

THE HONORABLE SECRETARY OF THE DEPARTMENT OF AGRARIAN REFORM, THE DAR REGIONAL DIRECTOR, REGION VIII, THE PROVINCIAL AGRARIAN REFORM OFFICER OF PROVINCE OF LEYTE, MUNICIPAL AGRA...

G.R. No. 186432. March 12, 2019

Ponente: LEONEN, J.

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LEONEN, J.:

The jurisdiction over the administrative implementation of agrarian laws exclusively belongs to the Department of Agrarian Reform Secretary. This is true even if the dispute involves the cancellation of registered emancipation patents and certificates of title, which, before Republic Act No. 9700 amended Republic Act No. 6657 or the Comprehensive Agrarian Reform Law, was cognizable by the Department of Agrarian Reform Adjudication Board.

This resolves the consolidated[1] Petitions for Review on Certiorari separately filed by the Department of Agrarian Reform Regional Director for Region VIII[2] and the Provincial Agrarian Reform Officer of Leyte,[3] both assailing the Court of Appeals September 26, 2008 Decision[4] and January 30, 2009 Resolution[5] in CA-G.R. CEB-SP No. 02637. The Court of Appeals reversed and set aside the May 10, 2006 Decision[6] of the Department of Agrarian Reform Adjudication Board and reinstated the June 16, 2005 Decision[7] of the Regional Agrarian Reform Adjudicator for Region VIII, which voided the emancipation patents issued to the farmer-beneficiaries in this case.

On October 14, 1983, the Spouses Redemptor and Elisa Abucay (Spouses Abucay) purchased[8] a 182-hectare parcel of land from Guadalupe Cabahug (Cabahug). The property is located in Leyte and is covered by Transfer Certificate of Title No. T-9814.[9] The Deed of Absolute Sale provided that the property "consists of various classifications, and is untenanted except for 39.459 hectares, and per certification of the Agrarian Reform Team No. 08-28-231 appears to be within the coverage of Operation Land Transfer as to the tenanted area of over 39 hectares." [10]

Sometime in 1986, 22.8409 hectares of the lot were declared covered under the Operation Land Transfer Program pursuant to Presidential Decree No. 27.[11] Emancipation patents were then issued to the farmer--beneficiaries.[12] Later, the Register of Deeds issued original certificates of title in their names.[13]

On June 28, 2002, Rena B. Abucay, Rhea B. Abucay-Beduya, Ris B. Abucay-Buante, Elver B. Abucay, Redelisa Abucay-Agustin, and Rhota B. Abucay (collectively, the Heirs of Spouses Abucay) filed before the Regional Agrarian Reform Adjudicator a Complaint[14] for the proper determination of just compensation.

The Heirs of Spouses Abucay alleged that they inherited the 182-hectare property upon their parents' death and enjoyed its ownership and possession. They claimed that they did not receive any just compensation for the 22 hectares of the property that was placed under the Operation Land Transfer Program. The Certificate of Deposit

worth P103,046.47-issued in 2001 by the Land Bank of the Philippines as compensation-was not only inadequate, but was also issued to Cabahug, the property's previous owner.[15] Thus, they prayed, among others, that they be paid P2,000,000.00 as just compensation.[16]

In his March 8, 2004 Decision,[17] Regional Agrarian Reform Adjudicator Felixberto M. Diloy (Regional Adjudicator Diloy) held that there was no proper valuation of the property to determine just compensation. He found that the Final Notification Letter was not sent to the property's then registered owner, Cabahug, but to her father, the deceased Sotero Cabahug. Thus, administrative due process was not followed, which nullified the coverage of the 22-hectare property under the Operation Land Transfer program.[18] Regional Adjudicator Diloy declared the emancipation patents issued to the farmer-beneficiaries void.[19]

The dispositive portion of the Decision read:

WHEREFORE, premises considered, judgment 1s hereby ordered[:]

1. NULLIFYING the coverage of the subject landholding in the name of Guadalupe Cabahug for lack of administrative due process;
2. DIRECTING the PARO of Leyte thru the MARO of Tabango, Leyte to effect the coverage of the property in question under P.D. No. 27/R.A. 6657 thru the herein complainants who are subrogated to the rights of their deceased parents and the original owner, Guadalupe Cabahug[:]
3. DECLARING the Original Certificates of Title/Emancipation Patents issued to the following farmer-beneficiaries of the subject landholding null and void, . . .

. . . .

with the further advi[c]e to parties to file the necessary petition for the cancellation of the said titles.

SO ORDERED.[20]

Following this, the Heirs of Spouses Abucay filed another Complaint[21] dated April 26, 2004 for the cancellation of original certificates of title and emancipation patents. This time, they also impleaded the farmer--beneficiaries as respondents.[22]

In his June 16, 2005 Decision,[23] Regional Adjudicator Diloy similarly canceled the original certificates of title and voided the emancipation patents issued to the farmer-beneficiaries. The dispositive portion of his Decision read:

WHEREFORE, premises considered, judgment is hereby rendered,

1. Declaring the following OCTs/EPs issued to private respondents [farmer-beneficiaries] null and void and without force and effect:

. . . .

2. Ordering the Register of Deeds for Leyte to effect the said cancellation of the aforementioned titles issued to private respondents;
3. Ordering the private respondents to return the owners duplicate of titles to the MARO of Tabango, Leyte;
4. In the meantime that the correct titles ([T]ransfer Certificate of Titles) (sic) are not yet issued, private respondents are ordered to pay the corresponding rentals to complainants subject however to the provision of E.O. No. 328 and other applicable agrarian laws and rules.

SO ORDERED.[24]

In its May 10, 2006 Decision,[25] the Department of Agrarian Reform Adjudication Board reversed Regional Adjudicator Diloy's June 16, 2005 Decision and declared itself wanting of jurisdiction over the appeal.[26] It found that the nature of the action filed by the Heirs of Spouses Abucay was an Operation Land Transfer protest,[27] an agrarian law implementation case under the primary jurisdiction of the Regional Director[28] of the Department of Agrarian Reform and the consequent appeal, to the Department of Agrarian Reform Secretary.[29]

The Department of Agrarian Reform Adjudication Board also found that when Cabahug sold the property in 1983, the farmer-beneficiaries had already owned the property they tilled pursuant to Presidential Decree No. 27. Therefore, the Heirs of Spouses Abucay were not the proper parties to question the agrarian reform coverage of the 22-hectare property.[30]

The dispositive portion of the Department of Agrarian Reform Adjudication Board Decision read:

WHEREFORE, premises considered[,] the assailed decision dated 16 June 2005 is hereby REVERSED and SET ASIDE [and] a new judgment is hereby issued DISMISSING the instant complaint for lack of merit and for lack of jurisdiction without prejudice.

SO ORDERED.[31] (Emphasis in the original)

The Heirs of Spouses Abucay filed a Motion for Reconsideration, which the Department of Agrarian Reform Adjudication Board denied in its February 27, 2007 Resolution.[32]

Hence, the Heirs of Spouses Abucay filed a Petition for Review[33] before the Court of Appeals.

