

SECOND DIVISION

[G.R. No. 191660, December 03, 2012]

DELIA T. SUTTON, PETITIONER, VS. ROMANITO P. LIM, EFREN C. LIM AND ALLAN C. LIM, MUNICIPAL AGRARIAN REFORM OFFICER OF AROROI, MASBATE, PROVINCIAL AGRARIAN REFORM OFFICER OF MASBATE, AND THE REGISTER OF DEEDS FOR THE PROVINCE OF MASBATE, RESPONDENTS.

DECISION

PERLAS-BERNABE, J.:

In this Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court, Delia Sutton (petitioner) seeks to reverse and set aside the July 23, 2009 Decision^[2] and March 23, 2010 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 91971, which dismissed on jurisdictional grounds the Department of Agrarian Reform Adjudication Board (DARAB) Regional Adjudicator Case No. 05-004-98 and DARAB Case No. 8902 for cancellation of the Certificate of Land Ownership Award (CLOA) No. 00122354 and Original Certificate of Title (OCT) No. CLOA 0-1615^[4] issued in the names of private respondents Romanito P. Lim and his sons, namely: Efren C. Lim and Allan C. Lim (private respondents).

The Factual Antecedents

On December 7, 1993, private respondents applied for the issuance of a CLOA over a parcel of land with an area of 73,105 square meters located in Barangay Amotag, Aroroy, Masbate, described as Lot No. 1493 of Cadastral Survey No. Pls-77 of Aroroy Public Subdivision, before the Department of Agrarian Reform (DAR) Secretary.^[5] Upon the recommendation of the Municipal Agrarian Reform Officer (MARO) of Aroroy, Masbate, the application was granted and they were issued CLOA No. 00122354. Subsequently, on January 31, 1994, the Register of Deeds of Masbate issued the corresponding OCT No. CLOA 0-1615.

On November 23, 1994, petitioner filed a petition for the cancellation of the said CLOA and title before the Office of the Provincial Agrarian Reform Adjudicator (PARAD), docketed as DARAB Case No. 05-077, assailing the validity of the said issuances on the ground that the subject parcel of land is a private land devoted to cattle raising which she inherited from her deceased father, Samuel Sutton, who, in turn, previously bought the subject parcel of land from Romanito P. Lim and his wife, Lolita L. Cedillo, on August 7, 1958. ^[6] Petitioner also claimed to have been denied due process for not receiving any notice of private respondents' application proceedings for CLOA. On March 5, 1998, the petition was amended^[7] to include the MARO of Aroroy, Masbate, Provincial Agrarian Reform Officer (PARO) of Masbate and the Register of Deeds of Masbate as additional respondents, and was re-docketed as DARAB Case No. 05-004-98.

In their answer,^[8] private respondents averred that, being the actual occupants and qualified beneficiaries of the subject lot which formed part of the alienable and disposable portion of the public domain, the DAR Secretary correctly issued the CLOA in their favor. While admitting having sold a lot in favor of Samuel Sutton from whom petitioner purportedly inherited the subject parcel of land, they asserted that the lot sold was different from Lot No. 1493. Moreover, they interposed the defense of prescription since the petition for cancellation was filed after the subject title became indefeasible.

On the other hand, the MARO and PARO, in their Answer with Motion to Dismiss,^[9] invoked the presumption of regularity in the performance of their official functions in issuing the CLOA, which according to them was issued in accordance with the implementing rules and regulations of Republic Act (R.A.) No. 6657.^[10] They also clarified that the subject parcel of land has been classified as Government Owned Land (GOL) or Kilusang Kabuhayan at Kaunlaran (KKK) areas pursuant to Presidential Proclamation No. 2282,^[11] hence, subject to the Comprehensive Agrarian Reform Program's immediate coverage (CARP coverage). Moreover, petitioner was not able to prove that she is the registered owner of the subject parcel of land and that it is exempt from the CARP coverage.

The RARAD Ruling

In its May 4, 1999 Decision,^[12] the Regional Agrarian Reform Adjudicator (RARAD) ordered, among others, the cancellation of CLOA No. 00122354 and the corresponding OCT No. CLOA 0-1615 issued in the names of private respondents. The RARAD found that public respondents failed to exercise due care in identifying the lots of the public domain and their actual occupants, and accordingly, restored the ownership and possession of the subject parcel of land to petitioner.

The DARAB Ruling

In its December 29, 2004 Decision,^[13] the DARAB reversed the ruling of the RARAD. It found no irregularities in the issuance of the subject CLOA or lawful ground to warrant its cancellation, under Administrative Order No. 02, Series of 1994.^[14] It did not find the issue of ownership consequential in the implementation of the land reform program and brushed aside petitioner's claim that since the landholding is devoted to cattle raising, it is exempt from the CARP coverage. It also emphasized that the issue of whether or not the landholding is exempt from the CARP coverage falls within the exclusive jurisdiction of the Office of the DAR Secretary in the exercise of its administrative function to implement R.A. No. 6657. Aggrieved, petitioner elevated the matter to the CA on petition for review.

The CA Ruling

In its July 23, 2009 Decision, the CA denied the petition on jurisdictional grounds and dismissed the case without prejudice to its re-filing. It held that the DARAB does not have jurisdiction over the instant controversy due to the absence of a landlord-tenant relationship or any agrarian relations between the parties. It also ruled that since the issuance of the subject CLOA was made in the exercise of the

DAR Secretary's administrative powers and function to implement agrarian reform laws, the jurisdiction over the petition for its cancellation lies with the Office of the DAR Secretary.

The Issues

Hence, the instant petition ascribing to the CA the following errors:

I. WHEN IT HELD THAT THE DAR PROVINCIAL/ REGIONAL ADJUDICATOR (PARAD/RARAD) AND DARAB DO NOT HAVE JURISDICTION TO ENTERTAIN THE PETITION FOR CANCELLATION OF THE CLOA AND CORRESPONDING TITLE ISSUED THEREFOR;

II. WHEN IT FOUND THAT SINCE NO LANDLORD-TENANT RELATIONSHIP EXISTED BETWEEN THE PARTIES, THERE IS NO "AGRARIAN DISPUTE" INVOLVED; and

III. WHEN IT DISREGARDED PETITIONER'S UNDISPUTED OWNERSHIP AND POSSESSION OVER LOT 1493 AND DENIAL OF DUE PROCESS OVER SAID LOT.^[15]

The Ruling of the Court

The petition is without merit.

Section 1, Rule II of the 1994 DARAB Rules of Procedure, the rule in force at the time of the filing of the petition, provides:

Section 1. *Primary and Exclusive Original and Appellate Jurisdiction.* The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, 229 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 include but not be limited to cases involving following:

x x x

f) Those involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;

x x x

While the DARAB may entertain petitions for cancellation of CLOAs, as in this case, its jurisdiction is, however, confined only to agrarian disputes. As explained in the case of *Heirs of Dela Cruz v. Heirs of Cruz*^[16] and reiterated in the recent case of