

HEIRS OF SOFIA NANAMAN LONoy, NAMELY, MANUEL N. LONoy, OSCAR N. LONoy, WARREN N. LONoy, EXCELINO N. LONoy, EDGAR N. LONoy, VICTOR N. LONoy, APOLLO N. LONoy, GEMMA N. LONoy-SAMSO...*G.R. No. 175049. November 27, 2008*

Ponente: CHICO-NAZARIO, J.

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This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, seeking (a) the reversal of the Resolution[1] dated 13 July 2005 of the Twenty-Second (22[nd]) Division of the Court of Appeals in CA-G.R. SP No. 00365, which dismissed the Special Civil Action for Prohibition, Declaration of Nullity of Emancipation Patents, Injunction with Prayer for the Issuance of a Temporary Restraining Order; and (b) the reversal of the Resolution[2] of the Twenty-First (21[st]) Division of the Court of Appeals in CA-G.R. SP No. 00365 dated 22 September 2006, which denied the Motion for Reconsideration of the aforementioned Resolution.

The factual and procedural antecedents of the case are set forth hereunder.

Action for Reversion of Title

The spouses Gregorio Nanaman (Gregorio) and Hilaria Tabuclin (Hilaria) were the owners of a parcel of agricultural land situated in Tambo, Iligan City, consisting of 34.7 hectares (subject property), upon which they likewise erected their residence. Living with them on the subject property were Virgilio Nanaman (Virgilio), Gregorio's son by another woman, and fifteen tenants.

When Gregorio died in 1945, Hilaria administered the subject property with Virgilio. On 16 February 1954, Hilaria and Virgilio executed a Deed of Sale[3] over the subject property in favor of Jose C. Deleste (Deleste).

Upon Hilaria's death on 15 May 1954, Juan Nanaman (Juan), Gregorio's brother, was appointed as special administrator of the estate of the deceased spouses Gregorio and Hilaria (joint estate). On 16 June 1956, Edilberto Noel (Noel) was appointed as the regular administrator of the joint estate.

The subject property was included in the list of assets of the joint estate. However, Noel could not take possession of the subject property since it was already in Deleste's possession. Thus, on 30 April 1963, Noel filed before the Court of First Instance (CFI), Branch II, Lanao del Norte, an action against Deleste for the reversion of title over the subject property to the Estate, docketed as Civil Case No. 698.

Through the years, Civil Case No. 698 was heard, decided, and appealed all the way to this Court in Noel v. Court of Appeals. On 11 January 1995, the Court rendered its Decision[4] in Noel, affirming the ruling of the Court of Appeals that the subject property was the conjugal property of the late spouses Gregorio and Hilaria, such that the latter could only sell her one-half (1/2) share therein to Deleste. Consequently, the intestate estate of Gregorio and Deleste were held to be the co-owners of the subject property, each with a one-half (1/2) interest in the same.

Operation Land Transfer Program

While Civil Case No. 698 was still pending before the CFI, Presidential Decree No. 27[5] was issued on 21 October 1972, which mandated that tenanted rice and corn lands be brought under the Operation Land Transfer Program and be awarded to farmer beneficiaries. In accordance therewith, the subject property was placed under the Operation Land Transfer Program.

On 12 February 1984, the Department of Agrarian Reform (DAR) issued Certificates of Land Transfer (CLTs) in the names of herein private respondents, the tenants and actual cultivators of the subject property. The CLTs were registered on 15 July 1986.

