

VICTORIA P. CABRAL, PETITIONER, VS. HEIRS OF FLORENCIO ADOLFO AND HEIRS OF ELIAS POLICARPIO, RESPONDENTS.*G.R. No. 191615. August 02, 2017*

Ponente: TIJAM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-191615/>**TIJAM, J.:**

Assailed in this Petition for Review on Certiorari[1] under Rule 45 is the Court of Appeals' (CA) Decision[2] dated November 23, 2009 in CA-G.R. SP No. 108518. The CA's Resolution[3] dated March 15, 2010, denying petitioner's Motion for Reconsideration in the said case is likewise impugned herein.

The Facts

Petitioner claims that she is the registered owner of several parcels of land situated, at Barangay Purok (formerly Iba), Meycauayan, Bulacan, originally covered by Original Certificate of Title (OCT) No. 0-1670, subsequently renumbered as OCT No. 0-220 (M), of the Registry of Deeds of Meycauayan, Bulacan.[4] The property subject of the instant case are portions of Lot 4 of Plan Psu-164390 covered by the said OCT No. 0-1670.

On October 21, 1972, the Ministry of Agrarian Reform subjected the said land under the coverage of the Operation Land Transfer (OLT) program of the government under Presidential Decree (P.D.) No. 27.[5]

In July 1973, petitioner sought to convert her landholdings, which include not only the subject property but also her lands in Marilao and Meycauayan, to non-agricultural purposes.[6] In his 2nd Indorsement Letter[7] to the DAR Secretary dated October 1, 1973, DAR District Officer Fernando Ortega, stated that per the reports of the Agrarian Reform Team, the subject property was not included in the OLT program under P.D. No. 27, nor has any portion thereof been transferred to a tenant. Thus, District Officer Ortega recommended the conversion of the same into residential, commercial, industrial, or other purposes.[8]

On April 25, 1988, Emancipation Patents (EPs) were issued to Gregoria Adolfo, Gregorio Lazaro, Florencio Adolfo, and Elias Policarpio pursuant to the OLT program covering the subject property. Corresponding Transfer Certificates of Titles (TCTs) were then issued to herein respondents Florencio Adolfo on October 24, 1989 and Elias Policarpio on November 8, 1989 upon registration of their respective EPs with the Register of Deeds of Meycauayan, Bulacan[9] as follows:[10]

NAMES

LOT NO.

EP NO.

TCT NO.

AREA (sq. m.)

Florencio Adolfo

1

A-117858

EP-003(M)

29759

Florencio Adolfo

2

A-117859-H

EP-004(M)

957

Gregoria Adolfo

3

A-117978-H

EP-005(M)

630

Gregoria Adolfo

4

A-117979

EP-006(M)

21793

Gregorio Lazaro

5

A-117980-H

EP-007(M)

839

Gregorio Lazaro

10

A-117981

EP-008(M)

16906

Elias Policarpio

11

A-117983

EP-010(M)

995

Elias Policarpio

12

A-117982-H

EP-009(M)

18019

On January 16, 1990, petitioner filed a petition before the Barangay Agrarian Reform Council (BARC) for the cancellation of the EPs issued in favor of Florencio Adolfo, Gregorio Lazaro, Gregoria Adolfo, and Elias Policarpio.[11] On January 19, 1990, petitioner filed another petition for cancellation of the said EPs and TCTs before the DAR. The said petition was, however, forwarded to the DAR Regional Director, who dismissed the case. In a case decided by this Court in 2001 entitled *Victoria P. Cabral v. CA*,[12] however, this Court held that the Regional Director had no jurisdiction over the case as it is the PARAD who has jurisdiction over cases involving cancellation of EPs.[13]

Meanwhile, in 1994, petitioner filed an OLT Letter Protest before the DAR Regional Director, questioning the coverage of her landholdings under P.D. No. 27, on the ground that the same had already been classified as either residential, commercial, or industrial.[14]

In its November 16, 1994 Order, the DAR Regional Director denied the said OLT protest, finding that despite the reclassification of the subject parcels of land, the same will not be a bar in placing the said lands under the OLT program, considering that petitioner's landholdings exceeded 24 hectares.[15]

On appeal, the then DAR Secretary Ernesto D. Garilao, in his Order[16] dated July 12, 1996, affirmed the DAR Regional Director's Order, declaring that the subject landholdings are covered by the OLT program under P.D. No. 27 as it was only after the landholdings were placed under the OLT program on October 21, 1972 when it was classified as within the residential zone. The Order cited Administrative Order (A.O.) No. 06, series of 1994,[17] which provides that reclassification of lands to non-agricultural uses shall not operate to divest tenant-farmers of their rights over lands covered by P.D. No. 27, which were vested prior to June 15, 1988, and also Executive Order (E.O.) No. 228[18] which provides that tenant-farmers are deemed full owners of the land they acquired by virtue of P.D. No. 27 as of October 21, 1972. In fine, Secretary Garilao concluded that the petitioner's landholdings are covered by P.D. No. 27.[19]