In its September 26, 2008 Decision,[34] the Court of Appeals reversed the rulings of the Department of Agrarian Reform Adjudication Board. Citing the 2003 Rules of Procedure for Agrarian Law Implementation Cases, it held that the Regional Director had primary jurisdiction over complaints for the cancellation of emancipation patents only if these were not yet registered with the Register of Deeds.[35] Since the emancipation patents had already been registered with the Register of Deeds of Leyte, jurisdiction over the Complaint properly belonged to the Regional Agrarian Reform Adjudicator.[36] Consequently, the appeal's jurisdiction lies with the Department of Agrarian Reform Adjudication Board[37] under the 2003 Department of Agrarian Reform Adjudication Board Rules of Procedure.[38]

In addition, the Court of Appeals held that the Heirs of Spouses Abucay were the proper parties to file the Complaint for cancellation of original certificates of title and emancipation patents. It explained that since Cabahug had not yet been fully paid just compensation for the property in 1983, she was still its owner when she sold it to Spouses Abucay. Moreover, Cabahug validly transferred her title to the property to Spouses Abucay which, upon their death, was later transferred to their children.[39]

Essentially agreeing with Regional Adjudicator Diloy's Decision, the Court of Appeals held that Cabahug was not afforded due process during the acquisition proceedings. Thus, it declared void the property's distribution to the farmer-beneficiaries and the issuance of emancipation patents and original certificates of title.[40]

The dispositive portion of the Court of Appeals Decision read:

WHEREFORE, the Decision dated May 10, 2006 and the Resolution dated February 27, 2007 of the Department of Agrarian Reform Adjudication Board (DARAB), in DARAB Case No. 13978 are REVERSED and SET ASIDE. The Decision dated June 16, 2005 of the Regional Adjudicator is REINSTATED. Accordingly, the OLT coverage of petitioners' property and the corresponding emancipation patents and original certificates of title issued relative thereto are declared NULL AND VOID. No costs.

SO ORDERED.[41] (Citations omitted)

The Department of Agrarian Reform Regional Director for Region VIII and the Provincial Agrarian Reform Officer of Leyte separately filed their Motions for Reconsideration, both of which were denied in the Court of Appeals January 30, 2009 Resolution.[42]

Two (2) Petitions for Review on Certiorari were filed before this Court on April 7, 2009. One (1)[43] was filed by the Department of Agrarian Reform Regional Director for Region VIII, docketed as G.R. No. 186432. The other[44] was filed by the Provincial Agrarian Reform Officer of Leyte, docketed as G.R. No. 186964.

Since both Petitions assail the same Court of Appeals Decision, this Court resolved[45] to consolidate G.R. Nos. 186432 and 186964. Respondents, the Heirs of Spouses Abucay, then filed a Joint Comment[46] on the consolidated Petitions, after which only the Provincial Agrarian Reform Officer filed a Reply.[47]

Petitioners maintain that respondents' Complaint for cancellation of original certificates of title and emancipation patents is essentially an Operation Land Transfer protest that assails the coverage of the 22-hectare property under the Operation Land Transfer Program. The case, therefore, is an agrarian reform law implementation case under the exclusive original jurisdiction of the Regional Director; the appellate jurisdiction, under the Department of Agrarian Reform Secretary. Petitioners assert that the Department of Agrarian Reform Adjudication Board correctly refused to take cognizance of the appeal and dismissed the Complaint.[48]

Petitioners further argue that respondents had no legal personality to file the Complaint for cancellation of original certificates of title and emancipation patents. Upon the effectivity of Presidential Decree No. 27, ownership of tenanted agricultural lands was automatically transferred to the farmer-beneficiaries. It follows that Cabahug had no authority to transfer the ownership of the 22-hectare parcel of land covered by Operation Land Transfer Program to the Spouses Abucay. Thus, respondents did not inherit the 22-hectare property from their parents.[49]

Petitioners further assail the Court of Appeals' finding that Cabahug was not accorded due process during the acquisition proceedings, arguing that she was properly notified of the coverage of the 22-hectare property.

The Deed of Absolute Sale executed between her and Spouses Abucay expressly provided that portions of the 182-hectare property being sold "appears to be within the coverage of Operation Land Transfer[.]"[50] Further, petitioners claim that the Court of Appeals erred in finding that no just compensation had been paid for the property, since a Certificate of Deposit worth P103,046.47 was deposited in cash and bonds in Cabahug's name on December 13, 2001.[51]

For their part, respondents argue that the Petitions must be dismissed for being filed without authority. They contend that it is the Office of the Solicitor General, under Book IV, Title III, Chapter 12 of the Administrative Code of 1987,[52] which has the authority to represent before this Court the Department of Agrarian Reform Regional Director for Region VIII and the Provincial Agrarian Reform Officer of Leyte.[53]

On the merits, respondents maintain that the Department of Agrarian Reform Adjudication Board had jurisdiction over the Complaint for cancellation of original certificates of title and emancipation patents. Here, the emancipation patents issued to the farmer-beneficiaries have already been registered with the Register of Deeds. Citing Section 50 of the Comprehensive Agrarian Reform Law and the 2003 Department of Agrarian Reform Adjudication Board Rules of Procedure, respondents point out that the Department of Agrarian Reform Adjudication Board has primary and exclusive original jurisdiction over actions for cancellation of emancipation patents registered with the Land Registration Authority.[54]

According to respondents, petitioners in both cases, the Regional Director and the Provincial Agrarian Reform

Officer, are already estopped from questioning the jurisdiction of Regional Adjudicator Diloy and the Department of Agrarian Reform Adjudication Board as they failed to do so at the level of the Adjudicator or even on appeal before the Board.[55]

Assuming that the Department of Agrarian Reform Adjudication Board had no jurisdiction over the case, respondents argue that it should have instead referred the case to the Department of Agrarian Reform Secretary under Rule I, Section 6 of the 2003 Rules for Agrarian Law Implementation Cases.[56]

On the issue of their legal personality to file the Complaint for cancellation of original certificates of title and emancipation patents, respondents maintain that they acquired a valid title to the 22-hectare property from their parents. In contrast, the property was not properly acquired through the Operation Land Transfer Program due to lack of notice and nonpayment of just compensation to Cabahug. Cabahug, then, had remained the owner of the property until she sold it to Spouses Abucay in 1983.[57]

The issues for this Court's resolution are:

First, whether or not Regional Agrarian Reform Adjudicator Felixberto Diloy and the Department of Agrarian Reform Adjudication Board have jurisdiction over the Complaint for cancellation of original certificates of title and emancipation patents filed by respondents, the Heirs of Redemptor and Elisa Abucay;

Second, whether or not respondents had legal personality to file the Complaint before the Regional Adjudicator; and

Finally, whether or not the acquisition proceedings involving the 22-hectare property were void for lack of administrative due process.