Subsequently, on 1 August 2001, Original Certificates of Title (OCTs) and Emancipation Patents (EPs) were issued in favor of the private respondents over their respective portions of the subject property. Private respondents' OCTs, EP numbers, and dates of registration with the Register of Deeds of Iligan City are presented in the table below:

Private Respondents

OCT/ EP Nos. Areas (has.) Registration Dates

1. Heirs of Neciforo A. Cabaluna OCT No. P-01 (a.f.)/ EP No. 190251 1.08 21 Sept. 2001
2. Heirs of Abdon P. Manreal OCT No. P-02 (a.f.)/ EP No. 00032029 2.5799 21 Sept 2001
3. Tranquilina C. Manreal OCT No. P-03(a.f.)/ EP No. 190253 1.3612 1 October 2001
4. Tito L. Baller OCT No. P-04 (a.f.)/ EP No. 190254 .4409 1 October 2001
5. Heirs of Herculano Balorio OCT No. P-05 (a.f.)/ EP No. 190255 1.7937 1 October 2001
6. Alicia B. Manreal OCT No. P-06 (a.f.)/ EP No. 190256 1.5233 1 October 2001
7. Felipe D. Manreal OCT No. P-07 (a.f.)/ EP No. 190257 .9760 1 October 2001
8. Salvacion Manreal OCT No. P-08 (a.f.)/ EP No. 190258 .5502 1 October 2001
9. Heirs of Domingo N. Rico OCT No. P-09 (a.f.)/ EP No. 190261 2.7850 1 October 2001
10. Macario Veloria OCT No. P-10 (a.f.)/ EP No. 190262 .5778 1 October 2001
11. Heirs of Custodio M. Rico OCT No. P-11 (a.f.)/ EP No. 190263 1.4499 1 October 2001
12. Heirs of Clemente M. Rico OCT No. P-12 (a.f.)/ EP No. 190264 .7320 1 October 2001
13. Martillano D. Obeso OCT No. P-13 (a.f.)/ EP No. 190265 2.0492 1 October 2001
14. Heirs of Pablo F. Rico OCT No. P-14 (a.f.)/ EP No. 190266 .2608 1 October 2001
15. Heirs of Domingo V. Rico OCT No. P-15 (a.f.)/ EP No. 190267 1.8036 1 October 2001[6]

Expropriation Case

Deleste passed away sometime in 1992.

About a year earlier, in 1991, the subject property was surveyed. The survey of a portion of the land consisting of 20.2611 hectares, designated as Lot No. 1407, was approved on 8 January 1999.

On 22 November 1999, the City of Iligan filed a complaint with the Regional Trial Court (RTC), Branch 4, Iligan

City, for the expropriation of a 5.4686-hectare portion of Lot No. 1407, docketed as Civil Case No. 4979. On 11 December 2000, RTC Branch 4 issued a Decision[7] granting the expropriation. Since the true owner of the expropriated portion could not be determined, as the subject property had not yet been partitioned and distributed to any of the Heirs of Gregorio and Deleste, the just compensation for the expropriated portion of the subject property in the amount of P27,343,000.00 was deposited with the Development Bank of the Philippines in Iligan City, in trust for RTC Branch 4.

Petition for Nullification of the Emancipation Patents (Heirs of Deleste)

On 28 January 2002, the Heirs of Deleste,[8] filed with the Department of Agrarian Reform Adjudication Board (DARAB) a petition seeking to nullify private respondents' EPs. The petition was docketed as Reg. Case No. X-471-LN-2002.

The Provincial Agrarian Reform Adjudicator (PARAD) rendered a Decision[9] on 21 July 2003 declaring that the EPs were null and void in view of the pending issues of ownership and the subsequent reclassification of the subject property into a residential/commercial land.

On appeal, docketed as DARAB Case No. 12486, the DARAB reversed the ruling of the PARAD in its Decision[10] dated 15 March 2004. The DARAB held, inter alia, that the EPs were valid, since it was the Heirs of Deleste who should have informed the DAR of the pendency of Civil Case No. 698 at the time the subject property was placed under the coverage of the Operation Land Transfer Program. It further found that the question of exemption from the Operation Land Transfer Program lay within the jurisdiction of the DAR Secretary or his authorized representative. The Heirs of Deleste filed a Motion for Reconsideration[11] of the aforementioned Decision, but the Motion was denied by the DARAB in its Resolution dated 8 July 2004.