On August 16, 2003, petitioner filed a Petition for Cancellation of Emancipation Patents and Torrens Title[20] before the Office of the Provincial Agrarian Reform Adjudicator (PARAD) of Malolos City, Bulacan against the said respondents and the Department of Agrarian Reform (DAR), Region III. In the main, petitioner contended that the issuance of the said EPs and TCTs were violative of applicable agrarian laws considering that the subject property was already classified as residential, hence, not covered by P.D. No. 27. Petitioner invoked a Certification[21] dated February 24, 1983 issued by the Zoning Administrator of the Office of the HSRC Deputized Zoning Administration of Meycauayan, Bulacan, and Certification[22] dated August 28, 1989 issued by the Zoning Administrator of Meycauayan, Bulacan, both attesting to the classification of the subject property as within the residential zone. Petitioner also averred that the said EPs were issued without due process and without payment of just compensation.[23]

On June 18, 2004, the Provincial Reform Adjudicator (PARAD) rendered a Decision[24] in favor of the petitioner, thus:

WHEREFORE, premises considered, judgment is hereby rendered, as follows:

1. Ordering the Register of Deeds of Bulacan to cancel the Emancipation Patent Titles issued to the private respondents, as follows: FLOPRENCIO [sic] ADOLFO - TCT No. EP-003, FLORECNCIO [sic] ADOLFO TCT No. RP-004, GREGORIA ADOLFO TCT No. EP-005, GREGORIA ADOLFO - TCT No. EP-006, GREGORIO LAZARO - TCT No. EP-008, ELIAS POLICARPIO - TCT No. 010, ELIAS POLICARPIO - TCT No. 009.
2. Ordering the private respondents and all persons claiming rights under them to vacate the landholdings under their respective possessions and surrender the same to petition.
3. Ordering the Register of Deeds of Bulacan to revived (sic) OCT No. 0-220-(M) (formerly OCT No. 0-1670 registered under the name of petitioner Victoria Cabral), insofar as Lot 4 thereof is concerned.

SO ORDERED.[25]

Aggrieved, Gregoria Adolfo, Gregorio Lazaro, Heirs of Florencio Adolfo, and Heirs of Elias Policarpio appealed the said decision to the Department of Agrarian Reform Adjudication Board (DARAB).

In its July 29, 2008 Decision[26], the DARAB affirmed PARAD's Decision, thus:

WHEREFORE, premises considered, the Appeal is DENIED for lack of merit and the assailed Decision is hereby affirmed.

SO ORDERED.[27]

Undaunted, herein respondents elevated the case to the CA for review.

In its assailed Decision, the CA reversed and set aside the DARAB Decision. The CA found that the subject land was never converted into a residential land and, therefore, not exempt from the coverage of the government's OLT program under P.D. No. 27, relying heavily upon Secretary Gari1ao's Order above-cited. Hence, the CA concluded that when the predecessors-in-interest of the herein respondents were identified as farmer-beneficiaries and were given EPs/TCTs, they were deemed owners thereof. The CA disposed, thus:

WHEREFORE, the July 29, 2008 Decision of the [DARAB] is hereby REVERSED and SET ASIDE. The Petition for Cancellation of Emancipation Patents and Torrens Titles (Case No. 2-03-02-0242'03) is hereby ordered DISMISSED.

SO ORDERED.[28]

Respondents' Motion for Reconsideration was denied in the DARAB's Resolution[29] dated March 11, 2009.

Hence, this petition.

G.R. No. 198160

Before We proceed to discuss the instant petition, it is noteworthy that the issue on the coverage of Lot 4 under the OLT program pursuant to P.D. No. 27 had already been settled by this Court in its Decision dated August 31, 2016 in the case of Victoria P. Cabral v. Gregoria Adolfo, Gregorio Lazaro, and Heirs of Elias Policarpio.[30]

The said case involves the same issues, same assailed decisions of the PARAD and DARAB, same subject property, and same parties (except Gregoria Adolfo and Gregorio Lazaro who were parties in G.R. No. 198160 but not in this case, and Florencio Adolfo who is a party herein but not in G.R. No. 198160).

Essentially, this Court upheld the findings of the PARAD and DARAB, recognizing the zoning reclassification made on the subject property as evidenced by the Certifications dated February 24, 1983 and August 28, 1989 issued by the zoning administrator of Meycauayan, Bulacan above-cited. We also considered therein the 2nd Indorsement Letter of then DAR District Officer Ortega, declaring that petitioner's landholdings were not covered by the OLT program. The Court also found that no CLTs were issued in favor of the respondents therein, which bolstered the fact that the subject property was not covered by P.D. No. 27.

