

ELFLEDA, ALBERT, NAPOLEON, EDEN, SEVERIANO, CELIA AND LEO, ALL SURNAMED MARCELO, REPRESENTED BY SPOUSES SEVERINO [DECEASED] AND CELIA C. MARCELO, PETITIONERS, VS. SAMAHANG MAGSA...

G.R. No. 205618. September 16, 2019

Ponente: REYES, J. JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-205618/>

REYES, J. JR., J.:

Through this Petition for Review[1] under Rule 45 of the Rules of Court, petitioners challenge the Court of Appeals (CA) Decision[2] dated June 28, 2012 and Resolution[3] dated February 4, 2013. The assailed CA Decision and Resolution reversed the ruling of the Office of the President (OP), and instead, reinstated the order of the Department of Agrarian Reform (DAR) Secretary which denied petitioners' application for exemption of their landholdings from the coverage of Republic Act (R.A.) No. 6657 or the Comprehensive Agrarian Reform Law (CARL).

Facts

Subject of the instant controversy are the following parcels of land located at Barangay San Mariano, Municipality of San Antonio, Nueva Ecija, and registered under the names of Elfleda, Albert, Napoleon, Eden, Severiano, Celia, and Leo, all surnamed Marcelo, (herein represented by their parents, spouses Severiano and Celia Marcelo, and collectively referred to as petitioners):

TCT No. Lot No. Area (Ha) Date of Registration

NT-47472 3346 0.1675 August 2, 1963

NT-47472 3340 8.9955 August 2, 1963

NT-47473 1222 11.9882 August 2, 1963

NT-47473 3345 1.3080 August 2, 1963

NT-47473 3344 0.0495 August 2, 1963

NT-216355 1-I 92.1943 March 14, 1991

TOTAL 114.7030

On March 14, 1989, petitioners voluntarily offered to sell these properties to the government for redistribution pursuant to the Comprehensive Agrarian Reform Program (CARP).[4] Notices of Coverage under the Compulsory Acquisition scheme were nonetheless sent to petitioners on August 28, 1991, and on September 6, 1991.[5]

On July 3, 1997, petitioners formally withdrew and cancelled their Voluntary Offer to Sell (VOS).[6] They

manifested that they opted to continue the development of the landholdings.[7] This was followed on March 15, 2000, by another Notice of Coverage sent by the Municipal Agrarian Reform Office (MARO) of the Municipality of San Antonio.[8] Eighty-one farmer beneficiaries were identified by the DAR. The Landbank of the Philippines thereafter, issued a separate Memoranda of Valuation on the 47.2904 hectares which is a portion of the 92.1934 hectares of land covered by TCT No. NT-216355 and on the 13.344 hectares of land covered by TCT No. 47473. Collective Certificate of Land Ownership Awards (CLOAs) were then issued to the farmer-beneficiaries.[9]

Subsequently, petitioners filed an action for the cancellation of the CLOAs before the DAR Adjudication Board (DARAB), Region III, raising the ground, among others, that the properties were classified and approved as residential in 1977, and are therefore, exempt from CARP coverage.[10]

The DARAB, Region III, found that the properties are residential in nature as evidenced by the 2004 tax declaration receipts and the certificate of registration and license to sell issued by the National Housing Authority (NHA) in 1977. It further found that the CLOAs issued to the beneficiaries were fatally infirm as they were not signed by the DAR Secretary.[11]

Thus, the DARAB, Region III, ordered the cancellation of the CLOAs and disposed as follows:

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

- Ordering the RECALL and CANCELLATION of Certificate of Land Ownership Award (CLOA[s]) Nos. 006261 (TCT-CLOA-CA2116), 00626177 (TCT-CLOA-CA-2117), and 00626396 (TCT-CLOA-CA-22213) issued in the name of private respondents being NULL and VOID.
- Ordering, the Register of Deeds for the Province of Nueva Ecija to cause the Cancellation of Certificate of Land Ownership Award (CLOA[s]) issued in favor of the private respondents and declaring the same of no legal force and effect.
- Directing the Department of Agrarian Reform to protect the rights of the legitimate title holders and the rest of the unaffected areas must remain undisturbed.
- Enjoining Private Respondents to cease and [desist] from entering and conducting any activity inside the subject property specifically Celia Village located at San Mariano, San Antonio, Nueva Ecija.
- No pronouncement as to cost.

SO ORDERED.[12]

The farmer-beneficiaries then appealed to the DARAB. The records do not disclose the result of this appeal.

While this appeal was pending, petitioners filed on April 8, 2005, a Petition for Non-coverage of Landholding before the Office of the Regional Director of DAR, Region III (DAR Regional Office).[13]

Petitioners alleged that the properties are not agricultural lands as defined under R.A. No. 6657, but residential lands. They alleged that on April 28, 1977, the NHA approved the conversion of the landholdings as Celia Subdivision and that a certificate of registration and license to sell were issued. In support, petitioners submitted a Certification of confirmation and recognition of the validity of the conversion dated June 17, 2005, issued by the Housing and Land Use Regulatory Board (HLURB).[14]

Finding that petitioners' cause of action is to exempt the landholdings from the coverage of the CARL, the DAR Regional Office issued an Order[15] dated November 17, 2005, directing petitioners to file their application for exemption before the DAR Secretary, disposing thus:

WHEREFORE, premises considered, an Order is hereby issued DIRECTING the protestants Elflada Marcelo,

et al., as represented by Sps. Severiano Marcelo and Celia Marcelo, to file their Application for Exemption pursuant to Administrative Order No. 4, Series of 2003, pertaining to landholdings embraced by TCT Nos. NT 216355 [and] 47473, with an area of 92.1943 and 13.3447 hectares, more or less, respectively, situated in Brgy. San Mariano, San Antonio, Nueva Ecija.