The Heirs of Deleste thereafter filed a Petition for Review[12] with the Court of Appeals, docketed as CA-G.R. SP No. 85471, challenging the Decision and Resolution in DARAB Case No. 12486. The Petition was denied by the Court of Appeals in a Resolution[13] dated 28 October 2004 as material portions of the record and other supporting papers were not attached thereto, in accordance with Section 6 of Rule 43.[14] The Motion for Reconsideration[15] of the Heirs of Deleste was likewise denied by the appellate court in a Resolution[16] dated 13 September 2005 for being pro forma.[17]

Petition for Prohibition

During the pendency of CA-G.R. SP No. 85471 before the Court of Appeals, a Petition for Prohibition, Declaration of Nullity of Emancipation Patents Issued by DAR and the Corresponding [Original Certificates of Title] Issued by the [Land Registration Authority], Injunction with Prayer for Temporary Restraining Order (TRO)[18] was filed on 7 June 2005 by herein petitioners Heirs of Sofia Nanaman Lonoy, et al. with the Court of Appeals, docketed as CA-G.R. SP No. 00365.

Petitioners are more than one hundred twenty (120) individuals who claim to be the descendants of Fulgencio Nanaman, Gregorio's brother, and who collectively assert their right to a share in Gregorio's estate. Arguing that they were deprived of their inheritance by virtue of the improper issuance of the EPs to private respondents without notice to them, petitioners prayed that a TRO be forthwith issued, prohibiting the DAR Secretary, the Land Registration Authority (LRA), the DARAB, the Land Bank of the Philippines (LBP), as well as the RTC, Branch 4 of Iligan City, from enforcing the EPs and OCTs in the names of private respondents until CA-G.R. SP No. 00365 was resolved. Petitioners further prayed that judgment be subsequently rendered declaring the said EPs and the OCTs null and void.

In a Resolution[19] dated 13 July 2005, the Court of Appeals dismissed the Petition in CA-G.R. SP No. 00365 on the following grounds:

A perusal, however, of the instant petition disclose the following defects and/or infirmities which constrain us to dismiss the petition:

(a.) Annexes "V", "W", "HH", "LL", "NN", "QQ", "UU" and "VV" are not duplicate originals or certified true copies in violation to Section 3, Rule 46 of the Rules of Court, hence, sufficient ground for the dismissal of the petition.

(b.) There is no explanation why personal service was not resorted to by petitioner in serving copies of the petition to adverse parties contrary to the provision of Section 11, Rule 13 of the Rules of Court which provides:

Sec. 11. Priorities in modes of service and filing. - Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

(c.) Petitioners in the instant case are not parties to the Department of Agrarian Reform Adjudication Board (DARAB) case who's (sic) Decision they now seek to be nullified in this present petition for prohibition.

(d.) Although a Special Power of Attorney (SPA) was obtained in favor of Rodolfo Lonoy who signed in the verification and certification of non-forum shopping, it can be gleaned, however, that other heirs whose names appeared in the SPA have not signed therein. It is also apparent that there was only one person who signed for the first four (4) heirs of Donny Ruedas and only one person who signed in some of the heirs of Jose Febe Nanaman in the Special Power of Attorney executed in favor of Rodolfo Lonoy.

WHEREFORE, premises considered, the instant petition is hereby DISMISSED.

Petitioners filed a Motion for Reconsideration[20] of the afore-quoted Resolution, but the said Motion was denied by the appellate court in another Resolution[21] dated 22 September 2006, which reads:

After a careful evaluation of petitioners' arguments vis-à-vis public respondents' comment, We resolve to deny the instant motion.

While litigation is not a game of technicalities, and the rules should not be enforced strictly at the cost of substantial justice, still it does not follow that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation, assessment and just resolution of the issues. Procedural rules should not be belittled or dismissed simply because they may have resulted in prejudice to a party's substantial rights. Like all rules, they are required to be followed except only for compelling reasons.

