

HEIRS OF LEONILO P. NUÑEZ, SR., NAMELY, VALENTINA A. NUÑEZ, FELIX A. NUÑEZ, FELIXITA A. NUÑEZ, LEONILO A. NUÑEZ, JR., MA. ELIZA A. NUÑEZ, EMMANUEL A. NUÑEZ, ROSE ANNA A. NUÑEZ-D...

G.R. No. 218666. April 26, 2017

Ponente: LEONEN, J.

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LEONEN, J.:

Under the Comprehensive Agrarian Reform Law, the landowner may retain a maximum of five (3) hectares of land, but this land must be compact or contiguous. If the area selected for retention is tenanted, the tenant-farmer may choose to remain in the area or be a beneficiary in a comparable area.

This is a Petition for Review on Certiorari[1] under Rule 45, seeking to reverse the Court of Appeals' September 26, 2014 Decision[2] and June 4, 2015 Resolution,[3] which affirmed the August 11, 2011 Decision of the Office of the President and reinstated the February 23, 2005 Order of the Department of Agrarian Reform Regional Director. This case arose from the proceedings in CA-G.R. SP No. 130544.

Leonilo Sebastian Nuñez (Sebastian) owned a land[4] measuring "more or less" 2.833 hectares (28,333 square meters) located at Barangay Castellano, San Leonardo, Nueva Ecija.[5] This land was covered by Transfer Certificate of Title (TCT) No. NT-143003[6] and was registered on March 16, 1976 to "Leonilo Sebastian . . . married to Valentina Averia." [7]

On July 7, 1976, Sebastian mortgaged this property to then ComSavings Bank or Royal Savings and Loan Association, now GSIS Family Bank,[8] to secure a loan. His loan matured on June 30, 1978, but the bank did nothing to collect the payment due at that time.[9]

In 1981, tenant-farmer Gabino T. Villanoza (Villanoza) started tilling Sebastian's land.[10]

It was only on December 11, 1997, about 19 years after the maturity of Sebastian's loan, that GSIS Family Bank extrajudicially foreclosed his mortgaged properties including the land tenanted by Villanoza.[11] A public auction was held, and GSIS Family Bank emerged as "the highest and only bidder." [12]

Sebastian's land title was cancelled and TCT No. NT-271267 was issued in the name of the new owner, GSIS Family Bank.[13]

On June 20, 2000, Sebastian filed a complaint before the Regional Trial Court to annul the extrajudicial foreclosure sale.[14] Sebastian argued that an action to foreclose the mortgage prescribed after 10 years. GSIS Family Bank's right of action accrued on June 30, 1978,[15] but it only foreclosed the property 19 years later.[16] Thus, its right to foreclose the property was already barred.[17]

While the case was pending at the Regional Trial Court, the Department of Agrarian Reform sent a notice of coverage under Republic Act No. 6657 or the Comprehensive Agrarian Reform Program to GSIS Family Bank, then landowner of the disputed property.[18] Neither GSIS Family Bank nor Sebastian exercised any right of

retention within 60 days from this notice of coverage.

On November 10, 2000, the government compulsorily acquired from GSIS Family Bank the land covered by TCT No. NT-271267. The bank's land title was cancelled, and TCT No. NT-276395 was issued in the name of the Republic of the Philippines. The Department of Agrarian Reform put a portion of what is now TCT No. NT-276395 under agrarian reform.[19]

On November 27, 2000, the Department of Agrarian Reform issued an emancipation patent or Certificate of Land Ownership Award (CLOA No. 00554664) to Villanoza.[20] The Certificate of Land Ownership Award title was generated but not yet released as of February 23, 2005.[21]

During the pendency of his complaint to annul the extrajudicial foreclosure sale, Sebastian died and his heirs, namely: Valentina A. Nuñez, Felix A. Nuñez, Felixita A. Nuñez, Leonilo A. Nuñez, Jr., Eliza A. Nuñez, Emmanuel A. Nuñez, and Divina A. Nuñez, substituted him.[22]

On August 9, 2002, the Regional Trial Court found that GSIS Family Bank's cause of action had prescribed.[23] "[T]herefore, the proceedings for extrajudicial foreclosure of real estate mortgages [against Sebastian, as substituted by his heirs,][24] were null and void." [25] GSIS Family Bank appealed the case before the Court of Appeals.[26]

On March 1, 2004, some of herein petitioners Leonilo A. Nuñez, Jr., Ma. Eliza A. Nuñez, Emmanuel A. Nuñez, Rose Anna Nuñez-De Vera, and Ma. Divina Nuñez-Sernadilla, represented by attorney-in-fact Ma. Eliza A. Nuñez (petitioners), submitted a Sworn Application for Retention (Application for Retention). Their Application for Retention was made pursuant to Republic Act No. 6657 and filed before the Department of Agrarian Reform, naming "Leonilo P. Nuñez" (Nuñez, Sr.), instead of Sebastian, as the registered owner of the land.[27] It was filed almost four (4) years after the Department of Agrarian Reform issued a notice of coverage over the same property.[28]

Petitioners applied to retain this land[29] although the stated name of their predecessor-in-interest "Leonilo Sebastian," as found in TCT No. NT-143003[30] or "Leonilo Sebastian Nuñez" as found in Nuñez v. GSIS Family Bank, was different from "Leonilo P. Nuñez" as found in the Sworn Application for Retention.[31]

In the Order dated September 2, 2004, the Department of Agrarian Reform Region III Director Narciso B. Nieto (Regional Director Nieto) denied petitioners' Application for Retention and ordered the release of Certificate of Land Ownership Award in favor of Villanoza. Regional Director Nieto ruled that petitioners were not entitled to retain the land under Republic Act No. 6657, as their predecessor-in-interest was not qualified under Presidential Decree No. 27.[32] Thus, his heirs could not avail themselves of a right which he himself did not have.[33]

The dispositive portion of the Department of Agrarian Reform Regional Office's September 2, 2004 Order read:

WHEREFORE, premises considered, an ORDER is hereby issued:

- DENYING the application for retention filed by the heirs of the late Leonilo S. Nuñez, Sr., as represented by their co-heir/attorney-in-fact, Ma. Eliza A. Nuñez, involving the 4.9598 hectares, embraced by TCT Nos. NT-143003; P-8537; and P-9540, situated at Barangay Castellano, San Leonardo, Nueva Ecija, for lack of merit;
- DIRECTING the DAR personnel concerned to acquire the rest of the landholdings and distribute the same to qualified beneficiaries pursuant to existing DAR policies, rules and regulations; and
- ORDERING the DAR personnel concerned to issue and release TCT CLOA-CA-19771 with CLOA No. 00554664 covering the 28,833 square meters, more or less, in favor of Gabino T. Villanoza.

SO ORDERED.[34]

On September 23, 2004, petitioners filed a Motion for Reconsideration.[35]

Meanwhile, Villanoza registered his Certificate of Land Ownership Award title under the Torrens system.[36] On November 24, 2004, the Certificate of Land Ownership Award title was cancelled and a new regular title, TCT No. NT-299755, was issued in his name.[37]

On February 23, 2005, Regional Director Nieto partially modified his September 2, 2004 Order.[38] He held that petitioners were entitled to a retention area of not more than five (5) hectares from the total landholdings, but they could not retain the property covered under TCT No. NT-143003 (now TCT No. NT-299755) as it was neither compact nor contiguous.[39] Petitioners were ordered to choose their retained area from the other lots of their predecessor-in-interest.

The dispositive portion of Regional Director Nieto's reconsidered Order[40] dated February 23, 2005 read:

WHEREFORE, premises considered, the ORDER, dated September 2, 2004, issued by this Office in the above case is hereby RECONSIDERED, and is accordingly modified, as follows:

- GRANTING the heirs of the late Leonilo P. Nu[ñ]ez, St., as represented by their co-heir/attorney-in-fact, Ma. Eliza A. Nu[ñ]ez, to retain five (5) hectares of their landholdings at Barangay Castellano, San Leonardo, Nueva Ecija, provided the same must be compact, contiguous[,] and least prejudicial to the tenants therein pursuant to RA No. 6657, as amended;
- MAINTAINING the tenants affected in the retained area as lessees pursuant to RA No. 3844;
- DIRECTING the DAR personnel concerned to acquire the rest of the landholdings and distribute the same to qualified beneficiaries pursuant to existing DAR policies, rules and regulations; and
- ORDERING the DAR personnel concerned to issue and release TCT-CA-19771 with CLOA No. 00554664 covering the 28,833 square meters, more or less, in favor of Gabino T. Villanoza.