SO ORDERED.[16]

Consequently, on April 11, 2006, petitioners filed a Sworn Application for Exemption Clearance[17] before the DAR Center for Land Use Policy Planning and Implementation (CLUPPI) Office. In support of their application, petitioners submitted the following documents:

(a)

Order[18] dated November 17, 2005, issued by the DAR Regional Office directing petitioners to file their Application for exemption;

(b)

Certification[19] dated September 12, 2005, issued by the HLURB confirming that there exists a valid certificate of registration and license to sell issued by the NHA covering the landholdings;

(c)

Certification[20] dated March 22, 2006, issued by the HLURB stating that the landholdings are within the urban residence and reclassified as residential properties prior to June 15, 1988;

(d)

Certification[21] dated April 10, 2006, issued by the Office of the Municipal Planning and Development Coordinator (MPDC) stating that the landholdings are Within the urban residence pursuant to Sangguniang Bayan Resolution No. 2006-004;

(e)

Certificate of Registration[22] of Celia Subdivision and License to Sell[23] issued by the NHA;

(f)

Resolution No. 2006-004[24] dated March 15, 2006, issued by the Sangguniang Bayan of San Antonio, Nueva Ecija ratifying the landholdings as urban and residential under the Comprehensive Land Use Plan and Zoning Ordinance;

(g)

Certification[25] dated April 18, 2006, issued by the Department of Agriculture (DA) certifying that the landholdings are not suitable for agricultural production;

(h)

Certification[26] dated September 21, 2005, issued by the National Irrigation Administration (NIA) stating that the landholdings are already partially developed and not included in its programmed area;

(i)

Certifications dated January 9, 1998[27] and November 27, 2005 issued by the DAR Municipal Agrarian Reform Office (MARO) stating that the landholdings were untenanted;

(j)

Certification[28] dated April 6, 2006, issued by the DAR Provincial Agrarian Reform Office (PARO) stating that the landholdings have no farmworkers or actual tillers;

(k)

Affidavit of Undertaking[29] executed on April 4, 2006, by petitioners in support of their application for exemption; and

(l)

Various pictures[30] and location map of the landholdings showing the development undertaken therein.

An opposition to the application for exemption was filed by herein respondents Samahang Magsasaka ng Barangay San Mariano. They argued that the landholdings were never reclassified as residential as there was no zoning ordinance approved by the HLURB prior to June 15, 1988, containing such reclassification.

Respondents also averred that petitioners committed grave misrepresentation when they submitted the certificate of registration and license to sell issued by the NHA as purportedly covering the subject properties. In refutation, respondents submitted an HLURB Certification[31] dated August 15, 2006, certifying that the certificate of registration and license to sell issued by the NHA in 1977, covered only a total area of 66,375 square meters which is a consolidation subdivision of 3 parcels of lot, namely: (a) Lot No. 1225 covered by TCT-29809 with an area of 5,036 square meters; (b) Lot No. 1226 covered by TCT No. NT-43300 with an area of 1,693 square meters; and (c) Lot No. 1227 covered by TCT No. NT-15456 with an area of 59,646 square meters.

In rebuttal, petitioners submitted new evidence in the form of an Affidavit[32] executed by a retired MPDC to the effect that the properties are within the residential area.

The Order of the DAR Secretary

Because of the HLURB Certification dated August 15, 2006, the CLUPPI Committee recommended the denial of the application for exemption. Approving the CLUPPI Committee's recommendation, the DAR Secretary denied petitioners' application for exemption in his Order dated March 21, 2007, and disposed as follows:

WHEREFORE, premises considered the application for Exemption Clearance pursuant to DAR Administrative Order No. 4, Series of 2003, involving six (6) parcels of land with an aggregate area of 114.7030 hectares, located in Barangay San Mariano, San Antonio Nueva Ecija is hereby DENIED. The Municipal and the Provincial Agrarian Reform Officers are hereby directed to continue with the documentation of the said landholdings pursuant to pertinent and applicable agrarian laws, and thereafter to cause the immediate distribution of the same to the qualified Beneficiaries.

SO ORDERED.[33]

Petitioners moved for reconsideration on the grounds that the HLURB's Certification dated August 15, 2006, pertained to other landholdings likewise registered in the names of petitioners, and that the respondents had no personality to oppose. Thus, in rebuttal, petitioners submitted an HLURB Certification dated March 29, 2007, stating that the lands described in its Certification dated August 15, 2006, are different from the lands sought to be exempted from CARP coverage. It is also therein stated that the subject landholdings are within the urban residence and were reclassified as residential by the NHA prior to June 15, 1988, as ratified and approved by the Sangguniang Bayan of San Antonio, Nueva Ecija in its Resolution No. 2006-004.

Respondents opposed the motion for reconsideration and submitted another HLURB Certification dated April 25, 2007, stating that the town plan and zoning ordinance of San Antonio, Nueva Ecija was not yet approved by the HLURB, and reiterating that the certificate of registration and license to sell covered only an area of 66,375

square meters. The HLURB Certification dated April 25, 2007, further nullified inconsistent HLURB issuances previously issued, specifically the HLURB Certification dated September 12, 2005, (to the effect that there exists a valid NHA-issued certificate of registration and license to sell covering the properties) and HLURB Certification dated March 29, 2007 (stating that the lands were reclassified as residential by the NHA prior to June 15, 1988, as ratified under Sangguniang Bayan Resolution No. 2006-004).

Petitioners' motion for reconsideration was denied by the DAR Secretary in his Order dated February 4, 2008.[34] This prompted an appeal to the OP.

The OP's Decision

In a Decision[35] dated March 1, 2010, the OP reversed the Orders of the DAR Secretary, and, instead granted petitioners' application for exemption.

According to the OP, the HLURB Certification dated August 15, 2006, is not fatal to petitioners' application because while said certification confirms that only 66,375 square meters of the Celia Subdivision was issued a certificate of registration and license to sell, such does not necessarily mean that the subject properties are no longer urban and residential.[36]

The OP also reasoned that the HLURB Certification dated August 15, 2006, by itself, is not conclusive evidence to warrant the denial of petitioners' application for exemption. It pointed out that DAR Administrative Order (A.O.) No. 4, series of 2003, prescribing the rules on exemption of lands from the coverage of CARL, enumerates other documents that must be submitted when applying for exemption.

