

**THE ROMAN CATHOLIC BISHOP OF MALOLOS, INC., THE MOST REV. BISHOP JOSE F. OLIVEROS, D.D., PETITIONER, VS. THE HEIRS OF MARIANO MARCOS, REPRESENTED BY FRANCISCA MARCOS ALIAS KIKAY...**

*G.R. No. 225971. June 17, 2020*

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**CAGUIOA, J:**

Before the Court is a Petition for Review on Certiorari[1] (Petition) under Rule 45 of the 1997 Rules of Court (Rules), filed by the Roman Catholic Bishop of Malolos, Inc., Rev. Bishop Jose F. Oliveros, D.D. (RCBMI), seeking, among others, the reversal of the Resolutions of the Court of Appeals, Ninth Division (CA) dated April 8, 2016[2] and July 20, 2016,[3] in CA-G.R. SP No. 144354, which dismissed the petition for certiorari and mandamus that RCBMI filed for non-exhaustion of administrative remedies.

**Factual Antecedents**

RCBMI is the registered owner of a parcel of land covered by Original Certificate of Title No. 597. On October 21, 1972, upon the enactment of Presidential Decree No. (P.D.) 27, otherwise known as the "Tenants Emancipation Decree," portions of said land, namely those covered by Certificates of Land Transfer (CLT) Nos. 746, 749 and 0392296 (subject Certificates of Land Transfer (CLT) Nos. 746, 749, and 0392296 (subject property), were awarded to Mariano Marcos (Marcos), now represented by his heirs (Heirs of Marcos).

On June 17, 1980, RCBMI sought the cancellation of the award of the above portions to Marcos, mainly alleging that those lots were not devoted to rice production[4] but to social and humanitarian programs. Two years later, in an Order issued on June 29, 1982 [1982 Ministry of Agrarian Reform (MAR) Order], then MAR granted RCBMI's petition and cancelled CLT No. 0392296 on the ground that the lot it covered was vacant and uncultivated upon P.D. 27's issuance. Marcos filed for a reconsideration of the same three years after, but the same was denied in a January 29, 1986 Order, for the reason that the order of cancellation had long become final and executory, with Marcos faulted for laches. Despite said cancellation, however, the Heirs of Marcos allegedly refused to surrender possession of the subject property.[5]

Keen on recovering possession of the subject property, RCBMI filed a Complaint[6] for the issuance of a writ of preliminary injunction and damages on February 2, 1994 before the Office of the Provincial Agrarian Reform Adjudicator (PARAD) of Malolos, Bulacan, and in its Decision[7] dated July 24, 1995, the PARAD ruled in favor of RCBMI, and issued an order for the Heirs of Marcos to vacate the subject property along with a declaration of nullity of any sale made by the Heirs of Marcos involving the same. The Heirs of Marcos appealed to the Department of Agrarian Reform Adjudication Board (DARAB), which, in its Decision[8] dated October 25, 2001, affirmed the PARAD's Decision and restated the order for the Heirs of Marcos to vacate. The Heirs of Marcos filed a motion for reconsideration which was similarly denied by the DARAB in its Resolution dated October 24, 2002.[9]

Still aggrieved, the Heirs of Marcos appealed the matter to the CA via a petition for review under Rule 43 in

CA-G.R. SP No. 73969. On May 26, 2004, the CA denied the petition, significantly observing that it was the PARAD's duty to render a just and expeditious determination of the actions filed before it, and that in the present case, it would have been unjust for the PARAD to overlook the fact that the Heirs of Marcos nevertheless insisted on their right to retaining possession of the subject property despite a final pronouncement to the contrary.[10] This CA Decision[11] became final and executory with an Entry of Judgment[12] issued on June 19, 2004.

Yet even with an entry of judgment, as RCBMI alleged, the records of the case were not remanded to the PARAD for purposes of execution. Met with this new delay, RCBMI filed before the CA Fourteenth Division an Urgent Ex-Parte Motion to Remand.[13] Over three years later, a certification remanding records of the case to the PARAD for execution was finally issued.

Thereafter, on March 10, 2008, RCBMI filed a Motion for the Issuance of Writ of Execution[14] before the PARAD, submitting that the 1982 MAR Order it sought to have executed had long become final and executory, and that the writ of execution should have issued as a matter of right.

