

SECOND DIVISION

[G.R. No. 179844, March 23, 2011]

**EMERSON B. BAGONGAHASA, GIRLIE B. BAGONGAHASA,
DEPARTMENT OF AGRARIAN REFORM - PROVINCIAL AGRARIAN
REFORM OFFICER OF LAGUNA, AND REGISTER OF DEEDS OF
SINOLOAN, LAGUNA, PETITIONERS, VS. JOHANNA L.
ROMUALDEZ, RESPONDENT.**

**SPOUSES CESAR M. CAGUIN AND GERTRUDES CAGUIN, SPOUSES
TEODORO MADRIDEJOS AND ANICETA IBANEZ MADRIDEJOS,
DEPARTMENT OF AGRARIAN REFORM - PROVINCIAL AGRARIAN
REFORM OFFICER OF LAGUNA, AND REGISTER OF DEEDS OF
SINOLOAN, LAGUNA, PETITIONERS, VS. DIETMAR L.
ROMUALDEZ, RESPONDENT.**

**SOTELA D. ADEA, SPOUSES ESPERANZA AND LEONCIO MARIO,
SPOUSES DELIA AND DANILO CACHOLA, SPOUSES MA. ALICIA
AND REYMUNDO CAINTO, EDUARDO B. DALAY, SPOUSES JOSE
LEVITICO AND EPIFANIA DALAY, SPOUSES JIFFY AND FAUSTINO
DALAY, SPOUSES MA. RUTH AND MELCHOR PACURIB, MA.
JERIMA B. DALAY, SPOUSES CLEOFAS AND TERESITA VITOR,
SPOUSES CELESTINA AND ALEJANDRO COSICO, SPOUSES AUREA
AND ANTONIO HERNANDEZ, SPOUSES JULIA AND RAFAEL DELA
CRUZ, SPOUSES RAQUEL AND SEBASTIAN SAN JUAN, SPOUSES
MARGARITA AND PABLITO LLANES, SR., FIDEL M. DALAY,
SPOUSES JAIME AND MELVITA DALAY, SPOUSES EMILY AND
FLORENCIO PANGAN, SPOUSES FELIPE AND ROSALIE DALAY,
SPOUSES MARCELO AND CATALINA B. DALAY, AND SPOUSES
RENATO AND ELIZABETH DALAY, DEPARTMENT OF AGRARIAN
REFORM - PROVINCIAL AGRARIAN REFORM OFFICER OF
LAGUNA, AND REGISTER OF DEEDS OF SINOLOAN, LAGUNA,
PETITIONERS, VS. SPOUSES DANIEL AND ANA ROMUALDEZ, AND
JACQUELINE L. ROMUALDEZ, RESPONDENTS.**

D E C I S I O N

NACHURA, J.:

Before this Court is a Consolidated Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Civil Procedure, seeking the reversal of the Court of Appeals (CA) Decision^[2] dated May 31, 2007 and its Amended Decision (Partial)^[3] dated September 25, 2007.

The facts, as summarized by the Department of Agrarian Reform Adjudication Board (DARAB) and as quoted by the CA, are as follows:

It appears that Complainants Johanna L. Romualdez; Dietmar L. Romualdez; Sps. Daniel and [Ana] Romualdez and Jacquelin[e] C. (sic) Romualdez are absolute and lawful owners of separate parcels of lands, each parcel with an area of 36,670 square meters, 47,187.50 square meters and 55,453 square meters, respectively, all situated [in] Sitio Papatahan, Paete, Laguna. Johanna and Dietmar purchased their properties from Roberto Manalo on January 6, 1994; while Sps. Daniel and [Ana], as well as Jacqueline bought their landholdings from Leonisa A. Zarraga on August 5, 1998. They allege that the said properties are planted [with] different fruit-bearing trees. They and their predecessors-in-interest have been paying realty taxes due on the properties up to the present. However, sometime in 1994 and 1995, the then Secretary of Agrarian Reform declared the property to be part of the public domain, awarded the same to the Defendants and forthwith issued Certificates of Land Ownership Award (CLOAs) to the respective defendants as follows:

CLOA NO.	BENEFICIARIES	Date of Registration In Registry of Deeds of Laguna
1. 00155653	Emerson Bagongahasa, et al.	April 10, 1995
2. 00155652	Cesar Caguin, et al.	April 10, 1995
3. 00119810	Sotela Adea, et al.	June 30, 1994

It was only in 1998 when the complainants learned of the issuance of said CLOAs by the Register of Deeds of Siniloan, Laguna.

