



SUPREME COURT OF THE PHILIPPINES  
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AUG 18 2022  
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Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

LAND BANK OF THE PHILIPPINES, Petitioner, G.R. No. 229438 Present:

-versus-

LEONEN, J., Chairperson,  
LAZARO-JAVIER\*,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR., JJ.

MARY BASILAN, RAUL BASILAN, and BENJAMIN CAMIUIT a.k.a. BENJAMIN CAMIWET [deceased], substituted by his surviving spouse, JUANITA CAMIWET, and children, SHANE VICENTE, CLINT CAMIWET, and LEDEN LICZEK, Respondents.

Promulgated:  
JUN 18 2022

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DECISION

LEONEN, J.:

Agricultural tenancy of a property constitutes a third-party claim that bars the *ex parte* issuance of a writ of possession in favor of the winning bidder in a public sale of a foreclosed property. Further, this Court will not disturb the factual findings of administrative agencies with the expertise on matters over which they have jurisdiction.

This Court resolves a Petition for Review on Certiorari<sup>1</sup> filed by Land Bank of the Philippines (Land Bank), assailing the Decision<sup>2</sup> and

\* On official leave.

<sup>1</sup> *Rollo*, pp. 22-43.

<sup>2</sup> *Id.* at 45-52. The July 12, 2016 Decision in CA-G.R. SP No. 137010 was penned by Associate Justice Henri Jean Paul B. Inting (now a member of this Court) and concurred in by Associate Justices

Resolution<sup>3</sup> of the Court of Appeals, which, in turn, affirmed the Resolution<sup>4</sup> of the Regional Trial Court denying Land Bank's motion for issuance of writ of possession over a foreclosed property that it purchased in a public sale.

Julia R. Perez (Julia) was the registered owner of a 21,000-square meter property in Barrio Batal, Santiago, Isabela, covered by Transfer Certificate of Title No. 143861. She mortgaged the lot to Land Bank.<sup>5</sup>

Julia defaulted in the payment of her obligation. The property was extrajudicially foreclosed and eventually sold at a public auction on September 30, 1997, where Land Bank won as the highest bidder.<sup>6</sup>

Since Julia did not redeem the property within the redemption period, the lot's ownership was consolidated in Land Bank's favor. Transfer Certificate of Title No. 143861 was canceled, and Transfer Certificate of Title No. T-329010 was issued in Land Bank's name on December 4, 2002.<sup>7</sup>

On June 6, 2006, Land Bank filed an *Ex-Parte* Petition for the Issuance of a Writ of Possession over Transfer Certificate of Title No. T-329010.<sup>8</sup>

On September 18, 2006, the Regional Trial Court granted the petition<sup>9</sup> and later issued the writ of possession.<sup>10</sup>

On August 7, 2007, the sheriff served a Demand to Vacate notice<sup>11</sup> to Artemio Perez (Artemio), Julia's son, who was occupying the property.<sup>12</sup>

On September 12, 2007, a Demand to Vacate was served on Mary Basilan (Mary). Land Bank alleged that Mary was the caretaker whom Artemio hired to oversee the property.<sup>13</sup>

On September 24, 2007, representing themselves as Julia's

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Marlene B. Gonzales-Sison and Ramon A. Cruz of the Seventeenth Division, Court of Appeals, Manila.

<sup>3</sup> Id. at 54-55. The January 16, 2017 Resolution in CA-G.R. SP No. 137010 was penned by Associate Justice Henri Jean Paul B. Inting (now a member of this Court) and concurred in by Associate Justices Marlene B. Gonzales-Sison and Ramon A. Cruz of the Seventeenth Division, Court of Appeals, Manila.

<sup>4</sup> Id. at 131-132. The July 14, 2008 Resolution in SCA Case No. 35-0245 was penned by Judge Efren M. Cachatian of the Regional Trial Court of Santiago City, Branch 35.

<sup>5</sup> Id. at 80-81.

<sup>6</sup> Id. at 81 and 86.

<sup>7</sup> Id. at 81.

<sup>8</sup> Id. at 25.