This Writ of Execution, at the heart of the present controversy, would take a staggering length of time to issue, or six years after it was prayed for, and a confounding 28 years after the 1982 MAR Order it sought to execute was promulgated. This astonishing delay, as will be gleaned from the following narrative, is the height of legal irony, considering that the order for execution involved a specialized quasi-judicial agency created precisely to settle agrarian disputes with justice and dispatch.

On March 11, 2008, instead of issuing the writ of execution as requested, the PARAD directed the Heirs of Marcos to comment or oppose,[15] and set the Motion for the Issuance of Writ of Execution for hearing. The Heirs of Marcos filed an Opposition,[16] alleging that a supervening event made the execution of the 1982 MAR Order impossible or illegal, the same being the placement of the subject property under the coverage of Republic Act No. (R.A.) 6657, otherwise known as the "Comprehensive Agrarian Reform Law of 1988" (CARP Law).[17]

The Motion for the Issuance of Writ of Execution was submitted for resolution on April 21, 2008,[18] but the same would not be resolved for nearly two years, until after RCBMI filed a Motion to Resolve.[19] On May 6, 2010, the PARAD granted[20] RCBMI's Motion for the Issuance of Writ of Execution and held that "[t]he rule has always been to the effect that 'once a decision becomes final and executory, it is the ministerial duty of the court to order its execution.['']"[21]

The Heirs of Marcos filed for a reconsideration[22] of the same on the ground of the supervening Comprehensive Agrarian Reform Program[23] (CARP) coverage over the subject property. The Heirs of Marcos submitted that since the Department of Agrarian Reform (DAR) Order[24] subsuming the subject property under CARP was still pending appeal before the office of the DAR Secretary, the writ of execution could not issue.

RCBMI opposed[25] the Heirs of Marcos' Motion for Reconsideration, arguing that: (1) the writ of execution should already issue as a matter of right under the 1994 New Rules of Procedure of the DARAB, specifically Section 1, Rule XII on Execution;[26] and (2) there was no existing decision directing the issuance of a title over the subject property in favor of the Heirs of Marcos, and that the latter would still have to be evaluated as to whether they were qualified beneficiaries under the CARP Law.[27]

On September 20, 2010, the PARAD granted the Heirs of Marcos' Motion for Reconsideration, and held in abeyance the resolution of the Motion for the Issuance of Writ of Execution,[28] until the DAR Secretary had finally decided on the supervening CARP matter involving the subject property.

The suspensive condition concerning the DAR Secretary's resolution occurred on May 5, 2011 when then DAR Secretary Virgilio Delos Reyes dismissed[29] the Heirs of Marcos' petition for coverage of the subject property

under the CARP Law, declaring the said parcel of land exempt from CARP coverage. The DAR Secretary held that upon ocular inspection[30] conducted by the DAR Office, the subject property was found to be a fishpond surrounded by residential areas, and was deemed far from suitable for agricultural purposes, with not a single portion of it devoted to rice land. The DAR Secretary determined that since Sections 3(e),[31] 10[32] and 11[33] of the CARP Law, as amended, exempt fishponds and prawn ponds from CARP coverage, the subject property was likewise exempt.

With no more supervening circumstance in the way of execution, RCBMI filed another Motion to Resolve[34] the Heirs of Marcos' Motion for Reconsideration. The PARAD ordered[35] the Heirs of Marcos to file a comment or opposition, which they filed on August 10, 2011, reiterating their previous submissions.[36]

On February 17, 2012, the PARAD issued an Order[37] denying the Heirs of Marcos' Motion for Reconsideration, and finally granting RCBMI's Motion for the Issuance of a Writ of Execution. The PARAD ruled that "[l]itigation must end and terminate sometime and somewhere"[38] given that the judgment that becomes final and executory becomes immutable and unalterable.[39] The Heirs of Marcos filed a second Motion for Reconsideration[40] which was set for hearing[41] and was eventually denied.[42]

This sense of finality, however, seemed to have been more apparent than real, as no writ of execution issued thereafter, and RCBMI had to file three Motions to Resolve[43] before the PARAD finally issued one on December 16, 2014.[44]

Undaunted, the Heirs of Marcos filed a Motion to Quash the Writ of Execution[45] arguing that the five-year period from the date of promulgation of the 1982 MAR Order within which to execute the same, as required by Section 4, Rule 20 of the 1989 DARAB Revised Rules of Procedure[46] (1989 DARAB Rules) had already lapsed. This was opposed[47] by RCBMI, claiming that the delay of the execution of the decision could only be attributed to the Heirs of Marcos themselves.