Hence, as it was established that Lot 4 was not covered by the OLT program, this Court declared that the EPs covering the subject lands therein were erroneously issued to the respondents.[31]

With this judicial precedent in mind, We now proceed to resolve the instant petition.

Issue

Did the CA err in reversing the PARAD and DARAB's order of cancelling the subject EPs/TCTs?

The Court's Ruling

We answer in the affirmative.

DAR Administrative Order No. 02-94[32] provides that a registered EP or Certificate of Land Ownership Award (CLOA) may be cancelled on the following grounds, to wit:

Grounds for the cancellation of registered EPs or CLOAs may include but not limited to the following:

1. Misuse or diversion of financial and support services extended to the ARB (Agrarian Reform Beneficiaries); (Section 37 of R.A. No. 6657)
2. Misuse of the land; (Section 22 of R.A. No. 6657)
3. Material misrepresentation of the ARB's basic qualifications as provided under Section 22 of R.A. No. 6657, P.D. No. 27, and other agrarian laws;
4. Illegal conversion by the ARB; (Cf. Section 73, Paragraphs C and E of R.A. No. 6657)
5. Sale, transfer, lease or other forms of conveyance by a beneficiary of the right to use or any other usufructuary right over the land acquired by virtue of being a beneficiary, in order to circumvent the provisions of Section 73 of R.A. No. 6657, P.D. No. 27, and other agrarian laws. However, if the land has been acquired under P.D. No. 27/E.O. No. 228, ownership may be transferred after full payment of amortization by the beneficiary; (Sec. 6 of E.O. No. 228)
6. Default in the obligation to pay an aggregate of three (3) consecutive amortizations in case of voluntary land transfer/direct payment scheme, except in cases of fortuitous events and force majeure;
7. Failure of the ARBs to pay for at least three (3) annual amortizations to the LBP, except in cases of fortuitous events and force majeure; (Section 26 of R.A. No. 6657)
8. Neglect or abandonment of the awarded land continuously for a period of two (2) calendar years as determined by the Secretary or his authorized representative; (Section 22 of R.A. No. 6657)
9. The land is found to be exempt/excluded from P.D. No. 27/E.O. No. 228 or CARP coverage or to be part of the landowners' retained area as determined by the Secretary or his authorized representative; and
10. Other grounds that will circumvent laws related to the implementation of agrarian reform program.[33] (emphasis supplied)

In this case, petitioner maintains that the subject property is excluded from the coverage of P.D. No. 27 as it has already been classified as residential land, invoking the Certifications dated February 24, 1983 and August 28, 1989 issued by the zoning administrator. Petitioner also avers that as early as October 1, 1973, the DAR already made a declaration that her landholdings are not included under the OLT program, and thus made a recommendation for the conversion of the same to residential, commercial, industrial, or other purposes.[34] In fine, petitioner argues that there was never any showing that the lands subject of the controversy were primarily devoted to rice and com as to be covered by P.D. No. 27. Also, petitioner argues that the subject EPs were issued without compliance with the requirements for its issuance under P.D. No. 27, such as the prior issuance of corresponding Certificates of Land Transfer (CLTs). Further, petitioner alleges that her constitutional right to due process was violated as the issuance of the subject EPs was done without any notice or consultation with her and without the payment of just compensation.[35]

The subject property (Lot 4) is not covered by the OLT program under P.D. No. 27.

The resolution of the instant controversy is primarily anchored upon the determination of whether the subject lands are covered by the OLT program under P.D. No. 27.

As We have determined in G.R. No. 198160, Lot 4 had already been reclassified to non-agricultural uses and was, therefore, already outside the coverage of the OLT program under P.D. No. 27.

The CA in this case, however, ruled otherwise, relying heavily upon the July 12, 1996 Order of then DAR Secretary Garilao. In the said Order, Sec. Garilao cited AO 6-94, which states that "reclassification of lands to non-agricultural uses shall not operate to divest tenant-farmers of their rights over lands covered by P.D. No. 27, which have vested prior to June 15, 1988," and EO 228, which provides that "tenant-farmers are deemed full owners of the land they acquired by virtue of P.D. No. 27 as of October 21, 1972." [36] Notably, respondents' arguments are also grounded on these provisions.[37]

We differ.

As this Court has often stressed, factual findings of administrative bodies charged with their specific field of expertise, such as the PARAD and the DARAB, are afforded great weight, nay, finality by the courts, and in the absence of substantial showing that such findings were made from an erroneous estimation of the evidence presented, they are conclusive, and in the interest of stability of the governmental structure, should not be disturbed.[38] Contrary to the CA's conclusion, We find no cogent reason to disturb the said quasi-judicial agency's findings. Consider:

(1) The July 12, 1996 Order of DAR Secretary Garilao involves parcels of land different from the subject property in the case at bar.

