrajudicial partition,[7] which included the properties subject of the application for exclusion or retention. Under the extrajudicial partition, Pio became the owner of 11.4842 hectares of tenanted rice and corn land, Fidel of 4.5212 hectares, Mauro of 4.5212 hectares, and Irene of 4.3740 hectares. Aside from their shares in the extrajudicial partition, Fidel co-owned 2.5212 hectares of rice land and Mauro co-owned 2.5273 hectares.[8] However, in the proceedings for his application for exclusion or retention, Pio failed to submit vital documents such as the deed of extrajudicial partition. Thus, the Department of Agrarian Reform (DAR) placed the subject landholdings within the coverage of P.D. No. 27 and LOI No. 474. The DAR wasted no time effecting operation land transfer and issuing emancipation permits in favor of farmer beneficiaries.[9]

In April 1989, the Provincial Agrarian Reform Officer recommended approval of Pio's application for (i) retention of not more than seven hectares of his tenanted land planted to rice and corn, (ii) exclusion of his children's properties from the coverage of operation land transfer, (iii) cancellation of certificates of land transfer covering

the properties of his children issued in favor of farmer beneficiaries, and (iv) cancellation of certificates of land transfer covering his retention area.[10] The Legal Officer and the Regional Director of the DAR approved the recommendation.[11]

Fortunato Quiambao, a tenant-farmer in Pio's landholdings, appealed to the DAR Secretary. He claimed that Pio was guilty of misrepresentation amounting to fraud for not stating the totality of his landholdings. He averred Pio and his children owned lands used for residential, commercial, industrial, or other urban purposes from which they derived adequate income to support themselves and their families. He further alleged that during the pendency of the petition for exclusion or retention, Pio converted portions of their landholdings into residential lands.[12]

After examining the records of the case and the evidence submitted by the parties, the DAR Secretary concluded that the subject landholdings fell under the government's operation land transfer program. In its order,[13] the DAR Secretary ruled that Pio and his children actually owned landholdings used for residential, commercial, industrial, or other urban purposes from which they derived adequate income, as evidenced by certifications issued by the Office of the Provincial Assessor of Bataan and the various certificates of title submitted on record. Pio and his children moved for reconsideration, which the DAR Secretary dismissed.[14]

Meanwhile, Pio died and was substituted by his surviving heirs, Fidel delos Reyes, Mauro delos Reyes, and Irene delos Reyes Bongco, represented by her surviving spouse, Rodolfo Bongco.

Petitioners appealed to the Office of the President.[15] In its 20 June 2003 Resolution,[16] the Office of the President dismissed petitioners' appeal for being filed out of time. Petitioners' motion for reconsideration was denied.[17] Petitioners then filed a petition for relief from denial of appeal arguing that the failure of their so-called provisional lawyer to advise them of the receipt of the 20 June 2003 resolution was justifiable. The Office of the President dismissed the same in its 30 September 2004 order, to wit:

WHEREFORE, the instant petition is hereby DISMISSED for lack of merit. The finality of the Resolution dated June 20, 2003, pursuant to Sec. 7 of Presidential A.O. No. 18, S. 1987, is hereby reiterated. The Department of Agrarian Reform is hereby directed to implement the said resolution. No further pleadings shall be entertained.

SO ORDERED.[18]

Instead of filing in the Office of the President a motion for reconsideration of the 30 September 2004 order, petitioners filed in the Court of Appeals a petition for certiorari and mandamus with prayer for the issuance of a temporary restraining order and a writ of preliminary injunction.

The Ruling of the Court of Appeals

In its 7 January 2005 Resolution, the Court of Appeals dismissed for prematurity the petition for certiorari and mandamus filed by petitioners. The appellate court found that petitioners failed to exhaust the administrative remedies available from the dismissal of their petition for relief. According to the appellate court, petitioners failed to file in the Office of the President a motion for reconsideration of the assailed order. In its 17 June 2005 Resolution, the Court of Appeals denied petitioners' motion for reconsideration.