On August 19, 2015, the PARAD granted the Heirs of Marcos' Motion to Quash,[48] chiefly ruling that due to the lapse of the five-year period, RCBMI could only enforce the 1982 MAR Order sought to be executed via an action. In RCBMI's Motion for Partial Reconsideration,[49] it argued that the five-year period should have been suspended when the Heirs of Marcos filed their Opposition to RCBMI's Motion for the Issuance of a Writ of Execution. It likewise argued that the astonishing delay in execution was caused by the actions of the Heirs of Marcos, through their abuse of the rules of procedure which resulted in an overall suspension of the proceedings. This prayer for reconsideration was denied by the PARAD.[50]

#### Proceedings Before the CA

Aggrieved, RCBMI filed a Petition for Certiorari and Mandamus[51] under Rule 65 before the CA on February 26, 2016, but the same was dismissed in the CA's Resolution[52] dated April 8, 2016. The CA dismissed RCBMI's petition for its non-exhaustion of administrative remedies, noting that RCBMI should have first filed an appeal before the DARAB, pursuant to Section 1,[53] Rule XII and Section 5,[54] Rule II of the 1989 DARAB Rules, as well as Section 2,[55] Rule II of the 2009 DARAB Rules of Procedure.

In finding non-exhaustion of administrative remedies, the CA ruled:

A special civil action for certiorari under Rule 65 is an original or independent action based on grave abuse of discretion amounting to lack or excess of jurisdiction and it will lie only if there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law; it cannot be a substitute for a lost appeal. In the case at bar, (petitioner) is not without any plain, speedy, and adequate remedy as the remedy of an appeal is [x x x] available. Hence, the present petition for certiorari will not prosper even if the ground is grave abuse of discretion. (E)xhaustion of administrative remedies is a requisite for the filing of a petition for certiorari and

non-exhaustion of administrative remedies renders (the) petition premature and thus dismissible.

x x x x

Accordingly, the instant Petition for Certiorari and [Mandamus] under Rule 65 is dismissible for being the wrong remedy and for non-exhaustion of administrative remedies.

WHEREFORE, premised considered, the Petition is DISMISSED outright.

SO ORDERED.[56]

RCBMI filed a Motion for Reconsideration[57] of the said dismissal, but the same was likewise denied by the CA in a Resolution[58] dated July 20, 2016.

Hence this Petition.

Chiefly, RCBMI contends that the petition was no longer about the merits of the agrarian dispute which had long been decided, but more so about jurisdiction,[59] and that the Writ of Execution on the final and executory 1982 MAR Order was but ministerial in nature.[60] It likewise argues that the DARAB did not have the authority to issue writs of certiorari nor correct errors of jurisdiction such as the issuance of a mandamus,[61] which made RCBMI's appeal before it under the present circumstances futile.[62] It likewise proffers that the PARAD committed grave abuse of discretion when it granted the Heirs of Marcos' Motion to Quash, considering that the issuance of a writ of execution was already a matter of right as far as RCBMI was concerned since the 1982 MAR Order had already become final.[63]

Further, RCBMI submits that the Writ of Execution should have issued as a matter of course pursuant to Section 1, Rule XX of the 2003 DARAB Rules of Procedure,[64] had it not been for the dilatory tactics of the Heirs of Marcos,[65] additionally citing *Olongapo City v. Subic Water & Sewerage Co., Inc.*[66] on meritorious grounds that allow for an execution of a decision by motion even after the lapse of the five-year period. Finally, RCBMI submits that the PARAD is not bound by technical rules and is instead mandated to promote just, expeditious and inexpensive adjudication of agrarian disputes under Section 3, Rule I of its very own 1989 DARAB Rules.[67]

The Heirs of Marcos filed a Comment[68] to the present Petition on June 21, 2018, reiterating the ruling of the CA on RCBMI's non-exhaustion of administrative remedies.[69]