As can be gleaned from the said Order, the certifications of reclassification considered in the said case are as follows, to wit:

1. Certification for TCT No. T-149964 (M) with an area of of [sic] 42,109 square meters that it is classified as RESIDENTIAL ZONE as per Municipal Ordinance No. 43, Series of 1988 dated December 21, 1988.
2. Certification for TCT No. T-149928 (M) with an area of 20,954 square meters classified as INDUSTRIAL ZONE as per Municipal Ordinance No. 43, Series 1988 dated December 21, 1988.
3. Certification for TCT No. T-0611 (M) with an area of 30,881 square meters classified as RESIDENTIAL ZONE per Municipal Ordinance No. 43, Series of 1988 dated December 21, 1988.
4. Certification for TCT No. T-73.736 (M) (Lot 1-A) with an area of 3,020 square meters classified as

RESIDENTIAL ZONE as per Comprehensive Zoning Code dated October 14, 1987.

5. Certification for TCT No. T-73.737 (M) (Lot 1-A) with an area of 3,020 square meters classified as RESIDENTIAL ZONE as per Comprehensive Zoning Code dated October 14, 1987.

6. Certification for OCT No. 0-1670 with an area of 12,299 square meters (Lot 2) classified as RESIDENTIAL ZONE as per Comprehensive Zoning Code approved on November 7, 1990.[39] (emphasis supplied)

Contrariwise, the subject property in the case at bar constitutes parcels of land covering certain portions of Lot 4 of Plan Psu-164390 of OCT No. 0-1670. Clearly, thus, the CA erred in relying heavily on the said Order in reversing the PARAD and DARAB decisions.

(2) The records are bereft of proof that the subject lands are tenanted and devoted primarily to rice or corn production.

It bears stressing that P.D. No. 27, which implemented the OLT program, covers only tenanted rice or com lands. The requisites for coverage under the OLT program are the following: (1) the land must be devoted to rice or com crops; and (2) there must be a system of share-crop or lease tenancy obtaining therein.[40]

Neither of these requisites is present in this case.

(a) The subject property is not covered by the OLT because of its residential nature.

Again, as found by both the PARAD and the DARAB as early as October 1, 1973, the DAR, through District Officer Ortega, already declared that the subject landholding is not included in the OLT program by virtue of the Agrarian Reform Team's report that the subject property is suited for residential, commercial, industrial, or other urban purposes considering its potential for national development.[41] District Officer Ortega, thus, recommended for its conversion into residential, commercial, industrial, or other urban purposes.[42]

This Court, in G.R. No. 198160, sustained such findings, as well as the Certifications[43] issued by the zoning administrator, attesting to the classification of the property as being within the residential zone. Evidentiary weight is accorded to the said documents as the same were issued by such officer having jurisdiction over the area where the land in question is situated and is, therefore, more familiar with the property in issue.[44] These certifications carried the presumption of regularity in its issuance and respondents have the burden of overcoming this presumption[45], which they failed to do.

(b) As to whether a tenancy relationship exists, petitioner insists that respondents are not her tenants. On the other hand, the respondents, anchoring their rights upon P.D. No. 27, necessarily claim that there is a system of share-crop between them and the petitioner.

This Court has, time and again, held that occupancy and cultivation of an agricultural land will not ipso facto make one a de jure tenant.[46] Independent and concrete evidence is necessary to prove personal cultivation, sharing of harvest, or consent of the landowner.[47] Tenancy relationship cannot be presumed; the elements for its existence are explicit in law and cannot be done away by conjectures.[48] Thus, as petitioner denies such tenancy relationship and it is respondents who assert the same, the latter has the burden to prove their affirmative allegation of tenancy.[49] Again, the respondents failed to discharge such burden as there is nothing on record that will provide this Court factual basis to determine that indeed a crop-sharing agreement exists between the parties.

(c) Farmer-beneficiaries cannot be deemed full owners when there is no compliance with the procedure for the issuance of an EP under P.D. No. 27 and related rules.

Thus, neither do We subscribe to Sec. Garilao's reasoning and respondents' argument that since the reclassification of the property was made after the effectivity of P.D. No. 27, tenant-farmers enjoy a vested right and should be deemed as "full owners" of the property.