Thus, the OP gave weight to the Sangguniang Bayan Resolution No. 2006-004 dated March 15, 2006, as proof that the properties were classified as residential lands; the Field Inspection Report of the CLUPPI showing that the properties adjoin residential lands, near the hospital and connected to the municipal and provincial roads; Certifications from the MARO and PARO attesting that the landholdings are untenanted; Certifications from NIA stating that the properties are not irrigated nor included in the area with programmed irrigation; and Certification from the DA stating that the properties are not viable for agricultural development.[37]

The OP also relied on the observations contained in the DARAB Decision dated October 14, 2004, that the properties are residential in nature.[38] In all, the OP held that petitioners have satisfactorily proven by substantial evidence that the subject properties are residential and not agricultural lands, and ruled:

WHEREFORE, premises considered, the assailed Orders dated 21 March 2007 and 4 February 2008 of the Department of Agrarian Reform are hereby REVERSED and SET ASIDE and, in lieu thereof, a new judgment rendered GRANTING appellants' application for exemption of their titled landholdings from the coverage of the Comprehensive Agrarian Reform Law (CARL).

SO ORDERED.[39]

Respondents moved for reconsideration but this was denied by the OP in a Resolution dated May 27, 2010.[40] With this denial, respondents elevated the case to the CA.

The CA's Decision

The CA narrowed the issue to be resolved as to whether the subject properties were classified as residential before June 15, 1988, or the effectivity of the CARL, and are therefore, exempt from its coverage.

The CA noted discrepancies in the documents submitted by petitioners to support their application for exemption. It observed that the HLURB Certification dated September 12, 2005, (stating that the NHA issued a certificate of

registration and license to sell over the subject properties) was inconsistent with the HLURB Certification dated August 15, 2006 (stating that the certificate of registration and license to sell covered other lots).

Further, the CA doubted the veracity of Sangguniang Bayan Resolution No. 2006-004, purportedly ratifying the reclassification of the subject properties as residential because the Sangguniang Bayan itself issued a Certification dated August 2, 2010, denying the existence of such Resolution. Likewise, the Office of the Vice-Governor of the Province of Nueva Ecija issued a Certification dated July 21, 2010, stating that Sangguniang Bayan Resolution No. 2006-004 pertained to the riprapping of the Along-Along creek.

The CA also considered respondents' documentary evidence consisting of the HLURB Certification dated April 25, 2007, which nullified the previous HLURB Certifications presented by petitioners and the letter[41] dated September 6, 2006, issued by the MPDC stating that there was no record as to the classification of the subject properties prior to June 15, 1988, and that said properties were classified as agricultural based on the Comprehensive Land Use Plan and Zoning Ordinance approved by the Sangguniang Bayan and the Sangguniang Panlalawigan on July 22, 2002, and September 23, 2002, respectively.[42]

Given these, the CA concluded that petitioners failed to prove by substantial evidence that the subject properties were classified as residential prior to the effectivity of the CARL, and are therefore, not exempt from its coverage.

In disposal, the CA held:

WHEREFORE, premises considered, the petition is GRANTED. The assailed Decision dated March 1, 2010 and Resolution dated May 27, 2010 are hereby REVERSED and SET ASIDE and the Order dated March 21, 2007 issued by the DAR Secretary is hereby REINSTATED.

SO ORDERED.[43]

Petitioners' motion for reconsideration met similar denial from the CA. Thus, resort to the instant petition raising the following:

Issues

I

THE HONORABLE COURT OF AP[P]EALS ERRED WHEN IT DECLARE[D] THAT THERE [WERE] DISCREPANCIES AND INCONSISTENCIES ON THE DOCUMENTARY EVIDENCE SUBMITTED BY HEREIN PETITIONERS; AND

II

THE SAID HONORABLE COURT COMMITTED REVERSIBLE ERROR WHEN IT SUSTAINED THE CLAIMS AND ARGUMENTS OF HEREIN RESPONDENTS THAT THE LAND IN DISPUTE REMAINS TO BE AGRICULTURAL DESPITE SUBSTANTIAL EVIDENCE TO PROVE OTHERWISE.[44]

Essentially disputing the factual findings of the CA, petitioners reiterate their claim that as early as April 28, 1977, the NHA had issued a certificate of registration and license to sell over the entire subject properties which was recognized by the HLURB. According to petitioners, there is no discrepancy caused by the HLURB Certification dated August 15, 2006, as this pertains to a different set of lots.

In any case, petitioners assert that there are other documentary evidence proving that the subject properties were reclassified as agricultural prior to June 15, 1988, such as the Sangguniang Bayan Resolution No. 2006-004, the Certification dated April 10, 2006, issued by the Office of the MPDC, and the Affidavit dated September 7, 2005, executed by the retired MPDC.[45]

As regards the discrepancy in the Sangguniang Bayan Resolution, petitioners explain that they pertain to Resolution No. 2006-004 which was dated March 15, 2006, and not March 6, 2006.[46] In support of the existence of Sangguniang Bayan Resolution No. 2006-004 dated March 15, 2006, petitioners point to the Certification[47] issued by the Sangguniang Panlalawigan Secretary manifesting that the latter received a copy of said Resolution on November 14, 2007. Petitioners also clarify that Resolution No. 2006-004 dated March 15, 2006, is in fact different from Resolution No. 2006-004 dated January 2, 2006, (although bearing the same resolution number) which pertains to the riprapping of the Along-Along creek.

At any rate, petitioners invite attention to Resolution No. 2002-054[48] dated July 22, 2002 of the Sangguniang Bayan of San Antonio and Resolution No. 265-Ss-2002[49] dated September 23, 2002 of the Sangguniang Panlalawigan of Nueva Ecija, City of Palayan, which approved the Comprehensive Development Plan and Zoning Ordinance for San Antonio, Nueva Ecija.

For their part, respondents seek the dismissal of the petition for having raised factual issues improper in a petition for review on certiorari under Rule 45.[50]

In a Resolution dated February 19, 2014, the Court resolved to deny the instant petition for petitioners' failure to file the required reply.[51] The petition was nevertheless, reinstated on petitioners' motion for reconsideration.[52]

Ruling of the Court

Coverage under the CARP is the general rule, therefore, the applicant bears the burden of proving that the property is exempt. Petitioners fail to discharge this burden of proof, consequently, their application for exemption fails. For this reason, the Court denies the petition.