The Petitions are granted.

I

It is settled that the Regional Trial Courts, sitting as special agrarian courts,[58] have original and exclusive jurisdiction over the determination of the value of just compensation. Nonetheless, the Department of Agrarian Reform still exercises primary jurisdiction to preliminarily determine this value.[59] This is different from determining the validity of property transfer to the farmer-beneficiaries and, consequently, the validity of the certificates of title issued to them. When the issue in a case hinges on whether a beneficiary has made insufficient or no payments for the land awarded to him or her, primary administrative jurisdiction is under the Department of Agrarian Reform.

Indeed, per the rules it has promulgated, the Department of Agrarian Reform has taken cognizance of cases involving either the issuance or cancellation of certificates of land ownership award and emancipation patents. Cases involving registered certificates of land ownership awards, emancipation patents, and titles emanating from them are agrarian reform disputes, of which the Department of Agrarian Reform Adjudication Board takes cognizance.[60] Meanwhile, cases involving unregistered ones are agrarian law implementation cases, put under the jurisdiction of the Regional Directors and the Secretary of the Department of Agrarian Reform.[61]

In 2009, however, Congress amended the Comprehensive Agrarian Reform Law through Republic Act No. 9700.[62] Under the new Section 24, all cases involving the cancellation of registered emancipation patents, certificates of land ownership awards, and other titles issued under any agrarian reform program are now within the exclusive original jurisdiction of the Department of Agrarian Reform Secretary.[63] He or she takes jurisdiction over cases involving the cancellation of titles issued under any agrarian reform program, whether registered with the Land Registration Authority or not.

Here, the doctrine should be read amid the ambient facts and without prejudice to a future case that will deal with transfer certificates of title, considering the relevant statutes,[64] as well as the equal protection[65] and social justice provisions of the Constitution.[66]

II

At the time of the Complaint's filing on April 26, 2004, the 2003 Department of Agrarian Reform Adjudication Board Rules of Procedure governed the jurisdiction of the Department of Agrarian Reform Adjudication Board. Rule II provided that adjudicators have exclusive original jurisdiction over registered certificates of land ownership award and emancipation patents, while the Department of Agrarian Reform Adjudication Board has appellate jurisdiction:

RULE II

Jurisdiction of the Board and its Adjudicators

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

....

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[;]

....

SECTION 2. Appellate Jurisdiction of the Board. - The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter, or affirm resolutions, orders, and decisions of its Adjudicators.

No order of the Adjudicators on any issue, question, matter, or incident raised before them shall be elevated to the Board until the hearing shall have been terminated and the case decided on the merits.

However, it is "not sufficient that the controversy [simply] involves the cancellation of a [certificate of land ownership award] already registered with the Land Registration Authority. What is of primordial consideration is the existence of an agrarian dispute between the parties." [67] Section 3(d) of the Comprehensive Agrarian Reform Law defines agrarian dispute as those relating to tenurial arrangements, including leasehold and tenancy. Thus:

SECTION 3. Definitions. - For the purpose of this Act, unless the context indicates otherwise:

....

(d) Agrarian Dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements.

It includes any controversy relating to compensation of lands acquired under this Act and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.

Indeed, the emancipation patents involved here have already been registered with the Land Registration Authority, and the grant of the Complaint filed by respondents will result in the cancellation of these registered emancipation patents. Nonetheless, respondents primarily assailed in their Complaint the land coverage under the

Operation Land Transfer Program because the original owner, Cabahug, had not been properly notified of it. Specifically, they contended that the notices were erroneously sent to Cabahug's father, Sotero Cabahug. The Complaint, therefore, is essentially an Operation Land Transfer protest, which is an agrarian law implementation case belonging to the Department of Agrarian Reform Secretary's jurisdiction.[68]

Tenancy is a real right that is attached to the land and survives the sale.[69] As such, when Spouses Abucay purchased the land from Cabahug, they were subrogated to the rights and obligations of Cabahug as an agricultural landowner. Respondents, being the land buyers' heirs, were likewise subrogated to these rights and obligations. A tenancy relationship exists between respondents and the farmer-beneficiaries.

Still, the controversy must relate to the tenurial arrangement between the parties for the Department of Agrarian Reform Adjudication Board to properly take cognizance of the case. Here, the controversy does not involve negotiating, fixing, maintaining, changing, or seeking to arrange the tenurial arrangement's terms or conditions. Respondents alleged that emancipation patents should not have been issued to begin with since no notice of coverage was sent to Cabahug. In other words, they contend that the property was not properly acquired through the Operation Land Transfer Program. The controversy involves the administrative implementation of the agrarian reform program, which, as mentioned, is under the Department of Agrarian Reform Secretary's jurisdiction.

Since the Complaint filed by respondents involves an agrarian law implementation case, Regional Adjudicator Diloy had no jurisdiction to take cognizance of it. At that time, he should have referred the case to the proper office of the Department of Agrarian Reform for appropriate action as provided in Rule I, Section 6 of the Department of Agrarian Reform Administrative Order 03-03.[70]

However, with the enactment of Republic Act No. 9700, the exclusive and original jurisdiction over cases for cancellation of registered emancipation patents now belongs to the Department of Agrarian Reform Secretary.[71]

In line with this, the Department of Agrarian Reform has issued Administrative Order No. 07-14, which outlines in Article III the procedure for the cancellation of registered emancipation patents, certificates of land ownership awards, and other agrarian titles. The petition for cancellation shall be filed before the Office of the Provincial Agrarian Reform Adjudicator, which would then undertake the case buildup before forwarding it to the Department of Agrarian Reform Secretary for decision.

Thus, under Administrative Order No. 07-14, the Complaint for cancellation of original certificates of title and emancipation patents filed by respondents should be referred to the Office of the Provincial Agrarian Reform Adjudicator of Leyte for case buildup. Then, the case shall be decided by the Department of Agrarian Reform Secretary.

This Court makes no determination of whether the area can still be covered by agrarian reform. The character of the land as agricultural is not affected. We leave the issue of the propriety of the coverage to the executive branch for its own determination.

WHEREFORE, the Petitions for Review on Certiorari are GRANTED. The September 26, 2008 Decision of the Court of Appeals in CA-G.R. CEB-SP No. 02637, the May 10, 2006 Decision and February 27, 2007 Resolution of the Department of Agrarian Reform Adjudication Board in DARAB Case No. 13978, and the June 16, 2005 Decision of the Regional Agrarian Reform Adjudicator in DARAB Case No. R-0800-0015-04 are all SET ASIDE. The Complaint for cancellation of original certificates of title and emancipation patents dated April 26, 2004 is REFERRED to the Office of the Provincial Agrarian Reform Adjudicator of Leyte for case buildup and decision by the Department of Agrarian Reform Secretary.

SO ORDERED.

Bersamin, C. J., Carpio, Peralta, Del Castillo, Caguioa, A. Reyes, Jr., Gesmundo, J. Reyes, Jr., Hernando, and Carandang, JJ., concur.