WHEREFORE, in view of the foregoing, petitioners' Motion for Reconsideration is hereby DENIED and Our July 13, 2005 Resolution is MAINTAINED.

Aggrieved, petitioners now come to this Court via the present Petition for Review, raising the following issues:

I.

WHETHER OR NOT THE COURT OF APPEALS ACTED CONTRARY TO LAW AND JURISPRUDENCE OR COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN HASTILY DISMISSING THE PETITIONERS' PETITION FOR PROHIBITION, ETC. IN CA-G.R. SP NO. 00365 ON PURELY TECHNICAL GROUNDS SOME OF WHICH ARE PATENTLY ERRONEOUS OR UNTRUE.

II.

IN THE EVENT THAT THE OUTRIGHT AND HASTY DISMISSAL OF CA-G.R. SP NO. 00365 WILL BE SET ASIDE, WHETHER OR NOT THE OTHER ISSUES SHOULD BE RESOLVED BY THIS HONORABLE COURT INSTEAD OF REMANDING THE CASE TO THE COURT OF APPEALS.

III.

WHETHER OR NOT RESPONDENT SECRETARY OF AGRARIAN REFORM ACTED WITHOUT JURISDICTION OR IN EXCESS OF JURISDICTION IN PLACING THE RESIDENTIAL-COMMERCIAL LOT OF PETITIONERS UNDER THE COVERAGE OF AGRARIAN REFORM.

IV.

WHETHER OR NOT RESPONDENTS SECRETARY OF AGRARIAN REFORM, LRA, AND DARAB VIOLATED PETITIONERS' CONSTITUTIONAL RIGHT TO DUE PROCESS BY DEPRIVING THEM OF THEIR INHERITANCE SHARES IN LOT 1407 WITHOUT IMPEADING THEM AS INDISPENSABLE PARTIES AND WITHOUT SERVICE OF SUMMONS UPON THEM.

V.

WHETHER OR NOT RESPONDENTS SECRETARY OF AGRARIAN REFORM, LRA, AND DARAB VIOLATED SECTION 6, RA 6657 - COMPREHENSIVE AGRARIAN REFORM LAW, BY PLACING THE INDIVIDUAL INHERITANCE SHARES OF PETITIONERS IN LOT 1407 WHEN THE SAME IS WAY BELOW THE LANDOWNER'S RETENTION LIMIT OF FIVE (5) HECTARES [OR SEVEN (7) HECTARES UNDER PD 27].

VI.

WHETHER OR NOT PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN MAKING PRIVATE RESPONDENTS AGRARIAN REFORM BENEFICIARIES DESPITE THE UNDISPUTABLE ABSENCE OF CONSENT, AGRICULTURAL PRODUCTION, SHARING OF HARVESTS, AND OTHER ELEMENTS OF A LEGITIMATE TENANCY RELATIONSHIP.

VII.

WHETHER OR NOT PUBLIC RESPONDENTS ACTED WITHOUT OR IN EXCESS OF JURISDICTION IN REVIEWING [AND] OVERRULING JUDICIAL DECISIONS CONSIDERING THAT THE POWER OF JUDICIAL REVIEW OVER ACTS OF THE EXECUTIVE OR LEGISLATIVE BRANCH BELONGS TO THE JUDICIARY AND NOT VICE VERSA.

[VIII.]

WHETHER OR NOT PUBLIC RESPONDENTS ACTED WITHOUT JURISDICTION IN REVIEWING AND OVERRULING THE EARLIER JUDICIAL DETERMINATION OF JUST COMPENSATION BY RTC BRANCH 4, ILIGAN CITY, RE LOT 1407 PORTION AFFECTED BY THE INTEGRATED BUS TERMINAL [AND] BAGSAKAN MARKET.

[IX.]

