

## THIRD DIVISION

**[ G.R. No. 190482, December 09, 2015 ]**

**DEPARTMENT OF AGRARIAN REFORM, REPRESENTED BY MS. FRITZI C. PANTOJA IN HER CAPACITY AS PROVINCIAL AGRARIAN REFORM OFFICER OF LAGUNA, PETITIONER, VS. IGMIDIO D. ROBLES, RANDY V. ROBLES, MARY KRIST B. MALIMBAN, ANNE JAMAICA G. ROBLES, JOHN CARLO S. ROBLES AND CHRISTINE ANN V. ROBLES, RESPONDENTS.**

### DECISION

**PERALTA, J.:**

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court, seeking to reverse and set aside the Court of Appeals (CA) Decision<sup>[1]</sup> dated May 29, 2009 and its Resolution<sup>[2]</sup> dated December 2, 2009 in CA-G.R. SP No. 104896.

The facts are as follows:

During his lifetime, Eduardo Reyes, married to Nenita P. Reyes, was the registered owner of certain properties located at Barangay Ambiling, Magdalena, Laguna, covered by Transfer Certificate of Title (TCT) Nos. T-85055 and T-116506, with areas of about 195,366 and 7,431 square meters (*sq. m.*), respectively. He later caused the subdivision of the land covered by TCT No. T-85055 into five (5) lots.

On April 17, 1997, Eduardo sold the said properties to respondents, as follows:

1. Igmidio D. Robles - Lot 6-B-1 of TCT No. T-85055, 38,829 sq. m.;
2. Randy V. Robles - Lot 6-B-2 of TCT No. T-85055, 39,896 sq. m.;
3. Mary Krist B. Malimban - Lot No 6-B-3 of TCT No. T-85055, 38,904 sq. m.;
4. Anne Jamaca G. Robles - Lot No. 6-B-4 of TCT No. T-85055, 38,595 sq. m.;
5. John Carlo S. Robles - Lot No. 6-B-5 of TCT No. T-85055, 39,142 sq. m.; and
6. Christine Anne V. Robles - Lot No. 3-1-2-C-2-G-3 of TCT No. T-116506, 7,431 sq. m.

On May 3, 2005, the deeds of absolute sale covering the properties were duly registered with the Registry of Deeds for the Province of Laguna in the names of

respondents under the following TCT Nos.:

1. Igmidio D. Robles - TCT No. T-238504;
2. Randy V. Robles - TCT No. T-238305;
3. Mary Krist B. Malimban - TCT No. T-238506;
4. Anne Jamaca G Robles - TCT No. T-238507;
5. John Carlo S. Robles - TCT No. T-238503; and
6. Christine Anne V. Robles - TCT No. 238502.

On May 26, 2006, petitioner Department of Agrarian Reform (*DAR*) Region IV-A Laguna Provincial Office, represented by Fritzi C. Pantoja in her capacity as Provincial Agrarian Reform Officer II (*PARO*), filed Petition for Annulment of Deeds of Absolute Sale and Cancellation of Transfer Certificates of Title Nos. T-238502, T-238503, T-238504, T-238505, T-238506 and T-238507. It alleged that the deeds of absolute sale were executed by Eduardo without prior *DAR* clearance under Administrative Order No. 01-89, series of 1989,<sup>[3]</sup> in violation of Section 6, paragraph 4<sup>[4]</sup> of Republic Act (*R.A.*) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, as amended (*CARL*).

On September 9, 2006, respondents received a Summons and Notice of Hearing, together with a copy of the said petition from the Office of the Provincial Adjudicator, Department of Agrarian Reform Adjudication Board (*DARAB*), Region IV, requiring them to answer the petition and appear for the initial preliminary conference set on October 10, 2006. Thus, they filed their Answer and Supplemental Answer to the petition.

On October 10 and 23, 2006, Julieta R. Gonzales and Nenita Reyes, the surviving spouse and the daughter of Eduardo, respectively, filed a motion to dismiss on the ground that the *DARAB* has no jurisdiction over the nature of the action and the subject matter of the case, and that the *DAR* has no cause of action against them.

On November 2, 2006, respondents filed a Manifestation adopting the motion to dismiss filed by Julieta and Nenita.

On November 30, 2006, the *DARAB* Provincial Adjudicator issued a Resolution denying the motion to dismiss for lack of merit.

