

THIRD DIVISION

[G.R. No. 161910, June 17, 2008]

DEPARTMENT OF AGRARIAN REFORM, REP. BY OIC SECRETARY JOSE MARI B. PONCE, PETITIONER, VS. MA. REGINA I. SAMSON, J. DOMINIC SAMSON, ANNE-MARIE SAMSON AND LIESL MARIE EUGENIE SAMSON, RESPONDENTS.

[G.R. NO. 161930]

LEOLITO EDA, MARCELO DE CLARO, TORIBIO BENZUELA, DONATA MENDOZA, ARSENIO MACASADIA, FELICIANO DE CLARO, FELICIDAD C. DE CLARO, SALVACION BALONDO, PETRA LEZARDO, CONSOLACION L. DE CLARO, LEONARDO C. DE CLARO, AGRIPIÑO DE CLARO, VIRGILIO ESTRECOMIN, ELVIE GALANO, EVARESTO DE CLARO, REPRESENTED BY LEOLITO EDA AS THEIR ATTORNEY-IN-FACT, REGISTRY OF DEEDS, CALAMBA, LAGUNA PROVINCE AND HON. HORACIO R. MORALES, JR., IN HIS CAPACITY AS SECRETARY OF AGRARIAN REFORM, PETITIONERS, VS. MA. REGINA I. SAMSON, J. DOMINIC SAMSON, ANNE-MARIE SAMSON AND LIESL MARIE EUGENIE SAMSON, RESPONDENTS.

DECISION

YNARES-SATIAGO, J.:

These consolidated petitions assail the October 10, 2003 Decision^[1] of the Court of Appeals in CA-G.R. SP No. 60036, reversing and setting aside the June 29, 2000^[2] Decision of the Office of the President and enjoining the Secretary of the Department of Agrarian Reform (DAR) and the Register of Deeds of Calamba, Laguna from implementing the same. Also assailed is the January 27, 2004^[3] Resolution denying the motion for reconsideration.

During his lifetime, Enrique T. Samson^[4] applied for exemption from the coverage of the Comprehensive Agrarian Reform Program (CARP) over nine (9) parcels of land with an aggregate area of 27.7359 hectares, located in Barangays Pansol and Sukol, Calamba, Laguna, and covered by Transfer Certificate of Title Nos. T-151979, T-151980, T-94607, T-94605, T-94606, T-60653, T-203493, T-203494, T-203495 issued by the Register of Deeds for Calamba, Laguna in the name of Samson.

In an undated Order issued sometime in **1995**, the subject lots were declared exempt from CARP coverage by DAR Regional Director Percival C. Dalugdug.^[5] The dispositive portion of said Order reads:

WHEREFORE, premises considered and pursuant to AO No. 10, Series of 1994, Order is hereby issued approving the exclusion from CARP Coverage of the subject nine (9) parcels of land provided, however, that

their disposition or any project to be implemented therein shall be subject to DENR's clearance and to the Moratorium contained in Section 5 of Executive Order 121 dated August 24, 1993.

SO ORDERED.^[6]

On March 19, 1997, petitioners-farmers filed an Opposition/Petition alleging that they received the undated Order of DAR only on January 27, 1997. They prayed that the same be set aside and nullified because although the lands covered by the Order have a slope of more than 18%, the same were fully developed and planted with variety of plants, and to which some of them have their farm houses built.^[7]

In an Order^[8] dated March 4, 1998, DAR considered the Opposition/Petition filed as an appeal and disposed of the same as follows:

WHEREFORE, premises considered order is hereby issued, ordering the Regional Office No. IV to segregate the areas with agricultural developments and cover the same (under) the Comprehensive Agrarian Reform Program (CARP) and exempting the balance.

SO ORDERED.^[9]

DAR found no evidence that the subject lots are within the Makiling Forest Reserve Area; and the fact that these are titled lands supports the contention that these are neither public lands nor within the reservation area. It also noted that the ocular inspection report submitted by their team confirms the presence of agriculturally developed portions in the area. Hence, portions of the subject landholding even with a slope of more than 18% may still be covered by CARP due to the presence of agriculturally developed areas.

On **July 12, 1999**, Samson learned that a group of surveyors inspected the subject properties for the purpose of determining which portions should be distributed to his tenants. When he sought clarification from the DAR Provincial Agrarian Reform Officer, Felixberto Kagahastian, as to the purpose of the survey, he was informed for the first time about the "Appeal" filed by the farmers which was subsequently granted by DAR. Samson was able to secure a copy of the March 4, 1998 Order only on July 16, 1999.

On August 9, 1999, Samson assailed the Order before the Office of the President arguing that he was not notified of the appeal; that had he been properly apprised, he could have presented evidence to prove that the properties have a slope of 18% or over and are not developed; and that petitioner-farmers are not qualified beneficiaries of the CARP. He denied that he was represented during the alleged ocular inspection conducted by DAR on February 17, 1998.^[10]

On June 29, 2000, the Office of the President rendered a Decision,^[11] the dispositive portion of which reads:

WHEREFORE, foregoing premises considered, the assailed DAR order dated March 4, 1998 is hereby AFFIRMED and the instant appeal DISMISSED.