SO ORDERED.[41] (Emphasis in the original)

On March 21, 2005, petitioners appealed the February 23, 2005 Regional Director Order before the Office of Department of Agrarian Reform Secretary Nasser C. Pangandaman (Secretary Pangandaman).[42]

In the meantime, this Court reversed the ruling of the Court of Appeals and reinstated that of the Regional Trial Court on November 17, 2005 in Nuñez v. GSIS Family Bank.[43] It held that GSIS Family Bank's foreclosure of Sebastian's mortgage was null and void and that his heirs were the rightful owners of the property.[44] The heirs, however, did not move to execute this Decision.[45]

As for the Application for Retention, Secretary Pangandaman directed the cancellation of Villanoza's Certificate of Land Ownership Award title in the Order dated August 8, 2007.[46] According to him, Section 6 of Republic Act No. 6657 "[did] not require that the landholding (sought to be retained) should always be compact and contiguous,"[47] particularly so if it involved "small landownership of bits and pieces in hectareage."[48] The dispositive portion of Secretary Pangandaman's August 8, 2007 Order read:

WHEREFORE, premises considered, the instant Appeal is hereby GRANTED. Accordingly, the Order dated 23 February 2005 issued by the Regional Director of DAR Regional Office-III is hereby REVERSED and SET ASIDE. Thus, a new Order is hereby issued to read as follows:

- GRANTING the landowners, herein applicants-appellants, the five (5) hectares as their retention area;
- DIRECTING the [Provincial Agrarian Reform Officer], [Municipal Agrarian Reform Officer], or landowner

concerned to initiate the cancellation of the CLOA No. 00554664 issued to GA[B]INO T. VILLANOZA;

- GRANTING the tenant to exercise the option whether to remain in the retained area as a leaseholder or be a beneficiary in another agricultural land with similar comparable features, the choice of one forfeits the other option; and

- DIRECTING the [Municipal Agrarian Reform Officer] concerned to assist the parties in the execution of the Leasehold Agreement, if warranted.

SO ORDERED.[49]

On September 6, 2007, Villanoza filed a Motion for Reconsideration (Villanoza's Motion for Reconsideration).[50] He argued that the title issued to him was already indefeasible and the land it covered was "not compact and contiguous." [51]

On April 25, 2008, Villanoza died[52] and his heirs substituted him.[53]

On December 10, 2008, Secretary Pangandaman resolved to deny Villanoza's Motion for Reconsideration.[54]

Respondents heirs of Villanoza appealed before the Office of the President,[55] which ruled[56] in their favor on August 11, 2011. Interpreting Section 6 of Republic Act No. 6657, it held that the land sought to be retained "must be compact and contiguous,"[57] contrary to the view of the Department of Agrarian Reform in its August 8, 2007 Order. Section 6 of Republic Act No. 6657 gives the landowners the right to retain[58] up to five (5) hectares[59] of land covered by the Comprehensive Agrarian Reform Program.

According to the Office of the President, the proceedings before Regional Director Nieto established that petitioners had other landholdings which, taken together, exceeded the five (5)-hectare retention limit allowed by law. Likewise, it held that Villanoza's title had become "irrevocable and indefeasible." [60]

The dispositive portion of the Office of the President Decision dated August 11, 2011 read:

WHEREFORE, PREMISES CONSIDERED, the appealed Orders dated August 8, 2007 and December 10, 2008 of the-Honorable Secretary Nasser C. Pangandaman, Department of Agrarian Reform (DAR), are hereby REVERSED and SET ASIDE. The Order dated February 23, 2005 rendered by the Regional Director of DAR Region III is hereby reinstated.

SO ORDERED.[61]

Petitioners moved for reconsideration,[62] which the Office of the President denied in its Order dated May 30, 2013.[63]

In the Decision dated September 26, 2014, the Court of Appeals likewise denied[64] the appeal for lack of merit. It held that the Department of Agrarian Reform should have rejected petitioners' Application for Retention outright as petitioners failed to prove that Sebastian intended to make the land, measuring more or less 2.833 hectares and now titled in Villanoza's favor, a part of his retained holdings.[65]

Neither the heirs of Sebastian may invoke this right. Citing Administrative Order No. 02-03, Section 3.3,[66] the Court of Appeals held that petitioners could only exercise the retention right had Sebastian himself manifested before August 23, 1990 that he wished to exercise this right. August 23, 1990 was the day when this Court's ruling in Association of Small Landowners in the Philippines vs. Honorable Secretary of Agrarian Reform[67] became final.[68] Administrative Order No. 02-03 was issued pursuant to Association of Small Landowners in the Philippines, Presidential Decree No. 27, and Section 6 of Republic Act No. 6657.[69]

The Court of Appeals added that the ruling in Nuñez v. GSIS Family Bank could not apply to the parties here.

That case pertained to the claim of "Leonilo Sebastian Nuñez" while this case pertains to the claim of petitioners over the same lot but in their capacities as heirs of "Leonilo P. Nuñez, Sr." [70] Petitioners failed to present any evidence that "Leonilo P. Nuñez, Sr." and "Leonilo Sebastian Nuñez" were the same person. [71]

Even assuming that they referred to only one person, the Court of Appeals questioned petitioners' failure to push for the execution of this Court's Decision in Nuñez v. GSIS Family Bank. That ruling was promulgated on November 17, 2005, but as of September 26, 2014, there was no information yet as to the status of the decision in that case. [72] The Court of Appeals held that petitioners were barred by laches for failing to protect their rights for an unreasonable length of time or for nine (9) long years. [73]

The dispositive portion of the Decision dated September 26, 2014 read:

WHEREFORE, premises considered, the petition for review is DENIED for lack of merit. The Decision dated August 11, 2011 and Order dated May 30, 2013 issued by the Office of the President in O.P. Case No. 09-A-022 is AFFIRMED insofar as it reinstated the February 23, 2005 Order of the DAR Regional Director confirming the title issued in favor of Gabino T. Villanoza.

SO ORDERED. [74] (Emphases in the original)

In their Motion for Reconsideration, petitioners posited that Nuñez, Sr. did not receive a notice of Comprehensive Agrarian Reform Program coverage from the Department of Agrarian Reform; thus, he could not be deemed to have waived his right to retain the property. [75] They also submitted, for the first time, photocopies of Nuñez, Sr.'s Certificate of Baptism [76] and the Affidavit of Nuñez, Sr.'s mother, Teofila Patiag vda. de Nuñez (Teofila), dated September 14, 1959. [77]

According to the baptismal certificate, "Leonilo S. Nuñez" was the son of Teofila Patiag and Felix Nuñez. [78] Meanwhile, Teofila's Affidavit stated that "Leonilo Sebastian Nuñez" and "Leonilo P. Nuñez" referred to "one and the same person only." [79] The Affidavit was allegedly an ancient document which the Court of Appeals could consider in evidence. [80] Therefore, petitioners argued, this Court's ruling in Nuñez v. GSIS Family Bank had become immutable and unalterable in their favor. [81]

In its Resolution [82] dated June 4, 2015, the Court of Appeals denied petitioners' Motion for Reconsideration, which petitioners appealed before this Court.

On April 6, 2016, this Court [83] required the respondents to comment. In their Comment [84] dated July 5, 2016, respondents pointed out the absence of any evidence on record to show that "Leonilo Sebastian Nuñez" and "Leonilo P. Nuñez" were the same person. [85] They also objected to the petitioners' belated presentation of new pieces of evidence in a motion for reconsideration before the Court of Appeals. [86]

They added that, in the eyes of the law, GSIS Family Bank was the landowner when the government compulsorily acquired the property. [87] However, GSIS Family Bank did not exercise its retention right within 60 days from receipt of the notice of coverage. [88]

When this Court promulgated Nuñez v. GSIS Family Bank, the land was already distributed to tenant-farmer Villanoza. [89] Meanwhile, this Court's decision was never executed against GSIS Family Bank. [90]

For resolution are the following issues:

First, whether the Court of Appeals properly exercised its appellate jurisdiction;

Second, whether Nuñez v. GSIS Family Bank binds respondents; and

Finally, whether petitioners have a right of retention over the land measuring "more or less" 2.833 hectares

awarded to farmer beneficiary Gabino T. Villanoza.

I

The Comprehensive Agrarian Reform Program, signed into law by then President Corazon C. Aquino on June 10, 1988, is the government initiative to comply with the constitutional directive to grant ownership of agricultural lands to landless farmers, agricultural lessees, and farmworkers.[91] As of December 31, 2013, about 6.9 million hectares of land, or 88% of the total land subject to agrarian reform, has been acquired and distributed by the government.[92]

To understand the context of the issue relating to a retention right, this Court reviews the history of the agrarian reform program.

Prior to any colonization, various ethnolinguistic cultures had their own customary laws governing their property relationships. The arrival of the Spanish introduced the concept of *encomienda*, or royal land grants,[93] to loyal Spanish subjects, particularly the soldiers.[94] Under King Philip II's decree, the *encomienderos* or landowners were tasked "to maintain peace and order" within their *encomiendas*, to protect the large estates from external attacks, and to support the missionaries in converting the natives into Christians.[95] In turn, the *encomienderos* had the right to collect tributes or taxes such as gold, pearls, cotton cloth,[96] chickens, and rice[97] from the natives called *indios*. [98] The *encomienda* system helped Hispanicize the natives and extended Spanish colonial rule by pacifying the early Filipinos within the estates.[99]

There were three (3) kinds of *encomiendas*: the royal *encomiendas*, which belonged to the King; the ecclesiastical *encomiendas*, which belonged to the Church; and the private *encomiendas*, which belonged to private individuals. The local elites were exempted from tribute-paying and labor, or *polo* services,[100] required of the natives.