Conflicting findings warrants a

factual review

The rule is that factual issues are beyond the province of this Court in a Rule 45 petition.[53] By way of exception,[54] the Court may re-examine the facts based on the evidence presented by the parties when, among others, the factual findings of the government agency and the CA are conflicting, as in the instant case.

CARL Coverage and Exemption

R.A. No. 6657 took effect on June 15, 1988. Chapter II, Section 4 of R.A. No. 6657, details the coverage of the CARP as follows:

SEC. 4. Scope. — The Comprehensive Agrarian Reform Law of 1989 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands, as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture.

More specifically the following lands are covered by the Comprehensive Agrarian Reform Program:

- (a) All alienable and disposable lands of the public domain devoted to or suitable for agriculture. No reclassification of forest or mineral lands to agricultural lands shall be undertaken after the approval of this Act until Congress, taking into account ecological, developmental and equity considerations, shall have determined by law, the specific limits of the public domain.
- (b) All lands of the public domain in excess of the specific limits as determined by Congress in the preceding paragraph;
- (c) All other lands owned by the Government devoted to or suitable for agriculture; and

(d) All private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon. (Emphases supplied)

"Agricultural land" is, in turn, defined under Section 3(c) of R.A. No. 6657 as "land devoted to agricultural activity as defined in this Act and not classified as mineral, forest, residential, commercial or industrial land."

In accordance with its power to issue rules and regulations to carry out the purposes of R.A. No. 6657,[55] DAR issued A.O. No. 01, series of 1990[56] providing for the Revised Rules and Regulations Governing Conversion of Private Agricultural Lands to Non-Agricultural Uses and elaborating on the definition of agricultural lands as follows:

[T]hose devoted to agricultural activity as defined in [R.A. No.] 6657 and not classified as mineral or forest by the Department of Environment and Natural Resources (DENR) and its predecessor agencies and not classified in town plans and zoning ordinances as approved by the Housing and Land Use Regulatory Board (HLURB) and its preceding authorities prior to 15 June 1988 for residential, commercial or industrial use. (Emphasis supplied)

From this, the concurrence of two conditions: first, the land has been classified in town plans and zoning ordinances as residential, commercial or industrial; and second, the town plan and zoning ordinance embodying the land classification has been approved by the HLURB or its predecessor agency prior to June 15, 1988, must be satisfied to exempt a property from the ambit of the CARP.[57]

Prior to DAR A.O. No. 1, series of 1990, then Secretary Franklin M. Drilon of the Department of Justice (DOJ) issued DOJ Opinion No. 044, series of 1990,[58] addressed to then Secretary Florencio B. Abad of the DAR, opining that while under the laws preceding R.A. No. 6657, the DAR had the authority to authorize conversion of agricultural lands to other uses, such authority was always exercised in coordination with other concerned agencies.[59]

Congruently, in 1993, the Court promulgated its ruling in *Natalia Realty v. Department of Agrarian Reform*,[60] where it held that lands previously converted by government agencies, other than DAR, to non-agricultural uses prior to the effectivity of R.A. No. 6657 were outside the coverage of said law.

DOJ Opinion No. 044 was later on implemented by the DAR through its A.O. No. 06, series of 1994[61] or the Guidelines for the Issuance of Exemption Clearance Based on Section 3(c) of R.A. No. 6657 and the DOJ Opinion No. 044, series of 1990. Item II, 2[nd] paragraph of DAR A.O. No. 06, series of 1994 provides:

The [DOJ Opinion No. 044] has ruled that with respect to the conversion of agricultural lands covered by R.A. No. 6657 to non-agricultural uses, the authority of the DAR to approve such conversion may be exercised from the date of its effectivity, on June 15, 1988. Thus, all lands are [sic] already classified as commercial, industrial or residential before 15 June 1988 no longer need any conversion clearance. (Emphasis supplied)

Further, Section 3.4 of DAR A.O. No. 1, series of 2002, or the Comprehensive Rules on Land Use Conversion provides:

SEC. 3. Applicability of Rules. —These guidelines shall apply to all applications for conversion, from agricultural to non-agricultural uses or to another agricultural use, such as:

x x x x

3.4. Conversion of agricultural lands or areas that have been reclassified by the LGU or by way of a Presidential Proclamation, to residential, commercial, industrial, or other non-agricultural uses on or after the effectivity of R.A. No. 6657 on 15 June 1988, pursuant to Section 20 of R.A. No. 7160, and other pertinent laws and regulations, and are to be converted to such uses. However, for those reclassified prior to 15 June

1988, the guidelines in securing an exemption clearance from the DAR shall apply. (Emphasis supplied)

The Court's ruling in *Natalia Realty* was also applied to real estates, although not located within townsite reservations, but were converted to non-agricultural uses prior to the effectivity of R.A. No. 6657.[62] In *Pasong Bayabas Farmers Association v. Court of Appeals*,[63] the Court affirmed the authority of the Municipal Council of Carmona to issue a zoning classification and to reclassify the property from agricultural to residential as approved by the Human Settlements Regulatory Commission (now HLURB). Unequivocally, in *Buklod Nang Magbubukid sa Lupaing Ramos, Inc. v. E.M. Ramos and Sons, Inc. (Buklod Nang Magbubukid)*,[64] the Court simply held that "[t]o be exempt from CARP, all that is needed is one valid reclassification of the land from agricultural to non-agricultural by a duly authorized government agency before June 15, 1988, when the CARL took effect." In *Ong v. Imperial*,[65] the Court held that the operative fact is the valid reclassification from agricultural to non-agricultural prior to the effectivity of the CARL, and not by how or whose authority it was reclassified.[66]

Ultimately, in applications for exemption, the question to be resolved is whether the property was, in fact, classified or reclassified as residential (or as mineral, forest, commercial, or industrial) by an authorized government agency before June 15, 1988. After all, an exemption clearance is issued because the CARL itself, from the beginning, has exempted the property from coverage, and the DAR Secretary is merely affirming this fact.[67] As earlier stressed, the burden of proof that a property is exempt falls on the applicant.

