

**EMERSON B. BAGONGAHASA, GIRLIE B. BAGONGAHASA,
DEPARTMENT OF AGRARIAN REFORM – PROVINCIAL
AGRARIAN REFORM OFFICER OF LAGUNA, AND REGISTER OF
DEEDS OF SINOLOAN, LAGUNA, PETITIONE...**

G.R. No. 179844. March 23, 2011

Ponente: NACHURA, J.

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NACHURA, J.:

Before this Court is a Consolidated Petition for Review on Certiorari[1] under Rule 45 of the Rules of Civil Procedure, seeking the reversal of the Court of Appeals (CA) Decision[2] dated May 31, 2007 and its Amended Decision (Partial)[3] dated September 25, 2007.

The facts, as summarized by the Department of Agrarian Reform Adjudication Board (DARAB) and as quoted by the CA, are as follows:

It appears that Complainants Johanna L. Romualdez; Dietmar L. Romualdez; Sps. Daniel and [Ana] Romualdez and Jacquelin[e] C. (sic) Romualdez are absolute and lawful owners of separate parcels of lands, each parcel with an area of 36,670 square meters, 47,187.50 square meters and 55,453 square meters, respectively, all situated [in] Sitio Papatahan, Paete, Laguna. Johanna and Dietmar purchased their properties from Roberto Manalo on January 6, 1994; while Sps. Daniel and [Ana], as well as Jacqueline bought their landholdings from Leonisa A. Zarraga on August 5, 1998. They allege that the said properties are planted [with] different fruit-bearing trees. They and their predecessors-in-interest have been paying realty taxes due on the properties up to the present. However, sometime in 1994 and 1995, the then Secretary of Agrarian Reform declared the property to be part of the public domain, awarded the same to the Defendants and forthwith issued Certificates of Land Ownership Award (CLOAs) to the respective defendants as follows:

CLOA NO.

BENEFICIARIES

Date of Registration

In Registry of Deeds of Laguna

1. 00155653

Emerson Bagongahasa, et al.

April 10, 1995

2. 00155652

Cesar Caguin, et al.

April 10, 1995

3. 00119810

Sotela Adea, et al.

June 30, 1994

It was only in 1998 when the complainants learned of the issuance of said CLOAs by the Register of Deeds of Siniloan, Laguna.

The Complainants pointed out that while the Defendants' respective CLOAs describe a property purportedly located in Sitio Lamao, San Antonio, Municipality of Kalayaan, Province of Laguna, each of the Complainants' tax declaration describes a property located [in] Sitio Papatahan, Municipality of Paete, Province of Laguna. In spite of the discrepancy in the municipality and sitio of the respective documents, the lots described in the CLOAs and in the Tax Declarations are almost identical, except that the property described in Defendants' title covers a larger area, but the title and the tax declaration refer to the same lot; that they and their predecessors-in-interest have been in possession of the properties for more than thirty years; that the Defendants have never been in possession of the same; that they have not paid any real estate taxes and have not caused the issuance of a tax declaration over the property in their names; that there is no basis for the award of certificates of land ownership to the Defendants by the Secretary of Agrarian Reform, for the lands have already become private properties by virtue of the open, continuous, exclusive and notorious possession of the property by the Complainants and/or their predecessors-in-interest which possession was in the concept of an owner. As absolute and lawful owners thereof, the complainants also maintain that they have not been notified of any intended coverage thereof by the DAR; that to the best of their knowledge, there is no valuation being conducted by the Land Bank of the Philippines and the DAR involving the property; that there was no compensation paid and that the DAR-CENRO Certification shows that the landholdings have 24-32% slopes and therefore exempt from CARP coverage.

The complainants[,] thus, pray for the reconveyance of their respective landholdings; cancellation of the CLOAs and payment of litigation fee.