The *encomienda* system was abused by the *encomienderos*. [101] Filipinos were made to pay tribute more than what the law required. Their animals and crops were taken without just compensation, and they were forced to work for the *encomienderos*. [102]

Thus, the *indios*, who once freely cultivated the lands, became mere share tenants[103] or dependent sharecroppers of the colonial landowners. [104]

In the 1899 Malolos Constitution and true to one (1) of the principal concerns of the Philippine Revolution, then President General Emilio Aguinaldo declared "his intention to confiscate large estates, especially the so-called [f]riar lands." [105] Unfortunately, the First Philippine Republic did not last long.

The *encomienda* system was a vital source of revenue and information on the natives for the Spanish crown. [106] In the first half of the 19th century, the cash crop economy emerged after the Philippines integrated into the world market, [107] increasing along with it the powers of the local elites, called *principalias*, and landlords. [108]

The United States arrived later as the new colonizer. It enacted the Philippine Bill of 1902, which limited land area acquisitions into 16 hectares for private individuals and 1,024 hectares for corporations. [109] The Land Registration Act of 1902 (Act No. 496) established a comprehensive registration of land titles called the Torrens system. [110] This resulted in several ancestral lands being titled in the names of the settlers. [111]

The Philippines witnessed peasant uprisings including the Sakdalista movement in the 1930's. [112] During World War II, peasants and workers organizations took up arms and many identified themselves with the Hukbalahap, or Hukbo ng Bayan Laban sa Hapon. [113] After the Philippine Independence in 1946, the problems of land tenure remained and worsened in some parts of the country. [114] The Hukbalahaps continued the peasant uprisings in the 1950s. [115]

To address the farmers' unrest, the government began initiating various land reform programs, roughly divided into three (3) stages.

The first stage was the share tenancy system under then President Ramon Magsaysay (1953-1957).[116] In a share tenancy agreement, the landholder provided the land while the tenant provided the labor for agricultural production.[117] The produce would then be divided between the parties in proportion to their respective contributions.[118] On August 30, 1954, Congress passed Republic Act No. 1199 (Agricultural Tenancy Act), ensuring the "equitable division of the produce and [the] income derived from the land[.]"[119]

Compulsory land registration was also established under the Magsaysay Administration. Republic Act No. 1400 (Land Reform Act) granted the Land Tenure Administration the power to purchase or expropriate large tenanted rice and corn lands for resale to bona fide tenants or occupants who owned less than six (6) hectares of land.[120] However, Section 6(2) of Republic Act No. 1400 set unreasonable retention limits at 300 hectares for individuals and 600 hectares for corporations,[121] rendering President Magsaysay's efforts to redistribute lands futile.

On August 8, 1963, Congress enacted Republic Act No. 3844 (Agricultural Land Reform Code) and abolished the share tenancy system,[122] declaring it to be against public policy. The second stage of land reform, the agricultural leasehold system, thus began under President Diosdado Macapagal (1961-1965).

Under the agricultural leasehold system, the landowner, lessor, usufructuary, or legal possessor furnished his or her landholding, while another person cultivated it[123] until the leasehold relation was extinguished.[124] The landowner had the right to collect lease rental from the agricultural lessee,[125] while the lessee had the right to a homelot[126] and to be indemnified for his or her labor if the property was surrendered to the landowner or if the lessee was ejected from the landholding.[127]

Republic Act No. 3844 also sought to provide economic family-sized farms to landless citizens of the Philippines especially to qualified farmers.[128] The landowners were allowed to retain as much as 75 hectares of their landholdings. Those lands in excess of 75 hectares could be expropriated by the government.[129]

The system finally transitioned from agricultural leasehold to one of full ownership under President Ferdinand E. Marcos (1965-1986). On September 10, 1971, Congress enacted Republic Act No. 6389 or the Code of Agrarian Reform.

Republic Act No. 6389 automatically converted share tenancy into agricultural leasehold.[130] It also established the Department of Agrarian Reform as the implementing agency for the government's agrarian reform program.[131] Presidential Decree No. 2 proclaimed the whole country as a land reform area.[132]

On October 21, 1972, Presidential Decree No. 27, or the Tenants Emancipation Decree, superseded Republic Act No. 3844. Seeking to "emancipat[e] the tiller of the soil from his bondage,"[133] Presidential Decree No. 27 mandated the compulsory acquisition of private lands to be distributed to tenant-farmers. From 75 hectares under Republic Act No. 3844, Presidential Decree No. 27 reduced the landowner's retention area to a maximum of seven (7) hectares of land.

Presidential Decree No. 27 implemented the Operation Land Transfer Program to cover tenanted rice or corn lands. According to *Daez v. Court of Appeals*,[134] "the requisites for coverage under the [Operation Land Transfer] program are the following: (1) the land must be devoted to rice or corn crops; and (2) there must be a system of share-crop or lease-tenancy obtaining therein." [135]

Therefore, the land for acquisition and distribution must be planted with rice or corn and must be tenanted under a share tenancy or an agricultural leasehold agreement.[136] The landowner would not enjoy the right to retain land

if his or her entire landholding was intact and undisturbed.[137]

On the other hand, if a land was subjected to compulsory land reform under the Operation Land Transfer program, the landowner, who cultivated this land, or intended to cultivate an area of the tenanted rice or corn land, had the right to retain an area of not more than seven (7) hectares.[138]

On October 21, 1976, Letter of Instruction No. 474 further amended the rule. If the landowner owned an aggregate area of more than seven (7) hectares of other agricultural lands, he or she could no longer exercise any right of retention. Letter of Instruction No. 474 states:

1. You shall undertake to place under the Land Transfer Program of the government pursuant to Presidential Decree No. 27, all tenanted rice/corn lands with areas of seven hectares or less belonging to landowners who own other agricultural lands of more than seven hectares in aggregate areas or lands used for residential, commercial, industrial or other urban purposes from which they derive adequate income to support themselves and their families.

Heirs of Aurelio Reyes v. Garilao[139] affirmed that the landowner's retention right was restricted by the conditions set forth in Letter of Instruction No. 474.[140] In Heirs of Sandueta v. Robles,[141] this Court denied the landowner's application for retention as it fell under the first disqualifying condition of Letter of Instruction No. 474: the landowner's total area was 14.0910 hectares, twice the seven (7)-hectare limit for retention.[142]

In Vales v. Galinato:[143]

[B]y virtue of [Letter of Instruction No.] 474, if the landowner, as of October 21, 1976, owned less than 24 [hectares] of tenanted rice or corn lands, but additionally owned (a) other agricultural lands of more than 7 [hectares], whether tenanted or not, whether cultivated or not, and regardless of the income derived therefrom, or (b) lands used for residential, commercial, industrial or other urban purposes, from which he [or she] derives adequate income to support himself [or herself] and his [or her] family, his [or her] entire landholdings shall be similarly placed under [Operation Land Transfer] Program coverage, without any right of retention.[144]

Following the People Power Revolution, then President Corazon C. Aquino (1986-1992) fulfilled the promise of land ownership for the tenant-farmers. Proclamation No. 131 instituted the Comprehensive Agrarian Reform Program. Executive Order No. 129 (1987) reorganized the Department of Agrarian Reform and expanded it in power and operation. Executive Order No. 228 (1987) declared the full ownership of the land to qualified farmer beneficiaries under Presidential Decree No. 27.

Likewise, the 1987 Constitution, which was promulgated during President Corazon C. Aquino's term, enshrines the promotion of rural development and agrarian reform.[145] To balance the interests of landowners and tenants, Article XIII, Section 4 of the Constitution also recognizes the landowner's retention right, as may be prescribed by law:

Section 4. The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing. (Emphasis supplied)

On June 10, 1988, Congress enacted Republic Act No. 6657,[146] otherwise known as the Comprehensive Agrarian Reform Law, to supersede Presidential Decree No. 27.

The compulsory land acquisition scheme under Republic Act No. 6657 empowers the government to acquire private agricultural lands^[147] for distribution to tenant-farmers.^[148] A qualified farmer beneficiary is given an emancipation patent,^[149] called the Certificate of Land Ownership Award,^[150] which serves as conclusive proof of his or her ownership of the land.^[151]

To mitigate the effects of compulsory land acquisition,^[152] Section 6 of Republic Act No. 6657 allows the landowners the right to retain up to five (5) hectares of land covered by the Comprehensive Agrarian Reform Program, thus:

Section 6. Retention Limits. —

....

The right to choose the area to be retained, which shall be compact or contiguous, shall pertain to the landowner: Provided, however, That in case the area selected for retention by the landowner is tenanted, the tenant shall have the option to choose whether to remain therein or be a beneficiary in the same or another agricultural land with similar or comparable features...

On July 14, 1989, this Court promulgated *Association of Small Land Owners in the Philippines v. Secretary of Agrarian Reform*,^[153] acknowledging that the landowner, whose property was subject to compulsory land reform, might opt to retain land under Section 6 of Republic Act No. 6657.