Requirements for Application for

Exemption

When petitioners' application for exemption was filed in 2006, the governing rules are that provided for under DAR A.O. No. 04, series of 2003 or the 2003 Rules on Exemption of Lands from CARP Coverage under Section 3(c) of Republic Act No. 6657 and Department of Justice (DOJ) Opinion No. 44, Series of 1990.

The documentary requirements under DAR A.O. No. 04, series of 2003, are substantially similar to those imposed under DAR A.O. No. 6, series of 1994, such that an applicant for exemption is required to submit the following:

2.1 Official receipt showing proof of payment of filing and inspection fees.

2.2 Sworn application for CARP Exemption or Exclusion xxx

x x x x

2.3 True copy, of the Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT) of the subject land, certified by the Register of Deeds not earlier than thirty (30) days prior to application filing date.

x x x x

2.4 Land classification certification:

2.4.1

Certification from the [HLURB] Regional Officer on the Actual zoning or classification of the subject land in the approved comprehensive land use plan, citing the municipal or city zoning ordinance number, resolution number, and date of its approval by the HLURB or its corresponding board resolution number.

x x x x

2.5 Certification of the [NIA] that the area is not irrigated nor scheduled for irrigation rehabilitation nor irrigable with firm funding commitment.

2.6 Certification of the [MARO] attesting compliance with the public notice requirement xxx and its corresponding report x x x.

2.7 Photographs x x x, using color film, and taken on the subject land under sunlight, x x x

2.8 Proof of receipt of payment of disturbance compensation or a valid agreement to pay or waive payment of disturbance compensation.

2.9 Affidavit/Undertaking x x x

2.10 Lot plan prepared by a duly-licensed geodetic engineer indicating the lots being applied for and their technical descriptions.

2.11 Vicinity or directional map x x x[68] (Emphases supplied)

Of these requirements, the Court, in *Heirs of Luis A. Luna v. Afable*,^[69] explains that the more important ones are the certifications from the HLURB and the zoning administrator, thus:

The exemption order of Secretary Pagdanganan found petitioners' application to have fully complied with the documentary requirements for exemption set forth under AO No. 6, the more important of which are the Certifications from the Deputized Zoning Administrator and the HUDCC stating that petitioners' property falls within the Light Intensity Industrial Zone of Calapan City.

x x x x

In contrast to the exemption order issued by Secretary Pagdanganan, the resolution and order, respectively, of OIC Secretaries Ponce and Pangandaman — which the CA cited with approval — relied mainly on certifications declaring that the property is irrigated or has a slope of below 18% and on an ocular inspection report stating that the property is generally covered with rice and that the surrounding areas are still agricultural, as bases for their conclusion that subject land is agricultural and, therefore, covered by the CARL. These matters, however, no longer bear any significance in the light of the certifications of the Deputized Zoning Administrator and the HUDCC testifying to the non-agricultural nature of the landholding in question.

The CARL, as amended, is unequivocal that only lands devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land are within its scope. Thus, the slope of the land or the fact of its being irrigated or non-irrigated becomes material only if the land is agricultural, for purposes of exempting the same from the coverage of the agrarian law. However, if the land is non-agricultural — as is the case of the property here under consideration — the character and topography of the land lose significance.

It must likewise be emphasized that, since zoning ordinances are based not only on the present, but also on the future projection of needs of a local government unit, when a zoning ordinance is passed, the local legislative council obviously takes into consideration the prevailing conditions in the area where the land subject of reclassification is situated.

Accordingly, when the then Sangguniang Bayan of Calapan enacted Ordinance No. 21, there is reasonable ground to believe that the district subject of the reclassification, including its environs, was already developing. Thus, as found by the Office of the President: "we find that the area where subject property is situated was really intended to be classified not as agricultural, as in fact it was declared as a residential, commercial and institutional in 1998."^[70] (Emphasis supplied)

Here, petitioners principally rely on the following documents as purportedly showing that the properties were reclassified as residential prior to June 15, 1988:

- Certificate of Registration and License to Sell, issued by the NHA in favor of Celia Subdivision;

- HLURB Certification dated September 12, 2005, confirming that there is a valid certificate of registration and license to sell issued by the NHA covering the properties;
- HLURB Certification dated March 22, 2006, stating that the properties are within the urban residence and reclassified as residential properties prior to June 15, 1988;
- Sangguniang Bayan Resolution No. 2006-004 dated March 15, 2006, issued by the Municipality of San Antonio, Nueva Ecija; and
- MPDC Certification dated April 10, 2006, stating that the properties are within the urban residence pursuant to Sangguniang Bayan Resolution No. 2006-004.

Petitioners, therefore, anchor their application for exemption on the issuances of three government agencies that purportedly reclassified the properties as residential: the NHA, the Sangguniang Bayan, and the HLURB. Unfortunately, none of these pieces of documentary evidence prove that the properties were classified or reclassified as residential prior to June 15, 1988.

The NHA Registration Certificate

and License to Sell

It is uncontroverted that the certificate of registration and license to sell cover properties other than those being applied for exemption. Petitioners themselves vehemently pound that the properties being applied for exemption are different from the properties which were registered with the NHA and for which a license to sell was issued. The Court fails to see how this argument could possibly work to petitioners' advantage.

Quite incongruently, petitioners insist that the subject properties form part of the Celia Subdivision for which a certificate of registration and license to sell were issued. This allegation, however, is neither supported by a copy of the subdivision plan as approved by the NHA and by the Bureau of Lands. Thus, the logical conclusion is that the subject properties are not registered as residential subdivision with the NHA.

The Sangguniang Bayan Resolution

Confusion is apparently caused by the resolutions issued by the Municipal Council of San Antonio, Nueva Ecija which bore the same number but were issued on different dates for different purposes. We find satisfactory petitioners' explanation tending to prove the existence of Sangguniang Bayan Resolution No. 2006-004 which "ratified and recognized" Celia Subdivision, and need not further dwell thereon.