Indeed, under P.D. No. 27, tenant-farmers of rice and corn lands were deemed owners of the land they till as of October 21, 1972 or the effectivity of the said law.[50] This policy was intended to emancipate the tenant-farmers from the bondage of the soil.[51] However, the provision declaring tenant-farmers as owners as of October 21, 1972 should not be construed as automatically vesting upon them absolute ownership over the land they are tilling.[52]

Certain requirements must also be complied with before full ownership is vested upon the tenant-farmers.[53] Thus, in G.R. No. 198160, We laid down the steps to be undertaken before an EP can be issued to effectively transfer the land to the tenant-farmers, to wit: first, the identification of tenants, and the land covered by OLT; second, land survey and sketching of the actual cultivation of the tenant to determine parcel size, boundaries, and possible land use; third, the issuance of the CLT. To ensure accuracy and safeguard against falsification, these certificates are processed at the National Computer Center (NCC) at Camp Aguinaldo; fourth, valuation of the land covered for amortization computation; fifth, amortization payments of tenant-tillers over a fifteen (15) year period; and sixth, the issuance of the EP.[54]

Furthermore, there are several supporting documents which a tenant-farmer must submit before he can receive the EP such as: (a) Application for issuance of EP; (b) Applicant's (owner's) copy of the CLT; (c) Certification of the landowner and the Land Bank of the Philippines that the applicant has tendered full payment of the parcel of land as described in the application and as actually tilled by him; (d) Certification by the President of the Samahang Nayon or by the head of a farmers' cooperative duly confirmed by the municipal district officer (MDO) of the Ministry of Local Government and Community Development (MLGCD) that the applicant is a full-fledged member of a duly registered farmers' cooperative or a certification to these effect; (e) Copy of the technical (graphical) description of the land parcel applied for prepared by the Bureau of Land Sketching Team (BLST) and approved by the regional director of the Bureau of Lands; (f) Clearance from the MAR field team (MARFT) or the MAR District Office (MARDO) legal officer or trial attorney; or in their absence, a clearance by the MARFT leader to the effect that the land parcel applied for is not subject of adverse claim, duly confirmed by the legal officer or trial attorney of the MAR Regional Office or, in their absence, by the regional director; (g) Xerox copy of Official Receipts or certification by the municipal treasurer showing that the applicant has fully paid or has effected up-to-date payment of the realty taxes due on the land parcel applied for; and (h) Certification by the MARFT leader whether applicant has acquired farm machineries from the MAR and/or from other government agencies.[55]

As We have held in the case of *Association of Small Landowners in the Philippines, Inc. v. Sec. of Agrarian Reform*:[56]

It is true that P.D. No. 27 expressly ordered the emancipation of tenant-farmer as of October 21, 1972 and declared that he shall be deemed the owner of a portion of land consisting of a family-sized farm except that no title to the land owned by him was to be actually issued to him unless and until he had become a full-fledged member of a duly recognized farmers cooperative. It was understood, however, that full payment of the just compensation also had to be made first, conformably to the constitutional requirement.

When E.O. No. 228, categorically stated in its Section 1 that:

All qualified farmer-beneficiaries are now deemed full owners as of October 21, 1972 of the land they acquired by virtue of P.D. No. 27.

it was obviously referring to lands already validly acquired under the said decree, after proof of full-fledged

membership in the farmers cooperatives and full payment of just compensation. Hence, it was also perfectly proper for the Order to also provide in its Section 2 that the lease rentals paid to the landowner by the farmer-beneficiary after October 21, 1972 (pending transfer of ownership after full payment of just compensation), shall be considered as advance payment for the land.

The CARP Law, for its part, conditions the transfer of possession and ownership of the land to the government on receipt by the landowner of the corresponding payment or deposit by the DAR of the compensation in cash or LBP bonds with an accessible bank. Until then, title also remains with the landowner. No outright change of ownership is contemplated either.

Clearly, thus, prior to the compliance with the prescribed requirements, tenant-farmers have, at most, an inchoate right over the land they were tilling.[57]

In this case, the records are bereft of evidence to show that the procedure above-enumerated was complied with by the respondents to prove that the said provisional title was perfected, from the time that the entitlement to such right started pursuant to P.D. No. 27 or specifically on October 21, 1972 and before the claimed land was reclassified.

Foremost, there was no CLT issued prior to the issuance of the subject EPs.

In recognition of the said inchoate right, a CLT is issued to a tenant--farmer to serve as a provisional title of ownership over the landholding while the lot owner is awaiting full payment of just compensation or for as long as the tenant-farmer is an amortizing owner.[58] The CLT proves inchoate ownership of an agricultural land primarily devoted to rice or com production.[59]

In *Del Castillo v. Orciga*,[60] We explained that land transfer under P.D. No. 27 is effected in two stages: first, the issuance of a CLT; and second, the issuance of an EP. The first stage serves as the government's recognition of the tenant-farmer's inchoate right as "deemed owners" of the land they till. The second stage perfects the title of the tenant-farmers and vests in them absolute ownership upon full compliance with the prescribed requirements.[61] As a preliminary step then, the CLT immediately serves as the tangible evidence of the government's recognition of the the tenant-farmers' inchoate right and of the subjection of the land to the OLT program.[62]

To bolster the finding that the subject landholding was not covered by the OLT program, We echo the PARAD and DARAB pronouncement that the fact that no CLTs were previously issued to the respondents signifies the non-inclusion of the subject lands under the coverage of the OLT.[63] Indeed, there is nothing in the records that will show that CLTs were issued in favor of the respondents before the issuance of the subject EPs considering that, to reiterate, the issuance of a CLT is a proof that the property was previously covered by the OLT program and proof of the government's recognition of the farmer-beneficiary's inchoate right over the same.

