

**LAKEVIEW GOLF AND COUNTRY CLUB, INC., PETITIONER, VS.  
LUZVIMIN SAMAHANG NAYON, ROLLING HILLS ASSOCIATION,  
SALOME A. CEDENO, SALVE B. WALAT, ISABEL L. SALMORIN, JOEL  
B. VALENCIA,...**

*G.R. No. 171253. April 16, 2009*

Ponente: QUISUMBING, J.

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**QUISUMBING, J.:**

This is a petition for review of the Decision[1] dated March 9, 2004 and the Resolution [2] dated January 13, 2006, of the Court of Appeals in CA-G.R. SP No. 68645, affirming the Decision [3] dated January 17, 2001 of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Cases Nos. 9974 to 9974-A-113. DARAB has held it had no jurisdiction to adjudicate regarding the coverage of the subject property under the Comprehensive Agrarian Reform Program (CARP) and declared as valid the collective Certificate of Land Ownership Award (CLOA) issued in favor of private respondents.

The petition stemmed from the following facts:

Petitioner was the registered owner of a 60-hectare parcel of land located in Barangay Kabilang-Baybay, General Mariano Alvarez, Cavite, as evidenced by Transfer Certificate of Title (TCT) No. T-11026. [4]

On July 6, 1991, the Municipal Agrarian Reform Officer (MARO) issued a Notice of Coverage [5] under the CARP of the subject property for acquisition and distribution to private respondents as farmer-beneficiaries. On March 17, 1992, the Department of Agrarian Reform (DAR) Regional Director for Region IV served a Notice of Acquisition [6] on petitioner.

Petitioner protested the coverage on the grounds that the subject property is not agricultural having been projected as a golf course prior to 1988, that the development for its conversion and utilization has already been commenced, that it is generally mountainous with major portions having a slope of over 18% and minimal topsoil, and that it has no tenant or farmworker since the alleged farmer-beneficiaries are mere intruders who entered the subject property after the enactment of the Comprehensive Agrarian Reform Law in violation of Section 73 thereof. [7]

On April 26, 1993, the DAR Secretary denied petitioner's protest and directed the Provincial Agrarian Reform Officer (PARO) and the MARO to proceed with the acquisition of the subject property. [8] Petitioner moved for reconsideration but it was denied. Petitioner filed a petition for certiorari with the Court of Appeals which was dismissed for lack of merit. [9] Petitioner's petition for review with this Court was also denied. [10]

Meanwhile, the DAR issued on May 25, 1994 collective CLOA No. 00141945 in favor of private respondents. This was registered as TCT No. CLOA-1629 on May 30, 1994 by the Register of Deeds of Cavite. [11]

On May 15, 1998, petitioner filed with the Office of the Provincial Agrarian Reform Adjudicator (PARAD) a

petition for cancellation of certificates of land ownership award and reconveyance of the subject property on the grounds that said property is generally mountainous and has an average slope of 22.78% based on the survey and evaluation dated March 1, 1994 by Certeza Surveying and Aerophoto Systems, Inc. Private respondents prayed for the dismissal of the petition on the grounds of res judicata and lack of cause of action.

On September 22, 1999, the PARAD declared as erroneous the coverage of the subject property under the CARP, thus:

WHEREFORE, premises considered, Judgment is hereby collectively rendered:

1)

Finding to be erroneous the coverage of Lot 2-B, Transfer Certificate of Title No. T-11026 under the CARP and the issuance of Transfer Certificate of Title No. CLOA-1629, CLOA No. 00141945 of the Register of Deeds for Cavite in favor [of] the herein [P]rivate Respondents, accordingly, finding the same to be null and void;

2)

Directing the Public Respondent Register of Deeds to effect the cancellation of the subject CLOA and reinstate Transfer Certificate of Title No. T-11026 in the name of Petitioner Lakeview Golf & Country Club, Inc., further;

3)

Directing the Land Bank of the Philippines, in a proper case, to reimburse such amount/s representing amortization payments to the [P]rivate [R]espondents and, finally;

4)

Ordering the [P]rivate [R]espondents and [their] privies and/or all other persons acting for and in their behalf or under their authority to vacate and surrender their respective areas of tillage and/or occupancy in favor of Petitioner Lakeview or [its] duly authorized representative.

No pronouncement as to other reliefs. [12]

Respondents appealed to the DARAB. On January 17, 2001, the DARAB ruled that it has no jurisdiction to adjudicate regarding the issue of the coverage of the subject property under the CARP, the same being within the exclusive prerogative of the DAR Secretary under Section 1, Rule II of the New DARAB Rules of Procedure. [13] It also declared as valid the CLOA issued in favor of private respondents due to petitioner's failure to overcome the presumption of regularity of official functions by government employees and officials. The dispositive portion, reads:

WHEREFORE, the assailed Decision dated September 22, 1999 is hereby VACATED and SET ASIDE. The petition of Lakeview is DISMISSED. The Transfer Certificate of Title issued pursuant to the Certificate of Land Ownership Award in favor of Luzvimin Samahang Nayon and Rolling Hills Association is declared valid and legal, done in accordance with the law and the applicable rules.

