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[G.R. No. 149548, December 14, 2010]

**ROXAS & COMPANY, INC., PETITIONER, VS. DAMBA-NFSW AND
THE DEPARTMENT OF AGRARIAN REFORM, RESPONDENTS.**

[G.R. NO. 167505]

**DAMAYAN NG MGA MANGGAGAWANG BUKID SA ASYENDA
ROXAS-NATIONAL FEDERATION OF SUGAR WORKERS (DAMBA-
NFSW), PETITIONER, VS. SECRETARY OF THE DEPT. OF
AGRARIAN REFORM, ROXAS & CO., INC. AND/OR ATTY.
MARIANO AMPIL, RESPONDENTS.**

[G.R. NO. 167540]

**KATIPUNAN NG MGA MAGBUBUKID SA HACIENDA ROXAS, INC.
(KAMAHARI), ET AL., PETITIONERS, VS. SECRETARY OF THE
DEPT. OF AGRARIAN REFORM, ROXAS & CO., INC.,
RESPONDENTS.**

[G.R. NO. 167543]

**DEPARTMENT OF LAND REFORM, FORMERLY DEPARTMENT OF
AGRARIAN REFORM (DAR), PETITIONER, VS. ROXAS & CO, INC.,
RESPONDENT.**

[G.R. NO. 167845]

**VS. ROXAS & CO., INC., PETITIONER, VS. DAMBA-NFSW,
RESPONDENT.**

[G.R. NO. 169163]

**DAMBA-NFSW REPRESENTED BY LAURO V. MARTIN,
PETITIONER, VS. ROXAS & CO., INC., RESPONDENT.**

[G.R. NO. 179650]

**DAMBA-NFSW, PETITIONER, VS. ROXAS & CO., INC.,
RESPONDENT.**

R E S O L U T I O N

CARPIO MORALES, J.:

This resolves the *Motion for Reconsideration* filed on January 13, 2010 by Roxas & Co., Inc. (Roxas & Co.) and the *Motion for Partial Reconsideration* filed on January 29, 2010 by Damayan ng Manggagawang Bukid sa Asyenda Roxas-National Federation of Sugar Workers (DAMBA-NFSW) and Katipunan ng mga Magbubukid sa Hacienda Roxas, Inc. (KAMAHARI), *et al.*, which both assail the Court's December 4, 2009 Decision in these consolidated cases.

After the above-mentioned Motions were filed, Roxas & Co. filed on April 26, 2010 a *Motion to Hold in Abeyance the Resolution of its earlier Motion for Reconsideration*.

Roxas & Co. moves for reconsideration on the following grounds:

- I. ...CLOA 6654, INsofar AS IT COVERS THE 3 PARCELS OF LAND WITH AN AGGREGATE AREA OF 103.1436 HECTARES, SHOULD BE CANCELLED IN VIEW OF THE FINAL AND EXECUTORY 02 APRIL 1996 COURT OF APPEALS DECISION EXEMPTING THE SAID PROPERTIES FROM THE COVERAGE OF THE COMPREHENSIVE AGRARIAN REFORM LAW (CARL).
- II. ...CLOA 6654, INsofar AS IT COVERS THE REMAINING 410 HECTARES, SHOULD BE CANCELLED PURSUANT TO SECTION IV (B) (10) OF DAR MEMORANDUM ORDER NO. 2, SERIES OF 1994.
- III. ...WITH THE CARP-EXEMPTION OF THE 9 PARCELS OF LAND WITH AN AGGREGATE AREA OF 45.9771 HECTARES, ROXAS' LIABILITY TO PAY DISTURBANCE COMPENSATION IS LIMITED TO ITS AGRICULTURAL LESSEES AND NOT TO ALL FARMER-BENEFICIARIES FOUND IN THE SUBJECT PROPERTIES PURSUANT TO REPUBLIC ACT NO. 3844, AS AMENDED, AND THE RULING IN BACALING VS. MUYA.
- IV. ...THE ADDITIONAL CERTIFICATIONS WERE SUBMITTED TO PROVE THAT THE 51.5472-HECTARE PROPERTIES ARE CARP-EXEMPT, AND COROLLARILY, ADDRESS THE GROUNDS USED BY THEN DAR SECRETARY IN DENYING ROXAS' INITIAL EXEMPTION APPLICATION. THE ALLEGED INCONSISTENCIES ARE EITHER IMMATERIAL OR CAN BE READILY EXPLAINED.
- V. ...BASED ON THE EVIDENCE SUBMITTED BY ROXAS, THE 51.5472-HECTARE PROPERTIES SUBJECT OF ...G.R. NO. 179650 ARE CARP-EXEMPT. HENCE, THE PREMATURE INSTALLATION BY THE DAR OF SEVERAL FARMER-BENEFICIARIES IN THE PROPERTIES IS ILLEGAL.
- VI. ...THE ROXAS LANDHOLDINGS SHOULD BE DECLARED EXEMPT FROM THE COVERAGE OF CARP.
 - A. APPLYING DAR V. FRANCO..., THE ROXAS LANDHOLDINGS SHOULD BE DECLARED CARP-EXEMPT IN VIEW OF THE PTA ENACTMENT DELINEATING SPECIFIC TOURISM AREAS.