In response, RCBMI filed its Reply[70] on August 24, 2018, countering that: (1) the DARAB has no certiorari powers, and so Rule 65 was the proper remedy; (2) the issuance of the writ of execution was ministerial;[71] and (3) the delay in execution was either on the occasion of or for the benefit of the Heirs of Marcos.[72]

Issues

The issues brought before the Court are: (1) whether the CA erred in dismissing RCBMI's petition for certiorari and mandamus under Rule 65 for its non-exhaustion of administrative remedies; and the ultimate question of (2) whether the PARAD acted in excess of its jurisdiction when it granted the Heirs of Marcos' Motion to Quash the Writ of Execution and denied RCBMI's Motion for Reconsideration.

The Court's Ruling

The Petition is impressed with merit.

Firstly, the crucial starting point for the proper framing of the present issues is the determination of the governing rules of procedure when the earliest action in the PARAD was commenced. Given that RCBMI filed the Complaint for the issuance of a writ of preliminary injunction and damages before the PARAD on February 2,

1994, the governing rules before the DARAB and its adjudicators were those in the 1989 DARAB Rules, which took effect on February 6, 1989.

The 1989 DARAB Rules were designed for liberal construction, in order to promote "just, expeditious, and inexpensive adjudication and settlement of any agrarian dispute, case, matter or concern." [73] Those rules were also, as rightly argued by RCBMI, not bound by technicalities, with the adjudicators themselves even authorized to adopt external measures or procedures in case an issue brought before them were not contemplated by the rules. [74] The 1989 DARAB Rules were infused with provisions that put a premium on the expeditious and inexpensive disposition of agrarian cases, with the foreword for the same providing the guideposts of the rules, to wit:

The primary objective of these Rules, it cannot be overstressed, is to promote a just, speedy and inexpensive adjudication and disposition of agrarian disputes. Towards this end, among the salient features and underlying principles of the Revised Rules are:

- Agrarian cases brought before the DARAB are to be viewed as non-litigious, non-adversarial and non-confrontational in character.
- The Rules of Court do not apply in the DARAB, not even in a supplemental character, except in contempt cases.
- The proceedings are summary in nature and, as such, the legal processes have been considerably shortened.
- The Rules are flexible enough to allow for creativity and innovation in procedural matters to be able to deal adequately with the peculiar circumstances attendant to agrarian disputes.
- The Rules are specially crafted to allow the Adjudication Board free and unfettered exercise of its broad discretionary powers to carry into effect a firm State policy in dispensing social justice in the field of agrarian reform. [75]

This outstanding leniency with respect to technical rules is as pragmatic as it is purposive, and presenting the present issues within its light disposes them both in favor of RCBMI.

#### Non-Exhaustion of Administrative Remedies

First, this Court finds that the CA erred in dismissing RCBMI's petition outright on the ground of non-exhaustion of administrative remedies, as the narrative clearly illustrates how RCBMI's action falls within the exemptions to the said principle.

The CA, in dismissing RCBMI's petition, harked back to Section 5, Rule II of the 1989 DARAB Rules and concluded that as provided therein, RCBMI should have first appealed the PARAD's quashal of the writ of execution before the DARAB, for the exhaustion of the administrative remedies available to it.

The doctrine of exhaustion of administrative remedies, in and of itself, is grounded on practical reasons, including allowing the administrative agencies concerned to take every opportunity to correct its own errors, as well as affording the litigants the opportunity to avail of speedy relief through the administrative processes and sparing them of the laborious and costly resort to courts. [76]

However, this principle is not inflexible, and admits of several exceptions that include situations where the very rationale of the doctrine has been defeated. The Court has taken many occasions to outline these exceptions,

including its observation in *Samar II Electric Cooperative, Inc., et al. v. Seludo, Jr.*,<sup>[77]</sup> to wit:

True, the doctrines of primary jurisdiction and exhaustion of administrative remedies are subject to certain exceptions, to wit: (a) where there is estoppel on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively so small as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) where the application of the doctrine may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) where the issue of non-exhaustion of administrative remedies has been rendered moot; (j) where there is no other plain, speedy and adequate remedy; (k) where strong public interest is involved; and (1) in quo warranto proceedings.<sup>[78]</sup>

As applied to the factual backdrop of this case, with the peculiar length of time with which this case has lasted, this Court concludes that RCBMI's action falls within the temporal exempting circumstance, or where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant. Specifically, the exempting circumstance is the suspension of RCBMI's enjoyment of its legal victory, which was awarded to it by the MAR in 1982, but to date, 37 years later, remains to be executed.