SO ORDERED. [14]

Petitioner filed a petition for review with the Court of Appeals which was denied on March 9, 2004. The appellate court ruled that the DARAB has no jurisdiction to adjudicate regarding the issue of the coverage of the subject property under the CARP since there is no tenancy relationship between the parties. It cited the case of *Morta, Sr. v. Occidental*, [15] where the Court held that for the DARAB to have jurisdiction, there must exist a tenancy

relation between the parties. In this case, petitioner never recognized private respondents as farmworkers and cultivators of the subject property. The appellate court also found that the matter of exemption from CARP coverage had already been resolved in the negative by the DAR. The appellate court held:

WHEREFORE, premises considered, the petition is DENIED and the assailed Decision is AFFIRMED in toto.

SO ORDERED. [16]

In this petition, petitioner alleges that the appellate court erred:

I.

... IN FINDING THAT THE DARAB DOES NOT HAVE ANY JURISDICTION TO RULE ON THE ISSUE OF CARP COVERAGE OVER THE SUBJECT PROPERTY; AND

II.

... IN SUSTAINING THE DECISION OF THE DARAB DISMISSING THE CASE. [17]

Simply stated, the sole question to be resolved is: Does the DARAB have jurisdiction to adjudicate the issue regarding the coverage of the subject property under the CARP?

Petitioner avers that under Section 1, [18] Rule II of the DARAB 2003 Rules of Procedure, the DARAB has primary and exclusive original jurisdiction to determine and adjudicate cases involving the correction, partition, cancellation, secondary and subsequent issuances of CLOAs which are registered with the Land Registration Authority. On the other hand, under Section 3, [19] Rule II of the same Rules, the DAR has jurisdiction over the issuance, recall or cancellation of CLOAs not yet registered with the Land Registration Authority. Since the CLOA petitioner sought to cancel has already been registered with the Register of Deeds of Cavite on May 30, 1994, petitioner properly filed the petition for cancellation with the PARAD.

Private respondents counter that the DARAB 2003 Rules of Procedure was not yet in force at the time petitioner filed its petition for cancellation. At that time, the DAR still had primary jurisdiction to determine and adjudicate the coverage of the subject property under the CARP. They add that petitioner already protested the matter of CARP coverage with the DAR Secretary, the Court of Appeals and this Court which uniformly ruled against it. Such disposition should be deemed a final judgment on this issue.

The petition has no merit.

It is settled that jurisdiction over the subject matter is conferred by law. [20] Section 50 [21] of Republic Act No. 6657 [22] and Section 17 [23] of Executive Order No. 229 [24] vests in the DAR the primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all matters involving the implementation of agrarian reform. [25] Through Executive Order No. 129-A, [26] the President of the Philippines created the DARAB and authorized it to assume the powers and functions of the DAR pertaining to the adjudication of agrarian reform cases. [27]

The present case was filed on April 27, 1998 under the 1994 DARAB Rules of Procedure. [28] Section 1, Rule II thereof enumerates the cases over which the DARAB has exclusive original jurisdiction:

SECTION 1. Primary and Exclusive Original and Appellate Jurisdiction. ...

x x x x

(f) Those involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;

x x x x

Matters involving strictly the administrative implementation of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CAR[L]) of 1988 and other agrarian laws as enunciated by pertinent rules shall be the exclusive prerogative of and cognizable by the Secretary of the DAR.

x x x x

On the other hand, Section 2 of DAR Administrative Order No. 06-00 [29] enumerates the cases over which the DAR Secretary has exclusive jurisdiction:

SEC. 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;

x x x x

(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;

x x x x

From the foregoing, it is clear that prior to registration with the Register of Deeds, cases involving the issuance, recall or cancellation of CLOAs are within the jurisdiction of the DAR and that, corollarily, cases involving the issuance, correction or cancellation of CLOAs which have been registered with the Register of Deeds are within the jurisdiction of the DARAB. [30]

At first glance, in the present case, it would appear that jurisdiction lies with the DARAB. The petition before the PARAD sought the cancellation of private respondents' collective CLOA which had already been registered by the Register of Deeds of Cavite. However, the material averments of the petition invoking exemption from CARP coverage constrain us to have second look.

Noteworthy, the afore-cited Section 2 of DAR Administrative Order No. 06-00 also provides that the DAR Secretary has exclusive jurisdiction to classify and identify landholdings for coverage under the CARP, including protests or oppositions thereto and petitions for lifting of coverage. [31] The matter of CARP coverage is strictly an administrative implementation of the CARP whose competence belongs to the DAR Secretary.

Significantly, the DAR Secretary had already denied petitioner's protest and determined that the subject property was covered by the CARP. Such ruling was even affirmed by the Court of Appeals and this Court. Absent palpable error by these bodies, of which this Court finds none, their determination as to the coverage of the subject property under the CARP is controlling. [32] Thus, petitioner cannot now invoke the jurisdiction of the DARAB to pass upon this issue under the guise of having the issued collective CLOA cancelled.

