

THIRD DIVISION

[G.R. No. 193208, December 13, 2017]

HEIRS OF FERMIN ARANIA, REPRESENTED BY LOIDA A. SORIANO; HEIRS OF ARSENIO OROSCO, REPRESENTED BY PEDRITO OROSCO; HEIRS OF FLORENCIO BARROGA, REPRESENTED BY ENRIQUE BARROGA; HEIRS OF FRANCISCO VILORIA, REPRESENTED BY EXEQUIEL VILORIA; DOMINGO MAGALONG; HEIRS OF ANTONIO ANDRES, REPRESENTED BY PAULINO ANDRES; HEIRS OF GREGORIO GAHIS, REPRESENTED BY FELIX GAHIS; HEIRS OF FLORENTINO CORPUZ, REPRESENTED BY ERNESTO CORPUZ; GAVINO CORPUZ; AND HEIRS OF SIMPLICIO GALAPON, REPRESENTED BY FERNANDO GALAPON, PETITIONERS, V. INTESTATE ESTATE OF MAGDALENA R. SANGALANG, REPRESENTED BY ITS ADMINISTRATRIX SOLITA S. JIMENEZ; ANGELO S. JIMENEZ, JR.; JAYSON P. JIMENEZ; SOLITA S. JIMENEZ; JOHN S. HERMOGENES; ROMULO SANGALANG JIMENEZ; AND ROMULO SANGALANG JIMENEZ, PRIVATE RESPONDENTS, HONORABLE COURT OF APPEALS, FIFTEENTH DIVISION; DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB), REGION III, OFFICE OF THE REGIONAL ADJUDICATOR, AND OFFICE OF THE PROVINCIAL ADJUDICATOR, BRANCH 2, TALAVERA, NUEVA ECIJA; AND MR. DELFIN GASPAR, IN HIS CAPACITY AS SHERIFF OF THE BOARD, DARAB NORTH NUEVA ECIJA, PUBLIC RESPONDENTS.

DECISION

MARTIRES, J.:

This is a petition for annulment of judgment seeking to set aside the Decision,^[1] dated 30 October 2001, of the Court of Appeals (CA) in CA-G.R. SP No. 64164 which nullified the Decision,^[2] dated 21 December 1998, of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 6576, an action for recovery of possession.

THE FACTS

On 16 May 1996, the petitioners filed an action for recovery of possession of several parcels of agricultural land (*subject landholdings*) before the Provincial Agrarian Reform Adjudication Board (PARAD). The subject landholdings form part of the estate of Magdalena Sangalang (*Magdalena*) located at Baloc, Sto. Domingo, Nueva Ecija. They alleged that they are the lawful tenant-tillers of the subject landholdings since time immemorial up to the promulgation of Presidential Decree (P.D.) No. 27 and thereafter. As proof of their claim, the petitioners presented their Certificates of Land Transfer (CLTs). In addition, the Barangay Agrarian Reform Committee (BARC) Chairman of the locality certified that the petitioners are tillers of their respective

landholdings of which they are the CLT holders. The petitioners averred that sometime in 1987, they were harassed by Magdalena and her cohorts and that through coercion, threats, and intimidation, they were forced to leave their respective landholdings. Magdalena subsequently died in 1993. The petitioners further contended that they were paying lease rentals with respect to the subject landholdings as evidenced by receipts issued to them.^[3]

On their part, the respondents countered that the petitioners are not the lawful tenants of the subject landholdings, the same having been under the administration of their mother, Magdalena, during her lifetime. They asserted that the certification issued by the BARC was falsified because the said committee was only organized in September 1988 by virtue of Republic Act (R.A.) No. 6657.^[4]

The PARAD Ruling

In a decision,^[5] dated 1 April 1997, the PARAD ruled that the subject landholdings were covered by Operation Land Transfer (OLT) and that CLTs were already issued in favor of the petitioners. It added that a certification was issued by the Municipal Agrarian Reform Officer (MARO) of Sto. Domingo, Nueva Ecija to the effect that the landholdings of Magdalena are covered by Operation Land Transfer pursuant to P.D. No. 27. The PARAD observed that the issuance of the CLTs in favor of the petitioners was annotated at the back of Transfer Certificate of Title (TCT) No. NT-59021 or the mother title and that the receipts issued to the petitioners clearly proved that they were made to pay lease rentals for the subject landholdings. It adjudged that the act of the respondents in forcibly ousting the petitioners from their lawful possession and cultivation of their respective landholdings violated agrarian reform laws. The *fallo* reads:

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

1. Ordering the respondents to vacate and relinquish their possession of the landholdings in question; and
2. Declaring the petitioners to be the lawful and legitimate farmer beneficiaries over the landholdings in question.^[6]

Aggrieved, the respondents filed an appeal before the DARAB.