Perlas-Bernabe, J., Please see Concurring Opinion.

Jardeleza, J., I join Concurring Opinion.

Lazaro-Javier, J., No part.

[1] Rollo (G.R. No. 186432), p. 129 and rollo (G.R. No. 186964), p. 175. Resolution dated June 15, 2009.

[2] Rollo (G.R. No. 186432), pp. 12-46. Docketed as G.R. No. 186432.

[3] Rollo (G.R. No. 186964), pp. 14-40. Docketed as G.R. No. 186964.

[4] Rollo (G.R. No. 186432), pp. 47-61 and rollo (G.R. No. 186964), pp. 137-150. The Decision was penned by Associate Justice Amy C. Lazaro-Javier (now an Associate Justice of this Court), and concurred in by Associate Justices Francisco P. Acosta and Edgardo L. De Los Santos of the Twentieth Division, Court of Appeals, Cebu City.

[5] Rollo (G.R. No. 186432), pp. 62-67 and rollo (G.R. No. 186964) pp. 166-171. The Resolution was penned by Associate Justice Amy C. Lazaro-Javier (now an Associate Justice of this Court), and concurred in by Associate Justices Francisco P. Acosta and Edgardo L. De Los Santos of the Former Twentieth Division, Court of Appeals, Cebu City.

[6] Rollo (G.R. No. 186432), pp. 112-121 and rollo (G.R. No. 186964), pp. 77-89. The Decision was penned by Assistant Secretary Edgar A. Igano, and was concurred in by Officer-in-Charge Secretary Nasser C. Pangandaman, Assistant Secretary Augusto P. Quijano, Officer-in-Charge Undersecretary Narciso B. Nieto, Undersecretary Nestor R. Acosta, Acting Assistant Secretary Ma. Patricia Rualo--Bello, and Assistant Secretary Delfin B. Samson of the Department of Agrarian Reform Adjudication Board.

[7] Rollo (G.R. No. 186432), pp. 105-108. The Decision was penned by Regional Adjudicator Felixberto M. Diloy of the Office of the Regional Adjudicator, Tacloban City.

[8] Rollo (G.R. No. 186432), pp. 88-89 and rollo (G.R. No. 186964), pp. 44-45. Deed of Absolute Sale dated October 14, 1983.

[9] Rollo (G.R. No. 186964), pp. 41-43.

[10] Rollo (G.R. No. 186432), p. 89 and rollo (G.R. No. 186964), p. 45.

[11] Decreeing the Emancipation of Tenants from the Bondage of the Soil, Transferring to Rhem the Ownership of the Land They Till and Providing the Instruments and Mechanism Therefor.

[12] The farmer-beneficiaries were Florencio V. Cartagenas, Renato V. Cartagenas, Tomas G. Cartagenas, Manuel V. Ceneza, Abraham C. Cuervo, Federico H. Cuervo, Francisco H. Cuervo, Ricardo H. Cuervo, Lope Q. Damayo, Bartolome P. Dondon, Amparo C. Erejer, Gregorio Ihada, Victoria Malamdag, Jesus I. Noynay, Juanito M. Ostera, Rufino Quimson, Leon Rivera, Gregoria B. Tero, Frederico N. Velasco, and Francisco Velasco.

[13] Rollo (G.R. No. 186432), pp. 50-51 and rollo (G.R. No. 186964), pp. 139-140.

[14] Rollo (G.R. No. 186432), pp. 90-95 and rollo (G.R. No. 186964), pp. 46-50.

- [15] Rollo (G.R. No. 186432), pp. 91-93 and rollo (G.R. No. 186964), pp. 47-49.
- [16] Rollo (G.R. No. 186432), p. 94 and rollo (G.R. No. 186964), p. 50.
- [17] Rollo (G.R. No. 186432), pp. 96-104 and rollo (G.R. No. 186964), pp. 51-59.
- [18] Rollo (G.R. No. 186432), pp. 98 and 100 and rollo (G.R. No. 186964), pp. 53 and 55.
- [19] Rollo (G.R. No. 186432), p. 103 and rollo (G.R. No. 186964), p. 58.
- [20] Rollo (G.R. No. 186432), pp. 102-104 and rollo (G.R. No. 186964), pp. 57-59.
- [21] Rollo (G.R. No. 186432), pp. 82-87 and rollo (G.R. No. 186964), pp. 60-65.
- [22] The impleaded farmer-beneficiaries were Eliaquim V. Cartagenas, Florencio V. Cartagenas, Renato V. Cartagenas, Roman G. Cartagenas, Manuel V. Ceneza, Abraham C. Cuervo, Federico H. Cuervo, Francisco H. Cuervo, Ricardo H. Cuervo, Lope Q. Damayo, Bartolome P. Dondon, Amparo C. Erejer, Gregorio Ihada, Loreto Ihado, Victorio Malamdag, Jesus J. Noynay, Juanito M. Ostera, Rufino Quimson, Leon F. Revira, Gregorio B. Tero, Silvino L. Tero, Federico M. Velasco, and Francisco Velasco. See rollo (G.R. No. 186432), p. 81 and rollo (G.R. No. 186964), p. 60.
- [23] Rollo (G.R. No. 186432), pp. 105-108.
- [24] Rollo (G.R. No. 186432), pp. 107-108.
- [25] Rollo (G.R. No. 186432), pp. 112-121 and rollo (G.R. No. 186964), pp. 77-89.
- [26] Rollo (G.R. No. 186432), p. 120 and rollo (G.R. No. 186964), p. 88.
- [27] Rollo (G.R. No. 186432), p. 116; and Rollo (G.R. No. 186964), p. 87. Department of Agrarian Reform Adm. Order No. 03 (2003), Rule I, sec. 2(2.1) provides:
- SECTION 2. ALI cases. These Rules shall govern all cases arising from or involving:
- 2.1. Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of Certificate of Land Ownership Awards (CLOAs) and Emancipation Patents (EPs), including protests or oppositions thereto and petitions for lifting of such coverage[.]
- [28] DAR Administrative Order No. 03 (2003), Rule II, sec. 8 provides:
- SECTION 8. Jurisdiction over protests or petitions to lift coverage. The Regional Director shall exercise primary jurisdiction over protests against CARP coverage or petitions to lift notice of coverage. If the ground for the protest or petition to lift CARP coverage is exemption or exclusion of the subject land from CARP coverage, the Regional Director shall either resolve the same if he has jurisdiction, or refer the matter to the Secretary if jurisdiction over the case belongs to the latter.
- [29] DAR Administrative Order No. 03 (2003), Rule II, sec. 10 provides:
- SECTION 10. Appellate Jurisdiction. The Secretary shall exercise appellate jurisdiction over all ALI cases, and may delegate the resolution of appeals to any Undersecretary.
- [30] Rollo (G.R. No. 186432), pp. 119-120 and rollo (G.R. No. 186964), pp. 87-88.
- [31] Rollo (G.R. No. 186432), p. 120 and rollo (G.R. No. 186964), p. 88.
- [32] Rollo (G.R. No. 186964), pp. 93-95. The Resolution was penned by Assistant Secretary Edgar A. Igano, and

was concurred in by Officer-in-Charge Secretary Nasser C. Pangandaman, Assistant Secretary Augusto P. Quijano, Undersecretary Narciso B. Nieto, Undersecretary Nestor R. Acosta, Acting Assistant Secretary Ma. Patricia Rualo-Bello, and Assistant Secretary Delfin B. Samson of the Department of Agrarian Reform Adjudication Board.