On the other hand, the Defendants specifically denied the allegations of the Plaintiff, maintaining in their Affirmative Defenses that they are farmer beneficiaries of the subject properties, covered by Proclamation No. 2280 (sic) which reclassifies certain portion of the public domain as agricultural land and declares the same alienable and disposable for agricultural and resettlement purposes of the Kilusang Kabuhayan at Kaunlaran Land Resource Management Program of the KKK, Ministry of Human Settlements and the area covered is Barangay Papatahan, Paete; that the Plaintiffs' act of questioning the issuance of title is an exercise in futility because Defendants were already in possession of the properties prior to said Proclamation; that upon the issuance of the CLOAs, they became the owners of the landholdings and that the complainants' claim for damages has no basis.

On the part of public Respondent PARO, he invoked the doctrine of regularity in the performance of their official functions and their adherence in pursuing the implementation of CARP. He claims that DAR received from the National Livelihood Support Fund (NLSF) portions of the public domain covered by Presidential Proclamation No. 2282, Series of 1983 and has been mandated to implement the agrarian reform laws by distributing alienable and disposable portions of the public domain, to which the subject lands fall; that actual investigation, proper screening of applicants-beneficiaries, survey and proper evaluation were conducted, warranting the generation of the CLOAs and that the registration of the CLOAs with the Registry of Deed brought the same under the coverage of the Torrens System of land registration and have already become indefeasible or uncontestable.[4]

On December 28, 2000, the Provincial Agrarian Reform Adjudicator (PARAD) of Laguna rendered his decision,[5] finding that the Department of Agrarian Reform (DAR) Secretary committed a mistake in placing the subject properties under the Comprehensive Agrarian Reform Program (CARP). Moreover, the PARAD found

that no notice of coverage was sent to respondents and that they were also not paid any just compensation. The dispositive portion of the said decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

1. Ordering the cancellation of Certificate of Land Ownership Award (CLOA) NOS. 00155653, 00155652 and 00119810 issued to herein private respondents; [and]
2. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of the Certificate of Land Ownership Award (CLOA) to herein named defendants.

SO ORDERED.[6]

Aggrieved, petitioners appealed to the DARAB.

In its decision[7] dated May 3, 2005, the DARAB held that the complaints filed were virtual protests against the CARP coverage, to which it has no jurisdiction. The DARAB further held that, while it has jurisdiction to cancel the Certificate of Land Ownership Awards (CLOAs), which had been registered with the Register of Deeds (RD) of Laguna, it cannot pass upon matters exclusively vested in the DAR Secretary. Moreover, the DARAB ruled that the assailed CLOAs having been registered in 1994 and 1995 became incontestable and indefeasible. Thus:

WHEREFORE, premises considered, the appealed decision is hereby REVERSED and/or SET ASIDE. A new judgment is hereby entered:

1. Sustaining the validity of the subject Certificates of Land Ownership Award (CLOAs) Nos. 00155653, 00155652 and 00119810 issued to the herein Defendants-Appellants: and
2. Dismissing the instant complaints for lack of merit.

No costs.

SO ORDERED.[8]

Respondents filed a Motion for Reconsideration, which the DARAB, however, denied for lack of merit.[9] Thus, respondents sought recourse from the CA.

On May 31, 2007, the CA, invoking Section 1 (1.6), Rule II of the 2003 DARAB Rules of Procedure,[10] held that the DARAB has the exclusive original jurisdiction to determine and adjudicate cases involving correction, partition, and cancellation of Emancipation Patents and CLOAs which are registered with the Land Registration Authority (LRA), as in this case. The CA ratiocinated that other than the registration of the assailed CLOAs, the RD already issued Original Certificate of Title No. OCL-474 in favor of respondents. Moreover, the CA relied on the PARAD's finding that respondents were deprived of due process when no notice of coverage was ever furnished and no just compensation was paid to them. The CA disposed of the case in this wise:

WHEREFORE, premises considered, the petition is GRANTED. The assailed Decision dated May 3, 2005 and the Resolution dated October 10, 2006 are hereby REVERSED and SET ASIDE. The Joint Decision of the Provincial Adjudicator dated December 28, 2000 is hereby REINSTATED with MODIFICATION as follows:
"WHEREFORE, premises considered, judgment is hereby rendered:

1. Ordering the cancellation of the Certificate of Land Ownership Award (CLOA) NOS. 00155653, 00155652 and 00119810 issued to herein private respondents [petitioners in the instant case];
2. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-474 to herein named private respondents [petitioners in the instant case].