WHETHER OR NOT PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN EXPROPRIATING THROUGH AGRARIAN REFORM LAND ALREADY JUDICIALLY EXPROPRIATED FOR THE INTEGRATED BUS TERMINAL AND BAGSAKAN MARKET.[22]

The primary issue for resolution of this Court is whether or not the Court of Appeals was correct in dismissing outright petitioners' Petition in CA-G.R. SP No. 00365, without considering the merits thereof.

In its assailed Resolution dated 13 July 2005, the appellate court dismissed CA-G.R. SP No. 00365 on several procedural grounds, among which was petitioner's failure to attach to their Petition the duplicate originals or certified true copies of some of their annexes, in violation of Section 3, Rule 46 of the Rules of Court.

The Court of Appeals was mistaken in this regard.

It should be recalled that petitioners initiated before the Court of Appeals, in its original jurisdiction, CA-G.R. SP No. 00365, a Petition for Prohibition.

Section 3 of Rule 46 of the Rules of Court states the requirements for a petition originally filed before the Court of Appeals, relevant portions of which are reproduced below:

Sec. 3. Contents and filing of petition; effect of non-compliance with requirements. -

x x x x

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. The certification shall be accomplished by the proper clerk of court or by his duly authorized representative, or by the proper officer of the court, tribunal, agency or office involved or by his duly authorized representative. The other requisite number of copies of the petition shall be accompanied by clearly legible plain copies of all documents attached to the original.

Reference is also made to Section 2 of Rule 65 of the Rules of Court, particularly governing petitions for prohibition, which pertinently provides:

Sec. 2. Petition for Prohibition. -

x x x x

The petition shall likewise be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of Section 3, Rule 46.

Section 3 of Rule 46 does not require that all supporting papers and documents accompanying a petition be duplicate originals or certified true copies. What it explicitly directs is that all petitions originally filed before the Court of Appeals shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution or ruling subject thereof. Similarly, under Rule 65, governing the remedies of certiorari, prohibition and mandamus, petitions for the same need to be accompanied only by duplicate originals or certified true copies of the questioned judgment, order or resolution.^[23] Other relevant documents and pleadings attached to such petitions may be mere machine copies thereof.^[24] As to petitioners' Petition for Prohibition in CA-G.R. SP No. 00365, the attached annexes that were not duplicate originals or certified true copies, namely, Annexes "V,"^[25] "W,"^[26] "HH,"^[27] "LL,"^[28] "NN,"^[29] "QQ,"^[30] "UU,"^[31] and "VV,"^[32] were mere supporting documents and pleadings referred to in the petition and were not themselves the judgments, orders or resolutions being challenged in said Petition. At any rate, petitioners were able to attach certified true copies of these annexes to their Motion for Reconsideration of the dismissal of their Petition.

Another ground for which CA-G.R. SP No. 00365 was dismissed by the Court of Appeals was the alleged failure

by petitioners to provide an explanation as to why the Petition therein was served upon adverse parties by registered mail instead of personal service, as required by Section 11, Rule 13[33] of the Rules of Court. To the contrary, petitioners provided such an explanation,[34] except that it was incorporated into the main body of the Petition, right before the statement of the Relief prayed for. It was clearly stated therein that:

EXPLANATION FOR SERVICE BY MAIL

Copies of this petition were served upon respondents SECRETARY OF AGRARIAN REFORM, LRA, DARAB, LBP, and counsels of other respondents to save time and costs considering the number of parties to be served and the far distance of [the] LBP Office in Cagayan de Oro City, the DAR/DARAB offices in Diliman, Quezon City, and the LRA office in East Ave. corner NIA Road, Diliman, Quezon City.

The Court, however, agrees with the Court of Appeals that the failure of all the petitioners to sign the Special Power of Attorney (SPA) in favor of Rodolfo Lonoy, authorizing him to sign the verification and certification against forum shopping on their behalf, was fatal to their Petition in CA-G.R. SP No. 00365.