Julieta and Nenita filed a motion for reconsideration.

At the hearing on January 24, 2008, respondents, through counsel, manifested that they are joining the motion for reconsideration filed by Julieta and Nenita.

On February 7, 2008, the Provincial Adjudicator issued another Resolution dismissing the case against Julieta and Nenita for lack of cause of action, but not against respondents.

Respondents then filed their motion to reconsider the Resolution dated February 7,

2008 and to defer the preliminary conference set on March 13, 2008.

On June 26, 2008, the Provincial Adjudicator issued a Resolution denying respondents' motion for reconsideration, and setting the preliminary conference anew on August 28, 2008.

Aggrieved by the Provincial Adjudicator's Resolutions, respondents filed with the CA a petition for review under Rule 43 of the Rules of Court.

On May 29, 2009, the CA rendered the assailed Decision, the dispositive portion of which reads:

WHEREFORE, the instant petition is **GRANTED**. The three (3) questioned Resolutions of the PARAD dated 30 November 2006, 7 February 2008 and 26 June 2008 are all **REVERSED AND SET ASIDE**. The DAR's petition before the PARAD is hereby **DISMISSED** for lack of jurisdiction.

SO ORDERED.<sup>[5]</sup>

In dismissing the DAR's petition for annulment of deeds of sale and cancellation of titles before the PARAD for lack of jurisdiction, the CA held:

In this case before us, the DAR's petition before the PARAD sought to annul the deeds of absolute sale as well as the subsequently issued torrens titles. Surprisingly, however, the said petition was not brought for or on behalf of any purported tenants, farmworkers or some other beneficiaries under RA 6657. While the said petition claimed, without any supporting documents/evidence however, that DAR was in the process of generating CLOAs for the said landholding, it did subsequently admit that the same petition does not seek to place the subject land "immediately under CARP" but rather to annul the conveyance of the original owner in favor of the petitioners since this was allegedly in violation of RA 6657. Without any averment of some tenurial arrangement/relationship between the original owner and some definite leaseholder, tenant or CARL beneficiary plus the admission that the land has not yet been placed under CARP, neither DARAB nor its adjudicators would have jurisdiction over a simple case of annulment of sale and cancellation of title. Considering that the subject landholding were sold to petitioners way before any *notice of coverage* was ever issued and torrens titles have subsequently been issued in their favor, it is the regular courts who should determine if indeed there were certain violations of the law which would justify annulment of the sales and cancellation of the titles.

Still on the said *notice of coverage*, a review of the pertinent documents reveals that the same was not issued to the present owners but to the heirs of the late Eduardo Reyes. Thus, not only was the notice of coverage belatedly issued to the wrong person/s for the said heirs to whom the notice of coverage was issued were in fact dismissed from the original petition before the PARAD. Next, DAR argues that a notice of coverage need not be issued to the present owners/petitioners otherwise it would validate or recognize the purported irregular or illegal transfer or conveyance. We find it foolhardy for DAR to argue this way when the

very fact of issuance of the *notice of coverage* was one of its main anchors in its petition for annulment and cancellation of title before the PARAD.

DAR also cites Section 4 of RA 6657 which refers to the scope of CARL. While the scope under the said provision is quite encompassing, the same will not automatically include every agricultural land. In *Dandoy v. Tongson*, the High Tribunal was explicit,

"(T)he fact that Lot No. 294 is an agricultural land does not ipso facto make it an agrarian dispute within the jurisdiction of the DARAB. For the present case to fall within the DARAB jurisdiction, there must exist a tenancy relationship between the parties. An allegation that an agricultural tenant tilled the land in question does not make the case an agrarian dispute."

Again, the High Court reiterated the necessity of a tenurial arrangement/relationship in order for a case to be classified as an agrarian dispute within the jurisdiction of the DARAB or its adjudicators. While we are mindful not to preempt any subsequent inquiry on the matter, we would just like to take note of the fact that petitioners also offered documents to show that the subject land/s were free of any tenants at the time these were sold to them. Even without ruling on the authenticity of this evidence, the same further casts doubt on the existence of any tenurial arrangement or relationship which could or may bring the present controversy into the folds of the DARAB.