SO ORDERED."

SO ORDERED.[11]

Both parties filed their respective Motions for Reconsideration. The CA held, to wit:

Finding petitioners' arguments meritorious, We PARTIALLY AMEND our previous decision in this case by ordering the Register of Deeds of Siniloan, Laguna to cancel OCT No. OCL-475 and OCT No. OCL-395 and to issue new certificates of title deducting the area of 47,187.50 square meters claimed by petitioner Dietmar L. Romualdez and 55,453.50 square meters claimed by Spouses Daniel and Ana Romualdez and Jacqueline [L.] Romualdez, respectively.

WHEREFORE, premises considered, private respondents' Motion for Reconsideration is hereby DENIED. Petitioners' Motion for Partial Reconsideration is hereby GRANTED. The Decision dated May 31, 2007 is hereby PARTIALLY AMENDED to read as follows:

"WHEREFORE, premises considered, judgment is hereby rendered:

1. Ordering the cancellation of the Certificate of Land Ownership Award (CLOA) NOS. 00155653, 00155652 and 00119810 issued to herein private respondents.
2. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-474 to herein named private respondents.
3. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-475 and to issue a new one deducting the area of 47,187.50 square meters claimed by petitioner Dietmar L. Romualdez.
4. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-395 and to issue a new one deducting the area of 55,453.50 square meters claimed by petitioners Spouses Daniel and Ana Romualdez and Jacqueline L. Romualdez.

SO ORDERED."

SO ORDERED.[12]

Hence, this Petition, assigning the following as errors:

I.

The Honorable Court of Appeals has no basis in REVERSING the DECISION of the Department of Agrarian Reform Adjudication Board in upholding the validity of Certificate of Land Ownership Award Nos. 00155653, 00155652 and 00119810 issued to herein petitioners; [and]

II.

The Honorable Court of Appeals erred in undermining [the] ISSUE OF JURISDICTION as this is cognizable by the Regional Director and not by the PARAD and/or the DARAB.[13]

Petitioners Cesar Caguin, Cleofas Vitor, Teresita Vitor, Jose Levitico Dalay, Marcelo Dalay, Esperanza Mario, Celestina Cosico, Ma. Ruth Pacurib, and Raquel San Juan, through the Legal Assistance Division of the DAR, claim that findings of fact of the DARAB should have been respected by the CA; that the CLOAs covering the subject properties were registered in 1994 and 1995 but respondents only assailed the validity of the same in 2000; and that the said CLOAs are already incontestable and indefeasible. Moreover, petitioners highlight the fact that the parties in this case are not partners to any tenancy venture. Invoking this Court's ruling in *Heirs of Julian dela Cruz v. Heirs of Alberto Cruz*,^[14] petitioners submit that the DAR Secretary has jurisdiction in this case, not

the DARAB.[15]

On the other hand, respondents prefatorily manifest that out of the 44 respondents before the CA, only 9 signed the petition filed before this Court, and that petitioners' counsel failed to indicate the full names of petitioners in the petition. Respondents argue that the errors assigned by petitioners are matters not pertaining to questions of law but rather to the CA's factual findings. Respondents rely on the CA's findings that their constitutional right to due process was violated because no notice of coverage was sent to them and that they were deprived of payment of just compensation. Moreover, respondents claim that they are not barred by prescription and petitioners cannot raise this issue for the first time on appeal; that they have been paying the real property taxes and are actually in possession of the subject properties; and that documents, which petitioners failed to refute, show that the said properties are private lands owned by respondents and their predecessors-in-interest. Respondents stress that the action initially filed before the PARAD was not a protest considered as an Agrarian Law Implementation (ALI) case, but for quieting and cancellation of title, reconveyance, and damages; that the 2003 DARAB Rules of Procedure clearly states that the DARAB has jurisdiction to cancel CLOAs registered with the LRA; and that the assailed CLOAs were already registered with the RD of Laguna.[16]

The petition is impressed with merit.