SO ORDERED.^[12]

The Office of the President ruled that any alleged procedural lapses committed in the proceedings before the DAR were cured when Samson interposed the appeal before it which gave him an opportunity to present evidence and to substantiate the claim that the subject land is exempt from CARP coverage. Likewise, the DAR Secretary considered all available records including Samson's application for exemption thus, there is no denial of due process.

The Office of the President sustained DAR's ruling that the subject properties were within the coverage of CARP after finding that although the land has a slope of more than 18%, there are portions which are agriculturally developed. These findings were based on the supplemental report submitted by Marino A. Austria, DAR's Senior Agrarian Reform Technologist on August 23, 1994 and the report of the DAR team who conducted the ocular inspection on February 17, 1998. The Office of the President also ruled that the Order granting Samson's application for exemption was not supported by evidence.^[13]

Samson appealed to the Court of Appeals which rendered the assailed Decision reversing and setting aside the Decision of the Office of the President and enjoining the DAR Secretary and the Register of Deeds for Calamba, Laguna, from implementing the June 29, 2000 Decision of the Office of the President. The dispositive portion of the Decision reads:

WHEREFORE, the instant petition is given DUE COURSE and GRANTED. The respondent DAR Secretary, his successors, agents and representatives, and the Register of Deeds for Calamba, Laguna are hereby enjoined from implementing the Decision dated June 29, 2000 of the Office of the President in O.P. Case No. 99-D-889 as well as those from which it was derived.

SO ORDERED.^[14]

The Court of Appeals ruled that there was a final decree of CARP exemption issued in favor of Samson and its reversal by DAR and the Office of the President is grossly irregular. It ruled that DAR committed grave abuse of discretion in entertaining the belated appeal of the farmers. Though technical rules of procedure and evidence are not strictly applied in administrative proceedings, entertaining an appeal filed after more than a year had lapsed is a total disregard of the rules, an abuse of discretion to favor one party.

Petitioners filed separate motions for reconsideration which were denied by the Court of Appeals in a Resolution^[15] dated January 27, 2004. Thereafter, they filed separate petitions for review on certiorari which was ordered consolidated by the Court in its Resolution dated March 10, 2004.^[16]

In G.R. No. 161910, petitioner DAR alleged that the Court of Appeals erred:

1. WHEN IT RULED THAT PETITIONER COMMITTED A FAUX PAS WHICH WAS FATAL AND DAMAGING TO THE DEFENSE OF BOTH PUBLIC AND PRIVATE RESPONDENTS AND FAILED TO CONSIDER

THE ESTABLISHED FACT, AND EXISTING JURISPRUDENCE, THAT RESPONDENT OR THEIR PREDECESSOR WERE ALLOWED TO BE HEARD AND THERE WAS AVAILMENT THEREOF.

2. WHEN IT REVERSED THE DECISIONS OF THE OFFICE OF THE PRESIDENT AND OF DAR ON THE GROUND THAT PETITIONER COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT ENTERTAINED THE 1997 APPEAL OF THE FARMERS.^[17]

On the other hand, in G.R. No. 161930, petitioners-farmers raised the following issues:

I.

WHETHER THE HONORABLE COURT OF APPEALS ERRED IN REVERSING THE DECISION OF THE OFFICE OF THE PRESIDENT AS WELL AS THAT OF THE DEPARTMENT OF AGRARIAN REFORM.

II.

WHETHER THE COURT OF APPEALS ERRED IN HOLDING THAT RESPONDENTS WERE DENIED DUE PROCESS OF LAW.^[18]

The resolution of these consolidated cases revolves around the propriety of the appeal interposed by farmers-petitioners before the DAR. Petitioners insist there was no grave abuse of discretion when DAR entertained the appeal and that respondents were not denied due process during the proceedings. On the other hand, respondents argue that they were denied due process because they were not able to participate in the proceedings before the DAR and that their appeal with the Office of the President did not cure the said procedural lapse.

Administrative Order No. 13 series of 1990 (A.O. No. 13-90)^[19] as revised by Administrative Order No. 10 series of 1994 (A.O. No. 10-94)^[20] provides that the Order of the Regional Director approving or denying the application for exemption shall become final 15 days from receipt of the same unless an appeal is made to the Secretary.^[21] Though the undated Order of Regional Director Dalugdug appears to have been issued sometime in 1995, the farmers-petitioners alleged that they were notified of said Order only on January 27, 1997. Hence, when petitioners-farmers filed their Opposition/Petition on March 19, 1997, the period to appeal had expired.

However, we find no error on the part of petitioner DAR when it entertained the appeal of farmers-petitioners after finding the same meritorious, consistent with the declared policies of RA 6657 in giving the welfare of the landless farmers and farm workers the highest consideration. In several instances, even the Court entertained and allowed lapsed appeals in the higher interest of justice.^[22] Moreover, proceedings before the DAR are summary and pursuant to Section 50 of RA 6657, the department is not bound by technical rules of procedure and evidence, to the end that agrarian reform disputes and other issues will be adjudicated in a just, expeditious and inexpensive action or proceeding.^[23]

It is important to reiterate that administrative agencies are not bound by the