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THIRD DIVISION

[G.R. No. 160882, March 07, 2012]

FELICIDAD STA. MARIA VILLARAN, WILFREDO STA. MARIA VILLARAN, DEOGRACIAS STA. MARIA AND ROLANDO STA. MARIA, PETITIONERS, VS. DEPARTMENT OF AGARIAN REFORM ADJUDICATION BOARD AND LORENZO MARIANO, RESPONDENTS.

D E C I S I O N

PERALTA, J.:

This is a Petition for Review under Rule 45 of the Rules of Court assailing the October 20, 2003 Decision[1] of the Court of Appeals in CA-G.R. SP No. 72388, as well as the November 25, 2003 Resolution[2] which denied reconsideration. The assailed decision dismissed the Rule 65 petition filed before the Court of Appeals by herein petitioners who sought to set aside the January 16, 2001 decision of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 7365. In turn, the latter assailed decision affirmed the ruling of the Office of the Regional Adjudicator in favor of respondent Lorenzo Mariano in DARAB Case No. IV-DCN-R1-006-95 – one for the disqualification of herein petitioners as agrarian reform beneficiaries.

The facts follow.

Bernardo Sta. Maria had been a tenant-tiller in *Hacienda* Jala-Jala of the estate of the spouses Francisco de Borja and Josefina Tangco. By virtue of Presidential Decree (P.D.) No. 27, he was issued Certificates of Land Transfer in 1973 covering the three (3) parcels of riceland subject of this case. These certificates would then be the basis for the issuance of Emancipation Patent Nos. A-035687, A-035685 and A-035159 and the corresponding Transfer Certificate of Title Nos. M-1677, M-1679 and M-1680 in the Register of Deeds of Rizal.[3] Bernardo died on April 5, 1988, yet the said TCTs were issued in his name only in December 1988.

The controversy arose when Lorenzo allegedly entered the subject property following the death of Bernardo, cultivated the same and appropriated the harvest all to himself. Petitioners claimed they had learned of it only in 1989, and that in the intervening period they admittedly had left the subjects lands idle because of lack of enough rainfall that season.[4] Lorenzo, however, asserted his entry was not illegal, because he supposedly had been a long-time sub-tenant of Bernardo even until the latter's death.[5] Sometime in 1990, the conflict was brought to the *Barangay* Agrarian Reform Committee (BARC) of Poblacion, Jala-Jala, Rizal. No compromise emerged; hence, the BARC referred the matter to the Municipal Agrarian Reform Office (MARO) before which, however, no conciliation was likewise reached.[6] Exasperated, petitioners, on May 21, 1990, formally demanded that

Lorenzo vacate the subject property within 30 days from notice.[7] Lorenzo did not heed the demand.

On February 21, 1995, Lorenzo filed before the DARAB Regional Office No. 4 a petition[8] for the disqualification of petitioners as farmer-beneficiaries and for the cancellation of the pertinent emancipation patents and transfer certificates of title issued to Bernardo. He alleged sub-tenancy in his favor which had begun in 1980 until Bernardo's death in 1988, and claimed that, as affirmed by the BARC, he had during that period even undertaken to deliver crop remittances to Bernardo. He asserted too that after Bernardo's death, petitioners had left the lands sitting idle.[9]

Addressing the petition and moving for dismissal thereof, petitioners countered that Lorenzo had on several occasions been merely hired by their late father to haul and spread seedlings on the subject property; that they had left the lands idle as alleged but that the same was due to the unexpected lack of rain during the planting season; that on the contrary, Lorenzo, after Bernardo's death, had entered the subject property by stealth and strategy and cultivated the same for his exclusive benefit; and finally, that it was the regular courts, not the DARAB, which had jurisdiction over the instant dispute inasmuch as Lorenzo was a mere "squatter" or usurper.[10]

On September 4, 1997, the Regional Adjudicator, disposing the petition in favor of Lorenzo, ruled as follows:

