

SECOND DIVISION

[G.R. NO. 174830, July 31, 2009]

**ISABELITA VDA. DE DAYAO AND HEIRS OF VICENTE DAYAO,
PETITIONERS, VS. HEIRS OF GAVINO ROBLES, NAMELY PLACIDA
VDA. DE ROBLES, TEODORA ROBLES MENDOZA, CRISPINA
ROBLES-ABAGAT, PAVIA ROBLES VDA. DE ADRIANO, TEOFILA
ROBLES VILLAFLORES AND REGINO ROBLES, RESPONDENTS.**

D E C I S I O N

QUISUMBING, J.:

This is a petition for review on certiorari seeking the reversal of the Decision^[1] dated January 26, 2006 and the Resolution^[2] dated September 22, 2006 of the Court of Appeals in CA-G.R. SP No. 81637. The Court of Appeals had reversed the Decision^[3] dated June 30, 2003 of the Office of the President which earlier affirmed the Order^[4] dated May 19, 1997 of then Department of Agrarian Reform (DAR) Secretary Ernesto D. Garilao, upholding the grant of the application for retention of the Heirs of Vicente O. Dayao and his sister Isabelita O. Dayao.

The pertinent facts, culled from the records, are as follows:

Anacleto Dayao was the owner of parcels of land located in Paombong, Hagonoy and Malolos, in the Province of Bulacan, and in Minalin, Province of Pampanga. He died on July 24, 1934, leaving behind his spouse, Trinidad Ople Dayao and his two children, Vicente and Isabelita.^[5]

On January 31, 1976, Vicente filed before the DAR an application for retention of several parcels of land. In his Small Landowner's Undertaking, Application for Retention and Affidavit,^[6] Vicente stated his desire to retain not more than 7 hectares of his rice and/or corn lands pursuant to Presidential Decree No. 27,^[7] composed of the following tenanted rice and/or corn lands:

IV. TENANTED RICE AND/OR CORN LANDS APPLIED FOR RETENTION			
OCT/TCT/TD No.	NAME OF TENANT-FARMER	LOCATION OF FARMHOLDINGS	AREA (in hectares)
TCT No.18548	Juan Alcoriza, Policarpio Alcoriza & Victorino Teodoro	Dakila, Malolos, Bulacan	3.5001
CT No. 38	Perlito Santos	Kapitangan, Paombong, [Bulacan]	1.1000
TD No. 2762	Jose Santiago	San Sebastian, [Hagonoy], [Bulacan]	.4252
TD No.	Jose Santiago	San Sebastian,	.9000

2761		Hagonoy, [Bulacan]	
TD No. 2529	Gavino Robles	Sta. Elena, Hagonoy, [Bulacan]	.8425 ^[8]

Twenty years later or on October 16, 1996 Director Eugenio B. Bernardo of DAR Region III, San Fernando, Pampanga granted Vicente's application for retention.^[9] By that time, Vicente had already died and was survived by his heirs who substituted for him in the action.^[10]

The DAR Order granting Vicente's application for retention states:

WHEREFORE, in view of the foregoing, ORDER is hereby issued:

1. GRANTING the Application for retention filed by the Heirs of Vicente O. Dayao, namely: Basilia D. Tiongson, Delfin O. Dayao, Mario O. Dayao, and Teresa D. Contreras, with respect to their father's share more specifically described as:

<u>TD No.</u>	<u>LOCATION</u>	<u>AREA</u>
6341	Dakila, Malolos, Bulacan	3.5001 hectares
2529	San Pablo, Hagonoy, Bulacan	1.2829 hectares
661	Iba, Hagonoy, Bulacan	.3828 <u>hectares</u>
TOTAL:		5.1 ^[65] 8 hectares

which shall be divided among the aforementioned Heirs to the extent of their legal shares;

2. GRANTING the retention right of Isabelita O. Dayao with respect to her own share, more specifically described as:

<u>TD No.</u>	<u>LOCATION</u>	<u>AREA</u>
4389	Kapitangan, Paombong, Bulacan	1.0923 hectares
8482	Sta. Elena, Hagonoy, Bulacan	.8925 hectares
7353	San Sebastian, Hagonoy, Bulacan	.9256 hectares
7374	San Sebastian, Hagonoy, Bulacan	.4752 hectares
662	Iba, Hagonoy, Bulacan	<u>1.2410</u> <u>hectares</u>
TOTAL:		4.6266 hectares

3. CANCELLING the CLTs issued to the tenants in the retained area, and

in lieu thereof, directing the MARO concerned to assist the tenants in the execution of leasehold contracts with the landowners over their respective tillages; and

4. ORDERING the applicants to accordingly respect the security of tenure of their tenants/lessees, and to leave them in their peaceful cultivation of the land.