Nevertheless, Sangguniang Bayan Resolution No. 2006-004 is not a zoning ordinance or a comprehensive land use plan adopted by the Municipal Council of San Antonio, Nueva Ecija and approved by the HLURB prior to June 15, 1988.

Buklod Nang Magbubukid[71] extensively explains what a zoning ordinance is, thus:

Zoning classification is an exercise by the local government of police power, not the power of eminent domain. A zoning ordinance is defined as a local city or municipal legislation which logically arranges, prescribes, defines, and apportions a given political subdivision into specific land uses as present and future projection of needs.

The Court gave a more extensive explanation of zoning in *Pampanga Bus Company, Inc. v. Municipality of Tarlac*, thus:

The appellant argues that Ordinance No. 1 is a zoning ordinance which the Municipal Council is authorized to adopt. McQuillin in his *treaties on Municipal Corporations* (Volume 8, 3rd ed.) says:

Zoning is governmental regulation of the uses of land and buildings according to districts or zones. It is comprehensive where it is governed by a single plan for the entire municipality and prevails throughout the municipality in accordance with that plan. It is partial or limited where it is applicable only to a certain part of the municipality or to certain uses. Fire limits, height districts and building regulations are forms of partial or limited zoning or use regulation that are antecedents of modern comprehensive zoning.

The term "zoning," ordinarily used with the connotation of comprehensive or general zoning, refers to governmental regulation of the uses of land and buildings according to districts or zones. This regulation must and does utilize classification of uses within districts as well as classification of districts, inasmuch as it manifestly is impossible to deal specifically with each of the innumerable uses made of land and buildings. Accordingly, (zoning has been defined as the confining of certain classes of buildings and uses to certain localities, areas, districts or zones.) It has been stated that zoning is the regulation by districts of building development and uses of property, and that the term "zoning" is not only capable of this definition but has acquired a technical and artificial meaning in accordance therewith. (Zoning is the separation of the municipality into districts and the regulation of buildings and structures within the districts so created, in accordance with their construction, and nature and extent of their use. It is a dedication of districts delimited to particular uses designed to subserve the general welfare.) Numerous other definitions of zoning more or less in accordance with these have been given in the cases.[72] (Internal citations omitted and emphasis supplied)

The Local Autonomy Act of 1959, the precursor of the Local Government Code of 1991, provides for the power of municipal councils to adopt zoning and planning ordinances as follows:

SEC. 3. Additional Powers of Provincial Boards, Municipal Boards or City Councils and Municipal and Regularly Organized Municipal District Councils. –

x x x x

Power to adopt zoning and planning ordinances. - Any provision of law to the contrary notwithstanding, Municipal Boards or City Councils in cities, and Municipal Councils in municipalities are hereby authorized to adopt zoning and subdivision ordinances or regulations for their respective cities and municipalities subject to the approval of the City Mayor or Municipal Mayor, as the case may be. Cities and municipalities may, however, consult the National Planning Commission on matters pertaining to planning and zoning.

The Local Government Code of 1991 mirrors the power of the municipal council, as the legislative body of the municipality, to adopt a comprehensive land use plan for the general welfare of the municipality and its inhabitants.[73] Thus, Section 447 of the Local Government Code of 1991, provides:

(2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under Section 18 of this Code with particular attention to agro-industrial development and countryside growth and progress, and relative thereto, shall:

x x x x

(vii) Adopt a comprehensive land use plan for the municipality: Provided, That the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;

(viii) Reclassify land within the jurisdiction of the municipality subject to the pertinent provision of this Code;

(ix) Enact integrated zoning ordinances in consonance with the approved comprehensive land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code[.] (Emphases supplied)

Likewise, the municipal council has the authority to reclassify agricultural lands. Section 20 of the Local Government Code of 1991, provides:

SEC. 20. Reclassification of Lands. - (a) A city or municipality may, through an ordinance passed by the sanggunian after conducting public hearing for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined by the sanggunian concerned: Provided, That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:

(1) For highly urbanized and independent component cities, fifteen percent (15%);

(2) For component cities and first to the third class municipalities, ten percent (10%); and

(3) For fourth to sixth class municipalities, five percent (5%): Provided, farther, That agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act Numbered Sixty-six hundred fifty-seven (R.A. No. 6657), otherwise known as "The Comprehensive Agrarian Reform Law", shall not be affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of said Act.

(b) The President may, when public interest so requires and upon recommendation of the National Economic Development Authority, authorize a city or municipality to reclassify lands in excess of the limits set in the next preceding paragraph.

(c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources: Provided, That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.

(d) When approval by a national agency is required for reclassification, such approval shall not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval thereof.

(e) Nothing in this Section shall be construed as repealing, amending, or modifying in any manner the provisions of R.A. No. 6657. (Emphases supplied)

Petitioners offer Sangguniang Bayan Resolution No. 2006-004 as a municipal ordinance that purportedly reclassified the subject properties as residential. Quoted are the pertinent portions of said Resolution:

WHEREAS, spouses [Marcelo], registered co-owners and duly authorized representatives of the titled owners of said CELIA SUBDIVISION, located at San Mariano, San Antonio, Nueva Ecija, submitted and filed on February 17, 2006 copies of documents and pertinent papers with the Office of the Sangguniang Bayan of San Antonio, asking for a Resolution to ratify and recognize said subdivision as already a residential zone even prior to June 15, 1988, the affectivity [sic] of [R.A. No. 6657];

WHEREAS, to support their request, the following documentary evidences [sic] were submitted: (a). Xerox copies of the titles; (b). Tax declarations; (c). Tax clearance; (d). Approval of the Comprehensive Development Plan and Zoning Ordinance of the Sangguniang Panlalawigan; (e). Special Power of Attorney; (f). Certified Xerox copy of the Certificate of Registration; (g). Certified Xerox copy of License to Sell; (h). Original copy of the certification of the [HLURB]; (i). Pictures taken on the subject properties; (j). MARO's certification that the subject properties are untenanted, and (k). Certification from Chief District III, NIA that said properties are not included in the program area of District III, NIA, UPRIIS, and not irrigated;