The DARAB Ruling

In a decision, dated 21 December 1998, the DARAB held that the receipts issued by respondent Romulo Jimenez proved that the respondents had acknowledged the petitioners as their tenants who had religiously complied with their obligation to pay rentals, and that the issuance of the CLTs substantiated the petitioners' right to physical possession of the subject landholdings. It opined that agrarian laws require the respondents to first secure a court order before dispossessing the petitioners who were in actual possession and cultivation of the subject landholdings.

The DARAB stated that before a CLT is issued, the tenant-farmer should fully comply with the requirements for a grant of title under P.D. No. 27. Hence, when a CLT is issued, the grantee thereof is presumed to have complied with the requirements of the law and the issuance of the same is presumed to be made with regularity. The DARAB concluded that the presumption that official duty has been regularly

performed was substantiated by a certification issued by the MARO of Sto. Domingo, Nueva Ecija that the landholdings of Magdalena, covered by TCT Nos. NT-59021, NT-59022 and NT-59023, were included in Operation Land Transfer pursuant to P.D. No. 27. The DARAB disposed the case in this wise:

WHEREFORE, premises considered, the assailed decision IS hereby
AFFIRMED IN TOTO.

SO ORDERED.^[7]

Undeterred, the respondents filed a petition for review before the CA Seventh Division, docketed as CA-G.R. SP No. 57360, to challenge the DARAB decision. They question the petitioners' failure to comply with the requisites of procedural due process on three grounds, namely; 1) the alleged absence of any hearing for the presentation of the evidence of the parties; 2) the assailed decision relied on the petitioners' position paper which was inadmissible since a copy thereof was never furnished to the respondents; and 3) the petitioners were allowed to submit their position paper despite the absence of any order from the PARAD.^[8]

In the meantime, a writ of execution pending appeal, dated 8 March 2001, was issued by the DARAB.^[9] Thereafter, the respondents filed a petition for certiorari before the CA Special Fifteenth Division, docketed as CA-G.R. SP No. 64164, to assail the issuance of the said writ of execution pending appeal. They aver that the action for recovery of possession should have been filed against the estate of Magdalena; that the PARAD and the DARAB had no jurisdiction over the estate or over the persons of the respondents because no summons was served; that the CLTs did not make the petitioners owners of the subject landholdings; that the subject landholdings had ceased to be agricultural lands; that the writ of execution pending appeal was issued without hearing; and that the order for the issuance of the writ did not contain any good reason or impose any condition therefor in violation of Section 2 of DARAB Rule XII.^[10]

The CA Seventh Division's Ruling in the Petition for Review

In a decision,^[11] dated 5 November 2001, the CA pronounced that as regards the alleged absence of any hearing for the presentation of the evidence of the parties, the minutes of the hearing conducted on 18 July 1996, clearly showed that in lieu of a hearing, the parties agreed to present their documentary evidence within the period prescribed.

With respect to the second issue, the appellate court declared that the petitioners' failure to furnish the respondents with a copy of their position paper did not constitute denial of due process, because records indicated that the respondents were apprised of the existence of the petitioners' position paper when they received the supplemental position paper on 28 February 1997. It added that from 28 February 1997 until the PARAD rendered its decision on 1 April 1997, the respondents had every opportunity to comment on the position paper but they chose to keep silent. Moreover, the respondents were not only heard on a motion to quash before the PARAD but likewise on a memorandum of appeal before the DARAB.

The CA did not sustain the respondents' challenge to the validity of the PARAD's decision insofar as it relied on the petitioners' position paper, a pleading which was

allegedly inadmissible since it was filed in the absence of any directive from the PARAD. It reasoned that the decisions of the PARAD and the DARAB relied not so much on the arguments in the position paper but on the documentary evidence.

As to the jurisdiction of the PARAD and the DARAB, the appellate court resolved that the existence of the tenancy relationship and the circumstance that the petitioners were seeking to enforce their respective CLTs, which, in turn, derive validity from P.D. No. 27, the implementation of which is within the jurisdiction of the DARAB, squarely places the case within the jurisdiction of the DARAB and the PARAD. The dispositive portion reads:

WHEREFORE, premises considered, the petition for review is DISMISSED and the assailed Decision, dated December 21, 1998, issued by the DARAB, is AFFIRMED in toto. Costs against petitioner.