Section 5 of Rule 7 of the Rules of Court explicitly provides:

Sec. 5. Certification against forum shopping. -

The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

In *PET Plans, Inc. v. Court of Appeals*,[35] this Court affirmed the Court of Appeals' dismissal of the petition, since the verification and certification of non-forum shopping was signed by the company's vice president for legal affairs/corporate secretary without any showing that he was authorized to do so.

Indeed, ample jurisprudence exists to the effect that subsequent and substantial compliance of a petitioner may call for the relaxation of the rules of procedure in the interest of justice. But to merit the Court's liberal consideration, petitioner must show reasonable cause justifying non-compliance with the rules and must convince the Court that the outright dismissal of the petition would defeat the administration of justice.[36] Hence, deviation from the requirements of verification and certification against forum shopping may only be allowed in special circumstances.

In the present case, petitioners failed to provide the Court with sufficient justification for the suspension or relaxation of the rules in their favor. In their Motion for Reconsideration of the 13 July 2005 Resolution of the Court of Appeals, petitioners merely claimed that some of them signed for their co-petitioners, while others were at work so that they could not sign the SPA in favor of Rodolfo Lonoy. Needless to say, the reason is flimsy and

unsatisfactory. That other petitioners were at work does not make it impossible to secure their signatures, only a little more inconvenient. It is not, therefore, unreasonable for the Court to demand in this case compliance with the requirements for proper verification of the Petition and execution of the certificate against shopping.

Furthermore, the Court takes note of another procedural lapse committed by petitioners justifying the dismissal of their Petition for Prohibition in CA-G.R. SP No. 00365, for it was the wrong remedy for them to pursue.

According to Section 2 of Rule 65 of the Rules of Court, a petition for prohibition may be availed of under the following circumstances:

Sec. 2. Petition for prohibition. -

When the proceedings of any tribunal, corporation, board, officer or person, whether exercising judicial, quasi-judicial or ministerial functions, are without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent to desist from further proceedings in the action or matter specified therein, or otherwise granting such incidental reliefs as law and justice may require.

Prohibition is a legal remedy, provided by the common law, extraordinary in the sense that it is ordinarily available only when the usual and ordinary proceedings at law or in equity are inadequate to afford redress, prerogative in character to the extent that it is not always demandable of right, to prevent courts, or other tribunals, officers, or persons, from usurping or exercising a jurisdiction with which they have not been vested by law.[37]

The writ of prohibition, as the name imports, is one which commands the person to whom it is directed not to do something which, by suggestion of the relator, the court is informed he is about to do. If the thing be already done, it is manifest the writ of prohibition cannot undo it, for that would require an affirmative act; and the only effect of a writ of prohibition is to suspend all action and to prevent any further proceeding in the prohibited direction.[38] Prohibition, as a rule, does not lie to restrain an act that is already a *fait accompli*. [39]

In this case, a close reading of the Petition for Prohibition filed by the petitioners before the Court of Appeals in CA-G.R. SP No. 00365 would reveal that the same is essentially more of an action for the nullification of the allegedly invalid EPs and OCTs issued in the names of private respondents. The writ of prohibition is only sought by petitioners to prevent the implementation of the EPs and OCTs. Considering that such EPs and OCTs were issued in 2001, they had become indefeasible and incontrovertible by the time petitioners instituted CA-G.R. SP No. 00365 in 2005, and may no longer be judicially reviewed.

Section 32 of the Property Registration Decree unequivocally provides:

Sec. 32. Review of decree of registration; Innocent purchaser for value.

The decree of registration shall not be reopened or revised by reason of absence, minority, or other disability of any person adversely affected thereby, nor by any proceeding in any court for reversing judgments, subject, however, to the right of any person, including the government and the branches thereof, deprived of land or of any estate or interest therein by such adjudication or confirmation of title obtained by actual fraud, to file in the proper Court of First Instance [now Regional Trial Court] a petition for reopening and review of the decree of registration not later than one year from and after the date of the entry of such decree of registration, but in no case shall such petition be entertained by the court where an innocent purchaser for value has acquired the land or an interest therein, whose rights may be prejudiced. Whenever the phrase "innocent purchaser for value" or an equivalent phrase occurs in this Decree, it shall be deemed to include an innocent lessee, mortgagee, or

other encumbrancer for value. Upon the expiration of said period of one year, the decree of registration and the certificate of title issued shall become incontrovertible. Any person aggrieved by such decree of registration in any case may pursue his remedy by action for damages against the applicant or any other persons responsible for the fraud.