[33] Rollo (G.R. No. 186964), pp. 96-125.

[34] Rollo (G.R. No. 186432), pp. 47-61 and rollo (G.R. No. 186964), pp. 137-150.

[35] DAR Administrative Order No. 03 (2003), Rule I, sec. 2(2.4) provides:

SECTION 2. ALI cases. These Rules shall govern all cases arising from or involving:

2.4. Recall, cancellation or 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 Emancipation Patents (EPs) or Certificates of Land Ownership Awards (CLOAs) not yet registered with the Register of Deeds[.]

[36] DARAB Rules of Procedure (2003), Rule II, sec. 1(1.6) provides:

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

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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[.]

[37] DARAB Rules of Procedure (2003), Rule II, sec. 2 provides:

SECTION 2. Appellate Jurisdiction of the Board. - The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter, or affirm resolutions, orders, and decisions of its Adjudicators.

No order of the Adjudicators on any issue, question, matter, or incident raised before them shall be elevated to the Board until the hearing shall have been terminated and the case decided on the merits.

[38] Rollo (G.R. No. 186432), pp. 54-57 and rollo (G.R. No. 186964), pp. 143-146.

[39] Rollo (G.R. No. 186432), pp. 57-59 and rollo (G.R. No. 186964), pp. 146-148.

[40] Rollo (G.R. No. 186432), pp. 59-60 and rollo (G.R. No. 186964), pp. 148-149.

[41] Rollo (G.R. No. 186432), p. 60 and rollo (G.R. No. 186964), p. 149.

[42] Rollo (G.R. No. 186432), pp. 62-67 and rollo (G.R. No. 186964), pp. 166-171.

[43] Rollo (G.R. No. 186432), pp. 12-46.

[44] Rollo (G.R. No. 186964), pp. 14-40.

[45] Rollo (G.R. No. 186432), pp. 129-130 and rollo (G.R. No. 186964), pp. 175-176.

[46] Rollo (G.R. No. 186432), pp. 141-171.

[47] Rollo (G.R. No. 186432), pp. 188-201 and rollo (G.R. No. 186964), pp. 180-193.

[48] Rollo (G.R. No. 186432), pp. 24-31 and rollo (G.R. No. 186964), pp. 32-35.

[49] Rollo (G.R. No. 186432), pp. 31-36 and rollo (G.R. No. 186964), pp. 25-28.

[50] Rollo (G.R. No. 186432), p. 39.

[51] Rollo (G.R. No. 186432), pp. 32-33 and 36-40; and rollo (G.R. No. 186964), pp. 28-32.

[52] ADM. CODE, Book IV, Title III, Chapter 12, sec. 35(1) provides:

SECTION 35. Powers and Functions. - The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:

(1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party.

[53] Rollo (G.R. No. 186432), pp. 152-153.

[54] Rollo (G.R. No. 186432), pp. 153-156.

[55] *Id.* at 157.

[56] Rollo (G.R. No. 186432), pp. 158-159.

DAR Administrative Order No. 03, Series of 2003, Rule I, sec. 6 provides:

SECTION 6. Referral of cases. When a party erroneously files a case under Section 2 hereof before the DARAB, the receiving official shall refer the case to the proper DAR office for appropriate action within five (5) working days after determination that said case is within the jurisdiction of the Secretary. Likewise, when a party erroneously files a case under Section 3 hereof before any office other than the DARAB or its adjudicators, the receiving official shall, within five (5) working days, refer the case to the DARAB or its adjudicators.

[57] Rollo (G.R. No. 186432), pp. 162-166.

[58] Rep. Act No. 6657 (1988), sec. 57.

[59] See *Alfonso v. Land Bank of the Philippines*, 801 Phil. 217 (2016) [Per J. Jardeleza, En Banc].

[60] See DARAB Rules of Procedure (2003), Rule II, sec. 1, now the 2009 DARAB Rules of Procedure, Rule II, sec. 1. See also 2003 Rules of Procedure for ALI Cases, Rule I, Sec. 3.

[61] See the 2003 Rules of Procedure for ALI Cases, Rule I, Sec. 2, now 2017 Rules of Procedure for ALI Cases, Rule I, Sec. 2. See also 2003 DARAB Rules of Procedure, Rule II, Sec. 3.

[62] An Act Strengthening the Comprehensive Agrarian Reform Program (CARP), Extending The Acquisition and Distribution of All Agricultural Lands, Instituting Necessary Reforms, Amending For the Purpose Certain Provisions of Republic Act No. 6657, otherwise known as The Comprehensive Agrarian Reform Law of 1988, as amended, and Appropriating Funds Therefor.

[63] Rep. Act No. 9700 (2009), sec. 24 provides:

SEC. 24. Award to Beneficiaries. - . . .

. . . .

All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR. (Emphasis supplied)

[64] Presidential Decree No. 1529 (1978). Property Registration Decree.

[65] CONST., art. III, sec. 1 provides:

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

[66] CONST., art. XIII, secs. 4, 6, 7, and 8 are devoted to agrarian and natural resources reform.

[67] See *Sutton v. Lim*, 700 Phil. 67, 74 (2012) [Per J. Perlas-Bernabe, Second Division].

[68] The 2003 Rules for Agrarian Reform Implementation Cases, Rule II, secs. 7, 8, and 10 provide:

SECTION 7. General Jurisdiction. The Regional Director shall exercise primary jurisdiction over all agrarian law implementation cases except when a separate special rule vests primary jurisdiction in a different DAR office.

SECTION 8. Jurisdiction over protests or petitions to lift coverage. The Regional Director shall exercise primary jurisdiction over protests against CARP coverage or petitions to lift notice of coverage. If the ground for the protest or petition to lift CARP coverage is exemption or exclusion of the subject land from CARP coverage, the Regional Director shall either resolve the same if he has jurisdiction, or refer the matter to the Secretary if jurisdiction over the case belongs to the latter.

. . . .

SECTION 10. Appellate Jurisdiction. The Secretary shall exercise appellate jurisdiction over all ALI cases, and may delegate the resolution of appeals to any Undersecretary.

[69] Rep. Act No. 3844 (1963), sec. 10 provides:

SECTION 10. Agricultural Leasehold Relation Not Extinguished By Expiration of Period, etc. - The agricultural leasehold relation under this Code shall not be extinguished by mere expiration of the term or period in a leasehold contract nor by the sale, alienation or transfer of the legal possession of the landholding. In case the agricultural lessor sells, alienates or transfers the legal possession of the landholding, the purchaser or transferee thereof shall be subrogated to the rights and substituted to the obligations of the agricultural lessor.