<sup>9</sup> Id.

<sup>10</sup> Id. at 89.

<sup>11</sup> Id. at 90-91.

<sup>12</sup> Id. at 46.

<sup>13</sup> Id. at 46.

agricultural tenants, Mary, Efren Basilan (Efren), and Benjamin Camiwet (collectively, Basilan et al.) filed a Petition for the Maintenance of Peaceful Possession as Agricultural Lessee/Farmer Beneficiaries before the Department of Agrarian Reform Adjudication Board.<sup>14</sup>

Basilan et al. claimed that they were instituted tenants of Julia's two parcels of land.<sup>15</sup> Benjamin Camiwet tills the 4,000-square meter land covered by Transfer Certificate of Title No. 329009, while Mary and Efren Basilan cultivate the lots under Transfer Certificate of T-329010. They narrated that since 1995, Mary has been occupying the 3,299-square meter land in Lot 963-A-2-A, while Efren has been occupying the 17,047-square meter land in Lot 963-A-2-C. They alleged that they religiously paid rent to Julia when she was still alive, and upon her death, they continued to pay lease to Artemio.<sup>16</sup> Artemio attested to these allegations in his September 24, 2007 Affidavit.<sup>17</sup>

Basilan et al. also narrated that as early as June 21, 2005, the Municipal Agrarian Reform Office of Santiago City, Isabela issued a Certification<sup>18</sup> stating that under Section 22 of the Comprehensive Agrarian Reform Law of 1988, Mary and Efren were qualified farmer-beneficiaries of the land covered by Transfer Certificate of Title No. 329010.<sup>19</sup>

On December 3, 2007, Sheriff Osmenia S. Guaio enforced the writ of possession and turned over the property under Transfer Certificate of T-329010 to Land Bank.<sup>20</sup>

Heedless of the supposed turnover, Mary and Efren continued to plant palay on the disputed property, and Land Bank then moved to cite them in contempt. During the motion hearing, the Regional Trial Court judge was apprised that Basilan et al. were claiming to be Julia's agricultural tenants.<sup>21</sup>

In its July 14, 2008 Resolution,<sup>22</sup> the Regional Trial Court denied Land Bank's motion to cite Basilan et al. in contempt. It held that the issue of agricultural tenancy is a valid third-party claim that defers the implementation of the writ of possession. It closed the case without prejudice to the outcome of the case before the Department of Agrarian Reform Adjudication Board which was then pending resolution. The dispositive portion of the Resolution reads:

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<sup>14</sup> Id. at 112-114.

<sup>15</sup> Id. at 116.

<sup>16</sup> Id. at 112-114.

<sup>17</sup> Id. at 116.

<sup>18</sup> Id. at 119.

<sup>19</sup> Id. at 112-114.

<sup>20</sup> Id. at 93 and 111.

<sup>21</sup> Id. at 46-47.

<sup>22</sup> Id. at 131-132. The Resolution in SCA Case No. 35-0245 was penned by Presiding Judge Efren M. Cacatian of the Regional Trial Court, Branch 35, Santiago City.

WHEREFORE, LBP's motion for contempt is hereby denied for lack of merit.

Meanwhile, this case is closed without prejudice to the outcome of the DARAB case between the parties.

SO ORDERED.<sup>23</sup>

In its December 17, 2010 Decision,<sup>24</sup> the Department of Agrarian Reform Adjudication Board Provincial Adjudicator affirmed the Municipal Agrarian Reform Officer's declaration that Basilan et al. are agricultural lessees and are actual occupants of the properties. It held that upon the effectivity of Republic Act No. 3844 or the Agricultural Land Reform Code on August 8, 1963, tenancy was converted into agricultural leasehold. This shall then facilitate land distribution as the Comprehensive Agrarian Reform Law mandated. The Provincial Adjudicator explained that since Transfer Certificate of T-329010 is under the Comprehensive Agrarian Reform Program, Basilan et al.'s peaceful possession as occupants must be maintained until their tenure will ripen into ownership. It also directed Camiwet and Land Bank to enter into a leasehold contract before the Municipal Agrarian Reform Officer of Santiago City,<sup>25</sup> thus:

**ACCORDINGLY**, the petition is granted. The bank is directed to respect the peaceful possession of the petitioners in their respective tillage. The Bank is further directed to execute a Leasehold Contract with Benjamin Camiwet before the MARO of Santiago City.

