

G.R. No. 202799 – VIVENCIO DALIT, *Petitioner*, v. SPOUSES ROLANDO E. BALAGTAS, SR. and CARMELITA G. BALAGTAS, ROLANDO G. BALAGTAS, JR., CLARINA G. BALAGTAS, CARLOTA G. BALAGTAS, CARMELA G. BALAGTAS, SOFRONIO SARIENTE, and METROPOLITAN BANK and TRUST COMPANY, *Respondents*.

Promulgated:

27 MAR 2019

x-----*HHCabalagtas*-----x

CONCURRING OPINION

This case stemmed from an amended petition¹ for maintenance of possession with prayers for issuance of status *quo* order/injunction dated May 27, 2005 filed before the Office of the Provincial Agrarian Reform Adjudicator of South Nueva Ecija (PARAD) by petitioner Vivencio Dalit (Dalit) against respondents spouses Rolando E. Balagtas, Sr. (Rolando, Sr.) and Carmelita G. Balagtas (Sps. Balagtas), Rolando G. Balagtas, Jr., Clarina G. Balagtas, Carlota G. Balagtas, Carmela G. Balagtas (collectively, Balagtas family), Sofronio Sariente (Sariente), and Metropolitan Bank and Trust Company (MBTC).

Dalit claimed that: (a) he was previously an employee of Rolando, Sr. as operator of bulldozer and street roller; (b) sometime in 1997, the Balagtas family instituted him as tenant-farmer over a 123,744-square meter (sq. m.) parcel of land located in Bantug Kalikid Sur, Cabanatuan City (subject lot), covered by Transfer Certificate of Title (TCT) No. T-82410² in their names; (c) he had been tilling the land since then, and had been remitting a portion of the proceeds of the harvest to Rolando, Sr. and his agent/representative, Sariente; (d) the Balagtas family mortgaged the subject lot to MBTC but defaulted, leading to the foreclosure of the mortgage and eventual consolidation of title in the name of MBTC, which was issued TCT No. T-96104;³ and (e) the Balagtas family demanded that he vacate the subject lot;⁴ hence, the petition, docketed as DARAB Case No. 08505 ‘SNE’ 05. To support his claim of tenancy, he presented the *Pagpapatunay*⁵ dated January 10, 2003 signed by the Barangay Captain and the President of the *Samahang Nayon* of Barangay Kalikid Sur, Cabanatuan, as well as several *Sinumpaang*

¹ Dated May 27, 2005. *Rollo*, pp. 114-117.

² See *id.* at 119-120, including dorsal portion.

³ *Id.* at 139, including dorsal portion.

⁴ See *id.* at 115-116.

⁵ See *id.* at 121.

R

*Salaysay*⁶ all dated April 18, 2005 separately executed by the farmers of the adjoining lots.⁷

For his part, Rolando, Sr. denied⁸ having instituted Dalit as tenant on the subject lot, and claimed that he was merely employed as operator of bulldozer and street roller during the construction of a memorial park thereon.⁹ On the other hand, MBTC insisted¹⁰ that the Balagtas family has no right to institute any tenant on the subject lot as the same is no longer registered in their names.¹¹

On June 7, 2006, the Regional Agrarian Reform Adjudicator (RARAD) rendered a Decision:¹² (a) declaring Dalit as a tenant on the subject lot; and (b) maintaining him in his peaceful possession and cultivation thereof.¹³ In a Decision¹⁴ dated June 14, 2007, the Department of Agrarian Reform Adjudication Board (DARAB) reversed and set aside the RARAD¹⁵ ruling, consequently, declaring that petitioner is not a *de jure* tenant on the subject lot, and ordering his ejectment therefrom on the ground of the absence of the elements of consent and sharing.¹⁶ The Court of Appeals (CA), in its Decision¹⁷ dated October 26, 2011, affirmed the DARAB decision,¹⁸ holding that the pieces of evidence presented by petitioner failed to establish all the essential requisites for the existence of a tenancy relationship.¹⁹ Aggrieved, Dalit moved for reconsideration,²⁰ which was, however, denied by the CA in its Resolution²¹ dated June 27, 2012; hence, the Rule 45 petition²² before the Court.

In the interim, the Balagtas family was able to secure a judgment:²³ (a) nullifying the foreclosure proceedings pursuant to which MBTC was able to secure title to the subject lot; and (b) reinstating TCT No. T-82410 in their

⁶ See *id.* at 122-124.

⁷ See *id.* at 115.

⁸ See Answer *Ad Cautelam* dated April 29, 2005; *id.* at 130-134.

⁹ See *id.* at 131.

¹⁰ See Answer dated July 25, 2005; *id.* at 136-138-A.

¹¹ See *id.* at 137.

¹² *Id.* at 64-66. Penned by Adjudicator/Agrarian Judge (RARAD for CAR) Walter R. Carantes.

¹³ *Id.* at 66.