WHEREFORE, finding no reversible error committed by the Court of Appeals, the instant petition is DENIED for lack of merit. The Decision dated March 9, 2004 and Resolution dated January 13, 2006 of the Court of Appeals in CA-G.R. SP No. 68645 are AFFIRMED.

No pronouncement as to costs.

**SO ORDERED.**

Carpio-Morales, Tinga, Velasco, Jr., and Brion, JJ., concur.

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[1] Rollo, pp. 12-28. Penned by Associate Justice Portia Aliño-Hormachuelos, with Associate Justices Perlita J. Tria-Tirona and Rosalinda Asuncion Vicente concurring.

[2] Id. at 30-34. Penned by Associate Justice Portia Aliño-Hormachuelos, with Associate Justices Roberto A. Barrios and Rosalinda Asuncion Vicente concurring.

[3] Records, Vol. II, pp. 403-451.

[4] Records, Vol. I, pp. 8-9.

[5] Id. at 44.

[6] Id. at 45.

[7] Rollo, pp. 68-69. See also footnote no. 17, *infra*.

[8] CA rollo, pp. 310-318.

[9] Id. at 323-330.

[10] Id. at 331.

[11] Id. at 156-160.

[12] Id. at 205-206.

[13] Records, Vol. II, p. 408.

[14] Id. at 403.

[15] G.R. No. 123417, June 10, 1999, 308 SCRA 167.

[16] Rollo, p. 27.

[17] Id. at 52.

[18] SECTION 1. Primary and Exclusive Original Jurisdiction. The Adjudicator shall have primary and exclusive original jurisdiction to determine and adjudicate the following cases:

x x x x

1.6 Those involving the correction, partition, cancellation, secondary and subsequent issuances of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;

x x x x

[19] SECTION 3. Agrarian Law Implementation Cases.

The Adjudicator or the Board shall have no jurisdiction over matters involving the administrative implementation of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988 and other agrarian laws as enunciated by pertinent rules and administrative orders, which shall be under the exclusive prerogative of and cognizable by the Office of the Secretary of the DAR in accordance with his issuances, to wit:

x x x x

3.4 Recall, or cancellation of provisional lease rentals, Certificates of Land Transfers (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall, or cancellation of EPs or CLOAs not yet registered with the Register of Deeds;

x x x x

[20] Allied Domecq Phil., Inc. v. Villon, G.R. No. 156264, September 30, 2004, 439 SCRA 667, 672; Ceroferr Realty Corporation v. Court of Appeals, G.R. No. 139539, February 5, 2002, 376 SCRA 144, 150.

[21] Sec. 50. Quasi-Judicial Powers of the DAR. - The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

x x x x

[22] An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and for Other Purposes, otherwise known as the Comprehensive Agrarian Reform Law of 1988, approved on June 10, 1988.

[23] SEC. 17. Quasi-Judicial Powers of the DAR. - The DAR is hereby vested with quasi-judicial powers to determine and adjudicate agrarian reform matters, and shall have exclusive original jurisdiction over all matters involving implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the DENR and the Department of Agriculture (DA).

x x x x

[24] Providing the Mechanisms for the Implementation of the Comprehensive Agrarian Reform Program, approved on July 22, 1987.

[25] Islanders CARP-Farmers Beneficiaries Multi-Purpose Cooperative, Inc. v. Lapanday Agricultural and Dev't. Corp., G.R. No. 159089, May 3, 2006, 489 SCRA 80, 85.

[26] Modifying Executive Order No. 129 Reorganizing and Strengthening the Department of Agrarian Reform and for Other Purposes, approved on July 26, 1987.

[27] Islanders CARP-Farmers Beneficiaries Multi-Purpose Cooperative, Inc. v. Lapanday Agricultural and Dev't. Corp., supra at 85-86.

[28] The Department of Agrarian Reform Adjudication Board (DARAB) New Rules of Procedures, done and adopted on May 30, 1994.

[29] Rules of Procedure for Agrarian Law Implementation (ALI) Cases, effective on August 30, 2000.

[30] Padunan v. Department of Agrarian Reform Adjudication Board, G.R. No. 132163, January 28, 2003, 396 SCRA 196, 206-207; See Dao-ayan v. Department of Agrarian Reform Adjudication Board (DARAB), G.R. No. 172109, August 29, 2007, 531 SCRA 620, 628; Heirs of Florencio Adolfo v. Cabral, G.R. No. 164934, August 14, 2007, 530 SCRA 111, 120.

[31] Sta. Rosa Realty Development Corporation v. Amante, G.R. Nos. 112526 & 118838, March 16, 2005, 453 SCRA 432, 473; See Nicanor T. Santos Development Corporation v. Secretary, Department of Agrarian Reform, G.R. No. 159654, February 28, 2006, 483 SCRA 569, 578-579.

[32] See *Aninao v. Asturias Chemical Industries, Inc.*, G.R. No. 160420, July 28, 2005, 464 SCRA 526, 540.

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