**SO ORDERED.**<sup>26</sup> (Emphasis in the original.)

On July 24, 2013, Land Bank filed a Motion for Issuance of an Alias Writ of Possession before the Regional Trial Court. It prayed for the enforcement of the writ that the trial court previously issued.<sup>27</sup>

In its November 7, 2013 Resolution, the Regional Trial Court resolved the issue of whether agricultural tenancy is a valid third-party claim that warrants the further suspension or non-implementation of a writ of possession that has been issued. Applying Rule 39, Section 33 of the Rules of Court,<sup>28</sup> it denied Land Bank's motion. Since the Provincial Adjudicator

<sup>23</sup> Id. at 132

<sup>24</sup> Id. at 158-162. The Decision in DARAB Case No. 0204-5836-10, 0204-5837-10, 0204-5838-10 was penned by Provincial Adjudicator Brunhild S. Dakilay-Pascua, Department of Agrarian Reform Adjudication Board, Cauayan City, Isabela.

<sup>25</sup> Id. at 161-162.

<sup>26</sup> Id. at 162.

<sup>27</sup> Id. at 48.

<sup>28</sup> RULES OF COURT, rule 39, sec 33 provides:

SECTION 33. *Deed and possession to be given at expiration of redemption period; by whom executed or given.* — If no redemption be made within one (1) year from the date of the registration of the certificate of sale, the purchaser is entitled to a conveyance and possession of the property; or, if so redeemed whenever sixty (60) days have elapsed and no other redemption has been made, and notice

declared Basilan et al. as agricultural tenants of the land, their tenancy constitutes a third-party claim that suspends the implementation of the writ of possession.<sup>29</sup>

On June 24, 2014, the Regional Trial Court denied Land Bank's Motion for Reconsideration.<sup>30</sup>

Aggrieved, Land Bank filed before the Court of Appeals a Petition for Certiorari and Mandamus, arguing that the Regional Trial Court judge committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying its prayer for alias writ of possession. It insists that as the purchaser in a public sale of foreclosed property, it is entitled to possession. It reiterates that a writ was previously issued, and this case is not an exception to the general rule.<sup>31</sup>

In its July 12, 2016 Decision,<sup>32</sup> the Court of Appeals denied Land Bank's Petition and affirmed the Regional Trial Court's denial of the issuance of alias writ of possession. It held that the trial court's ruling was in accord with the law, considering that Basilan et al. held the properties by adverse title. It affirmed the trial court's finding that tenancy was a valid third-party claim that deferred the implementation of the writ of possession.<sup>33</sup>

The dispositive portion of the Court of Appeals Decision reads:

**WHEREFORE**, the petition is DENIED. The RTC Resolution dated November 7, 2013 and Order dated June 24, 2014, both in SCA No. 35-0245, are AFFIRMED.

**SO ORDERED.**<sup>34</sup> (Emphasis in the original)

In its January 16, 2017 Resolution,<sup>35</sup> the Court of Appeals denied Land Bank's motion for reconsideration.

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thereof given, and the time for redemption has expired, the last redemptioner is entitled to the conveyance and possession; but in all cases the judgment obligor shall have the entire period of one (1) year from the date of the registration of the sale to redeem the property. The deed shall be executed by the officer making the sale or by his successor in office, and in the latter case shall have the same validity as though the officer making the sale had continued in office and executed it.

Upon the expiration of the right of redemption, the purchaser or redemptioner shall be substituted to and acquire all the rights, title, interest and claim of the judgment obligor to the property as of the time of the levy. The possession of the property shall be given to the purchaser or last redemptioner by the same officer unless a third party adversely to the judgment obligor.

<sup>29</sup> Id. at 77-78.