Besides, RA 6657, particularly Section 16 thereof, lays down the very procedure for the acquisition of private lands for coverage of the CARL. And DAR's belated issuance of the notice of coverage miserably falls short of the above-cited procedures.

It is very clear that the relief sought by the DAR, annulment of the contracts and cancellation of titles, would necessarily involve the adjustment/adjudication of the private rights of the parties to the sale, which is beyond the jurisdiction of the DARAB to resolve.<sup>[6]</sup>

The DAR filed a motion for reconsideration, but the CA denied it in a Resolution<sup>[7]</sup> dated December 2, 2009.

Dissatisfied with the CA Decision, the DAR filed a petition for review on *certiorari* raising the sole issue, to wit:

WHETHER OR NOT THE DAR ADJUDICATION BOARD HAS JURISDICTION OVER ANNULMENT OF DEEDS OF ABSOLUTE SALE AND THE SUBSEQUENT CANCELLATION OF TITLES INVOLVING LANDS UNDER THE ADMINISTRATION AND DISPOSITION OF THE DEPARTMENT OF AGRARIAN REFORM.<sup>[8]</sup>

Citing the DAR Memorandum Circular No. 2,<sup>[9]</sup> Series of 2001,<sup>[10]</sup> the DAR argues that its petition for annulment of deeds of sale and cancellation of titles falls under the jurisdiction of the DARAB; and that such jurisdiction is not limited to agrarian

disputes, but also on other matters or incident involving the implementation of all agrarian laws. Invoking Section 1,<sup>[11]</sup> Rule II of the 2003 DARAB Rules of Procedure, it questions the CA ruling that disputes cognizable by the DARAB are limited to those which involve some kind of tenurial arrangement/relationship, and that only lands under the administration and disposition of the DAR or the Land Bank of the Philippines (*LBP*) are subject to the DARAB jurisdiction.

The DAR also claims that the CA overlooked that the notices of coverage issued by the Municipal Agrarian Reform Officer (*MARO*) of Magdalena, Laguna, were duly served to the heirs of Eduardo, namely, Julieta and Nenita. It stresses that despite claiming no interest as successors over the subject properties in their motion to dismiss filed before the DARAB, the letter of Atty. Norberto Gonzales dated February 21, 2005 to *MARO* Cuaresma showed that Julieta and Nenita were opposing the coverage of the said properties under the CARL. It thus concludes that the subject properties were placed under the coverage of the compulsory acquisition scheme of the CARL.

The DAR further takes exception to the CA ruling that the notice of coverage was issued to the heirs of Eduardo, instead of the present owners, respondents. It explains that only after such notice was issued to the said heirs in 2005 and upon verification with the Register of Deeds that it found out that the property was already transferred to respondents. It further argues that the notice of coverage need not be issued to the present title holders (respondents) because if such notice will be issued to them, then it would validate or recognize the purported irregular or illegal transfer or conveyance.

Finally, the DAR contends that under Section 4 of RA 6657, the CARP covers, among other things, all private lands devoted to or suitable for agriculture, regardless of the agricultural products raised or that can be raised thereon, and that such provision makes no qualification that only lands issued with notice of coverage are covered. Applying the statutory construction principle of *exclusio unius est exclusio alterius*, it posits that there being no showing that the subject agricultural lands are exempted from the CARP, then they are covered and deemed under the administration and disposition of the DAR. Hence, its petition for annulment of deeds of sale and cancellation of titles is cognizable by the DARAB.

On the other hand, respondents counter that the CA did not err in dismissing for lack of jurisdiction DAR's petition for annulment of deeds of sale and cancellation of titles before the DARAB because such case neither involves an agrarian dispute nor does the case concern; an agricultural land under the administration and disposition of the DAR or the LBP. Citing the definition of "agrarian dispute" under Section 3 (d) <sup>[12]</sup> of R.A. No. 6657 and jurisprudence to the effect that there must exist a tenancy relationship between the parties for DARAB to have jurisdiction over a case, respondents point out that the petition was not brought for and on behalf of any purported tenants, farmworker or some other beneficiaries and the notice of coverage was belatedly issued to the wrong persons, the heirs of Eduardo, and not to them who are the present owners. Hence, there was no valid notice of coverage to place the properties within the coverage of agrarian reform and of DARAB's jurisdiction.

Respondents also reject as inaccurate and misleading petitioner's contention that