¹⁴ *Id.* at 73-78. Penned by Member Delfin B. Samson with Members Augusto P. Quijano, Edgar A. Igano and Ma. Patricia P. Rualo-Bello, concurring.

¹⁵ "PARAD" in the DARAB Decision.

¹⁶ See *rollo*, pp. 76-78

¹⁷ *Id.* at 97-111. Docketed as CA-G.R. SP No. 104836 and penned by Associate Justice Priscilla J. Baltazar-Padilla with Associate Justices Fernanda Lampas Peralta and Edwin D. Sorongon, concurring.

¹⁸ *Id.* at 110.

¹⁹ See *id.*

²⁰ Not attached to the *rollo*.

²¹ *Rollo*, pp. 112-113.

²² *Id.* at 38-60.

²³ See Decision dated October 24, 2001 of the Regional Trial Court of Cabanatuan City, Branch 29 in Civil Case No. 3361-AF penned by Judge Ubaldino A. Lacurom (*id.* at 228-238), which was affirmed by the CA in a Decision dated February 21, 2007 in CA-G.R. CV No. 74249 penned by Associate Justice Aurora Santiago-Lagman with Associate Justices Bienvenido L. Reyes and Apolinario D. Bruselas, Jr., concurring (*id.* at 240-247).

names, which decision became final and executory in 2007.²⁴ A Notice of *Lis Pendens* was duly annotated on MBTC's TCT No. T-96104 prior to the said judgment.²⁵

Subsequently, however, the subject lot was subjected to the coverage of the government's Comprehensive Agrarian Reform Program (CARP) in 2008,²⁶ leading to the cancellation of TCT No. T-96104 and the issuance of TCT No. T-141677²⁷ in the name of the Republic of the Philippines (RP title) on September 19, 2011, after the Land Bank of the Philippines made the corresponding deposit²⁸ of the provisional compensation for the subject lot. The annotation of *lis pendens* was carried over²⁹ to the RP title. The RP title, in turn, was cancelled with the issuance of registered Certificates of Land Ownership Award (CLOAS) to several identified agrarian reform beneficiaries (ARBs), including Dalit,³⁰ who was issued TCT No. T-2165³¹ (CLOA title) on *October 20, 2011*. The annotation of *lis pendens* was likewise carried over³² to the said title. Thereafter, Sps. Balagtas filed before the Department of Agrarian Reform, Regional Office III a protest against the issuance of the notice of coverage over the subject lot, which was, however, denied in an Order³³ dated August 8, 2012 that became final and executory.³⁴

May I add the following observations:

First. It is but proper to maintain Dalit in the possession of the subject lot as a consequence of his CLOA title. It bears stressing that the rights and responsibilities of ARBs shall commence from their receipt of duly registered CLOAs and their actual physical possession of the awarded land.³⁵ Under Section 24³⁶ of Republic Act No. (RA)

²⁴ See Entry of Judgment in CA-G.R. CV No. 74249; id. at 239.

²⁵ See id. at 139 dorsal portion.

²⁶ Through a Notice of Coverage dated March 31, 2008; see id. at 587.

²⁷ See id. at 154-157.

²⁸ See Certification of Deposit dated August 19, 2011; id. at 632.

²⁹ See id. at 156.

³⁰ See id. at 587.

³¹ See id. at 178-181.

³² See id. at 180.

³³ Id. at 587-593. Issued by Regional Director Teofilo Q. Inocencio.

³⁴ See Certificate of Finality dated December 6, 2012; id. at 594.

³⁵ See Section 24 of RA 6657, as amended by RA 9700.

³⁶ Section 24 of RA 6657, as amended, provides:

SECTION 24. *Award to Beneficiaries.* — The rights and responsibilities of the beneficiaries shall commence from their receipt of a duly registered emancipation patent or certificate of land ownership award and their actual physical possession of the awarded land. Such award shall be completed in not more than one hundred eighty (180) days from the date of registration of the title in the name of the Republic of the Philippines: *Provided, That the emancipation patents, the certificates of land ownership award, and other titles issued under any agrarian reform program shall be indefeasible and imprescriptible after one (1) year from its registration with the Office of the Registry of Deeds, subject to the conditions, limitations and qualifications of this Act, the property registration decree, and other pertinent laws.* The emancipation patents or the certificates of land ownership award being titles brought under the operation of the torrens system, are conferred with the same indefeasibility and security

6657,³⁷ as amended by RA 9700,³⁸ identified and qualified ARBs shall have usufructuary rights over the awarded land as soon as the DAR takes possession of such land, and even pending the award of the CLOA. Consequently, Dalit must be maintained in the peaceful possession of the subject lot as a consequence of his CLOA title, **until such title is cancelled for valid reasons.**

Second. It must be clarified that the issue of whether or not an ARB is a de jure tenant on a CARP-covered lot is not necessarily rendered moot by the mere issuance of a CLOA title in the ARB's name. An action is considered “moot” when it no longer presents a justiciable controversy because the issues involved have become academic or dead or when the matter in dispute has already been resolved and hence, one is not entitled to judicial intervention unless the issue is likely to be raised again between the parties.³⁹ In this case, since the action before the PARAD primarily involves Dalit's right to be maintained in the possession of the subject lot, the issuance of a CLOA title in his name which recognizes his usufructuary rights over the awarded land necessarily entails his continued possession thereof, regardless of whether or not he had valid grounds to be so maintained when he filed the amended petition for maintenance of possession in 2005 long before the issuance of his CLOA title on October 20, 2011.