<sup>30</sup> Id. at 48.

<sup>31</sup> Id. at 27.

<sup>32</sup> Id. at 45-52.

<sup>33</sup> Id. at 13-14. P

<sup>34</sup> Id. at 14.

<sup>35</sup> Id. at 17-18.

Land Bank then filed before this Court a Motion for Extension of Time to File Petition for Review on Certiorari,<sup>36</sup> which was granted in this Court's February 22, 2017 Resolution.<sup>37</sup> Later, it filed this Petition.<sup>38</sup>

On June 28, 2017, this Court directed Basilan et al. to comment on the Petition within 10 days from notice.<sup>39</sup>

Basilan et al. then filed their Comment,<sup>40</sup> which was noted in this Court's November 22, 2017 Resolution.<sup>41</sup>

Land Bank later filed its Reply.<sup>42</sup>

Petitioner claims that the institution of the case in the Department of Agrarian Reform Adjudication Board was a mere afterthought devised to circumvent the enforcement of the writ of possession. It maintains that respondents are caretakers of the disputed property, not tenants who have an adverse title or right over the parcel of land. It contends that there was no valid third-party claim here which warranted the suspension of the writ that the Regional Trial Court had issued.<sup>43</sup>

Respondents counter that as agricultural tenants of the disputed property, they have a valid third-party claim on it. They reiterate that they were not impleaded in the civil case before the Regional Trial Court, and thus, they were not bound by its decision.<sup>44</sup>

For this Court's resolution is the issue of whether or not the Court of Appeals erred in affirming the denial of petitioner Land Bank of the Philippines' Motion for Issuance of an Alias Writ of Possession, considering that respondents are not real agricultural tenants of the disputed property. Subsumed in this is whether agricultural tenancy over a property constitutes a third-party claim that bars the ex parte issuance of a writ of possession.

In a petition for review on certiorari under Rule 45, questions of fact cannot be raised.<sup>45</sup> Findings of the Court of Appeals are generally not

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<sup>36</sup> Id. at 3-6.

<sup>37</sup> Id. at 20-21.

<sup>38</sup> Id. at 22-49.

<sup>39</sup> Id. at 351.

<sup>40</sup> Id. at 352-356.

<sup>41</sup> Id. at 418-419.

<sup>42</sup> Id. at 420-427.

<sup>43</sup> Id. at 33-35.

<sup>44</sup> Id. at 354-355.

<sup>45</sup> RULES OF COURT, rule 45, sec.1 provides:

SECTION 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by certiorari from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Regional Trial Court or other courts, whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law,

disturbed by this Court, unless it “gravely abused its discretion in its appreciation of the evidence presented by the parties and in its factual findings to warrant a review of factual issues by this court.”<sup>46</sup> We do not find this here.

In insisting that respondents are not agricultural tenants of the disputed property, petitioner raises a substantial factual issue that is not the province of this Court in a Rule 45 petition. Although jurisprudence provides exceptions, parties must first allege, substantiate, and prove that their case comes under any of them.<sup>47</sup> Petitioner failed to do so. For this reason alone, this Petition must have been denied outright.

In any case, this Court scrutinized the records and found no cogent reason to reverse the ruling of the Court of Appeals.

What is disputed here is the 21,000-square meter property under Transfer Certificate of T-329010. The agricultural tenancy of respondents Mary Basilan and Efren Basilan over the parcel of land had been acknowledged by Artemio Perez, son of the former registered owner, and the Municipal Agrarian Reform Office, as affirmed by the Department of Agrarian Reform Adjudication Board Provincial Adjudicator.