In G.R. No. 198160, this Court found that Elias Policarpio's TCTs, along with therein respondent Gregoria Adolfo's TCTs, were not derived from a CLT. In this case, the CA cited a Certification[64] from the DAR dated April 27, 2009 to conclude that CLTs were issued to the respondents. A perusal of the said Certification, however, shows that only one of the lands being claimed by Florencio Adolfo was issued a CLT (CLT No. 0-056491). The other person stated therein who was purportedly issued a CLT was Gregorio Lazaro, who is not a party in this case. Hence, We are perplexed on why the CA sweepingly concluded that CLTs were issued to the respondents and applied the same to this case.

At any rate, assuming that such Certification is valid, it could readily be seen that CLT No. 0-056491 was only issued on September 11, 1981 or nine years after the lot had supposedly been brought under the OLT program.

The fact that as of October 1973 a determination had already been made by the DAR Regional Director that the subject property was not covered by the OLT program is also telling. Thus, We agree with the findings of the PARAD and DARAB that no CLTs were issued in this case, in violation of the procedure for the issuance of an EP above-enumerated.

Likewise, there is no showing that petitioner was notified of the placement of her landholdings under the OLT program and, more importantly, there was no proof that petitioner was paid just compensation therefor.

Land acquisition by virtue of P.D. No. 27 and Republic Act (R.A.) No. 6657[65] partakes of the nature of expropriation. In fact, jurisprudence states that it is an extraordinary method of expropriating private property.[66] As such, the law on the matter must be strictly construed. Faithful compliance with legal provisions, especially those which relate to procedure for acquisition of expropriated lands should therefore be observed. In expropriation proceedings, as in judicial proceedings, notice is part of the constitutional right to due process of law. It informs the landowner of the State's intention to acquire private land upon payment of just compensation and gives him the opportunity to present evidence that his landholding is not covered or is otherwise excused from the agrarian law.[67]

In this case, the respondents and the DAR failed to adduce evidence to prove actual notice to the petitioner and payment of just compensation for the taking of the latter's property.

Indeed as We have settled in G.R. No. 198160,[68] there is nothing on record that will show that the landholding was brought under the OLT program, CLTs were issued prior to the issuance of the subject EPs, respondents are full-fledged members of a duly recognized farmer's cooperative, they finished payment of amortizations, and that petitioner, as the landowner, was notified and paid just compensation for the taking of her lands before the issuance of the subject EPs.

In this issue of compliance with the procedure, it must be remembered that the burden of proof lies with the party who asserts a right and the quantum of evidence required by law in civil cases is preponderance of evidence.[69] Preponderance of evidence is the weight, credit, and value of the aggregate evidence on either side and is usually considered to be synonymous with the term "greater weight of evidence" or "greater weight of credible evidence".[70] Moreover, parties must rely on the strength of their own evidence, not upon the weakness of that of their opponent's.[71] Significantly, as We have observed by in G.R. No. 198160, this Court is in the dark as to what actually transpired prior to the issuance of the subject EPs, which only raises more questions than answers.

To Our mind, it would have been easy for the respondents to prove their claims had they presented the documents above-enumerated. Thus, this Court is baffled by the fact that the respondents did not adduce such evidence before the PARAD and/or the DARAB, instead, they resorted to defenses such as an attack to the complaint for suffering from procedural defect and prescription of the action. Also, respondents merely relied on the provision in P.D. No. 27 declaring that farmer-beneficiaries are deemed owners of the land that they are tilling as of October 21, 1972, which, as amply discussed above, is not sufficient to vest absolute ownership to farmer-beneficiaries. Notably, respondent presented documents such as certifications to prove payment of the value of land allotted to Florencio Adolfo, TCTs reflecting CLT numbers, among others, for the first time on appeal before the CA and also before this Court as attached to their Comment to the Petition. However, these documents are merely photocopies and were not presented before the PARAD and DARAB, hence, cannot be given evidentiary value by this Court.

The issue on the validity of EPs is not barred by prescription.

Respondents argue that the EPs and subsequent TCTs issued to them, registered with the Register of Deeds, have

already become indefeasible upon the expiration of one year from the date of the issuance thereof and can no longer be cancelled. Respondents point out that their EPs were issued in 1988 and the instant case was filed only in 2003 or 15 years after such issuance.