Notably, however, it was Dalit himself who raised the issue of tenancy⁴⁰ in invoking the jurisdiction of the PARAD (DARAB Adjudicator)

afforded to all titles under the said system, as provided for by Presidential Decree No. 1529, as amended by Republic Act No. 6732.

It is the ministerial duty of the Registry of Deeds to register the title of the land in the name of the Republic of the Philippines, after the Land Bank of the Philippines (LBP) has certified that the necessary deposit in the name of the landowner constituting full payment in cash or in bond with due notice to the landowner and the registration of the certificate of land ownership award issued to the beneficiaries, and to cancel previous titles pertaining thereto.

Identified and qualified agrarian reform beneficiaries, based on Section 22 of Republic Act No. 6657, as amended, shall have usufructuary rights over the awarded land as soon as the DAR takes possession of such land, and such right shall not be diminished even pending the awarding of the emancipation patent or the certificate of land ownership award.

All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR. (Emphases supplied)

³⁷ Entitled “AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES,” otherwise known as the “COMPREHENSIVE AGRARIAN REFORM LAW OF 1988,” approved on June 10, 1988.


³⁸ Entitled “AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), EXTENDING THE ACQUISITION AND DISTRIBUTION OF ALL AGRICULTURAL LANDS, INSTITUTING NECESSARY REFORMS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR” (July 1, 2009).

³⁹ Resolution, *International Service for the Acquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines)*, 791 Phil. 243, 259 (2016).

⁴⁰ See rollo, p. 115.

to maintain him in the possession of the subject lot. Thus, it may be reasonably presumed that his identification as a qualified beneficiary over the subject lot was precipitated by his claim of tenancy thereon. Nonetheless, it bears stressing that despite the indefeasibility and imprescriptibility accorded by law to CLOAs, EPs, and other agrarian titles after one (1) year from their registration with the Office of the Register of Deeds (ROD),⁴¹ any material misrepresentation of the ARB's basic qualifications,⁴² as well as the other grounds mentioned under Sections 4.3 to 4.15 of DAR Administrative Order (AO) No. 07-14,⁴³ is not a bar to a petition for cancellation of such titles filed by any party in interest⁴⁴ outside the one-year period. Thus, the tenancy issue continues to find relevance, albeit, must give way to the primacy of Dalit's CLOA in this case, until such title is cancelled for valid reasons.

Third. While I agree with the *ponencia's* opinion that the decision and writ of execution issued in Civil Case No. 3361 cannot defeat Dalit's rights arising from TCT No. T-2165⁴⁵ (*i.e.*, Dalit's CLOA title), the same is irrelevant to the instant case. It must be pointed out that Dalit was not a party to the said case – an action for specific performance with prayer for injunctive relief and damages filed by the Balagtas family against MBTC. While an annotation of *lis pendens* was carried over⁴⁶ to Dalit's CLOA title, the Decision in said case⁴⁷ limited itself to the cancellation of MBTC's TCT No. T-96104 and the restoration of the Balagtas family's TCT No. T-82410, without cancelling any derivative title from TCT No. T-96104. Accordingly, unless the cancellation of TCT No. T-2165 is finally secured in an action specifically impleading Dalit,⁴⁸ his right to be maintained in the possession of the subject lot guaranteed by such title must be respected.


ESTELA M. BERLAS-BERNABE
Associate Justice

⁴¹ See Section 24 of RA 6657, as amended by RA 9700.

⁴² See Section 4.9 of DAR AO No. 07-14.

⁴³ Re: 2014 Rules and Procedures Governing the Cancellation of Registered Emancipation Patents (EPs), Certificates of Land Ownership Awards (CLOAs) and Other Titles Issued Under the Agrarian Reform Program, issued on September 15, 2014

⁴⁴ See Section 9 of DAR AO No. 07-14.

⁴⁵ See *ponencia*, p. 9.

⁴⁶ See *rollo*, p. 180.

⁴⁷ See Decision dated October 24, 2001; *id.* at 228-238.

⁴⁸ Under Section 3 (j) of DAR AO No. 07-14, the ARBs or identified beneficiaries, or their heirs in case of death, and/or their associations are indispensable parties in petitions for cancellation of their respective CLOAs.