[70] DAR Administrative Order No. 03-03 (2003), Rule I, sec. 6 provides:

SECTION 6. Referral of cases. When a party erroneously files a case under Section 2 hereof before the DARAB, the receiving official shall refer the case to the proper DAR office for appropriate action within five (5) working days after determination that said case is within the jurisdiction of the Secretary. Likewise, when a party erroneously files a case under Section 3 hereof before any office other than the DARAB or its adjudicators, the receiving official shall, within five (5) working days, refer the case to the DARAB or its adjudicators.

[71] Rep. Act No. 9700 (2009), sec. 9, amending Rep. Act No. 6657 (1988), sec. 24.

CONCURRING OPINION

PERLAS-BERNABE, J.:

The Facts

This case stemmed from a Complaint[1] for Cancellation of Original Certificates of Title (OCTs) denominated as Emancipation Patents (EPs) with payment of back rentals (cancellation case) filed by respondents Heirs of Redemptor and Elisa Abucay (Spouses Abucay), namely: Rena B. Abucay, Rhea B. Abucay-Beduya, Ris B. Abucay-Buante, Elver B. Abucay, Redelisa Abucay-Agustin, and Rhota B. Abucay (respondents), before the Office of the Regional Agrarian Reform Adjudicator in Tacloban City (RARAD) dated April 26, 2004,[2] docketed as DARAB Case No. R-0800-0015-04, assailing the coverage of the 22.8409 hectare (ha.)-portion (subject land) of their 182.9698 ha.-property located in Brgy. Campokpok, Tabango, Leyte covered by Transfer Certificate of Title (TCT) No. T-9814[3] in the name of its previous owner, Guadalupe Cabahug (Guadalupe), which had been placed under the government's Operation Land Transfer Program (OLT). Respondents claimed to be the heirs of Spouses Abucay who had acquired the subject land from Guadalupe on October 14, 1983.[4] However, when the land was subjected to OLT coverage in 1986,[5] the initial up to the final notices of coverage and/or acquisition, valuation and documentation were sent to Guadalupe's father, Sotero Cabahug (Sotero), who was not the registered owner, and had been dead as early as August 31, 1970.[6] Nonetheless, the farmer-beneficiaries (FBs) were issued EPs which were thereafter registered as OCTs (EP titles) with the Register of Deeds (RD) of Leyte (RD-Leyte) pursuant to an erroneous subdivision survey despite having emanated from a TCT.[7]

In a Decision[8] dated June 16, 2005, the RARAD granted the complaint, thereby declaring the EP titles issued to the FBs as null and void, and without force and effect, and ordering, among others, the RD-Leyte to effect the cancellation of the said titles.[9]

On appeal, docketed as DARAB Case No. 13978,[10] the Department of Agrarian Reform Adjudication Board (DARAB), however, declared[11] that it had no jurisdiction over the subject matter, holding that the same involves an OLT protest, which is an agrarian law implementation case that falls under the primary jurisdiction of the Regional Director of the Department of Agrarian Reform (DAR), and consequently, appealable to the DAR Secretary.[12] The DARAB likewise declared that respondents were not the proper parties to question the agrarian reform coverage of the subject land because the concerned FBs already owned the land pursuant to Presidential Decree No. (PD) 27,[13] otherwise known as the "Tenants Emancipation Decree," as amended, when Guadalupe sold[14] the same to Spouses Abucay in 1983.[15]

Respondents' motion for reconsideration[16] having been denied,[17] they filed a petition for review[18] before the Court of Appeals (CA), docketed as CA-G.R. CEB-SP No. 02637.

In a Decision[19] dated September 26, 2008, the CA reversed the DARAB Decision,[20] ruling that the jurisdiction over complaints for cancellation of registered EP titles belongs to the RARAD whose decision shall be appealable to the DARAB pursuant to the DARAB 2003 Rules of Procedure.[21] It likewise held that respondents were the proper parties to file the complaint because Guadalupe has not been fully paid the just compensation for the subject land in 1983, and as such, remained the owner of the subject land at the time she sold the same to Spouses Abucay, whose title was transferred to respondents upon their death.[22]

The CA further ruled that Guadalupe was not afforded due process during the acquisition process which rendered the issuance of EP titles to the PBs as null and void.[23]

Dissatisfied, the DAR Regional Director-Region VIII and the Provincial Agrarian Reform Officer of Leyte (PARO) filed separate motions for reconsideration[24] which were both denied in a Resolution[25] dated January 30, 2009. Hence, the instant petitions for review on certiorari[26] filed before this Court on April 7, 2009, which were thereafter consolidated.[27]

The ponencia granted the petitions, and accordingly, referred the cancellation case to the Office of the Provincial Agrarian Reform Adjudicator of Leyte (PARAD) for case buildup and decision by the DAR Secretary.[28]

I concur. May I just add the following observations:

A. DAR's JURISDICTION OVER AGRARIAN REFORM CASES.

On July 22, 1987, then President Corazon C. Aquino issued Executive Order No. (EO) 229[29] vesting the DAR with:

- (a) the primary jurisdiction to determine and adjudicate agrarian reform disputes (ARD); and
- (b) the exclusive original jurisdiction over all matters involving agrarian law implementation (ALI) except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).[30]

To be sure, an ARD case essentially involves an agrarian dispute which, as defined by Section 3 (d) of RA 6657, as amended, refers "to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements." [31]

On the other hand, an ALI case refers to matters involving the administrative implementation of RA 6657 and other agrarian laws as enunciated by pertinent rules and administrative orders,[32] i.e., matters relating to the scope of Comprehensive Agrarian Reform Program (CARP) coverage and the protests/oppositions/ petitions for lifting/exemption/exclusion from such coverage, exercise of right of retention by landowners, and application for conversion of agricultural lands to non-agricultural uses, etc.

Subsequently, the DAR's primary adjudicatory jurisdiction over ARD cases was transferred to the DARAB, which was created[33] pursuant to EO 129-A.[34] Nevertheless, the exclusive original jurisdiction over ALI cases (except those falling under the exclusive jurisdiction of the DA and the DENR) was retained with the DAR.[35]

B. THE JURISDICTION OF THE DAR AND THE DARAB.

Pursuant to its power to issue rules and regulations, substantive and procedural, to carry out the objects and purposes of RA 6657, as amended,[36] the DAR adopted its Rules for ALI Cases. Accordingly, the DAR assigned to the Regional Director the task of resolving ALI cases at the first level, except when a separate special rule vests primary jurisdiction in a different DAR office.[37] The ruling of the Regional Director was expressly made appealable to the DAR Secretary, who, however, may delegate the resolution of such appeals to any Undersecretary.[38]

For its part, the DARAB adopted its Rules of Procedure delegating to the RARADs and the PARADs (DARAB Adjudicators) the authority to hear, determine and adjudicate all ARD cases, and incidents in connection therewith, arising within their assigned territorial jurisdiction,[39] and reserved for itself the appellate jurisdiction over the DARAB Adjudicators' resolution, decision or final order that completely disposes of the case.[40]

C. JURISDICTION OVER CASES INVOLVING THE CANCELLATION OF EPs, CERTIFICATES OF LAND

OWNERSHIP AWARD (CLOAs), AND OTHER AGRARIAN TITLES.