On August 30, 2000, pursuant to Presidential Decree No. 27, Section 6 of Republic Act No. 6657 and this Court's ruling in *Association of Small Land Owners in the Philippines*, the Department of Agrarian Reform issued Administrative Order No. 05-00 to provide implementing rules on the landowner's retention right.^[154]

Section 9(a) of Administrative Order No. 05-00 states that the retention limit for landowners covered by Presidential Decree No. 27 is "seven (7) hectares, except those whose entire tenanted rice and corn lands are subject of acquisition and distribution under [Operation Land Transfer]." Section 9(a) further states that a landowner may not exercise his or her retention right under the following conditions:

- If [the landowner], as of 21 October 1972, owned more than twenty- four (24) hectares of tenanted rice and corn lands; or
- By virtue of Letter of Instruction (LOI) No. 474, if [the landowner], as of 21 October 1972, owned less than twenty-four (24) hectares of tenanted rice and corn lands but additionally owned the following:
- other agricultural lands of more than seven (7) hectares, whether tenanted or not, whether cultivated or not, and regardless of the income derived therefrom; or
- lands used for residential, commercial, industrial or other urban purposes from which he derives adequate income to support himself [or herself] and his [or her] family.

On January 16, 2003, the Department of Agrarian Reform issued Administrative Order No. 02-03 to further clarify the rules governing the landowner's retention right.^[155]

Section 4.1 of Administrative Order No. 02-03 gives the landowner the option to exercise the right of retention at any time before he or she receives a notice of Comprehensive Agrarian Reform Program coverage.^[156]

The right to choose the area to be retained belongs to the landowner, subject to the condition that the area must be (a) a "private agricultural land"^[157] that is (b) compact and contiguous, and (c) "least prejudicial to the entire landholding and the majority of the farmers" of that land.^[158]

Landowners who voluntarily sold or transferred their land must have exercised the right of retention simultaneous

with the offer for sale or transfer.[159] If the land was compulsorily acquired by the government, the right of retention must have been exercised "within sixty (60) days from receipt of notice of coverage." [160]

Section 7 of Administrative Order No. 02-03 provides that the landowner seeking to exercise his or her retention right must submit an affidavit stating "the aggregate area of his [or her] landholding in the entire Philippines" and "the names of all farmers . . . actual tillers or occupants, and/or other persons directly working on the land," thus:

SECTION 7. Criteria/Requirements for Award of Retention — The following are the criteria in the grant of retention area to landowners:

7.1. The land is private agricultural land;

7.2. The area chosen for retention shall be compact and contiguous and shall be least prejudicial to the entire landholding and the majority of the farmers therein;

7.3. The landowner must execute an affidavit as to the aggregate area of his landholding in the entire Philippines; and

7.4. The landowner must submit a list of his children who are fifteen (15) years old or over as of 15 June 1988 and who have been actually cultivating or directly managing the farm since 15 June 1988 for identification as preferred beneficiaries, as well as evidence of such.

7.5. The landowner must execute an affidavit stating the names of all farmers, agricultural lessees and share tenants, regular farmworkers, seasonal farmworkers, other farmworkers, actual tillers or occupants, and/or other persons directly working on the land; if there are no such persons, a sworn statement attesting to such fact.

If the area selected by the landowner for retention is tenanted, "the tenant shall have the option to choose whether to remain ... as lessee or be a beneficiary in the same or another agricultural land with similar or comparable features." Section 9 of Administrative Order 02-03 states that the tenant must exercise this option within one (1) year from the time the landowner manifests his or her choice of the area for retention, as follows:

SECTION 9. When Retained Area is tenanted

9.1. In case the area selected by the landowner or awarded for retention by the [Department of Agrarian Reform] is tenanted, the tenant shall have the option to choose whether to remain therein as lessee or be a beneficiary in the same or another agricultural land with similar or comparable features.

9.3. The tenant must exercise his option within one (1) year from the time the landowner manifests his choice of the area for retention, or from the time the [Municipal Agrarian Reform Office] has chosen the area to be retained by the landowner, or from the time an order is issued granting the retention.

If the landowner fails to manifest an intention to exercise the right to retain within 60 calendar days after receiving the Comprehensive Agrarian Reform Program coverage, he or she is considered to have waived the right of retention as explained in Section 2.2 of Administrative Order No. 02-03:

2.2. The landowner shall exercise the right to retain by signifying his intention to retain within sixty (60) days from receipt of notice of coverage. Failure to do so within the period shall constitute a waiver of the right to retain any area.

On August 7, 2009, Republic Act No. 9700 or the Comprehensive Agrarian Reform Program Extension with Reforms was enacted to strengthen the comprehensive agrarian reform program and to extend the acquisition and distribution of all agricultural lands.

The rules on the retention right have remained the same.

The Court of Appeals properly exercised its jurisdiction in finding that "Leonilo P. Nuñez, Sr." was different from "Leonilo Sebastian Nuñez." Contrary to petitioners' allegations,[161] the Court of Appeals could not be estopped simply because the issue was never raised before the Department of Agrarian Reform. In the exercise of its appellate jurisdiction, the Court of Appeals is empowered to have an independent finding of fact or adopt those set forth in the decision appealed from.[162] This is true especially when the factual finding on the matter contradicts the evidence on record.

Asian Terminals, Inc. v. Simon Enterprises, Inc.[163] has held that even this Court, which generally reviews questions of law, may review questions of facts when the judgment is based on a misapprehension of facts.[164] This Court may likewise do so when there is no citation of specific evidence on which the factual findings are based or when the relevant and undisputed facts have been manifestly overlooked which, if properly considered, would justify a different conclusion.[165] This gives all the more reason for the Court of Appeals to review questions of facts and law. In *Garcia v. Ferro Chemicals, Inc.*,[166] this Court has also held that a matter not raised by the parties may be reviewed if "necessary for a complete resolution of the case." [167]

II

This Court cannot apply *Nuñez v. GSIS Family Bank* in petitioners' favor or to respondents' prejudice.

First, neither Villanoza nor his heirs were impleaded in that case. Villanoza and his heirs were non-parties to the mortgage and did not participate in the proceedings for foreclosure and annulment of foreclosure of mortgage. No person can be affected by any proceeding to which he or she is a stranger. Being complete strangers in that case, respondents are not bound by the judgment rendered by this Court.

Second, the Court of Appeals properly found that petitioners did not furnish timely and sufficient evidence to prove that "Leonilo P. Nuñez, Sr." was also "Leonilo Sebastian Nuñez."

The new pieces of evidence that petitioners attached are inadmissible. *Cansino v. Court of Appeals*[168] has held that "a motion for reconsideration cannot be used as a vehicle to introduce new evidence." [169] The belated introduction of these documents in a motion for reconsideration before the Court of Appeals violates respondents' right to contest the new evidence presented.[170]

Moreover, the Certificate of Baptism and Teofila's Affidavit are "mere photocopies." [171] Petitioners failed to present the original or certified true copies of these documents. Rule 130, Section 3 of the Rules of Court states that "[w]hen the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself[.]"

The due execution and authenticity of the baptismal certificate, being a private document,[172] were also not established. Under Section 20 of Rule 132 of the Rules of Court:

Section 20. Proof of private document. — Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved either:

- By anyone who saw the document executed or written; or
- By evidence of the genuineness of the signature or handwriting of the maker.

Any other private document need only be identified as that which it is claimed to be. (Emphasis supplied)

Petitioners did not comply Rule 132, Section 20 of the Rules of Court. Likewise, the photocopy of Teofila's Affidavit may not be considered an ancient document under Rule 132, Section 21 of the Rules of Court as follows:

Section 21. When evidence of authenticity of private document not necessary. — Where a private document is more than thirty years old, is produced from the custody in which it would naturally be found if genuine, and is unblemished by any alterations or circumstances of suspicion, no other evidence of its authenticity need be given.

A copy purporting to be an ancient document may be admitted in evidence if it bears a certification from the proper government office where the document is naturally found genuine that the document is the exact copy of the original on file.[173] Here, the photocopied Affidavit of Teofila does not carry such certification from the notary public or the Register of Notaries Public, among others.[174] Petitioners have not shown that the Affidavit of Teofila is free from suspicion and unblemished by alterations.

Even assuming that "Leonilo P. Nuñez, Sr." is also "Leonilo Sebastian," the Court of Appeals correctly ruled that petitioners' non-execution of this Court's Decision in Nuñez v. GSIS Family Bank constituted an abandonment of their rights. The Court of Appeals considered this Court's judgment in that case, which was never executed for almost 10 years,[175] a hollow victory. According to the Court of Appeals, "if [petitioners] truly believe that said decision will entitle them to get back the subject property,"[176] then they had every reason to have quickly taken steps to enforce the judgment in their favor.

The Office of the President ruled similarly, thus:

Clear from the records ... is the fact that [petitioners] are not the owners of the subject property when the same was placed under the Comprehensive Agrarian Reform Program (CARP) of the government through the Department of Agrarian Reform. The existence of a Court decision finding them to be the rightful owner[s] without the decision having been executed . . . renders the decision inutile and becomes an empty victory for the prevailing part[ies]. [177] (Citations omitted)

Cormero v. Court of Appeals[178] has established that the failure to assert one's right for an unreasonable amount of time leads to the presumption that he or she has abandoned this right. The Court of Appeals properly held that petitioners were barred by laches for failing to protect their rights for at least nine (9) years, which was an "unreasonable length of time." [179]

In their defense, petitioners aver that they sought for the execution of Nuñez v. GSIS Family Bank, only that the sheriff did not implement it.[180] However, they did not show any evidence to prove their claim. "Bare allegations, unsubstantiated by evidence, are not equivalent to proof." [181] The one alleging a fact has the burden of proving it.[182]

III

Finally, assuming that Sebastian could properly exercise his retention right, this could not cover the land awarded to Villanoza.