The Complainants pointed out that while the Defendants' respective CLOAs describe a property purportedly located in Sitio Lamao, San Antonio, Municipality of Kalayaan, Province of Laguna, each of the Complainants' tax declaration describes a property located [in] Sitio Papatahan, Municipality of Paete, Province of Laguna. In spite of the discrepancy in the municipality and sitio of the respective documents, the lots described in the CLOAs and in the Tax Declarations are almost identical, except that the property described in Defendants' title covers a larger area, but the title and the tax declaration refer to the same lot; that they and their predecessors-in-interest have been in possession of the properties for more than thirty years; that the Defendants have never been in possession of the same; that they have not paid any real estate taxes and have not caused the issuance of a tax declaration over the property in their names; that there is no basis for the award of certificates of land ownership to the Defendants by the Secretary of Agrarian Reform, for the lands have already become private properties by virtue of the open, continuous, exclusive and notorious possession of the property by the Complainants and/or their predecessors-in-interest which possession was in the concept of an owner. As absolute and lawful owners thereof, the complainants also maintain that they have not been notified of any intended coverage thereof by the DAR; that to the best of their knowledge, there is no valuation being conducted by the Land Bank of the Philippines and the DAR involving the property; that there was no compensation paid and that the DAR-CENRO Certification shows that the

landholdings have 24-32% slopes and therefore exempt from CARP coverage.

The complainants[,] thus, pray for the reconveyance of their respective landholdings; cancellation of the CLOAs and payment of litigation fee.

On the other hand, the Defendants specifically denied the allegations of the Plaintiff, maintaining in their Affirmative Defenses that they are farmer beneficiaries of the subject properties, covered by Proclamation No. 2280 (sic) which reclassifies certain portion of the public domain as agricultural land and declares the same alienable and disposable for agricultural and resettlement purposes of the Kilusang Kabuhayan at Kaunlaran Land Resource Management Program of the KKK, Ministry of Human Settlements and the area covered is Barangay Papatahan, Paete; that the Plaintiffs' act of questioning the issuance of title is an exercise in futility because Defendants were already in possession of the properties prior to said Proclamation; that upon the issuance of the CLOAs, they became the owners of the landholdings and that the complainants' claim for damages has no basis.

On the part of public Respondent PARO, he invoked the doctrine of regularity in the performance of their official functions and their adherence in pursuing the implementation of CARP. He claims that DAR received from the National Livelihood Support Fund (NLSF) portions of the public domain covered by Presidential Proclamation No. 2282, Series of 1983 and has been mandated to implement the agrarian reform laws by distributing alienable and disposable portions of the public domain, to which the subject lands fall; that actual investigation, proper screening of applicants-beneficiaries, survey and proper evaluation were conducted, warranting the generation of the CLOAs and that the registration of the CLOAs with the Registry of Deed brought the same under the coverage of the Torrens System of land registration and have already become indefeasible or uncontestable.^[4]

On December 28, 2000, the Provincial Agrarian Reform Adjudicator (PARAD) of Laguna rendered his decision,^[5] finding that the Department of Agrarian Reform (DAR) Secretary committed a mistake in placing the subject properties under the Comprehensive Agrarian Reform Program (CARP). Moreover, the PARAD found that no notice of coverage was sent to respondents and that they were also not paid any just compensation. The dispositive portion of the said decision reads:

WHEREFORE, premises considered, judgment is hereby rendered:

1. Ordering the cancellation of Certificate of Land Ownership Award (CLOA) NOS. 00155653, 00155652 and 00119810 issued to herein private respondents; [and]
2. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of the Certificate of Land Ownership Award (CLOA) to herein named defendants.