RCBMI's resort to the DARAB to appeal the PARAD's quashal would not only be time-consuming but more so wasteful, as the relief it prays for the DARAB is not clothed with the authority to grant. This is largely because the cases over which the DARAB has primary, original and appellate jurisdiction, as enumerated in Section 1, Rule II of the 1989 DARAB Rules,<sup>[79]</sup> are more merit-focused in nature, with their application to the substantive issues of an agrarian dispute. Therefore, a resort to it may only take more time, but ultimately not grant for RCBMI the redress it seeks.

This is precisely the kind of long-drawn, circuitous, agrarian dispute, with high human and economic costs, that the creation of the DARAB sought to remedy. This length of delay for the DAR's decision, i.e., the 1982 MAR Order to be carried out in the case at bar is baffling, ridicules the very logic underlying the creation of the DARAB and its adjudicators, and therefore cannot be countenanced.

PARAD's grave abuse of discretion through unjustified delay

Second, with regard to the decisive matter of the issuance of a writ of execution, the provisions of Rule XII of the 1989 DARAB Rules are clear, to wit:

SECTION 1. Execution upon Final Order or Decision. – Execution shall issue upon an order or decision that finally disposes of the action or proceeding. Such execution shall issue as a matter of course after the parties have been furnished with copies of the decision in accordance with these Rules and upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

The Board or Adjudicator concerned may, upon certification by the proper officer that a resolution, order or decision has become final and executory, upon motion or *motu proprio* issue a writ of execution and order the DAR sheriff or a DAR officer to enforce the same.

SECTION 2. Immediate Execution of Order or Decision. – The order or decision of the Board or the Adjudicator shall be immediately executory, regardless of any appeal, unless otherwise expressly provided therein: except when execution is stayed in accordance with the provisions of the next succeeding section.

SECTION 3. No Stay of Execution, Exception. – Any appeal taken from the order or decision of the Board or

the Adjudicator shall not stay the execution of the same; except where the ejectment of the tenant farmer, agricultural lessee or tenant tiller, settler or amortizing owner-cultivator and any other beneficiary, is directed.

To recall, the CA Decision which upheld RCBMI's right to recover possession of the subject property became final and executory with an Entry of Judgment on June 19, 2004. RCBMI sought the execution of this final decision on March 10, 2008. In turn, PARAD, contrary to the immediacy of execution as provided for in Sections 1, 2 and 3 of Rule XII of the 1989 DARAB Rules, failed to immediately issue a writ of execution but instead ordered the Heirs of Marcos to file a comment or opposition, and thereby patently prolonged the life of this litigation which should have already terminated then.

This unfounded extension and delay of the issuance of the Writ of Execution dragged on until February 17, 2012, by which time, the five-year period to execute had already long lapsed, which in turn gave rise to the ground for the Motion to Quash the execution writ. The stalling of execution is therefore attributable to both the PARAD's inaction and the Heirs of Marcos' serial oppositions. The long delay, with no knowable basis in the records, is both unexplained and unacceptable, and may not be taken against RCBMI, which did not fall short in seeking the execution of the award in its favor through efforts within the permits of the law.

WHEREFORE, premises considered, the Petition for Review on Certiorari is GRANTED. The Resolutions dated April 8, 2016 and July 20, 2016 of Court of Appeals, Ninth Division, in CA-G.R. SP No. 144354, are REVERSED. The Office, of the Provincial Agrarian Reform Adjudicator's Order dated February 17, 2012, which granted the Roman Catholic Bishop of Malolos, Inc.'s Motion for the Issuance of a Writ of Execution, is REINSTATED.

The PARAD is further ORDERED to proceed with the execution with dispatch, and inform the Court within five days of the action/s it has taken to this end.

### **SO ORDERED.**

Peralta, C. J., (Chairperson), J. Reyes, Jr., Zalameda,[\*] and Lopez, JJ., concur.

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[\*] Designated as additional Member per Raffle dated January 20, 2020.