> WHEREFORE, premises considered, judgment is hereby rendered:
>
> 1. Directing the Register of Deeds for the Province of Rizal to effect the immediate cancellation of the following Transfer Certificates of Title covering the subject lots more particularly described in Paragraph 3 of the petition, to wit:
>
> | Lot. No. | Area | EP No. | TCT No. |
> |---|---|---|---|
> | 102 | 15,640 sq.m. | A-035159 | M-1680 |
> | 85 | 7,977 sq.m. | A-035685 | M-1679 |
> | 83 | 19,215 sq.m. | A-035681 | M-1677 |
>
> of the Subdivision Plan Psd-04-030752 (OCT), all located at 1st District, Jala-Jala, Rizal which are registered in the name of Bernardo R. Sta. Maria;
>
> 2. Directing the local MARO (Municipal Agrarian Reform Officer) of Jala-Jala, Rizal and PARO (Provincial Agrarian Reform Officer) of Rizal to reallocate the aforementioned lots described in the preceding paragraph to other qualified beneficiaries pursuant to existing law and pertinent guidelines;
>
> 3. Maintaining the petitioner in the peaceful possession and cultivation

of the subject premises as a qualified potential PD 27 beneficiary [thereof];

4. Perpetually enjoining the respondents, Heirs of the late Bernardo R. Sta. Maria from disturbing the petitioner's peaceful possession and cultivation of the subject premises.

No costs.

SO ORDERED.[11]

Petitioners elevated the case to the DARAB, which, on January 16, 2001, adopted and affirmed the findings and ruling of the Regional Adjudicator as follows:

WHEREFORE, finding no reversible error in the herein assailed decision of September 4, 1998, the same is hereby AFFIRMED in toto.

SO ORDERED.[12]

Petitioners moved for reconsideration, alleging a denial of due process and partiality to their disadvantage and, accordingly, sought that the decision of the Regional Adjudicator be declared void upon those grounds.[13] The motion was denied on June 25, 2002.[14]

Petitioners then turned to the Court of Appeals *via* a Petition for *Certiorari*[15] under Rule 65. In it, they alleged that the DARAB in this case had exhibited a want or excess of jurisdiction, first, in entertaining the instant suit involving a "squatter" on one hand and agrarian reform beneficiaries on the other; and, second, in affirming a void decision that had been promulgated in violation of the due process clause. They likewise fault the DARAB in its erroneous appreciation of the evidence and its manifest bias in favor of Lorenzo.[16]

On October 20, 2003, the Court of Appeals rendered the assailed Decision dismissing the petition as follows:

WHEREFORE, premises considered, the petition is hereby DENIED and ordered DISMISSED.

SO ORDERED.[17]

The focal ground for the dismissal of the petition was the modality of recourse taken by petitioners. The Court of Appeals observed that the correct remedy from an adverse decision of the DARAB is an appeal by petition for review, not a petition for *certiorari*, to be taken within 15 days from notice.[18] It likewise affirmed the uniform findings of the Regional Adjudicator and the DARAB that the dispute arose from the supposed tenancy relationship which existed between Bernardo and Lorenzo, hence, it came under the competence of the DARAB to resolve. Moreover,

it noted that said relations between Lorenzo and Bernardo, as well as the established fact that the supposed agrarian reform beneficiaries had failed to personally cultivate the subject lands, were all contrary to the mandate of the land grant. Finally, it dismissed the claim of denial of due process.[19]

Petitioners' motion for reconsideration[20] was denied.[21] Hence, this recourse to the Court.

Petitioners' stance is unchanged. They hinge the present petition on their obstinate notion that Lorenzo was a mere "squatter" or usurper of the subject property and that, therefore, the dispute is removed from the jurisdiction of the agrarian agency which has thus rendered a void decision on the controversy. They also reiterate their supposed prejudice as they were allegedly denied due process and yet were bound by the assailed decisions which had been rendered without basis in the evidence on record.[22]

In its abbreviated Comment[23] on the petition, the DAR stands by the dismissal of the petition by the Court of Appeals and prayed that inasmuch as petitioners resorted to an improper mode of appeal from the DARAB, the instant petition deserves an outright dismissal.

The petition is utterly unmeritorious.