Rule 39, Section 33 of the Rules of Court provides:

SECTION 33. *Deed and possession to be given at expiration of redemption period; by whom executed or given. — If no redemption be made within one (1) year from the date of the registration of the certificate of sale, the purchaser is entitled to a conveyance and possession of the property; or, if so redeemed whenever sixty (60) days have elapsed and no other redemption has been made, and notice thereof given, and the time for redemption has expired, the last redemptioner is entitled to the conveyance and possession; but in all cases the judgment obligor shall have the entire period of one (1) year from the date of the registration of the sale to redeem the property. The deed shall be executed by the officer making the sale or by his successor in office, and in the latter case shall have the same validity as though the officer making the sale had continued in office and executed it.*

Upon the expiration of the right of redemption, the purchaser or redemptioner shall be substituted to and acquire all the rights, title, interest and claim of the judgment obligor to the property as of the time of the levy. The possession of the property shall be given to the purchaser or last redemptioner by the same officer *unless a third party is actually holding the property adversely to the judgment obligor.* (Emphasis supplied)

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which must be distinctly set forth. The petitioner may seek the same provisional remedies by verified motion filed in the same action or proceeding at any time during its pendency.

<sup>46</sup> *Pascual v. Burgos*, 776 Phil. 169, 185 (2016) [Per J. Leonen, Second Division].

<sup>47</sup> *Id.* at 185.

Generally, the purchaser in a public sale of a foreclosed property is entitled to its possession.<sup>48</sup> Upon an ex parte petition of the purchaser, it is the trial court judge's ministerial duty to issue the writ of possession.<sup>49</sup> However, possession shall not be turned over when "a third-party is actually holding the property adversely to the judgment obligor."<sup>50</sup> Thus, "[w]here a parcel levied upon on execution is occupied by a party other than a judgment debtor, the procedure is for the court to order a hearing to determine the nature of said adverse possession."<sup>51</sup>

In *China Banking Corp. v. Spouses Lozada*,<sup>52</sup> which both parties cited, this Court dealt with a similar issue and discussed the rules:

The purchaser, therefore, in the public auction sale of a foreclosed property is entitled to a writ of possession; and upon an ex parte petition of the purchaser, it is ministerial upon the RTC to issue such writ of possession in favor of the purchaser. However, while this is the general rule, as in all general rules, there is an exception. The exception and its basis were summarized by the Court in *Roxas v. Buan*, thus:

In the extrajudicial foreclosure of real estate mortgages, possession of the property may be awarded to the purchaser at the foreclosure sale during the pendency of the period of redemption under the terms provided in Sec. 6 of Act 3135, as amended (An Act to Regulate the Sale of Property Under Special Powers Inserted In or Annexed to Real Estate Mortgages), or after the lapse of the redemption period, without need of a separate and independent action. This is founded on his right of ownership over the property which he purchased at the auction sale and his consequent right to be placed in possession thereof.

This rule is, however, not without exception. Under Sec. 35, Rule 39 of the Revised Rules of Court, which was made applicable to the extrajudicial foreclosure of real estate mortgages by Sec. 6 Act No. 3135, the possession of the mortgaged property may be awarded to a purchaser in extrajudicial foreclosures "unless a third party is actually holding the property adversely to the judgment debtor" [.]

....

Where a parcel levied upon on execution is occupied by a party other than a judgment debtor, the procedure is for the court to order a hearing to determine the nature of said adverse possession. Similarly, in an extrajudicial foreclosure of real property, when the foreclosed property is in the possession of a third party holding the same adversely to the defaulting debtor/mortgagor, the issuance by the RTC of a writ of

<sup>48</sup> Act No. 3135, sec. 7.

<sup>49</sup> *Gotesco Properties, Inc. v. Solidbank Corp.*, 814 Phil. 776, 805 (2017) [Per J. Leonen, Second Division] citing *Spouses Edralin v. Philippine Veterans Bank*, 660 Phil. 368, 381 (2011) [Per J. Del Castillo, First Division].

<sup>50</sup> RULES OF COURT, rule 39, sec. 33.

<sup>51</sup> *Saavedra v. Siari Valley Estates, Inc.*, 106 Phil. 432, 436 (1959) [Per J. Montemayor, En Banc].