In *Estribillo v. Department of Agrarian Reform*,^[40] the Court affirmed the long-settled doctrine that certificates of title issued in administrative proceedings are as indefeasible as certificates of title issued in judicial proceedings. In the case at bar, the DAR had already issued the corresponding OCTs after granting EPs to the tenant-beneficiaries in compliance with Presidential Decree No. 27 and Section 105^[41] of Presidential Decree No. 1529, otherwise known as the Property Registration Decree. Hence, the OCTs issued to petitioners pursuant to their EPs have already acquired the same protection accorded to other certificates of title issued judicially or administratively.

A certificate of title becomes indefeasible and incontrovertible upon the expiration of one year from the date of the issuance of the order for the issuance of the patent. Land covered by such title may no longer be the subject matter of a cadastral proceeding, nor can it be decreed to another person.^[42]

Private respondents' EPs were issued in their favor on 1 August 2001 and their OCTs were correspondingly issued and subsequently registered with the Register of Deeds of Iligan City on 21 September 2001 and 1 October 2001. Petitioners directly went to the Court of Appeals, instead to the Regional Trial Court as mandated by Section 32 of the Property Registration Decree, to seek the nullification of the said EPs and OCTs and only on 7 June 2005, or almost four (4) years after the issuance and registration thereof. Petitioners failed to vindicate their rights within the one-year period from issuance of the certificates of title as the law requires.

After the expiration of the one-year period, a person whose property has been wrongly or erroneously registered in another's name may bring an ordinary action for reconveyance,^[43] or if the property has passed into the hands of an innocent purchaser for value, Section 32 of the Property Registration Decree gives petitioners only one other remedy, i.e., to file an action for damages against those responsible for the fraudulent registration.

WHEREFORE, premises considered, the instant Petition for Review is hereby DENIED. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Carpio, Austria-Martinez, and Reyes, JJ., concur.

[*] Justice Antonio T. Carpio was designated to sit as additional member replacing Justice Antonio Eduardo B. Nachura per Raffle dated 21 October 2007.

[1] Penned by Associate Justice Arturo G. Tayag with Associate Justices Rodrigo F. Lim, Jr. and Normandie B. Pizarro, concurring; rollo, pp. 350-352.

[2] Penned by Associate Justice Rodrigo F. Lim, Jr. with Associate Justices Teresita Dy-Liacco Flores and Mario V. Lopez, concurring; rollo, pp. 387-388.

[3] Records, pp. 132-133.

[4] *Noel v. Court of Appeals*, 310 Phil. 89 (1995).

[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 THEREFOR.

[6] Rollo, pp. 158-216.

[7] Id. at 301-321.

[8] Josefa L. Deleste, Jose Ray L. Deleste, Raul Hector L. Deleste and Ruben Alex L. Deleste.

[9] Rollo, pp. 542-553.

[10] Penned by Assistant Secretary Augusto P. Quijano with Undersecretary Rolando G. Mangulabnan, Assistant Secretary Lorenzo R. Reyes and Assistant Secretary Rustico T. de Belen, concurring; rollo, pp. 217-232.

[11] Rollo, pp. 659-674.

[12] Id. at 685-704.

[13] Id. at 705-706.

[14] Sec. 6. Contents of the petition. - The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein.

[15] Rollo, pp. 707-730.

[16] Id. at 734-736.

[17] On 25 January 2006, the Heirs of Deleste filed a Petition for Review on Certiorari before the Court, which was docketed as G.R. No. 169913. As of the writing of this decision, the above-mentioned case is still pending with the Second Division.