This Court has already ruled that the mere issuance of EPs and TCTs does not put the ownership of the agrarian reform beneficiary beyond attack and scrutiny.[72] EPs issued to agrarian reform beneficiaries may be corrected and cancelled for violations of agrarian laws, rules, and regulations.[73]

Besides, registration is nothing more than a mere species of notice of an acquired vested right of ownership of a landholding. Registration of a piece of land under the Torrens System does not create or vest title, because it is not a mode of acquiring ownership.[74] A certificate of title is merely an evidence of ownership or title over the particular property described therein. It cannot protect a usurper from the true owner. Thus, the jurisdiction of the PARAD/DARAB cannot be deemed to disappear the moment a certificate of title is issued as such certificates are not modes of transfer of property but merely evidence of such transfer, and there can be no valid transfer of title should the EPs, on which such TCTs are grounded, be void.[75]

At any rate, contrary to the respondents' contention, records reveal that as early as January 1990, or less than three and two months after Florencio Adolfo and Elias Policarpio registered their titles with the Register of Deeds, respectively, petitioner had already pursued actions to protect her right over the subject landholding.[76]

WHEREFORE, premises considered, the instant petition is GRANTED. Accordingly, the assailed Court of Appeals Decision dated November 23, 2009 and Resolution dated March 15, 2010 in CA-G.R. SP No. 108518 are hereby REVERSED and SET ASIDE. The Decision dated July 29, 2008 and Resolution dated March 11, 2009 of the Department of Agrarian Reform Adjudication Board in DARAB Case No. 13552, ordering the cancellation of Transfer Certificate of Title Nos. EP-003 and EP-004 in the name of Florencio Adolfo, and EP-010 and EP-009 in the name of Elias Policarpio, are REINSTATED.

SO ORDERED.

Velasco, Jr., (Chairperson), Bersamin, Jardeleza, and Reyes, Jr., JJ., concur.

September 26, 2017

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on August 2, 2017 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on September 26, 2017 at 1:45 p.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[1] Rollo, pp. 9-34 with Annexes.

[2] Penned by Court of Appeals Associate Justice .Jose C. Mendoza (now Supreme Court Associate Justice) with Justices Myrna Dimaranan-Vidal and Ramon R. Garcia concurring, id. at 35-50.

[3] Penned by Court of Appeals Associate Justice Ramon R. Garcia with Justices Rosalinda Asuncion-Vicente and Franchito N. Diamante concurring, id. at 51-55.

[4] Id. at 11.

[5] Presidential Decree No. 27, "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" (1972).

[6] Victoria P. Cabral v. Gregoria Adolfo, Gregorio Lazaro, and Heirs of Elias Policarpio, G.R. No. 198160, August 31, 2016.

[7] Rollo, p. 58.

[8] Id.

[9] Id. at 167.

[10] Rollo, pp.12-13.

[11] Id. at 13; Victoria P. Cabral v. Court of Appeals, Hon. Eligio Pacis, Regional Director, Region III, DAR, Florencio Adolfo, Gregorio Lazaro, Gregoria Adolfo, and Elias Policarpio, 413 Phil. 469 (2001).

[12] Id.

[13] Id.

[14] Id. at 199-201.

[15] Id.

[16] Id. at 202-205.

[17] Guidelines for the Issuance of Exemption Clearances based on Sec. 3 (c) of RA 6657 and the Department of Justice (DOJ) Opinion No. 44, Series of 1990 (1994).

[18] Declaring Full Land Ownership to Qualified Farmer Beneficiaries Covered by Presidential Decree No. 27: Determining the Value of Remaining Unvalued Rice and Com Lands Subject to P.O. No. 27; and Providing for the Manner of Payment by the Farmer Beneficiary and Mode of Compensation to the Landowner (1987).

[19] Rollo, pp. 202-205.

[20] Id. at 68-80.

[21] Id. at 56.

[22] Id. at 57.

[23] Id. at 75-77.

[24] Id. at 103-109.

[25] Id. at 109.

[26] Id. at 110-119.

[27] Id. at 119.

[28] Id. at 32.

[29] Id. at 120-121.

[30] G.R. No. 198160, August 31, 2016.

[31] Id.

[32] Rules Governing the Correction and Cancellation of Registered/Unregistered Emancipation Patents (EPs), Certificates of Land Ownership Awards (CLOAS) Due to Unlawful Acts and Omissions or Breach of Obligations of Agrarian Reform Beneficiaries (ARBs) and for Other Causes (1994).

[33] Pedro Mago (deceased), represented by his spouses Soledad Mago, Augusto Mago (deceased), represented by his spouse Natividad Mago, and Ernesto Mago, represented by Levi Mago v. Juana Z. Barbin, 618 Phil. 384 (2009).

[34] Rollo, p. 58.

[35] Id. at 9-34.

[36] Id. at 202-205.

[37] Comment, rollo pp. 166-180.