<sup>52</sup> 579 Phil. 454 (2008) [Per J. Chico-Nazario, Third Division].



possession in favor of the purchaser of the said real property ceases to be ministerial and may no longer be done ex parte. For the exception to apply, however, the property need not only be possessed by a third party, but also held by the third party adversely to the debtor/mortgagor.<sup>53</sup> (Citations omitted)

In *China Banking*, respondents derived their claim from a Contract to Sell and stepped into the shoes of their predecessor-in-interest. The Regional Trial Court issued the writ of possession ex parte. When it found on appeal that respondents-third party possessed the foreclosed property, the Court of Appeals set aside the order directing the issuance of writ of possession. Upon review of the case, this Court reversed the Court of Appeals' ruling, and held that respondents' possession was not the adverse possession contemplated by the exception in Rule 39, Section 33 of the Rules of Court. The general rule that the purchaser in a public sale of a foreclosed property is entitled to its possession governed, and the petitioner prevailed.

Here, indeed, the Regional Trial Court had previously issued a writ of possession over the disputed property in petitioner's favor. However, when petitioner applied for the writ on June 6, 2006, the trial court was unaware that a third-party claimant held the subject lot adversely to the petitioner. It later found that as early as June 21, 2005, the Municipal Agrarian Reform Office had certified that respondents were qualified farmer-beneficiaries of the property.<sup>54</sup> Respondents also claimed that they have been cultivating the lands since 1995.<sup>55</sup> It then denied petitioner's prayer to issue an alias writ of possession.

We agree with the Court of Appeals in affirming the Regional Trial Court's finding that agricultural tenancy is a valid third-party claim that warranted the suspension of the implementation of the writ of possession previously issued. This adverse holding of a property in its own right, like an agricultural tenant's possession, is independent and distinct from the landowner's possession. As this Court explained:

The exception provided under Section 33 of Rule 39 of the Revised Rules of Court contemplates a situation in which a third party holds the property by adverse title or right, such as that of a co-owner, tenant or usufructuary. *The co-owner, agricultural tenant, and usufructuary possess the property in their own right, and they are not merely the successor or transferee of the right of possession of another co-owner or the owner of the property.*<sup>56</sup> (Emphasis supplied and citations omitted)

<sup>53</sup> Id. at 473-475.

<sup>54</sup> *Rollo*, p. 119.

<sup>55</sup> Id. at 112-114.

<sup>56</sup> *China Banking Corp. v. Spouses Lozada*, 579 Phil. 454, 478-479 (2008) [Per J. Chico-Nazario, Third Division].

*St. Dominic Corp. v. The Intermediate Appellate Court*<sup>57</sup> explained why a writ of possession cannot be issued in cases where there is a third party actually holding the property adversely to the judgment obligor, as contemplated by the exception in Rule 39, Section 33:

Indeed, the rules contemplate a situation where a third party holds the property by adverse title or right such as a coowner, tenant or usufructuary. *In such cases, a grant of a writ of possession, would be denial of such third person's rights without giving them their day in court. Especially, where question of title is involved, the matter would well be threshed out in a separate action and not in a motion for a writ of possession.* . . .<sup>58</sup> (Emphasis supplied)

Petitioner insists that respondents are not tenants but are caretakers of the land. It consistently assailed this factual finding before the Regional Trial Court, the Court of Appeals, and before this Court.

Jurisdiction over the administrative implementation of agrarian laws exclusively belongs to the Department of Agrarian Reform.<sup>59</sup> The Municipal Agrarian Reform Office's certification was adopted by the Department of Agrarian Reform Adjudication Board Provincial Adjudicator in finding respondents' agricultural tenancy over the subject parcel of land. The Regional Trial Court respected this finding, and the Court of Appeals later affirmed it. Findings of administrative agencies are generally accorded respect and finality, and these specialized agencies are presumed to have the expertise on matters over which they have jurisdiction.<sup>60</sup>

We likewise do not find any cogent reason to disturb the administrative agencies' findings. After scrutinizing the records, this Court has found no proof of petitioner's allegation as it merely imputed respondents' supposed circumvention of the law. The courts below ruled the same way on this matter, but petitioner's allegations remain unsubstantiated at this stage.

