

VIVENCIO DALIT, PETITIONER, V. SPOUSES ROLANDO E. BALAGTAS, SR. AND CARMELITA G. BALAGTAS, ROLANDO G. BALAGTAS, JR., CLARINA G. BALAGTAS, CARLOTA G. BALAGTAS, CARMELA G. BALAGTA...

G.R. No. 202799. March 27, 2019

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-202799/>

CAGUIOA, J:

The Case

This is a Petition for Review on Certiorari[1] (Petition) filed under Rule 45 of the Rules of Court against the Decision[2] dated October 26, 2011 (assailed Decision) and Resolution[3] dated June 27, 2012 (assailed Resolution) in CA-G.R. SP No. 104836 rendered by the Court of Appeals (CA), Special Thirteenth Division and Former Special Thirteenth Division, respectively.

The assailed Decision and Resolution stem from a petition for review questioning the Decision[4] dated June 14, 2007 and Resolution[5] dated April 10, 2008 issued by the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 14872 (Reg. Case No. 08505'SNE'05) which, in turn, reversed the June 7, 2006 Decision[6] of the Provincial Agrarian Reform Adjudicator (PARAD) of South Nueva Ecija, Cabanatuan City.

The assailed Decision and Resolution declare that Vivencio Dalit (Dalit) is not a de jure tenant of the land in dispute — a 123,744-square meter lot in Bantug, Kalikid[7] Sur, Cabanatuan City, previously covered by Transfer Certificate of Title (TCT) No. T-82410[8] (Disputed Lot) issued in the names of Spouses Rolando E. Balagtas, Sr. (Rolando, Sr.) and Carmelita G. Balagtas, together with their children Rolando G. Balagtas, Jr., Clarina G. Balagtas, Carlota G. Balagtas and Carmela G. Balagtas (collectively, the Balagtas family).[9]

The Facts

On May 31, 2005, Dalit filed before the Office of the PARAD a petition for maintenance of possession, with prayer for issuance of status quo order and/or injunction[10] (PARAD petition) against the Balagtas family and respondents Sofronio Sariente and Metropolitan Bank and Trust Company, Inc. (Metrobank).

Therein, Dalit averred that sometime in 1997, Rolando, Sr., with the consent of the rest of the Balagtas family, instituted him as tenant farmer of the Disputed Lot, and that he had been tilling it since then. Dalit further alleged that he had been remitting a portion of the proceeds of the harvest to Balagtas, Sr. as part of the tenurial arrangement.[11]

To support his allegations, Dalit cited the Pagpapatunay[12] issued by the Barangay Captain and President of the Samahang Nayon of Barangay Kalikid Sur, and the Sinumpaang Salaysay[13] executed by the farmers[14] of the adjoining lots, confirming the existence of the tenurial arrangement.

Dalit alleged that the Balagtas family later mortgaged the Disputed Lot in favor of Metrobank without his consent, in order to secure an P8,000,000.00 loan.[15] The Balagtas family defaulted, leading to the foreclosure of the

mortgage constituted over the Disputed Lot and the consolidation of title in Metrobank's name.[16] Subsequently, the Balagtas family directed Dalit to vacate the Disputed Lot.[17]

In his Answer Ad Cautelam,[18] Rolando, Sr. denied that Dalit had been instituted as tenant farmer of the Disputed Lot, and claimed that he was merely employed as bulldozer and street roller operator during the construction of a memorial park constituted thereon.[19] Further, Rolando, Sr. assailed the PARAD's jurisdiction, claiming that the Disputed Lot had already been classified as residential property, as stated in Tax Declaration No. 02927[20] issued in favor of the Balagtas family.[21]

For its part, Metrobank insisted on its right to take possession of the Disputed Lot as the new registered owner, and echoed Rolando, Sr.'s position anent PARAD's lack of jurisdiction.[22]

In his Reply, Dalit assailed the veracity of Tax Declaration No. 02927 by presenting a Certification[23] dated May 31, 2005 issued by Lourdes DL. Calamanan, Records Officer III of the Office of the City Assessor of Cabanatuan City (OCA-Cabanatuan). The Certification states that Tax Declaration No. 02927 does not appear in the records of the OCA-Cabanatuan, and is "null and void" for having been issued under a forged signature.[24] To bolster his claim, Dalit presented a certified true copy of the actual tax declaration covering the Disputed Lot which indicates that it is still classified as rice land.[25]

On June 7, 2006 the PARAD, through Regional Agrarian Reform Adjudicator Walter R. Carantes, issued a Decision declaring Dalit as lawful tenant of the Disputed Lot, thus:

WHEREFORE, premises considered, judgment is hereby rendered maintaining [Dalit] in his peaceful possession and cultivation of the premises and declaring further his status as a tenant thereon.

SO ORDERED.[26]

Notably, only Metrobank filed an appeal with the DARAB Central Office.[27] The appeal was granted by the latter in its Decision dated June 14, 2007 reversing the findings of the PARAD, thus:

WHEREFORE, premises considered, the assailed decision is hereby REVERSED and SET ASIDE and [a] new judgment is rendered declaring [Dalit] not a de jure tenant of the [Disputed Lot] and ordering his ejectment thereon (sic).

SO ORDERED.[28] (Additional emphasis supplied)

Dalit filed a motion for reconsideration,[29] which was denied by the DARAB Central Office in its Resolution dated April 10, 2008.[30]

CA Proceedings

Aggrieved, Dalit filed a petition for review before the CA (CA Petition) via Rule 43.[31]

Dalit argued that Metrobank's appeal was defective since it was not supported by a board resolution showing that its counsel was duly authorized to file the appeal on its behalf. While Metrobank later attempted to correct this error by presenting the necessary board resolution after Dalit had filed his Motion for Dismissal of the Appeal, he argues that such belated attempt was inconsequential as it was done after the lapse of Metrobank's period to appeal. Proceeding therefrom, Dalit asserted that the PARAD decision had become final and executory, and that the DARAB Central Office erred in entertaining Metrobank's defective appeal.[32]

Dalit further maintained that the Balagtas family should be deemed to have admitted his status as tenant, as they failed to deny that they received a portion of the harvest proceeds from him.[33]

On October 26, 2011, the CA issued the assailed Decision, the dispositive portion of which reads:

IN VIEW OF THE FOREGOING, the [CA] Petition is DENIED and the assailed Decision and Resolution [are] AFFIRMED.

SO ORDERED.[34]

On the procedural aspect, the CA found that the relaxation of DARAB's rules of procedure was proper considering that Metrobank had been able to rectify its error by submitting a Special Power of Attorney executed by its Assistant Vice-President Rufo C. Venus, Jr. specifically authorizing its counsel Atty. Edgardo G. Villarin to file, among others, pleadings, motions, petitions, documents and deeds necessary to protect the interest of Metrobank in the instant case.[35]

On the substantive aspect, the CA held that Dalit failed to adduce substantial evidence to show the establishment of a tenancy relationship. The CA noted that Dalit worked on the Disputed Lot as a hired laborer of the Balagtas family, tasked to operate the latter's bulldozer and street roller. In this connection, the CA held that the Pagpapatunay and Sinumpaang Salaysay presented by Dalit do not suffice to establish a tenancy relationship, for while these documents confirm that Dalit worked on the Disputed Lot, they do not prove that such work was in the nature of personal cultivation, or that the Balagtas family agreed to merely share in the harvest arising therefrom.[36] On this score, the CA held that working on another's landholding, without more, "does not raise a presumption of the existence of agricultural tenancy".[37]

Dalit filed a motion for reconsideration, which the CA denied in the assailed Resolution[38] dated June 27, 2012.

Based on the records, Dalit received the assailed Resolution on July 11, 2012.[39]

On July 26, 2012, Dalit filed a motion for extension[40] seeking an additional period of thirty (30) days from July 26, 2012, or until August 24, 2012 to file his Petition. This motion was granted by the Court.[41]

Finally, Dalit filed the present Petition on the last day of the extension prayed for, impleading the Balagtas family and Metrobank as parties.

In addition to the issues he raised before the CA, Dalit now alleges that the CA erred when it effectively granted the Balagtas family relief through the assailed Decision and Resolution, considering that they did not file an appeal to question the PARAD's Decision.

In any case, Dalit further claims that supervening events have rendered moot respondents' claim over the Disputed Lot, particularly:

- The issuance of a Notice of Coverage (NOC) dated March 31, 2008 placing the Disputed Lot within the coverage of the Comprehensive Agrarian Reform Program (CARP);[42]
- The cancellation of Metrobank's TCT No. T-96104[43] and subsequent issuance of TCT No. 141677[44] in the name of the Republic of the Philippines (Republic) in its stead on September 19, 2011;[45]
- The division and subsequent distribution of the Disputed Lot through the issuance of Certificates of Land Ownership Award (CLOAs) on October 20, 2011 in favor of several agrarian reform beneficiaries (ARBs) chosen by the Department of Agrarian Reform (DAR), one of whom is Dalit;[46] and
- The finality of the Order[47] of the DAR Regional Office dated August 8, 2012 denying the Balagtas family's Petition for the Lifting of the Coverage of the Land Under the Agrarian Reform Program, as evidenced by the Certificate of Finality[48] dated December 6, 2012, issued by the DAR Regional Director.

In this regard, Dalit insists that a re-evaluation of the assailed Decision and Resolution is in order.[49]

Metrobank filed its Comment[50] on November 14, 2012, to which Dalit filed his Reply.[51]

On March 13, 2013, the Balagtas family filed a Manifestation of Compliance,[52] stating that they adopt the Comment and other pleadings submitted by Metrobank in the present case.

On June 3, 2013, the Court directed the parties to file their respective memoranda.[53]

On August 8, 2013, the Balagtas family filed a Second Manifestation[54] stating its intention to adopt all pleadings to be filed by Metrobank.

Subsequently, Metrobank and Dalit filed their memoranda on August 28, 2013[55] and February 13, 2015,[56] respectively.

The Issues

The Petition calls on the Court to resolve the following issues:

- Whether the CA erred when it held that Dalit failed to establish his status as a de jure tenant of the Disputed Lot; and
- Whether the supervening events cited by Dalit render respondents' claim to the Disputed Lot moot.

The Court's Ruling

The Petition is meritorious.

Dalit's right of possession arises from CLOA No. T-2165[57].

The Comprehensive Agrarian Reform Law of 1988[58] (CARL) was enacted to facilitate "a more equitable distribution and ownership of land, with due regard to the rights of landowners to just compensation and to the ecological needs of the nation." [59]

In essence, the CARL implements the CARP of the Republic. While the CARL initially set a 10-year implementation period for the CARP following the statute's effectivity,[60] said period was later extended through the enactment of Republic Act No. 9700[61] which granted the DAR an additional period ending June 30, 2014 to complete the acquisition and distribution of all agricultural lands under the CARP.[62]

The CARP covers not only alienable and disposable lands of the public domain, but also those lands owned by the government in its private capacity and lands owned by private individuals, provided they are devoted to or suitable for agriculture.[63]

The fact that the Disputed Lot is agricultural in nature is clearly established by the evidence on record. To recall, Tax Declaration No. 02927, presented by the Balagtas family to show that the Disputed Lot had already been re-classified for residential use, was shown to have been forged through OCA-Cabanatuan's Certification dated May 31, 2005, which states:

This is to certify that [the] Tax Declaration issued in the name of ROLANDO L. BALAGTAS married to CARMELITA G. BALAGTAS, Rolando G. Balagtas, Jr., single and Clarina Balagtas of Kalikid [S]ur, Cabanatuan City dated November 15, 1996 with ARP no. 02927 should be considered NULL and VOID, because of its nature as being made under bad faith.

Our good office does not have any record as what (sic) is stated in the fake Tax Declaration with the forge (sic) signature of the Officer's name in the document.[64]

Notably, neither the Balagtas family nor Metrobank presented documentary evidence to refute the veracity of OCA-Cabanatuan's Certification. As correctly observed by DAR Regional Director Teofilo Q. Inocencio:

To revisit the provision of [CARL], thus, "the [CARL] shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands x x x. More specifically[,] the following lands are covered by the [CARP] x x x all private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon."

Applying the foregoing dictum of the law in the instant case, while the protestants argued that the land is for [a] memorial project and x x x is residential in nature, no evidence was ever adduced to support such contention.

On the contrary, the findings of the MARO that the property is indeed agriculturally productive, not to mention that there are occupants/farmers found thereon, remained uncontroverted. As between the undisputed findings of the field office concerned and the bare allegations of the [Balagtas family], the former prevails. This is because the field offices concerned being the implementors of agrarian laws and thus possessed (sic) the necessary expertise in such field of endeavor, ergo, their findings should be accorded respect absent x x x any showing of fraud committed in the performance thereof.[65] (Emphasis supplied)

The Court has accorded great weight and respect to the factual findings of administrative bodies[66] in the absence of any showing of fraud, collusion, arbitrariness, illegality, imposition or mistake on the part of administrative officials, or a total lack of substantial evidence to support the same.[67] This principle finds emphatic application in this case, since the DAR's findings as to the classification of the Disputed Lot were no longer questioned by respondents, and thus, became final.

Under Executive Order No. 229,[68] DAR shall exercise "quasi-judicial powers to determine and adjudicate agrarian reform matters, and shall have exclusive original jurisdiction over all matters involving implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the [Department of Environment and Natural Resources (DENR)] and the Department of Agriculture (DA)."[69] In such cases, "[a]ll doubts should be resolved in favor of the DAR, since the law has granted it special and original authority to hear and adjudicate agrarian matters." [70]

One of the modes by which DAR implements the distribution of agricultural lands under the CARP is through the issuance of a CLOA. A CLOA is a document evidencing ownership of the land granted or awarded to the qualified ARB, and contains the restrictions and conditions of such grant.[71] The issuance of CLOA No. T-2165 in Dalit's favor thus confirms his right to retain possession over the portion of the Disputed Lot identified thereunder, such possession being an attribute of ownership granted in his favor.

However, considering that Dalit is only one of several ARBs of the Disputed Lot, the Court deems it necessary to clarify that this Decision should not be interpreted to grant Dalit authority to encroach upon any portion of the Disputed Lot beyond the 30,000-square meter portion granted in his favor, consistent with the boundaries set forth in CLOA No. T-2165.[72]

The Decision and Writ of Execution issued in Civil Case No. 3361-AF cannot defeat Dalit's rights arising from CLOA No. T-2165.

A perusal of the records shows that in addition to the present case, the Balagtas family also filed before the Regional Trial Court of Cabanatuan City (RTC) a Complaint for Specific Performance with TRO, Writ of Preliminary Injunction and/or Damages against Metrobank on November 20, 1998, docketed as Civil Case No. 3361-AF[73]. As correctly observed by Justice Perlas-Bernabe, this complaint led to the issuance of a Decision[74] dated October 24, 2001 directing the reinstatement of the Balagtas family's TCT, thus:

WHEREFORE, judgment is hereby rendered ORDERING:

x x x x

2. The NULLITY of the AUCTION SALE of the [Disputed Lot], including the Certificate of Sale and other documents arising therefrom, including TCT No. T-96104, and the Register of Deeds of Cabanatuan City is ordered to cancel [Metrobank's] TCT No. T-96104 and to restore [the Balagtas family's] TCT No. T-82410; x x x[75] (Emphasis supplied)

The foregoing Decision appears to have then been made subject of a Writ of Execution issued by the RTC years later, or on April 26, 2012, upon motion of the Balagtas family.[76] Said motion thus appears to be an attempt on the part of the Balagtas family to surreptitiously reinstate TCT No. T-82410 and defeat Dalit's right of possession. However, this attempt fails.

It bears to stress that the Decision subject of the Writ of Execution had been issued prior to: (i) the issuance of the NOC placing the Disputed Lot under the coverage of the CARP; and (ii) the consequent issuance of CLOAs covering the same. In other words, these events, having come after the Decision, had the effect of superseding the orders and directives made by the RTC in its Decision.[77]

In this regard, it cannot be gainsaid that the State recognizes the indefeasibility of CLOAs issued in accordance with applicable law.[78] Under DAR Administrative Order No. 07-14,[79] the cancellation of erroneously issued CLOAs may be allowed only in the manner and under the conditions prescribed thereunder. Until duly cancelled in accordance with the prescribed procedure, CLOAs issued by the DAR shall remain valid and subsisting and enjoy the same respect accorded to those issued through other modes of acquisition of title.

To recall, the Balagtas family's Petition for the Lifting of the Coverage of the Land Under the Agrarian Reform Program had already been denied with finality, as evidenced by the Certificate of Finality issued by the DAR Regional Director on December 6, 2012. Hence, the issuance of the Writ of Execution directing the enforcement of the RTC's superseded Decision cannot defeat CLOA No. T-2165 which, as explained, is already valid and subsisting by virtue of the denial with finality of the Balagtas family's petition.

In view of the foregoing, the Court deems it unnecessary to discuss the other issues raised in the Petition.

WHEREFORE, the Petition is GRANTED. The Decision and Resolution respectively dated October 26, 2011 and June 27, 2012 rendered by the Court of Appeals, Special Thirteenth Division and Former Special Thirteenth Division, respectively in CA-G.R. SP No. 104836 are REVERSED and SET ASIDE, in view of the issuance of Transfer Certificate of Title No. T-2165 (CLOA No. 00924230) in favor of petitioner Vivencio Dalit.

SO ORDERED.

Carpio, (Chairperson), J. Reyes, Jr., and Lazaro-Javier, JJ., concur.
Perlas-Bernabe, J., please see concurring opinion.

[*] Also spelled as Sariante in some parts of the records.

[1] Rollo, pp. 38 to 63-A, excluding Annexes.

[2] Id. at 97-111. Penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Fernanda Lampas Peralta and Edwin D. Sorongon concurring.

[3] Id. at 112-113.

- [4] Id. at 73-78.
- [5] Id. at 84-85.
- [6] Id. at 64-66. Penned by Adjudicator/Agrarian Judge Walter R. Carantes.
- [7] Also spelled as "Calikid" in some parts of the records.
- [8] Rollo, pp. 119-120.
- [9] Id. at 98.
- [10] Id. at 114-118.
- [11] Id. at 98, 115.
- [12] Id. at 121.
- [13] Id. at 122-124.
- [14] Namely Aquino Punzal, Jr., Cesar Borja and Patricio Torres; see rollo, pp. 98-99, 115 and 122-124.
- [15] See rollo, pp. 99, 151.
- [16] Id. at 99, 116.
- [17] Id. at 99.
- [18] Id. at 130-134.
- [19] Id. at 99, 131-132.
- [20] Id. at 128.
- [21] Id. at 99, 132.
- [22] Id. at 100; see Answer, id. at 136 to 138-A.
- [23] Id. at 129.
- [24] Id. at 100, 129.
- [25] Id. at 100, 126-127.
- [26] Id. at 68.
- [27] Id. at 101.
- [28] Id. at 78.
- [29] Id. at 79-83.
- [30] Id. at 84-85, 101.
- [31] Id. at 101.
- [32] Id. at 102-103.
- [33] See id. at 105.
- [34] Id. at 110.

[35] Id. at 103-104.

[36] Id at 106-108.

[37] Id. at 107.

[38] Id. at 112-113.

[39] Id. at 41, 252.

[40] Id. at 3-6.

[41] Through the Court's Resolution dated September 12, 2012, id. at 183-184.

[42] See rollo, p. 587.

[43] Id. at 139.

[44] Id. at 154-157.

[45] Id. at 587, 605.

[46] See id. at 158-181, 587 and 605.

[47] Id. at 587-593. Issued by DAR Regional Director Teofilo Q. Inocencio.

[48] Id. at 594.

[49] See id. at 38-39.

[50] Id. at 202-218.

[51] Id. at 254-258.

[52] Id. at 320-322.

[53] Id. at 393-396.

[54] Id. at 426-428.

[55] Id. at 430-450.

[56] Id. at 517-533. Following the filing of an Explanation, Manifestation of Apology and Compliance to the Resolution of the Honorable Court dated February 12, 2015 setting forth the reasons for counsel's failure to file memorandum within the period set by the Court, see rollo, pp. 504-505.

[57] TCT No. T-2165 (CLOA No. 00924230), rollo, pp. 178-181.

[58] Republic Act No. (RA) 6657, AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES, June 10, 1988.

[59] Id., Sec. 2.

[60] Id., Sec. 7.

[61] 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, August 7, 2009.

[62] *Id.*, Sec. 5, amending RA 6657, Sec. 7.

[63] RA 6657, Sec. 4. See also *Heirs of Augusto Salas, Jr. v. Cabungcal*, G.R. No. 191545, March 29, 2017, 822 SCRA 1, 29-31 [Second Division, Per J. Leonen].

[64] *Rollo*, p. 129.

[65] *Id.* at 591.

[66] See *Family Planning Organization of the Philippines, Inc. v. National Labor Relations Commission*, G.R. No. 75907, March 23, 1992, 207 SCRA 415, 420-421 [First Division, Per J. Medialdea].

[67] See *Lacuesta v. Melencio-Herrera*, 159 Phil. 133, 134 and 141-142 (1975) [First Division, J. Teehankee].

[68] PROVIDING THE MECHANISMS FOR THE IMPLEMENTATION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM, JULY 22, 1987.

[69] EO 229, Sec. 17; *Department of Agrarian Reform v. Cuenca*, 482 Phil. 208, 220 (2004) [Third Division, Per J. Panganiban].

[70] *Department of Agrarian Reform v. Cuenca*, *id.* at 211.

[71] *Lebrudo v. Loyola*, 660 Phil. 456, 462 (2011) [Second Division, Per J. Carpio]. See also RA 6657, Sec. 24. On the terms of payment and conditions on transferability of awarded lands, see RA 6657, Secs. 26 and 27.

[72] *Rollo*, pp. 178-181.

[73] Also stated as Civil Case No. 3361 in some parts of the records.

[74] *Id.* at 540-550. Penned by Judge Ubaldino A. Lacurom.

[75] *Id.* at 550.

[76] See Resolution dated April 26, 2012, penned by Presiding Judge Felizardo S. Montero, Jr., *id.* at 383- 387; see also Manifestations and Motion for the Quashal/Lifting of the Writ of Execution Due to Supervening Events and Rulings Thereon of the Honorable Supreme Court, *id.* at 604-615.

[77] On the effect of supervening events, see generally *Roman Catholic Archbishop of Caceres v. Heirs of Manuel Abella*, 512 Phil. 408 (2005) [Second Division, Per J. Austria Martinez] and *Marquez v. Espejo*, 643 Phil. 341 (2010) [First Division, Per J. Del Castillo].

[78] DAR Administrative Order No. 03-09, RULES AND PROCEDURES GOVERNING THE CANCELLATION OF REGISTERED CERTIFICATES OF LAND OWNERSHIP AWARDS (CLOAS), EMANCIPATION PATENTS (EPS), AND OTHER TITLES ISSUED UNDER ANY AGRARIAN REFORM PROGRAM, October 15, 2009, Sec. 2(a).

[79] 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, September 15, 2014.

CONCURRING OPINION

PERLAS-BERNABE, J.:

This case stemmed from an amended petition[1] for maintenance of possession with prayers for issuance of status quo order/injunction dated May 27, 2005 filed before the Office of the Provincial Agrarian Reform Adjudicator of South Nueva Ecija (PARAD) by petitioner Vivencio Dalit (Dalit) against respondents spouses Rolando E. Balagtas, Sr. (Rolando, Sr.) and Carmelita G. Balagtas (Sps. Balagtas), Rolando G. Balagtas, Jr., Clarina G. Balagtas, Carlota G. Balagtas, Carmela G. Balagtas (collectively, Balagtas family), Sofronio Sariente (Sariate), and Metropolitan Bank and Trust Company (MBTC).

Dalit claimed that: (a) he was previously an employee of Rolando, Sr. as operator of bulldozer and street roller; (b) sometime in 1997, the Balagtas family instituted him as tenant-farmer over a 123,744-square meter (sq. m.) parcel of land located in Bantug Kalikid Sur, Cabanatuan City (subject lot), covered by Transfer Certificate of Title (TCT) No. T-82410[2] in their names; (c) he had been tilling the land since then, and had been remitting a portion of the proceeds of the harvest to Rolando, Sr. and his agent/representative, Sariente; (d) the Balagtas family mortgaged the subject lot to MBTC but defaulted, leading to the foreclosure of the mortgage and eventual consolidation of title in the name of MBTC, which was issued TCT No. T-96104;[3] and (e) the Balagtas family demanded that he vacate the subject lot;[4] hence, the petition, docketed as DARAB Case No. 08505 'SNE' 05. To support his claim of tenancy, he presented the Pagpapatunay[5] dated January 10, 2003 signed by the Barangay Captain and the President of the Samahang Nayon of Barangay Kalikid Sur, Cabanatuan, as well as several Sinumpaang Salaysay[6] all dated April 18, 2005 separately executed by the farmers of the adjoining lots.[7]

For his part, Rolando, Sr. denied[8] having instituted Dalit as tenant on the subject lot, and claimed that he was merely employed as operator of bulldozer and street roller during the construction of a memorial park thereon.[9] On the other hand, MBTC insisted[10] that the Balagtas family has no right to institute any tenant on the subject lot as the same is no longer registered in their names.[11]

On June 7, 2006, the Regional Agrarian Reform Adjudicator (RARAD) rendered a Decision:[12] (a) declaring Dalit as a tenant on the subject lot; and (b) maintaining him in his peaceful possession and cultivation thereof.[13] In a Decision[14] dated June 14, 2007, the Department of Agrarian Reform Adjudication Board (DARAB) reversed and set aside the RARAD[15] ruling, consequently, declaring that petitioner is not a de jure tenant on the subject lot, and ordering his ejectment therefrom on the ground of the absence of the elements of consent and sharing.[16] The Court of Appeals (CA), in its Decision[17] dated October 26, 2011, affirmed the DARAB decision,[18] holding that the pieces of evidence presented by petitioner failed to establish all the essential requisites for the existence of a tenancy relationship.[19] Aggrieved, Dalit moved for reconsideration,[20] which was, however, denied by the CA in its Resolution[21] dated June 27, 2012; hence, the Rule 45 petition[22] before the Court.

In the interim, the Balagtas family was able to secure a judgment:[23] (a) nullifying the foreclosure proceedings pursuant to which MBTC was able to secure title to the subject lot; and (b) reinstating TCT No. T-82410 in their names, which decision became final and executory in 2007.[24] A Notice of Lis Pendens was duly annotated on MBTC's TCT No. T-96104 prior to the said judgment.[25]

Subsequently, however, the subject lot was subjected to the coverage of the government's Comprehensive Agrarian Reform Program (CARP) in 2008,[26] leading to the cancellation of TCT No. T-96104 and the issuance of TCT No. T-141677[27] in the name of the Republic of the Philippines (RP title) on September 19, 2011, after the Land Bank of the Philippines made the corresponding deposit[28] of the provisional compensation for the subject lot. The annotation of lis pendens was carried over[29] to the RP title. The RP title, in turn, was cancelled

with the issuance of registered Certificates of Land Ownership Award (CLOAS) to several identified agrarian reform beneficiaries (ARBs), including Dalit,[30] who was issued TCT No. T-2165[31] (CLOA title) on October 20, 2011. The annotation of *lis pendens* was likewise carried over[32] to the said title. Thereafter, Sps. Balagtas filed before the Department of Agrarian Reform, Regional Office III a protest against the issuance of the notice of coverage over the subject lot, which was, however, denied in an Order[33] dated August 8, 2012 that became final and executory.[34]

May I add the following observations:

First. It is but proper to maintain Dalit in the possession of the subject lot as a consequence of his CLOA title. It bears stressing that the rights and responsibilities of ARBs shall commence from their receipt of duly registered CLOAs and their actual physical possession of the awarded land.[35] Under Section 24[36] of Republic Act No. (RA) 6657,[37] as amended by RA 9700,[38] identified and qualified ARBs shall have usufructuary rights over the awarded land as soon as the PAR takes possession of such land, and even pending the award of the CLOA. Consequently, Dalit must be maintained in the peaceful possession of the subject lot as a consequence of his CLOA title, until such title is cancelled for valid reasons.

Second. It must be clarified that the issue of whether or not an ARB is a *de jure* tenant on a CARP-covered lot is not necessarily rendered moot by the mere issuance of a CLOA title in the ARB's name. An action is considered "moot" when it no longer presents a justiciable controversy because the issues involved have become academic or dead or when the matter in dispute has already been resolved and hence, one is not entitled to judicial intervention unless the issue is likely to be raised again between the parties.[39] In this case, since the action before the PARAD primarily involves Dalit's right to be maintained in the possession of the subject lot, the issuance of a CLOA title in his name which recognizes his usufructuary rights over the awarded land necessarily entails his continued possession thereof, regardless of whether or not he had valid grounds to be so maintained when he filed the amended petition for maintenance of possession in 2005 long before the issuance of his CLOA title on October 20, 2011.

Notably, however, it was Dalit himself who raised the issue of tenancy[40] in invoking the jurisdiction of the PARAD (DARAB Adjudicator) to maintain him in the possession of the subject lot. Thus, it may be reasonably presumed that his identification as a qualified beneficiary over the subject lot was precipitated by his claim of tenancy thereon. Nonetheless, it bears stressing that despite the indefeasibility and imprescriptibility accorded by law to CLOAs, EPs, and other agrarian titles after one (1) year from their registration with the Office of the Register of Deeds (ROD),[41] any material misrepresentation of the ARB's basic qualifications,[42] as well as the other grounds mentioned under Sections 4.3 to 4.15 of DAR Administrative Order (AO) No. 07-14,[43] is not a bar to a petition for cancellation of such titles filed by any party in interest[44] outside the one-year period. Thus, the tenancy issue continues to find relevance, albeit, must give way to the primacy of Dalit's CLOA in this case, until such title is cancelled for valid reasons.

Third. While I agree with the ponencia's opinion that the decision and writ of execution issued in Civil Case No. 3361 cannot defeat Dalit's rights arising from TCT No. T-2165[45] (i.e., Dalit's CLOA title), the same is irrelevant to the instant case. It must be pointed out that Dalit was not a party to the said case - an action for specific performance with prayer for injunctive relief and damages filed by the Balagtas family against MBTC. While an annotation of *lis pendens* was carried over[46] to Dalit's CLOA title, the Decision in said case[47] limited itself to the cancellation of MBTC's TCT No. T-96104 and the restoration of the Balagtas family's TCT No. T-82410, without cancelling any derivative title from TCT No. T-96104. Accordingly, unless the cancellation of TCT No. T-2165 is finally secured in an action specifically impleading Dalit,[48] his right to be maintained in the possession of the subject lot guaranteed by such title must be respected.

-
- [1] Dated May 27, 2005. Rollo, pp. 114-117.
- [2] See *id.* at 119-120, including dorsal portion.
- [3] *Id.* at 139, including dorsal portion.
- [4] See *id.* at 115-116.
- [5] See *id.* at 121.
- [6] See *id.* at 122-124.
- [7] See *id.* at 115.
- [8] See Answer Ad Cautelam dated April 29, 2005; *id.* at 130-134.
- [9] See *id.* at 131.
- [10] See Answer dated July 25, 2005; *id.* at 136-138-A.
- [11] See *id.* at 137.
- [12] *Id.* at 64-66. Penned by Adjudicator/Agrarian Judge (RARAD for CAR) Walter R. Carantes.
- [13] *Id.* at 66.
- [14] *Id.* at 73-78. Penned by Member Delfin B. Samson with Members Augusto P. Quijano, Edgar A. Igano and Ma. Patricia P. Rualo-Bello, concurring.
- [15] "PARAD" in the DARAB Decision.
- [16] See rollo, pp. 76-78
- [17] *Id.* at 97-111. Docketed as CA-G.R. SP No. 104836 and penned by Associate Justice Priscilla J. Baltazar-Padilla with Associate Justices Fernanda Lampas Peralta and Edwin D. Sorongon, concurring.
- [18] *Id.* at 110.
- [19] See *id.*
- [20] Not attached to the rollo.
- [21] Rollo, pp. 112-113.
- [22] *Id.* at 38-60.
- [23] See Decision dated October 24, 2001 of the Regional Trial Court of Cabanatuan City, Branch 29 in Civil Case No. 3361-AF penned by Judge Ubaldino A. Lacurom (*id.* at 228-238), which was affirmed by the CA in a Decision dated February 21, 2007 in CA-G.R. CV No. 74249 penned by Associate Justice Aurora Santiago-Lagman with Associate Justices Bienvenido L. Reyes and Apolinario D. Bruselas, Jr., concurring (*id.* at 240-247).
- [24] See Entry of Judgment in CA-G.R. CV No. 74249; *id.* at 239.
- [25] See *id.* at 139 dorsal portion.
- [26] Through a Notice of Coverage dated March 31, 2008; see *id.* at 587.

[27] See *id.* at 154-157.

[28] See Certification of Deposit dated August 19, 2011; *id.* at 632.

[29] See *id.* at 156.

[30] See *id.* at 587.

[31] See *id.* at 178-181.

[32] See *id.* at 180.

[33] *Id.* at 587-593. Issued by Regional Director Teofilo Q. Inocencio.

[34] See Certificate of Finality dated December 6, 2012; *id.* at 594.

[35] See Section 24 of RA 6657, as amended by RA 9700.

[36] Section 24 of RA 6657, as amended, 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.

It is the ministerial duty of the Registry of Deeds to register the title of the land in the name of the Republic of the Philippines, after the Land Bank of the Philippines (LBP) has certified that the necessary deposit in the name of the landowner constituting full payment in cash or in bond with due notice to the landowner and the registration of the certificate of land ownership award issued to the beneficiaries, and to cancel previous titles pertaining thereto.

Identified and qualified agrarian reform beneficiaries, based on Section 22 of Republic Act No. 6657, as amended, shall have usufructuary rights over the awarded land as soon as the DAR takes possession of such land, and such right shall not be diminished even pending the awarding of the emancipation patent or the certificate of land ownership award.

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. (Emphases supplied)

[37] 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.

[38] 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, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR" (July 1, 2009).

[39] Resolution, International Service for the Acquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines), 791 Phil. 243, 259 (2016).

[40] See rollo, p. 115.

[41] See Section 24 of RA 6657, as amended by RA 9700.

[42] See Section 4.9 of DAR AO No. 07-14.

[43] Re: 2014 Rules and Procedures Governing the Cancellation of Registered Emancipation Patents (EPs), Certificates of Land Ownership Awards (CLOAs) and Other Titles Issued Under the Agrarian Reform Program, issued on September 15, 2014

[44] See Section 9 of DAR AO No. 07-14.

[45] See ponencia, p. 9.

[46] See rollo, p. 180.

[47] See Decision dated October 24, 2001; id. at 228-238.

[48] Under Section 3 (j) of DAR AO No. 07-14, the ARBs or identified beneficiaries, or their heirs in case of death, and/or their associations are indispensable parties in petitions for cancellation of their respective CLOAs.

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.