We agree with the Court of Appeals that petitioners have resorted to a wrong mode of appeal by pursuing a Rule 65 petition from the DARAB's decision. Section 60[24] of Republic Act (R.A.) No. 6657 clearly states that the modality of recourse from decisions or orders of the then special agrarian courts is by petition for review. In turn, Section 61[25] of the law mandates that judicial review of said orders or decisions are governed by the Rules of Court. Section 60[26] thereof is to be read in relation to R.A. No. 7902,[27] which expanded the jurisdiction of the Court of Appeals to include exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions.[28] On this basis, the Supreme Court issued Circular No. 1-95[29] governing appeals from all quasi-judicial bodies to the Court of Appeals by petition for review regardless of the nature of the question raised. Hence, the Rules direct that it is Rule 43 that must govern the procedure for judicial review of decisions, orders, or resolutions of the DAR as in this case. Under Supreme Court Circular No. 2-90,[30] moreover, an appeal taken to the Supreme Court or the Court of Appeals by a wrong or inappropriate mode warrants a dismissal.

Thus, petitioners should have assailed the January 16, 2001 decision and the June 25, 2002 resolution of the DARAB before the appellate court via a petition for review under Rule 43. By filing a special civil action for *certiorari* under Rule 65 rather than the mandatory petition for review, petitioners have clearly taken an inappropriate recourse. For this reason alone, we find no reversible error on the part of the Court of Appeals in dismissing the petition before it. While the rule that a petition for *certiorari* is dismissible when availed of as a wrong remedy is not inflexible and admits of exceptions – such as when public welfare and the advancement of public policy dictates; or when the broader interest of justice so requires; or when the

writs issued are null and void; or when the questioned order amounts to an oppressive exercise of judicial authority[31] – none of these exceptions obtains in the present case.

Be that as it may, we shall address the peripheral issues raised in the present petition for clarity and perspective.

Petitioners insist that a *certiorari* petition is the proper relief from the assailed decision and resolution of the DARAB inasmuch as the latter allegedly has gravely abused its discretion amounting to lack of jurisdiction when it took cognizance of the non-agrarian dispute in this case – where the disputants are agrarian reform beneficiaries and a mere usurper or "squatter."[32]

Concededly, the true nature of this case seems to have been obscured by the incidents that ensued between the formal demand to vacate was made by petitioners on respondent on May 21, 1990, and the filing by respondent of the petition for disqualification against petitioners on February 21, 1995. The records bear that on July 3, 1990, herein petitioners had instituted an action for forcible entry/unlawful detainer against respondent involving the subject property.[33] The case, however, had been dismissed because it was filed beyond the reglementary period, as well as on ground of forum shopping in view of the then pendency of the dispute with the Municipal Agrarian Reform Office (MARO). Petitioners appealed to the regional trial court and then to the Court of Appeals which both rendered a dismissal for lack of merit. The dismissal had attained finality.[34] Then, sometime between May and June 1993, herein petitioners had filed a complaint for recovery of possession against respondent respecting the subject properties.[35] In these cases, petitioners uniformly characterized respondent as a mere usurper or "squatter" who, by strategy and stealth and by taking advantage of the supposed illiteracy of their predecessor, succeeded in taking possession of the subject property.[36] Also, in 1998, petitioners had instituted a complaint at the provincial prosecution office ascribing criminal trespass to respondent also relative to the subject farmlands.[37]

Thus, we revert to the origins of the controversy at the BARC level, where the conflict between petitioners and respondent has encountered a first attempt at resolution. We recall that at the said forum, respondent has already sought validation of his rights as Bernardo's sub-tenant. This fact is affirmed in the June 25, 1990 Report[38] of the BARC. Significantly, the committee affirmed that even during Bernardo's lifetime and prior to the issuance of the emancipation patents and TCT's in his name, he had already committed several violations of the terms of his certificates of land award and of the provisions of P.D. No. 27. These violations include his entrusting his landholding, between 1974 until 1988, to the able hands of several sub-tenants who undertook to personally and actually cultivate the property and obliged themselves to deliver crop remittances to him. Indeed, Lorenzo was among these sub-tenants.[39]

The Report also told that the property had outstanding tax obligations in favor of the local government for which both Bernardo and petitioners as his heirs should be held responsible.[40] Quite striking is the finding that for more than ten (10) years – or the period during which Bernardo's landholdings were being farmed by his own tenants – none of herein petitioners had manifested to the agrarian department