SO ORDERED.^[11]

Gavino Robles, one of the tenant-farmers of the parcels of land which Vicente had applied for, appealed the order granting Vicente's application for retention.

On May 19, 1997, then DAR Secretary Ernesto D. Garilao issued an Order denying Gavino's appeal and affirming the order of the DAR Region III Regional Director, as follows:

WHEREFORE, [i]n [v]iew of [a]ll the [a]bove, Order is hereby issued denying the instant appeal for utter lack of merit and affirming the Order of DARRO, Region III dated 16 October 1996. The MARO of Hagonoy, Bulacan is hereby ordered to assist herein movant-appellant to execute a leasehold contract with the owner of the land at Sta. Elena, Hagonoy, Bulacan upon sufficient proof from movant-appellant Gavino Robles that he is actually tenanting therein. Likewise, the PARO of Bulacan is hereby ordered to initiate with the DARAB for the cancellation of any registered CLT or EP generated or issued in favor of movant-appellant Gavino Robles over that property at San Pablo, Hagonoy, Bulacan. However, any CLT or EP which is generated but not yet registered in the name of Gavino Robles is hereby ordered cancelled.

SO ORDERED.^[12]

Gavino filed a motion for reconsideration of the May 19, 1997 Order, but former DAR Secretary Horacio R. Morales denied the same. Gavino Robles then appealed to the Office of the President which, on June 30, 2003, issued a Decision denying his appeal, the dispositive portion of which states as follows:

WHEREFORE, premises considered, judgment appealed from is hereby **AFFIRMED** *in toto*.

SO ORDERED.^[13]

Gavino subsequently filed a petition for review before the Court of Appeals.

On January 26, 2006, the Court of Appeals issued a decision reversing the orders of the DAR and the Office of the President. The Court of Appeals ruled that Vicente's application for retention was insufficient, incomplete and lacking forthrightness. Hence, the DAR had no basis to grant Vicente's application for retention. The Court

of Appeals also held that contrary to the finding of the DAR, Vicente's sister, Isabelita, never applied for retention and hence, the DAR had no jurisdiction to grant her any retention. The dispositive portion of the decision states:

WHEREFORE, premises considered, we hereby **GRANT** the petition for review and accordingly **REVERSE** and **SET ASIDE** the Order dated June 30, 2003 of the Office of the President. Vicente Dayao's application for retention is **DENIED** for lack of merit.

SO ORDERED.^[14]

Petitioners herein Isabelita Dayao and the Heirs of Vicente Dayao filed a motion for reconsideration before the Court of Appeals but it was denied in a Resolution dated September 22, 2006.

Hence, the instant petition under Rule 45 of the Rules of Court.

Petitioners raise the following issue for our resolution:

THE HONORABLE COURT OF APPEALS ERRED WHEN IT FAILED TO APPLY THE PROVISIONS OF PD 27 AND RELATED LAWS ON RETENTION RIGHTS OF LANDOWNERS, VICENTE DAYAO AND ISABELITA DAYAO, THEREBY DENYING THE PETITIONERS OF THEIR GUARANTEED RIGHTS UNDER THE LAW.^[15]

The sole issue is: Did the Court of Appeals err when it reversed the orders of the DAR and the Office of the President granting petitioners' application for retention?

At the onset, factual findings of administrative agencies charged with a specific field of expertise are afforded great weight and respect by the courts, and are generally binding and final so long as they are supported by substantial evidence found in the records of the case. However, when these administrative bodies base their conclusions on surmises, speculations or conjectures or when they disregard or grossly misappreciate the evidence presented, we are permitted to set aside their findings and make our own assessment of the submitted evidence.

Settled is the rule that factual questions are not the proper subject of an appeal by certiorari, as a petition for review under Rule 45 is limited only to questions of law. Moreover, it is settled doctrine that the "errors" which may be reviewed by this Court in a petition for certiorari are those of the Court of Appeals, and not directly those of the trial court or the quasi-judicial agency, tribunal, or officer which rendered the decision in the first instance. Finally, it is settled that factual findings of administrative agencies are generally accorded respect and even finality by this Court, if such findings are supported by substantial evidence. The factual findings of the Secretary of Agrarian Reform who has acquired expertise in specific matters within his jurisdiction, deserve full respect and, without justifiable reason, ought not to be altered, modified or reversed.^[16]