WHEREAS, it is true that the existence of the subdivision made it possible for the urbanization of the locality leading to the construction of infrastructures like schools, hospitals and residential houses which now abound

in the area. It is also a public knowledge that the lot on which San Mariano High School was built and constructed – which has been donated by spouses Marcelo – forms part and parcel of subject landholdings;

x x x x

WHEREAS, spouses Marcelo's request partakes the nature of exemption pursuant to see3 [sic] par. C of [R.A. No. 6657] and [DOJ Opinion No. 044] and they alleged that subject properties had been classified and converted into subdivision for residential purpose by the [NHA] prior to June 15, 1988, the effectivity of [R.A. No. 6657][;]

WHEREAS, it appears upon the certification of the MARO, that no agricultural tenancy exists, coupled with certification of the [NHA][74] that Certificate of Registration and License to sell is still valid and subsisting on subject landholding, hence these [sic] exists no impediment to classify subject landholding into a residential zone.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SANGGUNIAN BAYAN OF SAN ANTONIO, NUEVA ECIJA, BY VIRTUE OF POWERS VESTED IN IT BY LAW, IN SESSION ASSEMBLED, to ratify and approve, on the basis of documentary evidences [sic] submitted, a RESOLUTION ratifying CELIA SUBDIVISION, located at San Mariano, San Antonio Nueva Ecija, as a residential subdivision and classified as URBAN and RESIDENTIAL in the Comprehensive Land Use Plan and Zoning Ordinance.[75] (Emphases supplied)

By its terms, Sangguniang Bayan Resolution No. 2006-004 does not purport to delineate an area or district in the municipality as residential pursuant to the municipal council's power under Section 3 of the Local Autonomy Act of 1959 or under Section 447 of the Local Government Code of 1991. It is riot even a comprehensive land use plan as it is curiously property-specific. The Resolution does not even purport to be an ordinance approving petitioners' application for subdivision and development of the subject properties for non-agricultural use. Instead, Sangguniang Bayan Resolution No. 2006-004, appears to be, is an acquiescence to the request made by the petitioners to ratify and recognize their properties as residential. These "ratification" and "recognition" are in turn, speciously predicated upon a MARO certification that there is no agricultural tenancy over the properties and upon the NHA-issued certificate of registration and license to sell which, as established, covered a different property.

Also, Sangguniang Bayan Resolution No. 2006-004 was passed only in 2006. Obviously, the land use plan or the zoning ordinance contemplated under DAR A.O. No. 04, series of 2003, must be in existence prior to June 15, 1988, and not one which was passed on or after the effectivity of the CARL. Notably, as well, the Resolution seems to refer to a purported land use plan and zoning ordinance already adopted by the Province and the Municipality. The existence of such land use plan and zoning ordinance is, however, directly contravened by the MPDC letter dated September 6, 2006, certifying that there is no record as to the classification of the properties prior to June 15, 1988, and that the Comprehensive Land Use Plan and Zoning Ordinance was approved by the Sangguniang Bayan and the Sangguniang Panlalawigan only in 2002.

While petitioners also seem to rely on the land use plan and zoning ordinance approved in 2002, they fail to present such ordinance for the Court's appreciation. In any case, the Court assumes that such zoning ordinance could not help petitioners' cause in view of the uncontroverted MPDC's certification that the properties were classified as agricultural under the adopted land use plan and zoning ordinance.

The HLURB Certifications

In similar vein, the HLURB Certifications dated September 12, 2005, and March 22, 2006, are not proof that the properties were classified as residential prior to June 15, 1988.

The HLURB Certification dated September 12, 2005, provides:

This is to certify that CELIA SUBDIVISION, subdivision project covered by LRC Plan Pcs-3160 located at San Mariano, San Antonio, Nueva Ecija has been issued a CERTIFICATE OF REGISTRATION (CR No.) RS-0272 and LICENSE TO SELL (LS No.) 0239 by the [NHA] on 28 April 1977 which is covered [sic] Transfer Certificate of Title No. 47474 (now NT-216355)[,] NT-47473 and NT-47472 with an area of 92.1943 hectares more or less, 13.3457 hectares more or less and 9.1630 hectares more or less respectively.

Furthermore, said CR and LS issued by the NHA is still valid and recognized by this Board.[76]

In similar tenor, the HLURB Certification dated March 22, 2006, provides:

This is to certify that CELIA SUBDIVISION, a subdivision project with Certificate of Registration (CR No.) RS-0272 and License to Sell (LS No.) 0239 by the [NHA] on 28 April 1977 under Title Nos. 47472, 47473 and NT-216355 which is covered by LRC Plan Pcs-3160 (Lot 3340, 3346, 1222, 3343, 3344 and lot 1-I of the subdivision plan Psd-03-042455, being a portion of Lot 1 II 3960 LRC Rec. No. (situated at Brgy. San Mariano, San Antonio, Nueva Ecija, containing an area of 1,547,030 square meters registered in the name of Elfleda Marcelo et.al.) is found to be within the URBAN RESIDENCE and partakes the nature of EXEMPTION pursuant to Sec. 3, par. c of [R.A. No. 6657] and [DOJ Opinion No. 044], that the subject properties had been classified and converted into subdivision for residential purpose by the NHA prior to June 15, 1988, the effectivity of [R.A. No. 6657] and further ratified and approved by the Sangguniang Bayan (SB) Resolution No. 2006-004.

Furthermore, said Certificate of Registration [sic] and License to Sell issued by the NHA is valid and recognized by the Board.[77]

To emphasize, what is required under DAR A.O. No. 4, series of 2003, is an HLURB approval of the town plan and zoning ordinance embodying the land classification, which approval must have been made prior to June 15, 1988. Here, both HLURB certifications merely confirm the existence of a certificate of registration and license to sell issued by the NHA which, as aforesaid, cover an entirely different set of properties.