Based on the circumstances asserted, an EP cancellation case (as in this case) may either be classified as an ALI or an ARD case. If the EP cancellation case relates to the scope of CARP coverage or the protests/oppositions/petitions for lifting/exemption/exclusion from such coverage, exercise of right of retention by landowners, or application for conversion of agricultural lands to non-agricultural uses, then the case is classified as an ALI case; on the other hand, if the EP cancellation case relates to an agrarian dispute as defined above, then the case is classified as an ARD case.

The foregoing was the jurisdictional setup at the time the cancellation case was filed before the RARAD. With the passage on August 7, 2009 of RA 9700,[41] further amending RA 6657, as amended, cases involving cancellation of registered EPs, CLOAs, and other agrarian titles, whether raised in an ALI or an ARD case, are now within the exclusive and original jurisdiction of the DAR Secretary. Section 24 of RA 6657, as amended by RA 9700, pertinently provides:

Section 24. Award to Beneficiaries. - The rights and responsibilities of the beneficiaries shall commence from their receipt of a duly registered emancipation patent or certificate of land ownership award and their actual physical possession of the awarded land. Such award shall be completed in not more than one hundred eighty (180) days from the date of registration of the title in the name of the Republic of the Philippines: Provided, That the emancipation patents, the certificates of land ownership award, and other titles issued under any agrarian reform program shall be indefeasible and imprescriptible after one (1) year from its registration with the Office of the Registry of Deeds, subject to the conditions, limitations and qualifications of this Act, the property registration decree, and other pertinent laws. The emancipation patents or the certificates of land ownership award being titles brought under the operation of the torrens system, are conferred with the same indefeasibility and security afforded to all titles under the said system, as provided for by Presidential Decree No. 1529, as amended by Republic Act No. 6732.

x x x x

All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR. (Section 9 of RA 9700; emphasis and underscoring supplied)

Nonetheless, the issue of jurisdiction in this case shall be settled under the statute and rules in force at the time of the commencement of the cancellation case.[42]

D. APPLICATION TO THE CASE AT BAR.

At the time of the filing of the cancellation case, the DARAB had the primary and exclusive jurisdiction over cases that involve the issuance, correction, and cancellation of registered EPs, CLOAs, and other agrarian titles, provided that the same relates to an agrarian dispute between landowner and tenants. If the complainant fails to properly allege an agrarian dispute, a case involving a registered EP, CLOA or other agrarian title would fall within the jurisdiction of the DAR Regional Director.

In this case, while there is admittedly a tenurial arrangement between the parties, considering respondents' subrogation to the rights and substitution to the obligations[43] of the original owner, Guadalupe, the controversy does not relate to the tenurial arrangement between respondents and the FBs in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangement. The herein cancellation case is essentially an OLT protest, which is an agrarian law implementation (ALI) case, and there exists no agrarian dispute (ARD) nor an agrarian reform matter so as to situate the jurisdiction thereon with the DARAB (particularly, the RARAD). Section 3, Rule II of the DARAB 2003 Rules of Procedure clearly provides that "[t]he

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[.]” Thus, as correctly pointed out by the ponencia,[44] the RARAD had no jurisdiction to take cognizance of the case, and should have referred the case to the proper DAR office for appropriate action pursuant to Section 6, Rule I of DAR AO No. 03-03.

At that time, the proper office was the Office of the DAR Regional Director, which has primary jurisdiction over all ALI cases.[45] However, this case had already been overtaken by the enactment of RA 9700, vesting the exclusive and original jurisdiction over cases involving cancellation of registered EPs, CLOAs, and other agrarian titles, whether raised in an ALI or an ARD case, to the DAR Secretary, which is correspondingly covered by DAR AO No. 07-14.[46] Consequently, the ponencia correctly referred the case to the Office of the PARAD[47] for case buildup and decision by the DAR Secretary[48] pursuant to the procedure under DAR AO No. 07-14.

ACCORDINGLY, I vote to GRANT the petitions.

[1] Rollo (G.R. No. 186432), pp. 82-87; and rollo (G.R. No. 186964), pp. 60-65.

[2] The petitions and the CA Decision erroneously indicated that said Complaint was filed on April 6, 2004 (see rollo [G.R. No. 186432], pp. 18 and 51-52). On the other hand, the DARAB, in its Decision, maintained that the same was filed on April 26, 2004 (see *id.* at 114).

[3] Rollo (G.R. No. 186964), pp. 41-43; including dorsal portions.

[4] Rollo (G.R. No. 186432), p. 83.

[5] *Id.* at 84.

[6] See *id.* at 59 and 146.

[7] *Id.* at 84-85.

[8] *Id.* at 105-108. Penned by Regional Adjudicator Felixberto M. Diloy.

[9] See *id.* at 107-108.

[10] See *id.* at 21, 52 and 112.

[11] See Decision dated May 10, 2006, penned by Assistant Secretary Edgar A. Igano with Assistant Secretary Augusto P. Quijano, Undersecretary Nestor R. Acosta, Acting Assistant Secretary Ma. Patricia Rualo-Bello, and Assistant Secretary Delfin B. Samson, concurring. OIC Secretary and Chairman Nasser C. Pangandaman and OIC-Undersecretary Narciso B. Nieto did not take part (rollo [G.R. No. 186432], pp. 112-121; and rollo [G.R. No. 186964], pp. 77-89).

[12] See rollo (G.R. No. 186432), pp. 118-119.

[13] Entitled "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," approved on October 21, 1972.

[14] See Deed of Absolute Sale dated October 14, 1983; rollo (G.R. No. 186432), pp. 188-189.

[15] See *id.* at 119-120.

[16] Not attached to the rollos.

[17] See Resolution dated February 27, 2007 penned by Assistant Secretary Edgar A. Igano with Assistant Secretary Augusto P. Quijano, Acting Assistant Secretary Ma. Patricia Rualo-Bello, and Assistant Secretary Delfin B. Samson, concurring. OIC Secretary and Chairman Nasser C. Pangandaman, Undersecretary Narciso B. Nieto, and Undersecretary Nestor R. Acosta did not take part; rollo (G.R. No. 186964), pp. 93-95.

[18] Dated May 2, 2007. Id. at 96-125.

[19] Rollo (G.R. No. 186432), pp. 47-61. Penned by Associate Justice Amy C. Lazaro-Javier (now a Member of this Court) with Associate Justices Francisco P. Acosta and Edgardo L. De Los Santos concurring.