[1] Rollo, pp. 3-31.

[2] Id. at 33-37. Penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Amy C. Lazaro-Javier (now a Member of this Court) and Melchor Q.C. Sadang.

[3] Id. at 44-45.

[4] Paragraph 5 of P.D. 27 provides: "This shall apply to tenant farmers of private agricultural lands primarily devoted to rice and corn under a system of sharecrop or lease-tenancy, whether classified as landed estate or not[.]"

[5] Rollo, pp. 5-6.

[6] Id. at 52-54.

[7] Id. at 60-67.

[8] Id. at 68-72.

[9] Id. at 7.

[10] Id. at 79.

[11] Id. at 74-81.

[12] Id. at 82.

[13] Id. at 83-86.

[14] Id. at 90-93.

[15] Id. at 94.

[16] Id. at 96-99.

[17] This was through an Order issued by the DAR Regional Director dated June 18, 2005 in Docket No. A-0302-0714-04 A.R. LSD-0001'04, upon recommendation of the PARAD; id. at 8.

[18] Id. at 100.

[19] Id. at 101-102; the Motion to Resolve was dated April 12, 2010.

[20] Id. at 103-104.

[21] Id. at 104.

[22] Id. at 105-109.

[23] R.A. 6657, Sec. 2.

[24] See footnote 17.

[25] Rollo, pp. 107-109.

[26] Id. at 107.

[27] Id. at 10, 108.

[28] Id. at 110-112.

[29] Id. at 113-118.

[30] Id. at 116-117.

[31] Sec. 3(e) provides:

(e) Idle or Abandoned Land refers to any agricultural land not cultivated, tilled or developed to produce any crop nor devoted to any specific economic purpose continuously for a period of three (3) years immediately prior to the receipt of notice of acquisition by the government as provided under this Act, but does not include land that has become permanently or regularly devoted to non-agricultural purposes. It does not include land which has become unproductive by reason of force majeure or any other fortuitous event, provided that prior to such event, such land was previously used for agricultural or other economic purpose.

[32] Sec. 10 states:

SECTION 10. Exemptions and Exclusions. – Lands actually, directly and exclusively used and found to be necessary for parks, wildlife, forest reserves, reforestation, fish sanctuaries and breeding grounds, watersheds, and mangroves, national defense, school sites and campuses including experimental farm stations operated by public or private schools for educational purposes, seeds and seedlings research and pilot production centers, church sites

and convents appurtenant thereto, mosque sites and Islamic centers appurtenant thereto, communal burial grounds and cemeteries, penal colonies and penal farms actually worked by the inmates, government and private research and quarantine centers and all lands with eighteen percent (18%) slope and over, except those already developed shall be exempt from the coverage of this Act.

[33] Sec. 11 provides:

SECTION 11. Commercial Farming. – Commercial farms, which are private agricultural lands devoted to commercial livestock, poultry and swine raising, and aquaculture including saltbeds, fishponds and prawn ponds, fruit farms, orchards, vegetable and cut-flower farms, and cacao, coffee and rubber plantations, shall be subject to immediate compulsory acquisition and distribution after ten (10) years from the effectivity of this Act. In the case of new farms, the ten-year period shall begin from the first year of commercial production and operation, as determined by the DAR. During the ten-year period, the government shall initiate the steps necessary to acquire these lands, upon payment of just compensation for the land and the improvements thereon, preferably in favor of organized cooperatives or associations, which shall thereafter manage the said lands for the worker-beneficiaries.

If the DAR determines that the purposes for which this deferment is granted no longer exist, such areas shall automatically be subject to redistribution.

The provisions of Section 32 of this Act with regard to production- and income-sharing, shall apply to commercial farms.

[34] Rollo, pp. 119-121.

[35] Id. at 122-123.

[36] Id. at 11-12.

[37] Id. at 124-126.

[38] Id. at 125.

[39] Id.

[40] Id. at 127-129; the same was filed on March 22, 2012, id. at 12.

[41] Id. at 130.

[42] Id. at 131.

[43] Id. at 132-141.

[44] Id. at 142-144.

[45] Id. at 145-148.

[46] Id. at 147.

[47] Id. at 149-153.

[48] Id. at 154-160.

[49] Id. at 161-168.