Petitioners cite Santiago, et al. v. Ortiz-Luiz[183] to claim that an emancipation grant cannot "defeat the right of the heirs of the deceased landowner to retain the [land]." [184] However, in that case, this Court denied the landowner's retention right for exceeding what the law provides.[185] There is no cogent reason why this Court should rule differently in this case.

Section 6 of Republic Act No. 6657[186] gives the landowner the option to choose the area to be retained only if it is compact or contiguous. The Department of Agrarian Reform, the Office of the President, and the Court of Appeals have consistently found that the land subject of the dispute is neither compact nor contiguous.

Section 6 also provides that if the area selected for retention is tenanted, it is for the tenant to choose whether to

remain in the area or be a beneficiary in the same or a comparable agricultural land.[187] Petitioners' Application for Retention stated that Villanoza occupied the property as a tenant and farmer beneficiary.[188] Thus, the option to remain in the same land was for Villanoza to make.

The landowner's retention right is subject to another condition. Under Section 3.3 of Administrative Order No. 02-03, the heirs of a deceased landowner may exercise the retention right only if the landowner signified his or her intention to exercise the right of retention before August 23, 1990.[189] Section 3.3 states:

3.3.

The right of retention of a deceased landowner may be exercised by his heirs provided that the heirs must first show proof that the decedent landowner had manifested during his lifetime his intention to exercise his right of retention prior to 23 August 1990 (finality of the Supreme Court ruling in the case of Association of Small Landowners in the Philippines Incorporated versus the Honorable Secretary of Agrarian Reform).

Petitioners cannot claim the right of retention through "Leonilo Sebastian" or "Leonilo P. Nuñez, Sr." when the alleged predecessor-in-interest himself failed to do so. The Court of Appeals correctly ruled that during his lifetime, Sebastian did nothing to signify his intent to retain the property being tilled by Villanoza. It was only two (2) years after his death that petitioners started to take interest over it.[190]

Neither was any right of retention exercised within 60 days from the notice of Comprehensive Agrarian Reform Program coverage. The Court of Appeals properly considered this as a waiver of the right of retention,[191] pursuant to Section 6.1 of Administrative Order No. 02-03.

Section 6.1 provides that the landowner's "[f]ailure to manifest an intention to exercise his right to retain within sixty (60) calendar days from receipt of notice of CARP coverage" is a ground for losing his or her right of retention.

The Department of Agrarian Reform sent a notice of Comprehensive Agrarian Reform Program coverage to GSIS Family Bank, which was then landowner of the disputed property.[192] Neither GSIS Family Bank nor Sebastian exercised any right of retention within 60 days from this notice of coverage.

In *Vda. De Dayao v. Heirs of Robles*,[193] this Court has held that the Department of Agrarian Reform "has no authority to decree a retention when no application was in the first place ever filed." [194]

Petitioners themselves admit that the Department of Agrarian Reform sent a notice of coverage to GSIS Family Bank.[195] During this time, no application was ever filed by GSIS Family Bank or petitioners. The same land, which the Republic of the Philippines subsequently acquired, was awarded to Villanoza.

While all agrarian reform programs have always accommodated some forms of retention for the landowner, all rights of retention have always been subject to conditions. Unfortunately in this case, the landowner has miserably failed to invoke his right at the right time and in the right moment. The farmer beneficiary should not, in equity, be made to suffer the landowner's negligence.

Finally, the issuance of the title to Villanoza could no longer be revoked or set aside by Secretary Pangandaman.[196] Acquiring the lot in good faith, Villanoza registered his Certificate of Land Ownership Award title under the Torrens system.[197] He was issued a new and regular title, TCT No. NT-299755, in fee simple;[198] that is to say, it is an absolute title, without qualification or restriction.

Estribillo v. Department of Agrarian Reform[199] has held that "certificates of title issued in administrative proceedings are as indefeasible as [those] issued in judicial proceedings." [200] Section 2 of Administrative Order No. 03-09 provides that "[t]he State recognizes the indefeasibility of [Certificate of Land Ownership Awards],

[Emancipation Patents] and other titles issued under any agrarian reform program."

Here, a Certificate of Land Ownership Award title was already issued and registered in Villanoza's favor on December 7, 2007.[201] Villanoza's Certificate of Land Ownership Award was titled under the Torrens system on November 24, 2004.[202] After the expiration of one (1) year, the certificate of title covering the property became irrevocable and indefeasible. Secretary Pangandaman's August 8, 2007 Order, which came almost three (3) years later, was thus ineffective.

WHEREFORE, the Petition is DENIED. The Court of Appeals' Decision dated September 26, 2014 and Resolution dated June 4, 2015 in CA-G.R. SP No. 130544, which affirmed the Office of the President's Decision dated August 11, 2011 and reinstated the Department of Agrarian Reform Regional Director's Order dated February 23, 2005, are AFFIRMED.

SO ORDERED.

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

[1] Rollo, pp. 43-76.

[2] *Id.* at 11-29. The Decision was penned by Associate Justice Maria Elisa Sempio Diy and concurred in by Associate Justices Ramon M. Bato, Jr. and Rodil V. Zalameda of the Sixteenth Division, Court of Appeals, Manila.

[3] *Id.* at 100-105. The Resolution was penned by Associate Justice Maria Elisa Sempio Diy and concurred in by Associate Justices Ramon M. Bato, Jr. and Rodil V. Zalameda of the Former Sixteenth Division, Court of Appeals, Manila.

[4] *Id.* at 165, 176.

[5] *Id.* at 47 and 176-177.

[6] *Id.* at 423-424.

[7] *Id.* at 176-177.

[8] "Leonilo Sebastian" and "Leonilo S. Nuñez" refer to "Leonilo Sebastian Nuñez." Leonilo S. Nuñez was the owner of a land covered by TCT No. NT-143003 in Nueva Ecija (see *Nuñez v. GSIS Family Bank*, 511 Phil. 735, 738 (2005) [Per J. Carpio Morales, Third Division]). That his middle initial stands for "Sebastian" is shown in the records of the case at hand—the same land in Nueva Ecija was registered on March 16, 1976 to "Leonilo Sebastian. . . married to Valentina Averia" (see rollo, pp. 176-177). The Court of Appeals found that the Leonilo S. Nuñez in *Nuñez v. GSIS Family Bank* (see rollo, pp. 176-177) is also "Leonilo Sebastian Nuñez" (see rollo, p. 104).

[9] The bank foreclosed it only after more than 19 years since Sebastian's loans matured (see *Nuñez v. GSIS Family Bank*, 511 Phil. 735 (2005) [Per J. Carpio Morales, Third Division]).

[10] *Id.* at 24.

[11] Villanoza then tenanted the land covered by TCT No. NT-143003 (see rollo, p. 47). On July 7, 1976, four months after titling the land in his name, Leonilo Sebastian Nuñez mortgaged TCT No. NT-143003 to GSIS Family Bank, formerly ComSavings Bank. On December 11, 1997, the bank foreclosed the property, which action was questioned by the heirs of Leonilo S. Nuñez, including his wife, Valentina Averia Nuñez (*Nuñez v. GSIS Family Bank*, 511 Phil. 735 (2005) [Per J. Carpio Morales, Third Division]; see also rollo, pp. 176-177).

[12] Nuñez v. GSIS Family Bank, 511 Phil. 735, 740 (2005) [Per J. Carpio Morales, Third Division].

[13] Rollo, p. 61.

[14] Nuñez v. GSIS Family Bank, 511 Phil. 735, 740 (2005) [Per J. Carpio Morales, Third Division].

[15] June 30, 1978 was the date of maturity of the loans.

[16] Id. at 741.

[17] Nuñez v. GSIS Family Bank, 511 Phil. 735 (2005) [Per J. Carpio Morales, Third Division].

[18] Rollo, p. 61.

[19] GSIS Family Bank's land title, TCT No. NT-271267, "was subsequently cancelled, and TCT No. 276395 was issued in the name of the Republic of the Philippines by virtue of the compulsory acquisition made by [the Department of Agrarian Reform,] pursuant to R[epublic] A[ct No.] 6657, as amended." (Id. at 379, DAR Regional Office Order dated September 2, 2004).

[20] Id. at 344, TCT No. CLOA-CA-19731.

[21] Id. at 379. The Certificate of Land Ownership Award was already generated in Villanoza's name, as evidenced by CLOA No. 00554664 (rollo, p. 344). The Department of Agrarian Reform ordered this to be issued and released to him on February 23, 2005 (rollo, p. 179).

[22] His heirs were Valentina A. Nuñez, Felix A. Nuñez, Felixita A. Nuñez, Leonilo A. Nuñez, Jr., Eliza A. Nuñez, Emmanuel A. Nuñez, and Divina A. Nuñez (Nuñez v. GSIS Family Bank, 511 Phil. 735, 741 (2005) [Per J. Carpio Morales, Third Division])

[23] Nuñez v. GSIS Family Bank, 511 Phil. 735, 741-742 (2005) [Per J. Carpio Morales, Third Division].