Verily, our ruling in *Heirs of Julian dela Cruz v. Heirs of Alberto Cruz*[17] is instructive:

The Court agrees with the petitioners' contention that, under Section 2(f), Rule II of the DARAB Rules of Procedure, the DARAB has jurisdiction over cases involving the issuance, correction and cancellation of CLOAs which were registered with the LRA. However, for the DARAB to have jurisdiction in such cases, they must relate to an agrarian dispute between landowner and tenants to whom CLOAs have been issued by the DAR Secretary. The cases involving the issuance, correction and cancellation of the CLOAs by the DAR in the administrative implementation of agrarian reform laws, rules and regulations to parties who are not agricultural tenants or lessees are within the jurisdiction of the DAR and not of the DARAB.[18]

It is established and uncontroverted that the parties herein do not have any tenancy relationship. In one case, this Court held that even if the parties therein did not have tenancy relations, the DARAB still has jurisdiction. However, the said case must be viewed with particularity because, based on the material allegations of the complaint therein, the incident involved the implementation of the CARP, as it was founded on the question of who was the actual tenant and eventual beneficiary of the subject land. Hence, this Court held therein that jurisdiction should remain with the DARAB and not with the regular courts.[19]

However, this case is different. Respondents' complaint was bereft of any allegation of tenancy and/or any matter that would place it within the ambit of DARAB's jurisdiction.

While it is true that the PARAD and the DARAB lack jurisdiction in this case due to the absence of any tenancy relations between the parties, lingering essential issues are yet to be resolved as to the alleged lack of notice of coverage to respondents as landowners and their deprivation of just compensation. Let it be stressed that while these issues were discussed by the PARAD in his decision, the latter was precisely bereft of any jurisdiction to rule particularly in the absence of any notice of coverage for being an ALI case.[20] Let it also be stressed that these issues were not met head-on by petitioners. At this juncture, the issues should not be left hanging at the expense and to the prejudice of respondents.

However, this Court refuses to rule on the validity of the CARP coverage of the subject properties and the issuance of the assailed CLOAs. The doctrine of primary jurisdiction precludes the courts from resolving a controversy over which jurisdiction was initially lodged with an administrative body of special competence.[21] The doctrine of primary jurisdiction does not allow a court to arrogate unto itself authority to resolve a

controversy, the jurisdiction over which is initially lodged with an administrative body of special competence.[22] The Office of the DAR Secretary is in a better position to resolve the particular issue of non-issuance of a notice of coverage - an ALI case - being primarily the agency possessing the necessary expertise on the matter.[23] The power to determine such issue lies with the DAR, not with this Court.

A final note.

It must be borne in mind that this Court is not merely a Court of law but of equity as well. Justice dictates that the DAR Secretary must determine with deliberate dispatch whether indeed no notice of coverage was furnished to respondents and payment of just compensation was unduly withheld from them despite the fact that the assailed CLOAs were already registered, on the premise that respondents were unaware of the CARP coverage of their properties; hence, their right to protest the same under the law was defeated. Respondents' right to due process must be equally respected. Apropos is our ruling in *Heir of Nicolas Jugalbot v. Court of Appeals*:[24]

[I]t may not be amiss to stress that laws which have for their object the preservation and maintenance of social justice are not only meant to favor the poor and underprivileged. They apply with equal force to those who, notwithstanding their more comfortable position in life, are equally deserving of protection from the courts. Social justice is not a license to trample on the rights of the rich in the guise of defending the poor, where no act of injustice or abuse is being committed against them.