[18] Rollo, pp. 65-143.

[19] Id. at 350-352.

[20] Id. at 353-364.

[21] Id. at 387-388.

[22] Id. at 1015-1017.

[23] Garcia v. Court of Appeals, G.R. No. 171098, 26 February 2008, 546 SCRA 595, 603-604.

[24] Id.

[25] Opposition and/or Manifestation on the Joint Motion of Atty. Zaide.

[26] Certified Copy of 22 April 2005 Order of RTC Branch 1 in Spl. Proc. 596 granting the joint motion filed by Atty. Cabili, et al. to complete partition of the NANAMAN share in Lot No. 1407, etc. consisting of 11.6259 hectares, more or less, among the numerous heirs of GREGORIO NANAMAN.

[27] Letter of Regional Officer Rajah, Housing & Land Use Regulatory Board, Cotabato City, to the effect that the 1975 Zoning Ordinance was approved on 21 September 1978.

[28] Ordinance No. 99-3653.

[29] Cash Deposit Slip from the Development Bank of the Philippines.

[30] Copy of the Decision and Entry of Judgment in CA-G.R. SP No. 55370 entitled *City of Iligan v. Hon. Macarambon*.

[31] Business Permit No. 001947-0 issued to Fortunata Lira.

[32] Business Permit No. 002333-0 issued to Fortunata Lira.

[33] Sec. 11. Priorities in modes of service and filing. - Whenever practicable, the service and filing of pleadings and other papers shall be done personally. Except with respect to papers emanating from the court, a resort to other modes must be accompanied by a written explanation why the service or filing was not done personally. A violation of this Rule may be cause to consider the paper as not filed.

[34] Rollo, p. 139.

[35] G.R. No. 148287, 23 November 2004, 443 SCRA 510.

[36] *United Paragon Mining Corporation v. Court of Appeals*, G.R. No. 150959, 4 August 2006, 497 SCRA 638, 647-648.

[37] Feria, "Civil Procedure Annotated," Vol. II (2001 ed.), pp. 475-476.

[38] *Cabañero and Mangornong v. Torres*, 61 Phil. 522, 525 (1935).

[39] *Aguinaldo v. Commission on Elections*, 368 Phil. 253, 263 (1999).

[40] G.R. No. 159674, 30 June 2006, 494 SCRA 218.

[41] Sec. 105. Certificates of Land Transfer Emancipation Patents. - The Department of Agrarian Reform shall pursuant to P. D. No. 27 issue in duplicate, a Certificate of Land Transfer for every land brought under "Operation Land Transfer," the original of which shall be kept by the tenant-farmer and the duplicate, in the Registry of Deeds. After the tenant-farmer shall have fully complied with the requirements for a grant of title under P.D. No. 27, an Emancipation Patent which may cover previously titled or untitled property shall be issued by the Department of Agrarian Reform.

The Register of Deeds shall complete the entries on the aforementioned Emancipation Patent and shall assign an original certificate of title number in case of unregistered land, and in case of registered property, shall issue the corresponding transfer certificate of title without requiring the surrender of the owner's duplicate of the title to be cancelled.

In case of death of the grantee, the Department of Agrarian Reform shall determine his heirs or successors-in-interest and shall notify the Register of Deeds accordingly. In case of subsequent transfer of property covered by an Emancipation Patent or a Certificate of Title emanating from an Emancipation Patent, the Register of Deeds shall affect the transfer only upon receipt of the supporting papers from the Department of Agrarian Reform.

No fee, premium, of tax of any kind shall be charged or imposed in connection with the issuance of an original Emancipation Patent and for the registration or related documents.

[42] *Estribillo v. Department of Agrarian Reform*, supra note 40 at 236-237.

[43] *Gonzales v. Intermediate Appellate Court*, G.R. No. 69622, 29 January 1988, 157 SCRA 587, 600.

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