[24] Id. at 735. Namely, Valentina A. Nuñez, Felix A. Nuñez, Felixita A. Nuñez, Leonilo A. Nuñez, Jr., Eliza A. Nuñez, Emmanuel A. Nuñez, and Divina A. Nuñez.

[25] Id. at 741-742.

[26] Id. at 743.

[27] Rollo, pp. 155-160, Sworn Application for Retention; rollo, pp. 248-250, Transfer Certificate of Title Nos. NT-143004, NT-143006, NT-143002.

[28] The government compulsorily acquired the land on November 10, 2000 (rollo, p. 418) after a Notice of Coverage was sent to GSIS Family Bank, which was the registered owner at that time (Rollo, p. 61; see also www.dar.gov.ph/notice-of-coverage). The Nuñez heirs applied to retain the property only on March 1, 2004 (rollo, pp. 155-160).

[29] The 2.833 hectares of land was previously owned by Sebastian and distributed to farmer-beneficiary Villanoza (Id. at 344, TCT No. CLOA-CA-19731).

[30] Rollo, pp. 176-177.

[31] Id. at 155.

[32] Decreeing The Emancipation Of Tenants From The Bondage Of The Soil, Transferring To Them The Ownership Of The Land They Till And Providing The Instruments And Mechanism Therefor.

[33] Rollo, p. 380, DAR Regional Office Order dated September 2, 2004.

[34] Id.

[35] Id. at 222-228.

[36] Id. at 26.

[37] Id. at 346, TCT No. NT-299755. The name was misspelled as "Gavino T. Villanoza".

[38] Id. at 14.

[39] Id. at 15.

[40] Id. at 382-384.

[41] Id. at 383.

[42] Id. at 202-202-A.

[43] 511 Phil. 735 (2005) [Per J. Carpio Morales, Third Division].

[44] Id. at 749-750.

[45] Rollo, p. 147.

[46] Id. at 15.

[47] Citing the case of *Tenants of the Estate of Dr. Jose Sison v. Court of Appeals*, 285 Phil. 1080 (1992) [Per J. Griño-Aquino, First Division].

[48] Rollo, p. 16.

[49] Id.

[50] Id. at 391-402.

[51] Id. at 392.

[52] Id. at 18.

[53] Gabino T. Villanoza's heir, respondent Bonifacio Villanoza, filed a Notice of Appeal with Motion for Substitution of Parties and to Litigate as Pauper Litigants (rollo, p. 18). On February 19, 2009, the Office of the President recognized the appeal (rollo, pp. 323-324). The Villanoza heirs, represented attorney-in-fact Bonifacio Villanoza, filed their Memorandum on March 11, 2009 (rollo pp 325-340).

[54] Id. at 411-414.

[55] Rollo, p. 141.

[56] Through the Office of Executive Secretary Paquito N. Ochoa, Jr. (rollo, pp. 141-145).

[57] Id. at 144.

[58] See Rep. Act No. 6657, sec. 6.

Section 6. Retention Limits. — Except as otherwise provided in this Act, no person may own or retain, directly or indirectly, any public or private agricultural land, the size of which shall vary according to factors governing a viable family-size farm, such as commodity produced, terrain, infrastructure, and soil fertility as determined by

the Presidential Agrarian Reform Council (PARC) created hereunder, but in no case shall retention by the landowner exceed five (5) hectares.

[59] See also DAR Adm. Order No. 02 (2003), sec. 8.6 which provides:

A landowner whose landholdings are covered under CARP may retain an area of not more than five (5) hectares thereof.

[60] Rollo, pp. 18-19.

[61] Id. at 145.

[62] Id. at 434-453.

[63] Id. at 146-148.

[64] Id. at 11-29.

[65] Id. at 24-25. Section 2.2 of the Department of Agrarian Reform Administrative Order No. 02-03 states that the landowner may exercise his or her retention rights "by signifying [his or her] intention to retain [a maximum of five hectares of land] within sixty (60) days from receipt of notice of coverage. Failure to do so within the period shall constitute a waiver of the right to retain any area."

[66] The right of retention of a deceased landowner may be exercised by his heirs provided that the heirs must first show proof that the decedent landowner had manifested during his lifetime his intention to exercise his right of retention prior to 23 August 1990.

[67] 256 Phil. 777 (1989) [Per J. Cruz, En Banc].

[68] See DAR Adm. Order No. 02 (2003).

[69] Id.

[70] This case adds attorney-in-fact Rose Anna A. Nuñez-De Vera as one of the heirs of Leonilo P. Nuñez, Sr. Nuñez v GSIS, however, did not include her. Also, this case mentions Eliza's and Divina's names as "Ma. Eliza A. Nuñez" and "Ma. Divina A. Nuñez-Sernadilla," respectively.

[71] Rollo, p. 27.

[72] Id. at 28.

[73] Id. at 104.

[74] Id. at 28.

[75] Id. at 478-480.

[76] Id. at 488.

[77] Id. at 489, Teofila's Affidavit.

[78] Id. at 488, Certificate of Baptism.

[79] Id. at 489.

[80] Id. at 482.

[81] Id. at 65-67.

[82] Id. at 100-105.

[83] Id. at 509.

[84] Id. at 519-527. Comment with Entry of Appearance.

[85] Id. at 521.

[86] Id.

[87] Id. at 520.

[88] Id.

[89] Id.

[90] Id. at 521.

[91] Q and A: The Comprehensive Agrarian Reform Program, available at <<http://www.gov.ph/2014/06/30/q-and-a-the-comprehensive-agrarian-reform-program/>>. (last visited April 24, 2017).

[92] Q and A: The Comprehensive Agrarian Reform Program, available at <<http://www.gov.ph/2014/06/30/q-and-a-the-comprehensive-agrarian-reform-program/>>. (last visited April 24, 2017).

[93] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017).

[94] Anderson, Eric A., The Encomienda in Early Philippine Colonial History, 14 ASIAN STUDIES JOURNAL 25, 31 (1976). Available at <<http://www.asj.upd.edu.ph/mediabox/archive/ASJ-14-2-1976/anderson-encomienda-philippine-history.pdf>> (Last visited April 24, 2017).

[95] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017).

[96] Anderson, Eric A., The Encomienda in Early Philippine Colonial History, 14 ASIAN STUDIES JOURNAL 25, 27 (1976). Available at <<http://www.asj.upd.edu.ph/mediabox/archive/ASJ-14-2-1976/anderson-encomienda-philippine-history.pdf>>. (Last visited April 24, 2017).

[97] Wolters, W., A Comparison Between the Taxation Systems in the Philippines Under Spanish Rule and Indonesia Under Dutch Rule During the 19[th] Century, 21 ASIAN STUDIES JOURNAL 79, 89 (1983). Available at <www.asj.upd.edu.ph/mediabox/archive/ASJ-21-1983/wolters.pdf>. (Last visited April 24, 2017).

[98] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017).

[99] Anderson, Eric A., The Encomienda in Early Philippine Colonial History, 14 ASIAN STUDIES JOURNAL 25, 31 (1976). Available at <<http://www.asj.upd.edu.ph/mediabox/archive/ASJ-14-2-1976/anderson-encomienda-philippine-history.pdf>>. (Last visited April 24, 2017).

[100] Wolters, W., A Comparison Between the Taxation Systems in the Philippines Under Spanish Rule and

Indonesia Under Dutch Rule During the 19th Century, 21 ASIAN STUDIES JOURNAL 79, 85 and 97 (1983). Available at <www.asj.upd.edu.ph/mediabox/archive/ASJ-21-1983/wolters.pdf> (Last visited April 24, 2017).

[101] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017).

[102] Anderson, Eric A., The Encomienda in Early Philippine Colonial History, 14 ASIAN STUDIES JOURNAL 25, 27-30 (1976). Available at <<http://www.asj.upd.edu.ph/mediabox/archive/ASJ-14-2-1976/anderson-encomienda-philippine-history.pdf>>. (Last visited April 24, 2017).

[103] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017).

[104] Wolters, W., A Comparison Between the Taxation Systems in the Philippines Under Spanish Rule and Indonesia Under Dutch Rule During the 19th Century, 21 ASIAN STUDIES JOURNAL 79, 97 (1983). Available at <www.asj.upd.edu.ph/mediabox/archive/ASJ-21-1983/wolters.pdf>. (Last visited April 24, 2017).

[105] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017).

[106] Anderson, Eric A., The Encomienda in Early Philippine Colonial History, 14 ASIAN STUDIES JOURNAL 25, 27 (1976). Available at <<http://www.asj.upd.edu.ph/mediabox/archive/ASJ-14-2-1976/anderson-encomienda-philippine-history.pdf>>. (Last visited April 24, 2017).

[107] Wolters, W., A Comparison Between the Taxation Systems in the Philippines Under Spanish Rule and Indonesia Under Dutch Rule During the 19th Century, 21 ASIAN STUDIES JOURNAL 79, 97 (1983). Available at <www.asj.upd.edu.ph/mediabox/archive/ASJ-21-1983/wolters.pdf>. (Last visited April 24, 2017).

