

## FOURTEENTH DIVISION

[ CA-G.R. SP NO. 133614, March 30, 2015 ]

**STANDARD REALTY & DEVELOPMENT CORPORATION,  
PETITIONER, VS. OFFICE OF THE PRESIDENT, THE HON.  
SECRETARY OF THE DEPARTMENT OF AGRARIAN REFORM, THE  
REGIONAL DIRECTOR, DAR REGION IV, THE PROVINCIAL  
AGRARIAN REFORM OFFICER AND THE MUNICIPAL AGRARIAN  
REFORM OFFICER, RESPONDENTS.**

### DECISION

**BATO, JR., J.:**

Assailed in this Petition for Review<sup>[1]</sup> under Rule 43 of the Rules of Court is the 12 December 2013 Decision<sup>[2]</sup> of the Office of the President in O.P. Case No. 09-B-049.

At the center of the controversy are forty (40) parcels of land with a total area of 20.116 hectares located in San Jose, Antipolo City, all registered in the name of Standard Realty and Development Corporation under TCT Nos. 40729 to 40768.

On 08 August 2003, the above parcels of land were placed under the coverage of the Comprehensive Agrarian Reform Program (CARP). A Notice of Coverage of even date was sent by Efren E. de Jesus, the Municipal Agrarian Reform Officer (MARO), by registered mail to the petitioner's President. A copy thereof was likewise delivered thru personal service to the petitioner, which was received by a certain Lizel Arandia.

On 04 October 2005, an Invitation Letter to Conduct Field Investigation was issued. The same was likewise sent to the petitioner's President *via* registered mail.

On 17 October 2005, the investigating team of the Department of Agrarian Reform (DAR) conducted an ocular inspection over the subject landholdings. Present during the ocular inspection were two (2) representatives of Atty. Stephen David, counsel of the petitioner. It was found out that the landholdings were planted by the farmer-occupants with different types of fruit bearing trees. Moreover, the farmer-occupants had already built their respective houses/huts therein.

On 30 November 2005, petitioner filed a Protest<sup>[3]</sup> with the Regional Director, Department of Agrarian Reform Regional Office IV-A, praying for the lifting of the Notice of Coverage based on the following grounds: 1) it never received a Notice of Coverage; 2) the subject landholdings are exempt from CARP coverage since the slope thereof is more than 18 percent; and 3) the same are undeveloped parcels of land, idle, vacant and untenanted.

By Order<sup>[4]</sup> dated 10 May 2006, DAR Regional Director Dominador B. Andres denied petitioner's Protest. He ruled that the same was filed beyond the 60-day period

reckoned from its receipt of the Notice of Coverage. The dispositive portion of his Order reads:

“WHEREFORE, premises considered an Order is hereby issued:

1. DENYING the instant protest on CARP coverage for failure to file the protest within the reglementary period prescribed by law;
2. DIRECTING the PARO and the MARO to place the subject landholding under CARP subject to the retention right of the landowner under Section 6 of RA 6657.

SO ORDERED.”<sup>[5]</sup>

Petitioner then filed a Motion for Reconsideration,<sup>[6]</sup> which was denied by DAR Regional Director Dominador B. Andres in a Resolution<sup>[7]</sup> dated 03 July 2006.

Aggrieved, petitioner appealed to the DAR Secretary. His appeal was, however, denied by then DAR Secretary Nasser C. Pangandaman in an Order<sup>[8]</sup> dated 26 November 2008. The then Secretary agreed with the findings of the Regional Director that petitioner validly received the Notice of Coverage dated 08 August 2003. Its Protest filed only on 30 November 2005 was therefore filed beyond the 60-day period. Moreover, petitioner’s contention that the subject landholdings have a slope of more than 18% and undeveloped cannot be given credence in view of the Investigation Report of the DAR Legal Officer that the same have fruit bearing trees planted by its occupants.

Undeterred, petitioner appealed to the Office of the President. Aside from the issues that it had previously raised before the DAR, petitioner argued that the Order placing its properties under CARP coverage is invalid since the Notice of Coverage was not posted in a conspicuous place in the municipal building and barangay hall of the place where the properties are located.

On 12 December 2013, the Office of the President rendered the assailed Decision<sup>[9]</sup> affirming *in toto* the findings of the DAR Secretary.

Hence, petitioner filed the instant petition for review based on the following grounds:

“(FIRST GROUND)

THE ORDER PLACING THE PROPERTIES OF STANDARD UNDER CARP IS NULL AND VOID FOR LACK OF JURISDICTION AND DUE PROCESS

(SECOND GROUND)

THE ORDER PLACING THE PROPERTIES OF STANDARD UNDER THE COVERAGE OF CARP IS VOID FOR LACK OF POSTING OF THE REQUIRED NOTICE

(THIRD GROUND)