[20] See id. at 60.

[21] Adopted and promulgated on January 17, 2003. See id. at 56-57.

[22] See id. at 57-59.

[23] See id. at 59-60.

[24] See motion for reconsideration dated October 23, 2008 filed by the DAR Regional Director-Region VIII; rollo (G.R. No. 186432), pp. 68-73; and motion for reconsideration dated October 28, 2008 filed by the PARO; rollo (G.R. No. 186964), pp. 151-164.

[25] Rollo (G.R. No. 186432), pp. 62-67; and rollo (G.R. No. 186964), pp. 166-171.

[26] Rollo (G.R. No. 186432), pp. 12-41; and rollo (G.R. No. 186964), pp. 14-36.

[27] See Minute Resolution dated June 15, 2009; rollo (G.R. No. 186432), pp. 129-130; and rollo (G.R. No. 186964), pp. 175-176.

[28] See ponencia, p. 15.

[29] Entitled "PROVIDING THE MECHANISMS FOR THE IMPLEMENTATION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM," issued on July 22, 1987.

[30] See also Section 50, Chapter XII of Republic Act No. (RA) 6657, entitled "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.

[31] Emphasis supplied.

[32] See Section 3, Rule I of the DARAB 2003 RULES OF PROCEDURE.

[33] Section 13 of EO 129-A provides:

Section 13. Agrarian Reform Adjudication Board. - There is hereby created an Agrarian Reform Adjudication Board under the Office of the Secretary. The Board shall be composed of the Secretary as Chairman, two (2) Undersecretaries as may be designated by the Secretary, the Assistant Secretary for Legal Affairs, and three (3) others to be appointed by the President upon the recommendation of the Secretary as members. A Secretariat shall be constituted to support the Board. The Board shall assume the powers and functions with respect to the adjudication of agrarian reform cases under Executive Order No. 229 and this Executive Order. These powers and functions may be delegated to the regional offices of the Department in accordance with rules and regulations to be promulgated by the Board. (Emphasis supplied)

[34] Entitled "MODIFYING ORDER NO. 129 REORGANIZING AND STRENGTHENING THE DEPARTMENT OF AGRARIAN REFORM AND FOR OTHER PURPOSES" (July 26, 1987).

[35] RA 6657 was thereafter passed in 1988 reinforcing the DAR's powers. See Section 50, Chapter XII of RA 6657.

[36] Section 49, Chapter XI of RA 6657, as amended, provides:

Section 49. Rules and Regulations. - The PARC and the DAR shall have the power to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes of this Act. Said rules shall take effect ten (10) days after publication in two (2) national newspapers of general circulation. (Emphasis supplied)

[37] Pursuant to Section 7, Rule II of DAR Administrative Order No. 03, Series of 2003 (DAR AO No. 03-03), re: 2003 Rules for Agrarian Law Implementation Cases, known as the "2003 RULES OF PROCEDURE FOR ALI CASES" (issued on January 16, 2003), now Section 6, Rule II DAR Administrative Order No. 03-17; re: 2017 Rules for Agrarian Law Implementation (ALI) Cases, known as the "2017 RULES OF PROCEDURE FOR ALI CASES" (issued on May 22, 2017), which amended the 2003 RULES OF PROCEDURE FOR ALI CASES.

[38] Pursuant to Section 10, Rule II of the 2003 RULES OF PROCEDURE FOR ALI CASES, now Section 9, Rule II of the 2017 RULES OF PROCEDURE FOR ALI CASES.

[39] See Section 2, Rule II of the 1989 DARAB REVISED RULES OF PROCEDURE or the "REVISED RULES OF THE DARAB," (February 6, 1989) and Section 2, Rule II of the "DARAB NEW RULES OF PROCEDURE" (June 22, 1994).

[40] See Section 1, Rule XIV of the DARAB 2003 Rules of Procedure.

[41] Entitled "AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), EXTENDING THE ACQUISITION AND DISTRIBUTION OF ALL AGRICULTURAL LANDS, INSTITUTING NECESSARY REFORMS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657."

[42] The jurisdiction of a tribunal or quasi-judicial body over the subject matter is determined by the averments of the complaint/petition and the law extant at the time of the commencement of the suit/complaint/petition. See *Pasong Bayabas Farmers Association Inc. v. Court of Appeals*, 473 Phil. 64, 97 (2004). See also *Anama v. Citibank, N.A.*, G.R. No. 192048, December 13, 2017.

[43] See Section 10 of RA 3844, entitled "AN ACT TO ORDAIN THE AGRICULTURAL LAND REFORM CODE AND TO INSTITUTE LAND REFORMS IN THE PHILIPPINES, INCLUDING THE ABOLITION OF TENANCY AND THE CHANNELING OF CAPITAL INTO INDUSTRY, PROVIDE FOR THE NECESSARY IMPLEMENTING AGENCIES, APPROPRIATE FUNDS THERE FOR AND FOR OTHER PURPOSES," otherwise known as the "AGRICULTURAL LAND REFORM CODE" (August 8, 1963), as amended.

[44] See ponencia, p. 14.

[45] I.e., except when a separate special rule vests primary jurisdiction in a different DAR office. See Section 7, Rule 11 of the DARAB 2003 Rules of Procedure.

[46] Entitled "RE: 2014 RULES AND PROCEDURES GOVERNING THE CANCELLATION OF REGISTERED EMANCIPATION PATENTS (EPS), CERTIFICATES OF LAND OWNERSHIP AWARD (CLOAS), AND OTHER TITLES ISSUED UNDER THE AGRARIAN REFORM PROGRAM," issued on

September 15, 2014.

[47] Section 7, Article III of DAR AO No. 07-14 pertinently provides:

Section 7. Initiation of a Cancellation Case. - A cancellation case shall be initiated by the filing of a verified Petition for Cancellation and the payment of the filing fee, if necessary.

The verified Petition shall be filed with the Office of the PARAD who has jurisdiction over the place where the land covered by the EPs, CLOAs, or other titles sought to be cancelled is located.

x x x x

See also Section 22, Article III of the same AO.

[48] Under the Rules, after the case folder buildup, preliminary hearing, on-site inspection, clarificatory hearing, submission of position papers and report by the PARAD or RARAD, the case folder shall be transmitted to the Bureau of Agrarian Legal Assistance for its review, finding, and recommendation. Thereafter, the case folder shall be transmitted to the Office of the Assistant Secretary for Legal Affairs for further review, finding, and recommendation, before the same will be transmitted to the DAR Secretary for decision.

To note, while the case should have been filed before the DAR Regional Secretary during the old jurisdictional setup on April 26, 2014, the supervening passage of RA 9700 on August 7, 2009 and the new Rules of Procedure mandate that the case be first referred to Office of the PARAD only for case buildup, to be ultimately resolved by the DAR Secretary who now has jurisdiction over cases involving the cancellation of all registered EPS, whether involved in an ARD or an ALI case, as it is here.

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