As the court of last resort, our bounden duty to protect the less privileged should not be carried out to such an extent as to deny justice to landowners whenever truth and justice happen to be on their side. For in the eyes of the Constitution and the statutes, EQUAL JUSTICE UNDER THE LAW remains the bedrock principle by which our Republic abides.

WHEREFORE, the instant petition is GRANTED. The assailed Decision dated May 31, 2007 and Amended Decision (Partial) dated September 25, 2007 of the Court of Appeals in CA-G.R. SP No. 97768 are hereby REVERSED and SET ASIDE. The case is DISMISSED for lack of jurisdiction of the Department of Agrarian Reform Adjudication Board. This decision is without prejudice to the rights of respondents Johanna L. Romualdez, Dietmar L. Romualdez, Jacqueline L. Romualdez, and Spouses Daniel and Ana Romualdez to seek recourse from the Office of the Department of Agrarian Reform Secretary. No costs.

SO ORDERED.

Carpio, (Chairperson), Brion,[*] Peralta, and Abad, JJ., concur.

[*] Additional member in lieu of Associate Justice Jose Catral Mendoza per Special Order No. 975 dated March 21, 2011.

[1] Rollo, pp. 9-24.

[2] Penned by Associate Justice Juan Q. Enriquez, Jr., with Associate Justices Vicente S.E. Veloso and Marlene Gonzales-Sison, concurring; *id.* at 30-41.

[3] *Id.* at 25-29.

[4] *Supra* note 2, at 33-35.

[5] Rollo, pp. 131-136.

[6] *Id.* at 136.

[7] Id. at 45-53.

[8] Id. at 52.

[9] Id. at 42-44.

[10] Section 1 (1.6), Rule II of the 2003 DARAB Rules of Procedure provides:

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.

[11] Supra note 2, at 40-41.

[12] Supra note 3, at 28-29.

[13] Supra note 1, at 16.

[14] 512 Phil. 389 (2005).

[15] Supra note 1. Please also see rollo, pp. 171-174.

[16] Rollo, pp. 109-129.

[17] Supra note 14.

[18] Id. at 404. (Emphasis supplied.)

[19] Spouses Teofilo Carpio and Teodora Carpio v. Ana Sebastian, Vicenta Palao, Santos Estrella, and Vicenta Estrella, represented by her guardian ad litem Vicente Palao, G.R. No. 166108, June 16, 2010.

[20] Section 3, Rule II of the 2003 DARAB Rules of Procedure provides:

SECTION 3. Agrarian Law Implementation Cases.

The Adjudicator or the Board shall have no jurisdiction over matters involving the administrative implementation of R.A. 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:

3.1 Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of CLOAs and EPs, including protests or oppositions thereto and petitions for lifting of such coverage.

[21] Ros v. Department of Agrarian Reform, G.R. No. 132477, August 31, 2005, 468 SCRA 471, 483-484, citing Bautista v. Mag-isa Vda. De Villena, G.R. No. 152564, September 13, 2004, 438 SCRA 259, 262-263.

[22] Heirs of Francisco R. Tantoco, Sr. v. Court of Appeals, G.R. No. 149621, May 5, 2006, 489 SCRA 590, 615, citing First Lepanto Ceramics, Inc. v. Court of Appeals, G.R. No. 117680, February 9, 1996, 253 SCRA 552, 558; Machete v. Court of Appeals, G.R. No. 109093, November 20, 1995, 250 SCRA 176, 182; Vidad v. RTC of Negros Oriental, Branch 42, G.R. Nos. 98084, 98922, & 10300-03, October 18, 1993, 227 SCRA 271, 276.

[23] Sta. Ana v. Carpo, G.R. No. 164340, November 28, 2008, 572 SCRA 463, 483-484.

[24] G.R. No. 170346, March 12, 2007, 518 SCRA 202, 219-220.

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