[108] Wolters, W., A Comparison Between the Taxation Systems in the Philippines Under Spanish Rule and Indonesia Under Dutch Rule During the 19th Century, 21 ASIAN STUDIES JOURNAL 79, 97 (1983). Available at <www.asj.upd.edu.ph/mediabox/archive/ASJ-21-1983/wolters.pdf>. (Last visited April 24, 2017).

[109] Section 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said Islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said Islands as it may deem wise, not exceeding sixteen [16] hectares to any one person and for the sale and conveyance of not more than one thousand and twenty-four [1,024] hectares to any corporation or association of persons: Provided, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee cannot alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents.

[110] Id.

[111] Separate Opinion of J. Puno in Cruz v. DENR, 400 Phil. 904, 932-1016 (2009) [Per Curiam, En Banc].

[112] See Separate Opinion of C.J. Corona in Hacienda Luisita, Inc. v. Presidential Agrarian Reform Council, 668 Phil. 365-698 (2011) [Per J. Velasco, En Banc].

[113] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017)

[114] Id.

[115] See also Separate Opinion of CJ Corona in *Hacienda Luisita, Inc. v. Presidential Agrarian Reform Council*, 668 Phil. 365-698 (2011) [Per J. Velasco, En Banc].

[116] Department of Agrarian Reform, Agrarian Reform History, available at <<http://www.dar.gov.ph/about-us/agrarian-reform-history>>. (last visited April 24, 2017). Several land reform laws were promulgated during Magsaysay's tenure. Republic Act No. 1160 implemented the free distribution of agricultural lands of the public domain and, to give land to landless Filipino citizens, created the National Resettlement and Rehabilitation Administration. The National Resettlement and Rehabilitation Administration resettled landless farmers and gave rebel returnees home lots and farmlands in Palawan and Mindanao.

[117] Rep. Act No. 1199, sec. 4 provides:

Section 4. Systems of Agricultural Tenancy; Their Definitions. — Agricultural tenancy is classified into leasehold tenancy and share tenancy.

Share tenancy exists whenever two persons agree on a joint undertaking for agricultural production wherein one party furnishes the land and the other his labor, with either or both contributing any one or several of the items of production, the tenant cultivating the land personally with the aid of labor available from members of his immediate farm household, and the produce thereof to be divided between the landholder and the tenant in proportion to their respective contributions. Leasehold tenancy exists when a person who, either personally or with the aid of labor available from members of his immediate farm household, undertakes to cultivate a piece of agricultural land susceptible of cultivation by a single person together with members of his immediate farm household, belonging to or legally possessed by, another in consideration of a price certain or ascertainable to be paid by the person cultivating the land either in percentage of the production or in a fixed amount in money, or in both.

[118] Rep. Act No. 1199, sec. 4.

[119] Rep. Act No. 1199, sec. 2 provides:

Section 2. Purposes. — It is the purpose of this Act to establish agricultural tenancy relations between landholders and tenants upon the principle of school justice; to afford adequate protection to the rights of both tenants and landholders; to insure an equitable division of the produce and income derived from the land; to provide tenant-farmers with incentives to greater and more efficient agricultural production; to bolster their economic position and to encourage their participation in the development of peaceful, vigorous and democratic rural communities.

[120] Rep. Act No. 1400, sec. 6(1) provides:

Section 6. Powers. — In pursuance of the policy enunciated in section two hereof, the Administration is authorized to:

(1) Purchase private agricultural lands for resale at cost to bona fide tenants or occupants, or in the case of estates abandoned by the owners for the last five years, to private individuals who will work the lands themselves and who are qualified to acquire or own lands but who do not own more than six hectares of lands in the Philippines[.]

[121] Rep. Act No. 1400, sec. 6(2) provides:

Section 6(2). Initiate and prosecute expropriation proceedings for the acquisition of private agricultural lands in proper cases, for the same purpose of resale at cost: Provided, That the power herein granted shall apply only to private agricultural lands as to the area in excess of three hundred [300] hectares of contiguous area if owned by natural persons and as to the area in excess of six hundred [600] hectares if owned by corporations: Provided, further, That land where justified agrarian unrest exists may be expropriated regardless of its area.

[122] Rep. Act No. 3844, sec. 4 provides:

Section 4. Abolition of Agricultural Share Tenancy. — Agricultural share tenancy, as herein defined, is hereby declared to be contrary to public policy and shall be abolished: Provided, That existing share tenancy contracts may continue in force and effect in any region or locality, to be governed in the meantime by the pertinent provisions of Republic Act Numbered Eleven hundred and ninety-nine, as amended, until the end of the agricultural year when the National Land Reform Council proclaims that all the government machineries and agencies in that region or locality relating to leasehold envisioned in this Code are operating, unless such contracts provide for a shorter period or the tenant sooner exercises his option to elect the leasehold system: Provided, further, That in order not to jeopardize international commitments, lands devoted to crops covered by marketing allotments shall be made the subject of a separate proclamation that adequate provisions, such as the organization of cooperatives, marketing agreements, or other similar workable arrangements, have been made to insure efficient management on all matters requiring synchronization of the agricultural with the processing phases of such crops: Provided, furthermore, That where the agricultural share tenancy contract has ceased to be operative by virtue of this Code, or where such a tenancy contract has been entered into in violation of the provisions of this Code and is, therefore, null and void, and the tenant continues in possession of the land for cultivation, there shall be presumed to exist a leasehold relationship under the provisions of this Code, without prejudice to the right of the landowner and the former tenant to enter into any other lawful contract in relation to the land formerly under tenancy contract, as long as in the interim the security of tenure of the former tenant under Republic Act Numbered Eleven hundred and ninety-nine, as amended, and as provided in this Code, is not impaired: Provided, finally, That if a lawful leasehold tenancy contract was entered into prior to the effectivity of this Code, the rights and obligations arising therefrom shall continue to subsist until modified by the parties in accordance with the provisions of this Code.

[123] Rep. Act No. 3844, sec. 6 provides:

Section 6. Parties to Agricultural Leasehold Relation. — The agricultural leasehold relation shall be limited to the person who furnishes the landholding, either as owner, civil law lessee, usufructuary, or legal possessor, and the person who personally cultivates the same.

[124] Rep. Act No. 3844, sec. 7 provides:

Section 7. Tenure of Agricultural Leasehold Relation. — The agricultural leasehold relation once established shall confer upon the agricultural lessee the right to continue working on the landholding until such leasehold relation is extinguished. The agricultural lessee shall be entitled to security of tenure on his landholding and cannot be ejected therefrom unless authorized by the Court for causes herein provided.

[125] Rep. Act No. 3844, sec. 26(6) provides:

Section 26. Obligations of the Lessee. — It shall be the obligation of the agricultural lessee:

....

(6) To pay the lease rental to the agricultural lessor when it falls due.

[126] Rep. Act No. 3844, sec. 24 provides:

Section 24. Right to a Home Lot. — The agricultural lessee shall have the right to continue in the exclusive possession and enjoyment of any home lot he may have occupied upon the effectivity of this Code, which shall be considered as included in the leasehold.

[127] Rep. Act No. 3844, sec. 25 provides:

Section 25. Right to be Indemnified for Labor. — The agricultural lessee shall have the right to be indemnified for the cost and expenses incurred in the cultivation, planting or harvesting and other expenses incidental to the improvement of his crop in case he surrenders or abandons his landholding for just cause or is ejected therefrom. In addition, he has the right to be indemnified for one-half of the necessary and useful improvements made by him on the landholding: Provided, That these improvements are tangible and have not yet lost their utility at the time of surrender and/or abandonment of the landholding, at which time their value shall be determined for the purpose of the indemnity for improvements.

[128] Rep. Act No. 3844, sec. 51(6) provides:

Section 51. Powers and Functions. — It shall be the responsibility of the Authority:

....

(6) To give economic family-size farms to landless citizens of the Philippines who need, deserve, and are capable of cultivating the land personally, through organized resettlement, under the terms and conditions the Authority may prescribe, giving priority to qualified and deserving farmers in the province where such lands are located[.]

[129] Rep. Act No. 3844, sec. 51(1)(c) provides:

Section 51(1)(c). SECTION 51. Powers and Functions. — It shall be the responsibility of the Authority:

(1) To initiate and prosecute expropriation proceedings for the acquisition of private agricultural lands as defined in Section one hundred sixty-six of Chapter XI of this Code for the purpose of subdivision into economic family-size farm units and resale of said farm units to bona fide tenants, occupants and qualified farmers: Provided, That the powers herein granted shall apply only to private agricultural lands subject to the terms and conditions and order of priority hereinbelow specified:

....

c. [I]n expropriating private agricultural lands declared by the National Land Reform Council or by the Land Authority within a land reform district to be necessary for the implementation of the provisions of this Code, the following order of priority shall be observed:

1. idle or abandoned lands;
2. those whose area exceeds 1,024 hectares;
3. those whose area exceeds 500 hectares but is not more than 1,024 hectares;
4. those whose area exceeds 144 hectares but is not more than 500 hectares; and
5. those whose area exceeds 75 hectares but is not more than 144 hectares.