The Issue

The sole issue is whether the Court of Appeals erred when it dismissed for prematurity the petition for certiorari and mandamus filed by petitioners.

The Court's Ruling

The petition has no merit.

Petitioners contend the Court of Appeals erred when it dismissed the petition for certiorari and mandamus despite sufficient allegation in the petition why the motion for reconsideration would be useless, one of the exceptions to the rule on exhaustion of administrative remedies. Petitioners claim they no longer filed a motion for reconsideration of the 30 September 2004 order because it was already final and executory on its face as the order itself stated that no further pleadings would be entertained. Petitioners submit that a disposition of controversies through resolution on the merits is preferred over a preemptory dismissal by reason of a technicality.

Respondents maintain that the filing of a motion for reconsideration is a condition sine qua non to the filing of a petition for certiorari, being the plain and adequate remedy referred to in Section 1 of Rule 65 of the Rules of Court. Respondents argue that a petition for certiorari will not prosper unless the administrative agency has been given, through a motion for reconsideration, a chance to correct the errors imputed to it. Respondents insist the law intends to afford the administrative agency an opportunity to rectify the errors it may have lapsed into before resort to the courts of justice can be had.

At the outset, we must point out that petitioners' arguments are a mere rehash of their arguments in the petition for certiorari and mandamus filed in the Court of Appeals. We agree with the Court of Appeals that petitioners ignored the procedural requirement of filing a motion for reconsideration and simply went ahead with the filing of a petition for certiorari and mandamus. The appellate court correctly dismissed the same for prematurity.

We have held in a litany of cases that the extraordinary remedies of certiorari and mandamus are available only when there is no other plain, speedy, and adequate remedy in the ordinary course of law, such as a motion for reconsideration. The writ of certiorari does not lie where another adequate remedy is available for the correction of the error.[19] Likewise, mandamus is granted only in cases where no other remedy is available which is sufficient to afford redress because generally, a writ of mandamus will not lie from one branch of the government to a coordinate branch, for the obvious reason that neither is inferior to the other.[20] However, there are several exceptions where a petition for certiorari will lie without the prior filing of a motion for reconsideration, to wit:

- a. where the order is a patent nullity, as where the court a quo has no jurisdiction;
- b. where the questions raised in the certiorari proceeding have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court;
- c. where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the government or the petitioner or the subject matter of the action is perishable;
- d. where, under the circumstances, a motion for reconsideration would be useless;
- e. where petitioner was deprived of due process and there is extreme urgency for relief;
- f. where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable;
- g. where the proceedings in the lower court are a nullity for lack of due process;
- h. where the proceedings was ex parte or in which the petitioner had no opportunity to object; and
- i. where the issue raised is one purely of law or where public interest is involved.[21] (Emphasis supplied)

The thrust of the rule on exhaustion of administrative remedies is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. To this end, administrative agencies are afforded a chance to correct any previous error committed in its forum. Furthermore, reasons of law, comity, and convenience prevent the courts from entertaining cases proper for determination by administrative agencies.[22]

In this case, a motion for reconsideration is a plain, speedy, and adequate remedy in the ordinary course of law. Petitioners should have first filed a motion for reconsideration of the 30 September 2004 order of the Office of the President. They cannot prematurely resort to a petition for certiorari on the wrong assumption that a plain reading of the 30 September 2004 order hinted that it was already final and executory. The parties are presumed to know the hornbook rule that judgments become final and executory only upon the lapse of the reglementary period to appeal or to file a motion for reconsideration without any appeal or motion for reconsideration having been made.