[50] Id. at 169-171.

[51] Id. at 172-194.

[52] Supra note 2.

[53] Sec. 1, Rule XII of the 1989 DARAB RULES provides:

SECTION 1. Execution upon Final Order or Decision. – Execution shall issue upon an order or decision that finally disposes of the action or proceeding. Such execution shall issue as a matter of course after the parties have been furnished with copies of the decision in accordance with these Rules and upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

The Board or Adjudicator concerned may, upon certification by the proper officer that a resolution, order or decision has become final and executory, upon motion or motu proprio, issue a writ of execution and order the DAR sheriff or a DAR officer to enforce the same.

[54] Sec. 5, Rule II of the 1989 DARAB RULES provides:

SECTION. 5. Appellate Jurisdiction. – The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter or affirm resolutions, orders, decisions, and other dispositions of its RARAD and PARAD.

[55] Sec. 2, Rule II of the 2009 DARAB RULES OF PROCEDURE provides:

SECTION 2. Appellate Jurisdiction of the Board. – The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter, or affirm resolutions, orders and decisions of the Adjudicators.

No order of the Adjudicators on any issue, question, matter, or incident raised before them shall be elevated to the Board until the hearing shall have been terminated and the case decided on the merits.

[56] Rollo, pp. 35-37; citations omitted.

[57] Id. at 38-41.

[58] Supra note 3.

[59] Id. at 19-20.

[60] Id. at 22-23.

[61] Id. tit 21.

[62] Id., citing DARAB v. Lubrica, 497 Phil. 313 (2005).

[63] Id. at 22-23.

[64] Id.

[65] Id. at 23-26.

[66] 740 Phil. 502 (2014).

[67] Rollo, p. 26.

[68] Id. at 222-230.

[69] Id. at 224-227.

[70] Id. at 234-240.

[71] Id. at 236.

[72] *Id.* at 237.

[73] 1989 DARAB RULES, Rule 1, Sec. 2.

[74] 1989 DARAB RULES, Rule 1, Sec. 3(b) provides:

b)

To this end, the Adjudication Board and its Regional Agrarian Reform Adjudicators (RARAD) and Provincial Agrarian Reform Adjudicators (PARAD) shall have the authority to adopt any appropriate measure or procedure in any given situation or matter not covered by these Rules. All such special measures or procedures and the situations to which they were applied shall be reported to the Adjudication Board and the Secretary of Agrarian Reform.

[75] Philip Ella Juico, Foreword, 1989 DARAB REVISED RULES OF PROCEDURE.

[76] See Public Hearing Committee of the Laguna Lake Development Authority, *et al. v. SM Prime Holdings, Inc.*, 645 Phil. 324 (2010) and *Montanez v. PARAD, et al.*, 616 Phil. 203 (2009).

[77] 686 Phil. 786 (2012).

[78] *Id.* at 797; citation omitted, italics in the original.

[79] Section 1, Rule II of the 1989 DARAB RULES provides:

Sec. 1. Primary, Original and Appellate Jurisdiction. – The Agrarian Reform Adjudication Board shall have primary jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive Order Nos. 229, 228 and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations.

Specifically, such jurisdiction shall extend over but not be limited to the following:

a)

Cases involving the rights and obligations of persons engaged in the cultivation and use of agricultural land covered by the Comprehensive Agrarian Reform Program (CARP) and other agrarian laws;

b)

Cases involving the valuation of land, and determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank;

c)

Cases involving the annulment or cancellation of orders or decisions of DAR officials other than the Secretary, lease contracts or deeds of sale or their amendments under the administration and disposition of the DAR and LBP;

d)

Cases arising from, or connected with membership or representation in compact farms, farmers' cooperatives and

other registered farmers' associations or organizations, related to land covered by the CARP and other agrarian laws;

e)

Cases involving the sale, alienation, mortgage, foreclosure, pre-emption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws;

f)

Cases involving the issuance of Certificate of Land Transfer (CLT), Certificate of Land-ownership Award (CLOA) and Emancipation Patent (EP) and the administrative correction thereof;

g)

And such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

Provided, however, that matters involving strictly the administrative implementation of the CARP and agrarian laws and regulations, shall be the exclusive prerogative of and cognizable by the Secretary of the DAR.

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