Other Documentary Evidence

It bears mentioning that the OP also relied on the DARAB decision which ordered the cancellation of the CLOAs issued to the farmer-beneficiaries on the finding that the properties are residential. Notably, this finding was based on the 2004 tax declaration receipts and the registration certificate and license to sell issued by the NHA. Reliance upon this finding is misplaced. For one, the NHA issuances, as explained, have no bearing to the subject properties. For another, it is settled that a tax declaration is not conclusive of the nature of the property for zoning purposes as it is the classification made by the local government that prevails.[78] Also, the cancellation of the CLOAs was ordered not only because the subject properties were found to be residential but also because the CLOAs were improvidently issued. As to whether these findings are correct for justifying the cancellation of the CLOAs is another matter which the Court does not presently delve upon.

Petitioners also rely upon the Certification dated April 10, 2006, issued by the MPDC stating that the properties are residential. This certification, is however, predicated upon Sangguniang Bayan Resolution No. 2006-004 which, as established, is not a zoning ordinance or a comprehensive land use plan.

Finally, the Affidavit dated August 5, 2006 of a retired MPDC could not have worked to petitioners' advantage as it merely states that the properties were included in the proposed issuance of a certificate of eligibility for conversion. In any case, it is not within the power of a local government unit to convert agricultural lands to non-agricultural uses; its power is to reclassify lands into uses within their jurisdiction subject to certain limitations.[79]

Indubitably, petitioners fail to discharge the burden of proving that the properties were classified in the zoning ordinance and land use plan as residential, and that such zoning ordinance and land use plan were approved by the HLURB prior to June 15, 1988. At the very least, petitioners ought to have established that the subject properties were classified or reclassified as residential by any authorized government agency prior to June 15, 1988. But even this, petitioners fail to discharge. This leads to the inevitable conclusion that the subject properties remain to be agricultural and are therefore, not exempt from the coverage of the CARL.

WHEREFORE, the petition is DENIED. The Decision dated June 28, 2012 and the Resolution dated February 4, 2013 of the Court of Appeals are AFFIRMED.

SO ORDERED.

Carpio,[*] (Chairperson), Caguioa, Lazaro-Javier, and Zalameda, JJ., concur.

[*]Acting Chief Justice per Special Order No. 2703 dated September 10, 2019.

[**] Also referred to as "Severiano" in the pleadings.

[1] Dated March 6, 2013, rollo, pp. 9-30.

[2] Id. at 31-48. Penned by Associate Justice Angelita A. Gacutan and concurred in by Associate Justices Magdangal M. De Leon and Francisco P. Acosta.

[3] Id. at 49-50.

[4] Id. at 286.

[5] Id. at 33.

[6] Id. at 32.

[7] Id. at 66.

[8] Id.

[9] Id. at 33.

[10] Id. at 93.

[11] Id. at 98.

[12] Id.

[13] Id. at 34.

[14] Id. at 66.

[15] Id. at 66-68.

[16] Id. at 68.

[17] Id. at 57-65.

[18] Supra note 15.

[19] Id. at 69.

- [20] Id. at 70.
- [21] Id. at 71.
- [22] Id. at 72.
- [23] Id. at 73.
- [24] Id. at 74-75.
- [25] Id. at 76.
- [26] Id. at 77.
- [27] Id. at 78.
- [28] Id. at 79-80.
- [29] Id. at 81.
- [30] Id. at 82-89.
- [31] Id. at 149.
- [32] Id. at 141.
- [33] Id. at 107.
- [34] Id. at 143-148.
- [35] Id. at 150-158.
- [36] Id. at 155.
- [37] Id. at 157.
- [38] Id.
- [39] Id. at 157-158.
- [40] Id. at 170-171.
- [41] Id. at 176.
- [42] Id. at 46.
- [43] Supra note 2 at 47.
- [44] Rollo, p. 21.
- [45] Id. at 23.
- [46] Id. at 24.
- [47] Id. at 209.
- [48] Id. at 207.
- [49] Id. at 208.
- [50] Id. at 214-221.

[51] Id. at 225.

[52] Id. at 252-253.

[53] See *Liberty Construction & Development Corp. v. Court of Appeals*, 327 Phil. 490, 495 (1996).

[54] Over time, exceptions to this rule have expanded As enumerated in *Pascual v. Burgos*, 776 Phil. 167, 182-183(2016), these are:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record. (Internal citations omitted)

[55] Section 49 of R.A. No. 6657 provides:

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

[56] Dated March 22, 1990. See also *Heirs of Luis A Luna v. Afable*, 702 Phil. 146, 166-167 (2013).

[57] See *Heirs of Luis A. Luna v. Afable*, *supra* at 167.

[58] Dated March 16, 1990.

[59] Such as the National Planning Commission under R.A. No. 3344, as amended by R.A. No. 6389, by the Human Settlements Commission under P.D. Nos. 583, 815 and 946, and by the Department of Local Government and Community Development. See *Junio v. Garilao*, 503 Phil. 154, 1563-164 (2005)

[60] 296-A Phil. 271 (1993).

[61] Dated March 27, 1994.

[62] *Junio v. Garilao*, *supra* note 59 at 165 citing *Advincula-Velasquez v. Court of Appeals et al.*, 475 Phil. 45 (2004) and *National Housing Authority v. Allarde*, 376 Phil. 147 (1999).

[63] 473 Phil. 64 (2004).

[64] 661 Phil. 34, 88 (2011).

[65] 764 Phil. 92 (2015).

[66] Id. at 125, citing *Buklod Nang Magbubukid sa Lupaing Ramos, Inc. v. E.M. Ramos and Sons, Inc.*, *supra* at 85-89.

[67] *Heirs of Luis A. Luna v. Afable*, *supra* note 57.

[68] Id.

[69] *Supra* note 57.

[70] Id. at 170-172.

[71] Supra note 62.

[72] Id. at 67-68.

[73] See *United B.F. Homeowners Association, Inc., v. The City Mayor of Paranaque City*, 543 Phil. 684, 693 (2007).

[74] Should have been the HLURB according to the facts of the case.

[75] Supra note 24.

[76] Supra note 19.

[77] Supra note 20.

[78] *Junio v. Garilao*, supra note 59 at 169.

[79] *Ong v. Imperial*, supra note 65 at footnote 34.

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.