[130] Rep. Act No. 6389, sec. 1 provides:

Section 1. Sections 1, 2, 3 and 4 of Republic Act No. thirty eight hundred and forty-four, otherwise known as the

Agricultural Land Reform Code, are hereby amended to read as follows:

....

"Section 3. Composition of Code. — In pursuance of the policy enunciated in Section two, the following are established under this Code:

"(1) An agricultural leasehold system to replace all existing share tenancy systems in agriculture[.]"

[131] Rep. Act No. 6389, sec. 9 provides:

Section 9. The Titles of Chapter III and Article 1 and Section 49 and 50 of the same Code are hereby amended to read as follows:

"Chapter III. — Department of Agrarian Reform.

"Article I. — Organization and Functions of the Department of Agrarian Reform.

"Sec. 49. Creation of the Department of Agrarian Reform. — For the purpose of carrying out the policy of establishing owner-cultivatorship and the economic family size farm as the basis of Philippine agriculture and other policies enunciated in this Code, there is hereby created a Department of Agrarian Reform, hereinafter referred to as Department, which shall be directly under the control and supervision of the President of the Philippines. It shall have authority and responsibility for implementing the policies of the state on agrarian reforms as provided in this Code and such other existing laws as are pertinent thereto.

"The Department shall be headed by a Secretary who shall be appointed by the President with the consent of the Commission on Appointments.

"He shall be assisted by one Undersecretary who shall be appointed by the President with the consent of the Commission on Appointments."

[132] Proclaiming the Entire Country as a Land Reform Area (1972).

[133] Pres. Decree No. 27 (1972) or Decreeing the Emancipation of Tenants from the Bondage of the Soil, Transferring to Them the Ownership of the Land They Till and Providing the Instruments and Mechanism Therefor.

[134] 382 Phil. 742 (2000) [Per J. De Leon, Jr., First Division].

[135] Id. at 751.

[136] Id.

[137] Id.

[138] Heirs of Sandueta v. Robles, 721 Phil. 883, 893 (2013) [Per J. Perlas-Bernabe, Second Division].

[139] 620 Phil. 303 (2009) [Per J. Peralta, Third Division].

[140] Id. at 322-323.

[141] 721 Phil. 883 (2013) [Per J. Perlas-Bernabe, Second Division].

[142] Id. at 893-894.

[143] 728 Phil. 432 (2014) [Per J. Perlas-Bernabe, Second Division].

[144] *Id.* at 444.

[145] Const., art. II, sec. 2.

[146] An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and for Other Purposes (1988).

[147] Private agricultural lands are lands already titled in the name of private individuals. These also include agricultural lands which have a Torrens title, free-patent titles and those with homestead patents.

See FAQs on CARP. Available at <<http://www.dar.gov.ph/downloads/category/82-FAQs?download=838:FAQs%20on%20CARP>>. (Last visited April 24, 2017).

[148] Rep. Act No. 6657, sec. 4 provides:

Section 4. Scope. — The Comprehensive Agrarian Reform Law of 1988 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; cda

(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.

[149] See Adm. Order No. 2 (1994).

[150] FAQs on CARP. Available at <<http://www.dar.gov.ph/downloads/category/82-FAQs?download=838:FAQs%20on%20CARP>>. (Last visited April 24, 2017).

[151] FAQs on CARP. Available at <<http://www.dar.gov.ph/downloads/category/82-FAQs?download=838:FAQs%20on%20CARP>>. (Last visited April 24, 2017).

[152] *Holy Trinity Realty & Development Corp. v. Dela Cruz*, G.R. No. 200454, October 22, 2014 [Per J. Bersamin, First Division].

[153] 256 Phil. 777 (1989) [Per J. Cruz, En Banc].

[154] Revised Rules and Procedures for the Exercise of Retention Right by Landowners (2000).

[155] DAR Adm. Order No. 02-03 (2000).

[156] DAR Adm. Order No. 02-03, sec. 4.1 provides:

Section 4. Period to Exercise Right of Retention Under RA 6657

4.1. The landowner may exercise his right of retention at any time before receipt of notice of coverage.

[157] DAR Adm. Order No. 02-03, sec. 7.1 provides:

Section 7. Criteria/Requirements for Award of Retention - The following are the criteria in the grant of retention area to landowners:

7.1. The land is private agricultural land[.]

[158] DAR Adm. Order No. 02-03, sec. 2.1 provides:

Section 2. Statement of Policies - The exercise of retention right by landowners shall be governed by the following policies:

2.1. The landowner has the right to choose the area to be retained by him which shall be compact and contiguous, and which shall be least prejudicial to the entire landholding and the majority of the farmers therein.

[159] DAR Adm. Order No. 02-03, sec. 4.3 provides:

Section 4. Period to Exercise Right of Retention Under RA 6657

....

4.3. Under the Voluntary Offer to Sell (VOS) and the Voluntary Land Transfer (VLT)/Direct Payment Scheme (DPS), the landowner shall exercise his right of retention simultaneously at the time of offer for sale or transfer.

[160] DAR Adm. Order No. 02-03, sec. 4.2 provides:

Section 4. Period to Exercise Right of Retention Under RA 6657

....

4.2. Under the Compulsory Acquisition (CA) Scheme, the landowner shall exercise his right of retention within sixty (60) days from receipt of notice of coverage.

[161] Rollo, pp. 62-65.

[162] RULES OF COURT, Rule 51, sec. 4 and 5 provide:

Section 4. Disposition of a case. - The Court of Appeals, in the exercise of its appellate jurisdiction, may affirm, reverse, or modify the judgment or final order appealed from, and may direct a new trial or further proceedings to be had.

Section 5. Form of decision. — Every decision or final resolution of the court in appealed cases shall clearly and distinctly state the findings of fact and the conclusions of law on which it is based, which may be contained in the decision or final resolution itself, or adopted from those set forth in the decision, order, or resolution appealed from.

[163] 705 Phil. 83 (2013) [Per J. Villarama, First Division].

[164] Id. at 92.

[165] Id.

[166] 744 Phil. 590 (2014) [Per J. Leonen, Second Division].

[167] Id. at 603.

[168] 456 Phil. 686 (2003) [Per J. Puno, Third Division].

[169] Id. at 688.

[170] Id. at 692.

[171] Rollo, p. 103.

[172] RULES OF COURT, Rule 132, sec. 19 provides:

Section 19. Classes of Documents. — For the purpose of their presentation evidence, documents are either public or private.

Public documents are:

(a)

The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;

(b)

Documents acknowledge before a notary public except last wills and testaments; and

(c)

Public records, kept in the Philippines, of private documents required by law to be entered therein.

All other writings are private.

[173] *Lacsa v. Court of Appeals*, 274 Phil. 506, 515 (1991) [Per J. Padilla, Second Division].

[174] The notary public submits his or her notarial register to the Executive Judge of the court in which one is commissioned. The judge keeps a copy of this, while the Office of the Court Administrator has an updated and complete database of such records. See A.M. No. 02-8-13-SC, Rule III, Sec. 12.

[175] Rollo, p. 147.

[176] Id. at 97.

[177] Id. at 147.

[178] 317 Phil. 348 (1995) [Per J. Francisco, Second Division].

[179] Rollo, p. 104.

[180] Id. at 70-71.

[181] *Real v. Belo*, 542 Phil. 109, 122 (2007) [Per J. Austria-Martinez].

[182] *Luxuria Homes, Inc. v. Court of Appeals*, 361 Phil. 989, 1000 (1999) [Per J. Martinez, First Division].

[183] 645 Phil. 230 (2010) [Per J. Carpio Morales, Third Division].

[184] *Rollo*, p. 44.

[185] *Santiago v. Ortiz-Luis*, 645 Phil. 230, 243 (2010) [Per J. Carpio Morales, Third Division].

[186] See also DAR Adm. Order No. 2, sec. 2.1.

[187] Rep. Act No. 6657, sec. 6.

[188] *Rollo*, p. 156. Villanoza's name was misspelled as "Gavino T. Villanoza."

[189] Date of finality in the Supreme Court ruling in *Association of Small Landowners in the Philippines Inc. v. Honorable Secretary of Agrarian Reform*.

[190] *Rollo*, p. 24.

[191] *Id.* at 23.

[192] *Id.* at 61.

[193] 612 Phil. 137 (2009) [Per J. Quisumbing, Second Division].

[194] *Id.* at 146.

[195] *Rollo*, p. 61.

[196] Presidential Decree No. 1529, Section 32. Review of decree of registration; Innocent purchaser for value. The decree of registration shall not be reopened or ... subject, however, to the right of any person. . .deprived of land. . .by such. . .confirmation of title obtained by actual fraud, to file in the proper Court of First Instance a petition for reopening and review of the decree of registration not later than one year from and after the date of the entry of such decree of registration. . .

Upon the expiration of said period of one year, the decree of registration and the certificate of title issued shall become incontrovertible. . .

[197] *Rollo*, p. 26.

[198] *Id.*

[199] 526 Phil. 700 (2006) [Per J. Chico-Nazario, First Division].

[200] *Id.* at 717.

[201] *Id.* at 333-334.

[202] *Rollo*, p. 346.

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