SO ORDERED.^[6]

Aggrieved, petitioners appealed to the DARAB.

In its decision^[7] dated May 3, 2005, the DARAB held that the complaints filed were virtual protests against the CARP coverage, to which it has no jurisdiction. The DARAB further held that, while it has jurisdiction to cancel the Certificate of Land Ownership Awards (CLOAs), which had been registered with the Register of Deeds (RD) of Laguna, it cannot pass upon matters exclusively vested in the DAR Secretary. Moreover, the DARAB ruled that the assailed CLOAs having been registered in 1994 and 1995 became incontestable and indefeasible. Thus:

WHEREFORE, premises considered, the appealed decision is hereby **REVERSED** and/or **SET ASIDE**. A new judgment is hereby entered:

1. Sustaining the validity of the subject Certificates of Land Ownership Award (CLOAs) Nos. 00155653, 00155652 and 00119810 issued to the herein Defendants-Appellants: and

2. Dismissing the instant complaints for lack of merit.

No costs.

SO ORDERED.^[8]

Respondents filed a Motion for Reconsideration, which the DARAB, however, denied for lack of merit.^[9] Thus, respondents sought recourse from the CA.

On May 31, 2007, the CA, invoking Section 1 (1.6), Rule II of the 2003 DARAB Rules of Procedure,^[10] held that the DARAB has the exclusive original jurisdiction to determine and adjudicate cases involving correction, partition, and cancellation of Emancipation Patents and CLOAs which are registered with the Land Registration Authority (LRA), as in this case. The CA ratiocinated that other than the registration of the assailed CLOAs, the RD already issued Original Certificate of Title No. OCL-474 in favor of respondents. Moreover, the CA relied on the PARAD's finding that respondents were deprived of due process when no notice of coverage was ever furnished and no just compensation was paid to them. The CA disposed of the case in this wise:

WHEREFORE, premises considered, the petition is **GRANTED**. The assailed Decision dated May 3, 2005 and the Resolution dated October 10, 2006 are hereby **REVERSED** and **SET ASIDE**. The Joint Decision of the Provincial Adjudicator dated December 28, 2000 is hereby **REINSTATED** with **MODIFICATION** as follows:

"**WHEREFORE**, premises considered, judgment is hereby rendered:

1. Ordering the cancellation of the Certificate of Land Ownership Award (CLOA) NOS. 00155653, 00155652 and 00119810 issued to herein private respondents [petitioners in the instant case];

2. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-474 to herein named private respondents [petitioners in the instant case].

SO ORDERED."

SO ORDERED.^[11]

Both parties filed their respective Motions for Reconsideration. The CA held, to wit:

Finding petitioners' arguments meritorious, We **PARTIALLY AMEND** our previous decision in this case by ordering the Register of Deeds of Siniloan, Laguna to cancel OCT No. OCL-475 and OCT No. OCL-395 and to issue new certificates of title deducting the area of 47,187.50 square meters claimed by petitioner Dietmar L. Romualdez and 55,453.50 square meters claimed by Spouses Daniel and Ana Romualdez and Jacqueline [L.] Romualdez, respectively.

WHEREFORE, premises considered, private respondents' Motion for Reconsideration is hereby **DENIED**. Petitioners' Motion for Partial Reconsideration is hereby **GRANTED**. The Decision dated May 31, 2007 is hereby **PARTIALLY AMENDED** to read as follows:

"WHEREFORE, premises considered, judgment is hereby rendered:

1. Ordering the cancellation of the Certificate of Land Ownership Award (CLOA) NOS. 00155653, 00155652 and 00119810 issued to herein private respondents.

2. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-474 to herein named private respondents.

3. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-475 and to issue a new one deducting the area of 47,187.50 square meters claimed by petitioner Dietmar L. Romualdez.

4. Ordering the Register of Deeds of Siniloan, Laguna to cause the cancellation of OCT No. OCL-395 and to issue a new one deducting the area of 55,453.50 square meters claimed by petitioners Spouses Daniel and Ana