SO ORDERED.^[12]

Unconvinced, the respondents moved for reconsideration.

The CA Special Fifteenth Division's Ruling in the Petition for Certiorari

In a decision, dated 30 October 2001, the CA held that the DARAB and the PARAD did not acquire jurisdiction over the persons of the respondents because they were not served with summons. It ruled that the PARAD and the DARAB had no jurisdiction over the subject landholdings considering that they had ceased to be agricultural lands due to the municipal classification thereof as residential or agro-industrial. The CA further adjudged that the writ of execution pending appeal was null and void because it was issued without notice of hearing. The *fallo* reads:

WHEREFORE, FOREGOING PREMISES CONSIDERED, there being lack of jurisdiction and grave abuse of discretion amounting to lack or in excess of jurisdiction, this petition is GRANTED. The Decision dated April 1, 1997 of the public respondent Department of Agrarian Reform Adjudication Board, Branch 11, Region III, (PARAD), in Darab Case No. 5559" NNE' 96, the Decision dated December 21, 1998 of the public respondent Department of Agrarian Reform Adjudication Board (DARAB), the Order dated January 25, 2000 by Department of Agrarian Reform Adjudication Board and the Writ of Execution Pending appeal dated March 9, 2001 all rendered and/or issued in Darab Case No. 6576 are nullified, set aside and/or canceled insofar as they affect herein petitioners. The Writ of Preliminary Injunction dated September 8, 2000 is made permanent.

SO ORDERED.^[13]

Aggrieved, the petitioners sought to file a petition for review before this Court to assail the decision of the CA in the certiorari action. Unfortunately, their second motion for extension to file petition for review was denied in a 30 January 2002 Resolution^[14] on the ground of lack of affidavit of service of copies of the motion on the respondents and the CA. Thus, on 21 March 2002, the decision of the CA in the certiorari action had become final and executory.^[15]

Meanwhile, on 3 October 2002, the CA issued a Resolution^[16] to the effect that the decision in the petition for review has become final and executory on account of the respondents' voluntary withdrawal of the petition.

ISSUE

WHETHER THE CA DECISION IN THE PETITION FOR CERTIORARI MAY BE NULLIFIED AND SET ASIDE.

The petitioners argue that possession in favor of the farmer beneficiaries and confirmation of the award by virtue of the agrarian reform law were unanimously adjudged by all three forums; that they were about to claim their victory and take possession of the subject landholdings utilizing the favorable judgment of the DARAB, pending appeal to the CA; that in an effort to circumvent the wheels of justice, the respondents filed the petition for certiorari to assail the issuance of the writ of execution pending appeal and to attack the decisions of the PARAD and the DARAB; that the CA Special Fifteenth Division committed a palpable error when it took cognizance of the petition for certiorari and, much more, committed a grave error when it rendered a decision therein which collides with the decision of the CA Seventh Division; and that they have a favorable judgment in the PARAD, DARAB, and the CA Seventh Division but they cannot take possession over the subject landholdings by reason of the CA Special Fifteenth Division's judgment.^[17]

In their Comment,^[18] the respondents counter that this Court, in a 30 January 2002 Resolution, had previously affirmed the decision of the CA Special Fifteenth Division subject of the present petition for annulment; that the said resolution became final and executory on 21 March 2002; that the present petition violates the rules of procedure meant to put a stop to repeated litigation and forum shopping; and that in a Resolution, dated 8 October 2002, the CA reconciled its two decisions by recognizing the final and executory status of the decision in the certiorari action and by withdrawing its previous decision dated 5 November 2001.

In their Reply,^[19] the petitioners aver that the decision rendered by the CA Seventh Division must be sustained because it affirmed the decisions of the DARAB and the PARAD and it was decided on the merits; and that the said decision had already attained finality but could not be executed by reason of the conflicting decision in the certiorari action.

THE COURT'S RULING

Propriety of the remedy of annulment of judgment

The petitioners, in seeking to remedy the perceived injustice brought about by the conflicting decisions of the appellate court, filed before the Court a petition for annulment of judgment, a remedy found in Section I, Rule 47 of the Rules of Civil Procedure, viz:

Section 1. Coverage. - This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.

Dare Adventure Farm Corporation v. Court of Appeals^[20] provides an extensive discussion on the extraordinary remedy of annulment of judgment:

A petition for annulment of judgment is a remedy in equity so exceptional in nature that it may be availed of only when other remedies are