Petitioners submit they no longer filed a motion for reconsideration of the 30 September 2004 order because it would have been useless. Petitioners point out that the 30 September 2004 order warned that no further pleadings would be entertained. We are not convinced that this constitutes an exception to the rule on exhaustion of administrative remedies. Petitioners may not arrogate to themselves the determination of whether a motion for reconsideration is necessary or not.[23] The language of the order notwithstanding, petitioners are bound by procedural rules and may not disregard the same on a wrong assumption that a motion for reconsideration might no longer be entertained. Even so, they should have awaited the denial of their motion for reconsideration before filing the extraordinary remedy of petition for certiorari.

Procedural rules are tools designed to facilitate the adjudication of cases. Courts and litigants alike are enjoined to abide strictly by the rules. While the Court, in some instances, allows a relaxation in the application of the rules, this was never intended to forge a bastion for erring litigants to violate the rules with impunity. It is true that litigation is not a game of technicalities, but it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.[24]

The procedural shortcut taken by petitioners finds no justification either in law or in jurisprudence. It is fatal to their cause of action. Accordingly, we rule that the Court of Appeals committed no error in dismissing for prematurity the petition for certiorari and mandamus filed by petitioners.

As to the merits of the case, the question of whether petitioners owned landholdings used for residential, commercial, industrial, or other urban purposes from which they derived adequate income is a question of fact. In a petition for review under Rule 45 of the Rules of Court, only questions of law, not of fact, may be raised before this Court. Well-settled is the rule that this Court is not a trier of facts. It is not this Court's function to re-examine the respective sets of evidence submitted by the parties.[25] As this case involves the application of P.D. No. 27 and LOI No. 474, the DAR Secretary, owing to his agrarian expertise, is in a better position to make a final determination whether petitioners' landholdings may be subject of exclusion from operation land transfer or retention. This Court need not weigh anew the evidence submitted by the parties and supplant the findings of fact by the DAR Secretary, especially when such findings are fully supported by evidence consisting of certifications issued by the Office of the Provincial Assessor of Bataan and the various certificates of title on record.

WHEREFORE, we DENY the petition for review. We AFFIRM the 7 January 2005 and 17 June 2005 Resolutions of the Court of Appeals in CA-G.R. No. 87584.

Costs against petitioners.

SO ORDERED.

Brion, Del Castillo, Abad, and Perez, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 97-102.

[3] Under Rule 65 of the Rules of Court.

[4] Decreeing the emancipation of tenants from the bondage of the soil, transferring to them the ownership of the land they till, and providing the instruments and mechanism therefor. 21 October 1972.

[5] Placing under the operation land transfer program of the government, pursuant to Presidential Decree No. 27, all tenanted rice/corn lands with areas of seven hectares or less belonging to landowners who own other agricultural lands of more than seven hectares in aggregate areas or lands used for residential, commercial, industrial, or other urban purposes from which they derive adequate income to support themselves and their families. 21 October 1976.

[6] Rollo, pp. 103-104.

[7] Id. at 106-108.

[8] Id. at 113-114.

[9] Id. at 113.

[10] Id. at 109-110.

[11] Id. at 111-114.

[12] Id. at 133-136.

[13] Id. at 154-158.

[14] Id. at 163-165.

[15] Id. at 175-197.

[16] Id. at 253-254.

[17] Id. at 255-256.

[18] Id. at 301-302.

[19] *Marawi Marantao General Hospital, Inc. v. Court of Appeals*, 402 Phil. 356 (2001).

[20] *Dwikarna v. Domingo*, G.R. No. 153454, 7 July 2004, 433 SCRA 748.

[21] *Marawi Marantao General Hospital, Inc. v. Court of Appeals*, *supra*.

[22] *Gonzales v. Court of Appeals*, 409 Phil. 684 (2001).

[23] *Cervantes v. Court of Appeals*, G.R. No. 166755, 18 November 2005, 475 SCRA 562.

[24] *Asian Spirit Airlines v. Spouses Bautista*, 491 Phil. 476 (2005).

[25] *Land Bank of the Philippines v. Chico*, G.R. No. 168453, 13 March 2009, 581 SCRA 226.

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