This Court affirms the Court of Appeals' ruling:

We sustain the acts of the RTC for being in accord with law and jurisprudence. It is also of no moment that the DARAB decision is subject of a motion for reconsideration. It does not change the fact that private respondents are holding the property covered by TCT No. T-329010 by adverse title or right, making Section 33, Rule 39 of the Rules of Court fully applicable.

We thus see no abuse, much less grave abuse of discretion, on the

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<sup>57</sup> 235 Phil. 582 (1987) [Per J. Gutierrez, Jr., Second Division].

<sup>58</sup> Id. at 596

<sup>59</sup> *Secretary of Agrarian Reform v. Heirs of Abucay*, G.R. Nos. 186432 and 186964, March 12, 2019 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65171>> [Per J. Leonen, En Banc].

<sup>60</sup> *Espiritu v. Del Rosario*, 745 Phil. 566, 588 (2014) [Per J. Leonen, Second Division].

part of the RTC in denying petitioner's motion for the issuance of an alias writ of possession. Grave abuse of discretion implies such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, or, in other words where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law. Such arbitrariness or despotism does not obtain in this case.<sup>61</sup>

The Constitution mandates the just distribution of agricultural lands.<sup>62</sup> Agrarian reform is a crucial national issue. We must collectively advocate to uplift the living conditions of the peasantry, among whom poverty incidence remains high. The Comprehensive Agrarian Reform Law, which implements the government's Comprehensive Agrarian Reform Program, reiterates that it is state policy to accord the welfare of the landless farmers and farmworkers the highest consideration.<sup>63</sup> It aims to distribute lands to them, and this mechanism should not be unduly impeded through cases designed to eject landless farmers and farmworkers from the lands that they till.

**WHEREFORE**, the Petition for Review on Certiorari is **DENIED** for lack of merit. The Court of Appeals' July 12, 2016 Decision and January 16, 2017 Resolution in CA-G.R. SP No. 137010 are **AFFIRMED**.

**SO ORDERED.**

  
**MARVIC M.V.F. LEONEN**  
 Associate Justice

<sup>61</sup> *Rollo*, p. 14.

<sup>62</sup> CONST., art. XIII, sec. 4 provides:

SECTION 4. The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

<sup>63</sup> Republic Act No. 6657 (1988), sec. 2 provides:

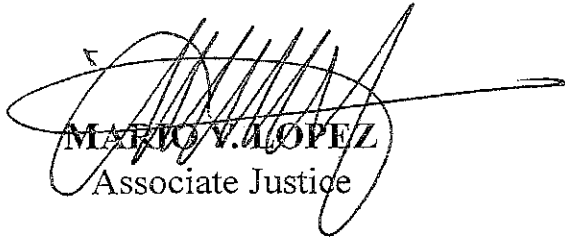
SECTION 2. *Declaration of Principles and Policies.* — It is the policy of the State to pursue a Comprehensive Agrarian Reform Program (CARP). The welfare of the landless farmers and farmworkers will receive the highest consideration to promote social justice and to move the nation toward sound rural development and industrialization, and the establishment of owner cultivatorship of economic-size farms as the basis of Philippine agriculture.

To this end, a more equitable distribution and ownership of land, with due regard to the rights of landowners to just compensation and to the ecological needs of the nation, shall be undertaken to provide farmers and farmworkers with the opportunity to enhance their dignity and improve the quality of their lives through greater productivity of agricultural lands.

The agrarian reform program is founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farm workers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to the priorities and retention limits set forth in this Act, having taken into account ecological, developmental, and equity considerations, and subject to the payment of just compensation. The State shall respect the right of small landowners, and shall provide incentives for voluntary land-sharing.

WE CONCUR:

On official leave  
**AMY C. LAZARO-JAVIER**  
Associate Justice


  
**MARIO V. LOPEZ**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

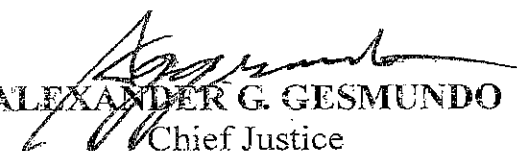
**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARVIC M.V.F. LEONEN**  
Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice