

HEIRS OF ELIZA Q. ZOLETA, NAMELY: SERGIO RENATO Q. ZOLETA, A.K.A., CARLOS ZOLETA, VENANCIO Q. ZOLETA, AND MILAGROS Q. ZOLETA-GARCIA, PETITIONERS, VS. LAND BANK OF THE PHILIPPINE...*G.R. No. 205128. August 09, 2017*

Ponente: LEONEN, J.

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A perceived abuse cannot be cured by an abuse. Administrative agencies, such as the Department of Agrarian Reform Adjudication Board (DARAB), are not courts of law exercising judicial power. The power to issue writs of certiorari is an incident of judicial review. Thus, administrative agencies may not issue writs of certiorari to annul acts of officers or state organs even when they exercise supervisory authority over these officers or organs.

This resolves a Petition for Review on Certiorari[1] under Rule 45 of the 1997 Rules of Civil Procedure praying that the assailed July 23, 2012 Decision[2] and January 9, 2013 Resolution[3] of the Court of Appeals be reversed and set aside. It is prayed that in lieu of them, judgment be rendered directing respondent DARAB to dismiss the Petition for Certiorari filed before it by respondent Land Bank of the Philippines (Landbank).

The assailed July 23, 2012 Decision denied the Petition for Certiorari and Prohibition filed by Sergio Renato Q. Zoleta, Venancio Q. Zoleta, and Milagros Q. Zoleta-Garcia (petitioners). This Decision found no grave abuse of discretion on the part of DARAB in issuing a resolution granting Landbank's Petition for Certiorari against an order and alias writ of execution issued by Regional Agrarian Reform Adjudicator (RARAD) Conchita C. Miñas (Regional Adjudicator Miñas).[4] The assailed January 9, 2013 Resolution denied petitioners' Motion for Reconsideration.[5]

On September 29, 1996, Eliza Zoleta (Eliza), through Venancio Q. Zoleta, voluntarily offered for sale to the government, under the Comprehensive Agrarian Reform Program, a parcel of land covered by Transfer Certificate of Title No. T-87673. This lot was located in Barangay Casay, San Francisco, Quezon and had an area of approximately 136 hectares.[6]

Pursuant to Executive Order No. 405,[7] Landbank made a valuation of the land and determined that only 125.4704 hectares of the property's 136 hectares were covered by the Comprehensive Agrarian Reform Program.[8] It valued the covered portion at P3,986,639.57.[9] Landbank then deposited this amount in the name of Eliza.[10]

Eliza rejected Landbank's valuation. Thus, the matter was endorsed to the Office of the Provincial Agrarian Reform Adjudicator (PARAD) of Quezon II.[11] However, upon Eliza's manifestation that the amount involved was beyond the jurisdiction of PARAD, the case was transferred to the Office of RARAD.[12] The Office of RARAD then conducted summary administrative proceedings pursuant to Section 16(d)[13] of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988.[14]

On October 3, 2000, Regional Adjudicator Miñas rendered a Decision^[15] fixing just compensation at P8,938,757.72.^[16]

Not satisfied with the amount, Landbank filed a Petition for Just Compensation before the Regional Trial Court, Branch 56, Lucena City, acting as Special Agrarian Court, on November 7, 2000.^[17]

On November 9, 2000, Eliza filed a Motion for Execution of Judgment before the Office of Regional Adjudicator Miñas. This was unsuccessfully opposed by Landbank.^[18]

On January 16, 2001, Regional Adjudicator Miñas granted Eliza's motion for execution and issued an order directing the issuance of a writ of execution. The writ of execution, however, was returned unsatisfied. Thus, Regional Adjudicator Miñas issued an alias writ of execution on February 15, 2001. The following day, the DARAB Sheriff issued a Notice of Garnishment and a Notice of Levy on Personal Property.^[19]

Landbank sought from the Special Agrarian Court the quashal of the alias writ of execution and, in the interim, the issuance of a temporary restraining order against its implementation. In the Resolution dated March 27, 2001, the Special Agrarian Court denied Landbank's plea as DARAB had never been impleaded by Landbank as respondent, thereby failing to vest the Special Agrarian Court with jurisdiction over DARAB.^[20]

Unable to obtain relief from the Special Agrarian Court, Landbank, on April 2, 2001, filed before DARAB a "petition for certiorari pursuant to paragraph 2, Section 3, Rule VIII of the [1994] DARAB New Rules of Procedure."^[21] It ascribed "grave abuse of discretion amounting to lack or in excess of jurisdiction"^[22] on the part of Regional Adjudicator Miñas in issuing the January 16, 2001 Order and the February 15, 2001 Alias Writ of Execution.^[23]

In the Resolution^[24] dated May 12, 2006, DARAB granted Land Bank's petition for certiorari and "annulled" the January 16, 2001 Order and the February 15, 2001 Alias Writ of Execution:

WHEREFORE, in view of the foregoing, the petition is hereby GRANTED. The Order dated 16 January 2001 and an Alias Writ of Execution dated 15 February 2001 pursuant to the Decision in DARAB Case No. V-0412-0339-98 dated 03 October 2000 is hereby ANNULLED and herein public respondent is hereby ordered to withdraw the same.

SO ORDERED.^[25]

DARAB faulted Regional Adjudicator Miñas for relying on Rule XIV, Section 1 of the 1994 DARAB New Rules of Procedure (1994 Rules),^[26] which allows for 15 days for petitions for certiorari from DARAB rulings involving agrarian disputes to be brought to the Court of Appeals, in concluding that her October 3, 2000 Decision had attained finality. It noted that she should have instead relied on Rule XIII, Section 11^[27] regarding the specific course of relief from adjudicators' decisions on just compensation or valuation cases.^[28]

Petitioners^[29] then filed a Petition for Certiorari and Prohibition under Rule 65 of the 1997 Rules of Civil Procedure before the Court of Appeals alleging that DARAB exceeded its authority when it granted Landbank's Petition for Certiorari under Rule VIII, Section 3 of the 1994 Rules.^[30]

In its assailed July 23, 2012 Decision,^[31] the Court of Appeals held that DARAB's actions were sustained by its general "supervisory authority" and appellate jurisdiction over rulings of RARADs and PARADs.^[32]

In its assailed January 9, 2013 Resolution, the Court of Appeals denied petitioners' Motion for Reconsideration.^[33]

Hence, the present Petition was filed.

For resolution is the issue of whether it was proper for respondent DARAB to issue its May 12, 2006 Resolution, which granted respondent Landbank's "petition for certiorari pursuant to paragraph 2, Section 3, Rule VIII of the [1994] DARAB New Rules of Procedure." [34]

It was not.

I

Jurisprudence has settled that DARAB possesses no power to issue writs of certiorari.

This Court's 2005 Decision in *Department of Agrarian Reform Adjudication Board v. Lubrica* [35] concerned a controversy over the amount of just compensation due to a landowner, which was initially brought before RARAD. RARAD decided in favor of the landowner and ordered Landbank to pay an amount that was greater than its initial valuation. [36] Landbank then filed a petition for just compensation before the Regional Trial Court, acting as a Special Agrarian Court. [37] This petition was dismissed as Landbank failed to timely pay docket fees. [38] RARAD then considered its ruling on the amount of just compensation final and executory, and issued a writ of execution. [39] Landbank filed a Petition for Certiorari before DARAB, under Rule VIII, Section 3 of its 1994 Rules. [40] DARAB ruled for Landbank and prevented the Regional Adjudicator from implementing her ruling. [41] This prompted the landowner to file a Petition for Prohibition before the Court of Appeals, asking that DARAB be enjoined from proceeding with the case, as it did not have jurisdiction over special civil actions for certiorari. [42] The Court of Appeals ruled that DARAB had no jurisdiction over petitions for certiorari. [43]

This Court sustained the ruling of the Court of Appeals. In doing so, this Court emphasized that jurisdiction over the subject matter must be provided by law. It noted that there was no law that vested DARAB with jurisdiction over petitions for certiorari. Rather than finding constitutional or statutory basis, DARAB's supposed certiorari power was provided only by its own rules of procedure:

Jurisdiction, or the legal power to hear and determine a cause or causes of action, must exist as a matter of law. It is settled that the authority to issue writs of certiorari, prohibition, and mandamus involves the exercise of original jurisdiction which must be expressly conferred by the Constitution or by law. It is never derived by implication. Indeed, while the power to issue the writ of certiorari is in some instance conferred on all courts by constitutional or statutory provisions, ordinarily, the particular courts which have such power are expressly designated.

....

In general, the quantum of judicial or quasi-judicial powers which an administrative agency may exercise is defined in the enabling act of such agency. In other words, the extent to which an administrative entity may exercise such powers depends largely, if not wholly, on the provisions of the statute creating or empowering such agency. The grant of original jurisdiction on a quasi-judicial agency is not implied. There is no question that the legislative grant of adjudicatory powers upon the DAR, as in all other quasi-judicial agencies, bodies and tribunals, is in the nature of a limited and special jurisdiction, that is, the authority to hear and determine a class of cases within the DAR's competence and field of expertise. In conferring adjudicatory powers and functions on the DAR, the legislature could not have intended to create a regular court of justice out of the DARAB, equipped with all the vast powers inherent in the exercise of its jurisdiction. The DARAB is only a quasi-judicial body, whose limited jurisdiction does not include authority over petitions for certiorari, in the absence of an express grant in R.A. No. 6657, E.O. No. 229 and E.O. No. 129-A. [44] (Citations omitted)

This Court calibrates the pronouncements made in *Department of Agrarian Reform Adjudication Board v. Lubrica*. It is true that the lack of an express constitutional or statutory grant of jurisdiction disables DARAB from exercising certiorari powers. Apart from this, however, is a more fundamental reason for DARAB's disability.

As an administrative agency exercising quasi-judicial but not consummate judicial power, DARAB is inherently incapable of issuing writs of certiorari. This is not merely a matter of statutorily stipulated competence but a question that hearkens to the separation of government's tripartite powers: executive, legislative, and judicial.[45]

II

Conceived in England, transplanted into our jurisdiction during American occupation, and presently existing under the 1987 Constitution, the remedy of the writ of certiorari was and remains a means for superior judicial bodies to undo the excesses of inferior tribunals.

The writ of certiorari was a prerogative writ "issued by the King by virtue of his position as fountain of justice and supreme head of the whole judicial administration." [46]

The King of England was considered the "supreme head of the nation with power over life, limb, and property." [47] However, this status did not initially give him the absolute power to pronounce judgment. [48] By the tradition carried over in the transition of Anglo-Saxon chieftains "from the ducal to the royal dignity," [49] the power to pronounce judgment was reserved to the members of the community themselves, "in accordance with the Teutonic institution of popular courts." [50] The power that the King held was the appointment of persons, called sheriffs, "who[,] as royal representatives[,] called the popular courts together; to see that justice was rendered in case of its denial; personally to judge those powerful litigants who could not be controlled by the popular courts; and to execute or have executed the sentences of the courts." [51]

Despite these limitations on his right to pronounce judgment, the King reserved the power to decide on certain cases: first, those which affected the crown, such as criminal cases for violation of the King's peace; and second, cases involving the revenue. The King and his advisers, known as the Curia Regis or the King's Council, decided these cases. Its members were later on referred to as "justices" with a select member being referred to as the "justiciar" or chief justice. [52]

Over time, the ways of popular courts—grounded as they were in custom, rather than on standardized mechanisms—and evidence of sheriffs' partiality required the intervention of the King's Council, in order that cases may be "decided by such new methods as the wisdom of the King and his counsellors might invent." [53] Thus, the King's council began to issue writs, to serve as "expedients by which the jus honorarium of the King as fountain of justice was enabled to remedy the defects of the jus civile or commune as applied in the local popular courts." [54]

In 1178, King Henry II realized that "there were too many justices in the Curia Regis to do the work effectively." [55] Hence, he selected five (5) of his immediate personnel "before whom he ordered the complaints of the people to be brought." [56] This group of five (5) people became known as the King's Bench. This was called as such because its members were to sit "in banco." [57] In addition to these five (5) members, "the King was supposed always to sit in the King's Bench," [58] With the King sitting in it, the King's Bench "was regarded as the highest court in the land." [59] Even then, the King "reserved the most difficult cases for his own hearing." [60]

With the subsequent adoption of the Magna Carta, it was settled that "free persons and free property were to be judged according to the law of the land." [61] To effect this precept, royal courts were established, such as the Court of Common Pleas, where civil suits were litigated. [62]

With the King still "reserv[ing] to himself the decision of the most difficult cases," [63] his complete formal judicial supremacy emerged. "From his office proceeded all the writs which were formulated by the King and his advisers, and by which actions were commenced." [64] Over time, and owing to sheer multiplicity, many writs

ceased to be "writs of grace, granted by the King in his good pleasure"[65] but came to be issued to litigants "de cursu" or as a matter of course.[66]

While most writs were issued de cursu and upon proper demand, there remained writs reserved only for the King's Bench: certiorari, mandamus, prohibition, and quo warranto. Consistent with the status of the King's Bench as "the highest court in the land,"[67] it "controlled the action of the other courts" through these writs.[68] Nevertheless, the King's Bench issued these writs "only in extraordinary cases . . . and only when some gross injustice was being done by other authorities." [69] They were used only sparingly and in the most urgent of circumstances: "It remained the function of the King, through his court of King's Bench, to [be the] judge of the necessity for their issue, and they accordingly came to be known as prerogative writs." [70]

Spouses Delos Santos v. Metropolitan Bank and Trust Company [71] recounted the purposes of and circumstances under which writs of certiorari were issued by the King's Bench:

In the common law, from which the remedy of certiorari evolved, the writ of certiorari was issued out of Chancery, or the King's Bench, commanding agents or officers of the inferior courts to return the record of a cause pending before them, so as to give the party more sure and speedy justice, for the writ would enable the superior court to determine from an inspection of the record whether the inferior court's judgment was rendered without authority. The errors were of such a nature that, if allowed to stand, they would result in a substantial injury to the petitioner to whom no other remedy was available. If the inferior court acted without authority, the record was then revised and corrected in matters of law. The writ of certiorari was limited to cases in which the inferior court was said to be exceeding its jurisdiction or was not proceeding according to essential requirements of law and would lie only to review judicial or quasi-judicial acts.[72] (Citations omitted)

The United States of America carried this English tradition. There, historically, only the courts which "have inherited the jurisdiction of the English court of King's Bench" could issue a writ of certiorari.[73]

The writ of certiorari, as a means of judicially rectifying a jurisdictional error, was adopted by the Philippines from the California Code of Civil Procedure.[74] Our 1901 Code of Civil Procedure provided:

Section 220. Final Proceedings in Certiorari. — When the proceedings complained of have been fully certified, the court shall hear the parties and determine whether the inferior tribunal, Board, or officer has regularly pursued its authority; and if it finds that such inferior tribunal, Board, or officer has not regularly pursued its authority, it shall thereupon give final judgment, either affirming, or annulling, or modifying the proceedings below, as the law requires.

As *Spouses Delos Santos v. Metropolitan Bank and Trust Company* [75] further explained:

The concept of the remedy of certiorari in our judicial system remains much the same as it has been in the common law. In this jurisdiction, however, the exercise of the power to issue the writ of certiorari is largely regulated by laying down the instances or situations in the Rules of Court in which a superior court may issue the writ of certiorari to an inferior court or officer.[76]

Article VIII, Section 1 of the 1987 Constitution exclusively vests judicial power in this Court "and in such lower courts as may be established by law." It identifies two (2) dimensions of judicial power. First is "the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable." Second is these courts' same duty "to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government." [77]

To effect the second dimension and pursuant to this Court's power to "[promulgate rules concerning . . . pleading, practice, and procedure in all courts," [78] Rule 65 of the 1997 Rules of Civil Procedure defines the parameters for availing the writ of certiorari:

SECTION 1. Petition for certiorari. — When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

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

The requisites for the issuance of a writ of certiorari are settled:

(a)

the petition must be directed against a tribunal, Board, or officer exercising judicial or quasi-judicial functions;

(b)

the tribunal, Board, or officer must have acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction; and

(c)

there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law.[79] (Citation omitted)

The second and third requisites remain consistent with the original, Common Law conception of certiorari as availing when "the inferior court's judgment was rendered without authority," such that it "exceed[ed] its jurisdiction," and only when "no other remedy [is] available." [80]

A lower court or tribunal is deemed to have acted "without jurisdiction" when it decides a case even if no law gives it the jurisdiction over its subject matter.[81] The decision of a lower court or tribunal can also be overturned by certiorari when it acts "in excess of jurisdiction" or when it was given jurisdiction over the subject matter under the law but it "has transcended the same or acted without any statutory authority." [82]

"Grave abuse of discretion" has been defined as:

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse of discretion must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.

Grave abuse of discretion refers not merely to palpable errors of jurisdiction; or to violations of the Constitution, the law and jurisprudence. It refers also to cases in which, for various reasons, there has been a gross misapprehension of facts.[83] (Citations omitted)

A petition for review on certiorari under Rule 45 should not be confused with a petition for certiorari under Rule 65. The first is a mode of appeal; the latter is an extraordinary remedy used to correct errors of jurisdiction. It is through the latter that a writ of certiorari is issued. Precisely, for the writ to issue, there must be "no appeal, or any plain, speedy and adequate remedy" available.[84]

III

The second dimension of judicial power under Article VIII, Section 1 of the 1987 Constitution settles the certiorari power as an incident of judicial review. Thus, judicial power includes the power of the courts to declare the acts of the executive and legislative branches of the government void, when they act beyond the powers conferred to them by law.[85] This second dimension does not operate independently of, but within the parameters delimited by, the first dimension.

The first dimension of judicial power under Article VIII, Section 1 of the 1987 Constitution delimits the subject of judicial inquiry, that is, to "actual controversies involving rights which are legally demandable and enforceable." The exercise of this power, then, is proper only when a judicial question is raised, as opposed to a matter that is better left to the competence of the other branches of the government.

Gonzales v. Climax Mining Ltd.[86] explained the concept of a judicial question, provided an illustration of a controversy that involved a judicial question, and distinguished that example from another controversy that did not involve a judicial question:

A judicial question is a question that is proper for determination by the courts, as opposed to a moot question or one properly decided by the executive or legislative branch. A judicial question is raised when the determination of the question involves the exercise of a judicial function; that is, the question involves the determination of what the law is and what the legal rights of the parties are with respect to the matter in controversy.

....

[W]hether the case involves void or voidable contracts is still a judicial question. It may, in some instances, involve questions of fact especially with regard to the determination of the circumstances of the execution of the contracts. But the resolution of the validity or voidness of the contracts remains a legal or judicial question as it requires the exercise of judicial function. It requires the ascertainment of what laws are applicable to the dispute, the interpretation and application of those laws, and the rendering of a judgment based thereon. Clearly, the dispute is not a mining conflict. It is essentially judicial. The complaint was not merely for the determination of rights under the mining contracts since the very validity of those contracts is put in issue.[87] (Emphasis supplied, citations omitted)

The non-judicial "mining conflict" which Gonzales referenced was explained to be a factual or technical dispute that was more properly considered an "administrative matter," rather than a judicial question:

On the other hand, a mining dispute is a dispute involving (a) rights to mining areas, (b) mineral agreements, FTAA's, or permits, and (c) surface owners, occupants and claimholders/concessionaires. Under Republic Act No. 7942 (otherwise known as the Philippine Mining Act of 1995), the Panel of Arbitrators has exclusive and original jurisdiction to hear and decide these mining disputes. The Court of Appeals, in its questioned decision, correctly stated that the Panel's jurisdiction is limited only to those mining disputes which raise questions of fact or matters requiring the application of technological knowledge and experience.

In Pearson v. Intermediate Appellate Court, this Court observed that the trend has been to make the adjudication of mining cases a purely administrative matter. Decisions of the Supreme Court on mining disputes have recognized a distinction between (1) the primary powers granted by pertinent provisions of law to the then Secretary of Agriculture and Natural Resources (and the bureau directors) of an executive or administrative nature, such as granting of license, permits, lease and contracts, or approving, rejecting, reinstating or canceling applications, or deciding conflicting applications, and (2) controversies or disagreements of civil or contractual nature between litigants which are questions of a judicial nature that may be adjudicated only by the courts of justice.[88] (Citations omitted)

Administrative agencies are created to aid the government in the regulation of the country's "ramified activities." [89] The creation of these agencies has become necessary because of "the growing complexity of the modern society." [90] These agencies are considered specialists, which "can deal with the problems [in their respective fields] with more expertise and dispatch than can be expected from the legislature or the courts of justice." [91]

Administrative agencies are part of the executive branch of the government. [92] However, due to their highly specialized nature, they are not only vested executive powers but also with quasi-legislative and quasi-judicial powers. [93]

Quasi-judicial power is "the power to hear and determine questions of fact to which the legislative policy is to apply and to decide in accordance with the standards laid down by the law itself in enforcing and administering the same law." [94] It is limited to the adjudication of the rights of the parties that are incidental to the agency's functions under the law. Its exercise does not amount to the executive's overreach into or appropriation of actual judicial competence:

Quasi-judicial or administrative adjudicatory power is the power of the administrative agency to adjudicate the rights of persons before it. The administrative body exercises its quasi-judicial power when it performs in a judicial manner an act which is essentially executive or administrative in nature, where the power to act in such manner is incidental to or reasonably necessary for the performance of the executive or administrative duty entrusted to it. [95] (Emphasis supplied)

Quasi-judicial power is vested in administrative agencies because complex issues call for "technical knowledge and speed in countless controversies which cannot possibly be handled by regular courts." [96] Congress may, by law, grant administrative agencies the exclusive original jurisdiction over cases within their competence. [97] Consistent with their specialized but narrowly limited competencies, the scope of the quasi-judicial power vested in administrative agencies is delineated in an agency's enabling statute:

In general, the quantum of judicial or quasi-judicial powers which an administrative agency may exercise is defined in the enabling act of such agency. In other words, the extent to which an administrative entity may exercise such powers depends largely, if not wholly, on the provisions of the statute creating or empowering such agency. [98]

The basic nature of the certiorari power as an incident of judicial review—an exercise which must be limited to judicial questions that are beyond the competence of administrative agencies—necessarily means that administrative agencies have no certiorari powers.

The three (3) branches of our government—the Executive, Legislative, and Judicial branches—are superior in their respective spheres. Subject to our system of checks and balances, one (1) branch cannot encroach on the duties and prerogatives of another. The Legislative branch is tasked with enacting laws; [99] the Executive is responsible for the implementation of laws; and the Judiciary interprets the Constitution and laws. [100]

Determining whether an act of an officer or state organ exercising judicial or quasi-judicial powers was made without or in excess of jurisdiction demands an examination of the law delimiting that officer's or organ's jurisdiction. It is an exercise in legal interpretation. It is an exercise that only courts, and not administrative agencies, are competent to engage in.

IV

Presidential Proclamation No. 131 instituted then President Corazon C. Aquino's Comprehensive Agrarian Reform Program. Executive Order Nos. 229 and 129-A[101] put in place mechanisms for implementing this Program.

Executive Order No. 229 vested the Department of Agrarian Reform with quasi-judicial powers to resolve agrarian reform cases and incidental powers to punish for contempt and to issue subpoenas and enforcement writs. It also specified an appeal mechanism for decisions rendered by this Department:

Section 17. Quasi-Judicial Powers of the DAR.— The DAR is hereby vested with 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 DENR and the Department of Agriculture (DA).

The DAR shall have powers to punish for contempt and to issue subpoena, subpoena duces tecum and writs to enforce its orders or decisions.

The decisions of the DAR may, in proper cases, be appealed to the Regional Trial Courts but shall be immediately executory notwithstanding such appeal.

Executive Order No. 129-A created DARAB, which was tasked to "assume the powers and functions with respect to the adjudication of agrarian reform cases." [102] Section 13 specifies that the Board's powers may be delegated to the regional offices of the Department, subject to its rules and regulations:

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.

Republic Act No. 6657 or the Comprehensive Agrarian Reform Law of 1988 maintained the quasi-judicial jurisdiction of the Department of Agrarian Reform:

Section 50. Quasi-Judicial Powers of the DAR. — The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of every action or proceeding before it.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena duces tecum, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts [sic] in the same manner and subject to the same penalties as provided in the Rules of Court.

Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the DAR: Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory.

Pursuant to its power to "adopt a uniform, rule of procedure" under Republic Act No. 6657, the Department of Agrarian Reform, through DARAB, adopted the Revised Rules of Procedure in 1989 (the 1989 Rules). The 1989 Rules were in lieu of "the previous Rules of Procedure adopted on January 29, 1988, pursuant to Executive Order No. 129-A." [103]

The 1989 Rules delegated DARAB's adjudicatory powers to RARADs and PARADs [104] subject to its "functional supervision." [105]

The 1989 Rules further provided that the decisions of PARADs and RARADs may be reviewed by the Board upon a verified petition for review on certiorari. Rule VIII, Section 3 of these Rules stated:

Section 3. Totality of Case Assigned. — When a case is assigned to a RARAD or PARAD, any or all incidents thereto shall be considered assigned to him, and the same shall be disposed of in the same proceedings to avoid multiplicity of suits or proceedings.

The order or resolution of the Adjudicators on any issue, question, matter or incident raised before them shall be valid and effective until the hearing shall have been terminated and the case is decided on the merits, unless modified and reversed by the Board upon a verified petition for review on certiorari. Such interlocutory orders shall not be the subject of an appeal.

In 1994, the Department of Agrarian reform adopted new rules of procedure. As with the 1989 Rules, the 1994 Rules maintained that decisions of RARADs and PARADs were reviewable by the Board upon a verified petition for certiorari, which must have been preceded by the filing of a motion for reconsideration. Rule VIII, Section 3 of these Rules stated:

SECTION 3. Totality of Case Assigned. — When a case is assigned to an Adjudicator, any or all incidents thereto shall be considered assigned to him, and the same shall be disposed of in the same proceedings to avoid multiplicity of suits or proceedings.

The order or resolution of the Adjudicator on any issue, question, matter or incident raised before them shall be valid and effective until the hearing shall have been terminated and the case is decided on the merits, unless modified and reversed by the Board upon a verified petition for certiorari which cannot be entertained without filing a motion for reconsideration with the Adjudicator a quo within five (5) days from receipt of the order, subject of the petition. Such interlocutory order shall not be the subject of an appeal.

In 2003 the Department of Agrarian Reform adopted new rules of procedure (the 2003 Rules) and again in 2009 (the 2009 Rules). Unlike the 1989 and 1994 Rules, the 2003 and 2009 Rules no longer made reference to certiorari as the Board's vehicle for reviewing decisions of RARADs and PARADs. Instead, they merely stated that, in pursuit of its appellate jurisdiction, the Board has the power to "review, reverse, modify, alter, or affirm resolutions, orders and decisions of the Adjudicators." [106]

V

The DARAB May 12, 2006 Resolution subject of the present appeal, which gave rise to the assailed Court of Appeals July 23, 2012 Decision, was issued in response to a pleading specifically denominated as a "petition for

certiorari" by respondent Landbank:

This is a petition for certiorari pursuant to paragraph 2, Section 3, Rule VIII of the DARAB New Rules of Procedure seeking to annul and set aside the Order dated January 16, 2001 (sic) as well as the Alias Writ of Execution dated February 15, 2000 issued by respondent RARAD Miñas.[107]

In conformity with the relief sought by Landbank's petition for certiorari, the DARAB May 12, 2006 Resolution "annulled" the January 16, 2001 Order and the February 15, 2001 Alias Writ of Execution issued by Regional Adjudicator Miñas:

WHEREFORE, in view of the foregoing, the petition is hereby GRANTED. The Order dated 16 January 2001 and an Alias Writ of Execution dated 15 February 2001 pursuant to the Decision in DARAB Case No. V-0412-0339-98 dated 03 October 2000 is hereby ANNULLED and herein public respondent is hereby ordered to withdraw the same.

SO ORDERED.[108]

In its assailed July 23, 2012 Decision, the Court of Appeals justified DARAB's favorable action on Landbank's petition for certiorari by referencing DARAB's appellate jurisdiction over and supervision of RARADs:

In Department of Agrarian Reform Adjudication Board vs. Court of Appeals, the Supreme Court observed, based on the provisions aforecited, that:

... the DAR's exclusive original jurisdiction (as set forth in Section 50 of the CARL) is exercised through hierarchically arranged agencies, namely, the DARAB, RARAD and PARAD. The latter two exercise "delegated authority," while the first exercises appellate jurisdiction over resolutions, orders, decisions and other dispositions of the RARAD and the PARAD.

In other words, respondent DARAB which has appellate jurisdiction over the resolutions and orders of RARAD and PARAD acted within the ambit of law when it annulled the highly irregular orders of the regional adjudicator allowing the issuance of a writ of execution for the purpose of enforcing the latter's October 3, 2000 Decision notwithstanding the glaring fact that the same has not yet become final and executory in view of [Landbank]'s appeal to the Special Agrarian Court in Lucena concerning the issue on the determination of the correct value of the just compensation of the subject property. The Supreme Court recognizes the supervisory authority of the DARAB over its delegates, namely, the RARADs and PARADs.[109]

The Court of Appeals may have been correct in noting that DARAB has supervisory authority over RARADs, but it was mistaken in using it as basis for sanctioning DARAB's exercise of certiorari powers.

In Department of Agrarian Reform Adjudication Board v. Lubrica,[110] DARAB similarly pleaded its authority over and supervision of RARADs as crafting an exception to the need for an express constitutional or statutory grant of jurisdiction. This Court rebuffed DARAB's reasoning:

DARAB takes exception to the general rule that jurisdiction over special civil actions must be expressly conferred by law before a court or tribunal can take cognizance thereof. It believes that this principle is applicable only in cases where the officials/entities contemplated to be subject thereof are not within the administrative power/competence, or in any manner under the control or supervision, of the issuing authority.

This Court is not persuaded. The function of a writ of certiorari is to keep an inferior court within the bounds of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to excess of jurisdiction. In the instant case, the RARAD issued the order of finality and the writ of execution upon the belief that its decision had become final and executory, as authorized under Section 1, Rule XII of the DARAB Rules of Procedure. It is worth noting that in its petition, DARAB maintains that in preventing the RARAD

from implementing its decision, it merely "exercised its residual power of supervision, to insure that the RARAD acted within the bounds of delegated authority and/or prevent/avoid her from committing grave and serious disservice to the Program." DARAB's action, therefore, is a rectification of what it perceived as an abuse of the RARAD's jurisdiction. By its own admission, DARAB took upon itself the power to correct errors of jurisdiction which is ordinarily lodged with the regular courts by virtue of express constitutional grant or legislative enactments.

This Court recognizes the supervisory authority of the DARAB over its delegates, namely, the RARADs and PARADs, but the same should be exercised within the context of administrative supervision and/or control. In the event that the RARADs or PARADs act beyond its adjudicatory functions, nothing prevents the aggrieved party from availing of the extraordinary remedy of certiorari, which is ordinarily within the jurisdiction of the regular courts.

That the statutes allowed the DARAB to adopt its own rules of procedure does not permit it with unbridled discretion to grant itself jurisdiction ordinarily conferred only by the Constitution or by law. Procedure, as distinguished from jurisdiction, is the means by which the power or authority of a court to hear and decide a class of cases is put into action. Rules of procedure are remedial in nature and not substantive. They cover only rules on pleadings and practice.[111] (Citations omitted)

DARAB's reasoning failed to impress then; the same reasoning fails to impress now.

Not only are mere procedural rules incapable of supplanting a constitutional or statutory grant of jurisdiction, no amount of textual wrangling negates the basic truth that DARAB is an administrative agency belonging to the Executive, and not to the Judicial branch, of our government.

Determining whether an action was made without or in excess of jurisdiction or with grave abuse of discretion is a judicial question. In a petition for certiorari where these issues are raised, the public officers or state organs exercising judicial or quasi-judicial powers are impleaded as respondents. They themselves become party-litigants and it is their own legal rights that are the subject of adjudication. A consideration of law is impelled to delineate their proper rights and prerogatives. The controversy that ensues is inexorably beyond the competence of administrative agencies. When presented with such a controversy, an administrative agency must recuse and yield to courts of law.

Well-meaning intentions at rectifying a perceived breach of authority cannot be cured by an actual breach of authority. As it was in *DARAB v. Lubrica*, so it is true here that DARAB's avowed good intentions cannot justify its exercise of powers that were never meant for it to exercise.

DARAB's exercise of the innately judicial certiorari power is an executive encroachment into the judiciary. It violates the separation of powers; it is unconstitutional.

With or without a law enabling it, DARAB has no power to rule on jurisdictional controversies via petitions for certiorari. DARAB's self-serving grant to itself of the power to issue writs of certiorari in the 1994 DARAB New Rules of Procedure is itself a grave abuse of discretion amounting to lack or excess of jurisdiction. It must be annulled for running afoul of the Constitution.

VI

It should suffice, to settle the present controversy, for us to state, as this Court did, that under no circumstance may an administrative agency arrogate unto itself the power of judicial review and to take cognizance of petitions for certiorari. However, it does not also escape our attention that the predicament that respondent Landbank finds itself in is no less the result of its own unrefined legal maneuver.

Landbank rendered ineffectual its own immediate recourse to the Special Agrarian Court. Before the Special Agrarian Court, it sought to restrain the looming actions of DARAB, acting through its RARAD, to enforce a judgment. Despite this, it still failed to implead DARAB as a respondent. Landbank's own oversight left the Special Agrarian Court with no reasonable recourse but the denial of Landbank's plea.

Failing at obtaining relief from the Special Agrarian Court, Landbank sought relief from an entirely different forum. Strikingly, this new forum is the same entity that it should have first impleaded as an adverse party before the Special Agrarian Court. Before this forum, it would then seek the issuance of what this Court long ago declared in *Lubrica* to be an unfounded—and what this Court is affirming now to be an unconstitutional—relief.

In keeping with our most basic constitutional principles and as a consequence of Landbank's own failings, this Court must sustain the petitioners' position.

WHEREFORE, the Petition for Review on Certiorari is GRANTED. The assailed July 23, 2012 Decision and January 9, 2013 Resolution of the Court of Appeals in CA-G.R. SP No. 113235 are REVERSED and SET ASIDE. Respondent Department of Agrarian Reform Adjudication Board is ordered to dismiss the Petition for Certiorari, docketed as DSCA 0219, filed before it by respondent Land Bank of the Philippines.

SO ORDERED.

Carpio, (Chairperson), Peralta, Mendoza, and Martires, JJ., concur.

[1] Rollo, pp. 13-37.

[2] *Id.* at 133-148. The Decision, docketed as CA-G.R. Sp No. 113235, was penned by Associate Justice Franchito N. Diamante and concurred in by Associate justices Celia C. Librea-Leagogo and Abraham B. Borreta of the Fifteenth Division, Court of Appeals, Manila.

[3] *Id.* at 150-151. The Resolution was penned by Associate Justice Franchito N. Diamante and concurred in by Associate Justices Celia C. Librea-Leagogo and Mario V. Lopez of the Special Former Fifteenth Division, Court of Appeals, Manila.

[4] *Id.* at 147.

[5] *Id.* at 151.

[6] *Id.* at 55, Office of the Regional Agrarian Reform Adjudicator Decision.

[7] Vesting in the Land Bank of the Philippines the Primary Responsibility to Determine the Land Valuation and Compensation for All Lands Covered under Republic Act No. 6657, Known as the Comprehensive Agrarian Reform Law of 1988 (1990).

[8] Rollo, p. 56, Office of the Regional Agrarian Reform Adjudicator Decision.

[9] *Id.*

[10] *Id.* at 57, Office of the Regional Agrarian Reform Adjudicator Decision.

[11] *Id.*

[12] *Id.*

[13] Rep. Act No. 6657, sec. 16 provides:

Section 16. Procedure for Acquisition of Private Lands. — For purposes of acquisition of private lands, the following procedures shall be followed:

(d) In case of rejection or failure to reply, the DAR shall conduct summary administrative proceedings to determine the compensation for the land by requiring the landowner, the LBP and other interested parties to submit evidence as to the just compensation for the land, within fifteen (15) days from the receipt of the notice. After the expiration of the above period, the matter is deemed submitted for decision. The DAR shall decide the case within thirty (30) days after it is submitted for decision.

[14] Rollo, pp. 58-59, Office of the Regional Agrarian Reform Adjudicator Decision.

[15] Id. at 55-65. The Decision was penned by Regional Adjudicator Conchita C. Miñas.

[16] Id. at 65.

[17] Id. at 46, Department of Agrarian Reform Adjudication Board Resolution.

[18] Id.

[19] Id.

[20] Id. at 66, Special Agrarian Court Resolution.

[21] Id. at 135. The petition for certiorari was docketed as DSCA 0219.

[22] Id. at 45.

[23] Id.

[24] Id. at 45-54. The Resolution, docketed as DSCA 0219, was penned by Assistant Secretary Edgar A. Igano and concurred in by OIC Secretary Nasser C. Pangandaman, Assistant Secretary Augusto P. Quijano, Acting Assistant Secretary Ma. Patricia Rualo-Bello, and Assistant Secretary Delfin B. Samson. OIC-Undersecretary Narciso B. Nieto and Undersecretary Nestor R. Acosta did not take part.

[25] Id. at 53.

[26] 1994 DARAB NEW RULES OF PROCEDURE, Rule XIV, sec. 1 provides:

Section 1. Certiorari to the Court of Appeals. – Any decision, order, resolution, award or ruling of the Board on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, interpretation of agrarian reform laws or rules and regulations promulgated thereunder, may be brought within fifteen (15) days from receipt of a copy thereof, to the Court of Appeals by certiorari. Notwithstanding an appeal to the Court of Appeals, the decision of the Board appealed from shall be immediately executory pursuant to Section 50, Republic Act No. 6657.

[27] 1994 DARAB NEW RULES OF PROCEDURE, Rule XIII, sec. 11 provides:

Section 11. Land Valuation and Preliminary Determination and Payment of Just Compensation. – The decision of the Adjudicator on land valuation and preliminary determination and payment of just compensation shall not be appealable to the Board but shall be brought directly to the Regional Trial Courts designated as Special Agrarian Courts within fifteen (15) days from receipt of the notice thereof. Any party shall be entitled to only one motion for reconsideration.

[28] Id. at 50.

[29] Eliza Zoleta died in the interim; thus, her heirs substituted her.

[30] Id. at 139.

[31] Id. at 133-148.

[32] Id. at 144-145.

[33] Id. at 152-156.

[34] Id. at 135.

[35] 497 Phil. 313 (2005) [Per. J. Tinga, Second Division].

[36] Id. at 318.

[37] Id. at 318-319.

[38] Id. at 319.

[39] Id. at 319.

[40] Id. at 319-320.

[41] Id. at 320.

[42] Id.

[43] Id. at 321.

[44] Id. at 322-324.

[45] DARAB v. Lubrica did indicate that the DARAB's nature as an administrative agency lacking complete judicial powers prevented it from issuing writs of certiorari. However, DARAB v. Lubrica's intimations regarding the intrinsic reasons for the DARAB's inability to exercise certiorari powers appear to be tentative. In place of an emphatic declaration that the DARAB, by its very nature, could not exercise certiorari powers, DARAB v. Lubrica's pronouncements weigh more heavily on the lack of an express grant of jurisdiction as basis for the DARAB's disability. DARAB v. Lubrica must thus be calibrated and any lingering doubt on administrative impotence to issue writs of certiorari must be settled. In addition to the previously quoted portions, DARAB v. Lubrica also stated:

The function of a writ of certiorari is to keep an inferior court within the bounds of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to excess of jurisdiction. In the instant case, the RARAD issued the order of finality and the writ of execution upon the belief that its decision had become final and executory, as authorized under Section 1, Rule XII of the DARAB Rules of Procedure. It is worth noting that in its petition, DARAB maintains that in preventing the RARAD from implementing its decision, it merely "exercised its residual power of supervision, to insure that the RARAD acted within the bounds of delegated authority and/or prevent/avoid her from committing grave and serious disservice to the Program." DARAB's action, therefore, is a rectification of what it perceived as an abuse of the RARAD's jurisdiction. By its own admission, DARAB took upon itself the power to correct errors of jurisdiction which is ordinarily lodged with the regular courts by virtue of express constitutional grant or legislative enactments. This Court recognizes the supervisory authority of the DARAB over its delegates, namely, the RARADs and PARADs, but the same should be exercised within the context of administrative supervision and/or control. In the event that the RARADs or PARADs act beyond its adjudicatory functions, nothing prevents the aggrieved party from availing of the extraordinary remedy of certiorari, which is ordinarily within the jurisdiction of the regular courts.

That the statutes allowed the DARAB to adopt its own rules of procedure does not permit it with unbridled discretion to grant itself jurisdiction ordinarily conferred only by the Constitution or by law. Procedure, as distinguished from jurisdiction, is the means by which the power or authority of a court to hear and decide a class of cases is put into action. Rules of procedure are remedial in nature and not substantive. They cover only rules on pleadings and practice. (Citations omitted)

[46] Frank J. Goodnow, The Writ of Certiorari, 6 POLITICAL SCIENCE QUARTERLY 493, 493 (1891).

[47] Id.

[48] Id.

[49] Id.

[50] Id.

[51] Id. citing Gneist, Constitutional History of England (English translation, G. P. Putnam's Sons), Vol. I, p. 23.

[52] Id. at 494.

[53] Id.

[54] Id. at 495.

[55] Id.

[56] Id.

[57] Id.

[58] Id. at 497.

[59] Id.

[60] Id. at 495.

[61] Id.

[62] Id. at 495-496.

[63] Id. at 496.

[64] Id. at 497, citing Palgrave, Essay on the Authority of the King's Council, p. 8. Among these writs were summonses: "'The defendant in the cases in the royal courts was summoned into court by writ original under the King's seal,' which was kept in the office of the Chancellor."

[65] Id.

[66] Id.

[67] Id.

[68] Id.

[69] Id. at 497.

[70] Id. at 497-498.

[71] 698 Phil. 1 (2012) [Per J. Bersamin, First Division].

[72] Id. at 14.

[73] Frank J. Goodnow, The Writ of Certiorari, 6 POLITICAL SCIENCE QUARTERLY 493, 503 (1891) further explains, "What courts have inherited this jurisdiction is usually determined by the constitutions or statutes of the separate commonwealths."

[74] Tuason v. Concepcion, 54 Phil. 408, 415 (1930) [Per. J. Ostrand, En Banc].

[75] 698 Phil. 1 (2012) [Per J. Bersamin, First Division],

[76] Id. at 14.

[77] CONST., art. VIII, sec. 1.

[78] CONST., art. VIII, sec. 5(5).

[79] Philippine Airlines Employees Association (PALEA) v. Cacdac, 645 Phil. 494, 501 (2010) [Per. J. Bersamin, Third Division].

[80] Spouses Delos Santos v. Metropolitan Bank and Tryst Co., 698 Phil. 1, 14 (2012) [Per. J. Bersamin, First Division].

[81] Spouses Manila v. Spouses Manzo, 672 Phil. 460, 473 (2011) [Per. J. Villarama, First Division].

[82] Alafriz v. Nable, 72 Phil. 278, 280 (1941) [Per. J. Moran, First Division].

[83] United Coconut Planters Bank v. Looyuko, 560 Phil 581, 591 (2007) [Per. J. Austria-Martinez, Third Division].

[84] RULES OF COURT, Rule 65, sec. 1.

[85] Luz Farms v. Secretary of the Department of Agrarian Reform, 270 Phil. 151, 161 (1990) [Per. J. Paras, En Banc].

[86] 492 Phil. 682 (2005) [Per J. Tinga, Second Division].

[87] Id. at 692-695.

[88] Id. at 693.

[89] Solid Homes, Inc. v. Payawal, G.R. No. 84811, August 29, 1989, 257 Phil. 914, 921 (1989) [Per. J. Cruz, First Division].

[90] Id.

[91] Id.

[92] Carpio v. Executive Secretary, 283 Phil. 197, 204 (1992) [Per. J. Paras, En Banc].

[93] Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp., G.R. No. 202877, December 9, 2015, 777 SCRA 258, 268 [Per. J. Perlas-Bernabe, First Division].

[94] Smart Communications, Inc. v. National Telecommunications Commission, 456 Phil. 145, 155 (2003) [Per. J. Ynares-Santiago, First Division].

[95] Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp., G.R. No. 202877, December 9, 2015, 777 SCRA 258, 268 [Per. J. Perlas-Bernabe, First Division].

[96] *Antipolo Realty Corp. v. National Housing Authority*, 237 Phil. 389, 397 (1987) [Per. J. Feliciano, En Banc].

[97] *Id.*

[98] *Id.*

[99] *Araullo v. Aquino III*, 752 Phil. 716, 761 (2015) [Per. J. Bersamin, En Banc].

[100] *Id.*

[101] Statutes effected by President Corazon C. Aquino in the interregnum when she was exercising legislative powers.

[102] Exec. Order No. 129-A (1987), sec. 13.

[103] 1989 DARAB RULES OF PROCEDURE, Foreword.

[104] 1989 DARAB RULES OF PROCEDURE, Rule II, sec. 2:

Section 2. Delegated Jurisdiction. — The Regional Agrarian Reform Adjudicators (RARAD) and the Provincial Agrarian Reform Adjudicators (PARAD) are empowered and authorized to receive, hear, determine and adjudicate all agrarian cases and disputes, and incidents in connection therewith, arising within their respective territorial jurisdiction.

[105] 1989 DARAB RULES OF PROCEDURE, Rule II, sec. 3:

Section 3. Functional Relationships. — The Board shall exercise functional supervision over the RARADs; and the PARADs. For administrative purposes, however, the RARADs and the PARADs are deemed to form part of the DAR Regional Office where they are stationed, and as such, shall be given administrative support by their respective Regional and Provincial offices, in terms of office space, personnel services, equipment and supply, and other facilities.

[106] 2003 DARAB NEW RULES OF PROCEDURE, Rule II, sec. 2:

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. 2009 DARAB NEW RULES OF PROCEDURE, Rule II, sec. 2:

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 the 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.

[107] *Rollo*, p. 135.

[108] *Id.* at 53.

[109] *Id.* at 144-145, citing *Department of Agrarian Reform Adjudication Board vs. Court of Appeals*, 334 Phil. 369 (1997) [Per J. Davide, Third Division].

[110] 497 Phil. 313 (2005). [Per J. Tinga, Second Division].

[111] Id. at 325-326.

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