B. CONSISTENT WITH THE DAR EXEMPTION ORDER CITED IN THE FRANCO CASE AND THE SUBMISSION OF THE OFFICE OF THE SOLICITOR GENERAL..., THE ROXAS LANDHOLDINGS, WHICH ARE (A) LOCATED WITHIN THE PTA-IDENTIFIED TOURISM PRIORITY AREAS AND (B) INCLUDED IN THE NASUGBU TOURISM DEVELOPMENT PLAN, SHOULD BE DECLARED CARP-EXEMPT.

C. WITH THE PTA ENACTMENT, THE ROXAS LANDHOLDINGS ARE CARP-EXEMPT FOLLOWING THE COURT'S PRONOUNCEMENT THAT "THE ONLY TIME [THE NATALIA AND ALLARDE CASES] MAY FIND APPLICATION IS WHEN THE PTA ACTUALLY IDENTIFIES WELL-DEFINED GEOGRAPHIC AREAS WITHIN THE ZONE WITH POTENTIAL TOURISM VALUE." [1]

On the other hand, DAMBA-NFSW and KAMAHARI, *et al.* move for partial reconsideration of the assailed Decision on the following grounds:

I. THE [COURT] COMMITTED A REVERSIBLE ERROR IN RULING TO EXEMPT FROM CARP COVERAGE THE SUBJECT NINE (9) LOTS WITH ALLEGED AREA OF 45.9771 HECTARES OF HACIENDA PALICO BASED ON NASUGBU MUNICIPAL ZONING ORDINANCE NO. 4, SERIES OF 1982, NOTWITHSTANDING THE FACT THAT:

A. ROXAS [& CO.] MISERABLY FAILED TO SHOW PROOF THAT THE SUBJECT ZONING ORDINANCE UNDER ZONE A. VII THEREOF, SPECIFICALLY DELINEATE THE SAID LOTS TO HAVE BEEN RE-CLASSIFIED TO NON-AGRICULTURAL USE;

B. ROXAS [& CO.] HAS MERE FALSE CERTIFICATIONS ISSUED BY THE HLURB AND MPDC OF NASUGBU WHICH DO NOT FIND SUPPORT IN THE REFERRED MUNICIPAL ZONING ORDINANCE;

C. ROXAS [& CO.] FAILED TO SUBMIT IN EVIDENCE THE COMPREHENSIVE LAND USE PLAN OF NASUGBU, BATANGAS PROVING SUCH RECLASSIFICATION TO NON-AGRICULTURAL USE OF SUBJECT LOTS PRIOR TO THE ENACTMENT OF R.A. 6657 ON JUNE 15, 1988; AND

D. ROXAS [& CO.] MISERABLY FAILED TO IDENTIFY SUBJECT LOTS BOTH IN AREAS COVERED AND LOCATIONS.

II. GRANTING *ARGUENDO* THAT THE SUBJECT NASUGBU MUNICIPAL ZONING ORDINANCE NO. 4, SERIES OF 1982 IS A VALID BASIS FOR EXEMPTION FROM CARP COVERAGE OF SUBJECT PARCELS OF LAND, AND FURTHER GRANTING *ARGUENDO* THAT ROXAS WAS ABLE TO PROVE THAT THE SUBJECT LOTS ARE WITHIN THE PU[R]PORTED URBAN CORE ZONE..., STILL THE [COURT] COMMITTED A REVERSIBLE ERROR IN UPHOLDING THE COURT OF APPEALS AND THE DAR SECRETARY'[S]