[38] Supra note 30 citing Jose v. Novida, G.R. No. 177374, July 2, 2014, 728 SCRA 552, 576, citing Sugar Regulatory Administration v. Tarman, et al., 700 Phil. 165, 178 (2012).

[39] Rollo, pp. 47-48.

[40] Eudisia Daez and/or her Heirs, represented by Adriano D. Daez v. Court of Appeals, Macario Sorientes, Apolonio Mediana, Rogelio Macatulad, and Manuel Umali, 382 Phil. 742 (2000).

[41] Rollo, p. 58.

[42] Id.

[43] Id at 56-57.

[44] Heirs of Luis A. Luna and Remigio A. Luna, and Luz Luna-Santos, as represented by their Attorney-In-Fact, Aurea B. Lubis v. Ruben S. Afable, Tomas M. Afable, Florante A. Evangelista, Leavy S. Evangelista, Jaime M. Ilagan et al., 702 Phil. 146 (2013).

[45] Id.

[46] Estate of Pastor M. Samson, represented by his heir Rolando B. Samson v. Mercedes R. Susana and Norberta R. Susano, 664 Phil. 590 (2011).

[47] Id. citing Landicho v. Sia, G.R. No. 169472, January 20, 2009, 576 SCRA 602, 619.

[48] Id.

[49] Id.

[50] Heirs of Dr. Jose Deleste v. Land Bank of the Philippines et al., G.R. No. 169913, 666 Phil. 350 (2011).

[51] Id.

[52] Id.

[53] Id.

[54] Supra note 50 citing Renato Reyes v. Leopolda Barrios, 653 Phil. 213 (2010) citing The Primer on Agrarian Reform Produced by the Agrarian Reform Communication Unit, National Media Production Center for the Ministry of Agrarian Reform (1979) and prepared in consultation with the Bureau of Land Tenure Improvement, Bureau of Agrarian Legal Assistance, Bureau of Resettlement, Center for Operation Land Transfer and the Public Information Division of the Ministry of Agrarian Reform and the Land Bank of the Philippines.

[55] Id.

[56] G.R. No. 78742, July 14, 1989, 175 SCRA 343, 390-391.

[57] Heirs of Dr. Jose Deleste v. Land Bank of the Philippines et al., supra note 50.

[58] Id.

[59] Id.

[60] 532 Phil. 204 (2006).

[61] Id.

[62] Victoria P. Cabral v. Gregoria Adolfo, Gregorio Lazaro, and Heirs of Elias Policarpio, supra note 30.

[63] Rollo, pp. 103-119.

[64] Id. at 161.

[65] Comprehensive Agrarian Reform Law. Approved on June 10, 1988.

[66] Heirs of Dr. Jose Deleste v. Land Bank of the Philippines et al., supra note 50 citing Heirs of Jugalbot v. CA, G.R. No. 170346, March 12, 2007, 518 SCRA 202, 210-213.

[67] Id. citing Sta. Monica Industrial & Devt. Corp. v. DAR, G.R. No. 164846, June 18, 2008, 555 SCRA 97, 104.

[68] Victoria P. Cabral v. Gregoria Adolfo, Gregorio Lazaro, and Heirs of Elias Policarpio, supra note 30.

[69] Philippine National Bank v. Gayam. Pas Imio, 769 Phil. 70 (2015).

[70] Id.; Section 1, Rule 133, Rules of Court:

Section 1. Preponderance of evidence, how determined. - In civil cases, the party having the burden of proof must establish his case by a preponderance of evidence. In determining where the preponderance of evidence or superior weight of evidence on the issues involved lies, the court may consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial. The court may also consider the number of witnesses, though the preponderance is not necessarily with the greater number.

[71] Spouses Nilo Ramos and Eliadora Ramos v. Raul Obispo and Far East Bank and Trust Company, 705 Phil. 221 (2013).

[72] Pedro Mago (deceased), represented by his spouses Soledad Mago, Augusto Mago (deceased), represented by his spouse Natividad Mago, and Ernesto Mago, represented by Levi Mago v. Juana Z. Barbin, supra note 33.

[73] Id.

[74] Mariflor T. Hortizuela, represented by Javier Tagufa v. Gregoria Tagufa, Roberto Tagufa and Rogelio Lumaban, 754 Phil. 499 (2015).

[75] Victoria P. Cabral v. Gregoria Adolfo, Gregorio Lazaro, and Heirs of Elias Policarpio, supra note 30 citing Gabriel, et al. v. Jamias, et al., 587 Phil. 216, 231 (2008).

[76] Victoria P. Cabral v. Court of Appeals, Hon. Eligio Pacis, Regional Director, Region III, DAR, Florencio Adolfo, Gregorio Lazaro, Gregoria Adolfo, and Elias Policarpio, supra note 11.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.