



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

MERLITA JANELO RAMOS,

Petitioner,

G.R. No. 232755

- versus -

Present:

CAGUIOA, J.,**

INTING,*** *Acting Chairperson,*

GAERLAN,

DIMAAMPAO, and

SINGH, JJ.

EMELITA JANELO SOL,*

Respondent.

Promulgated:

October 12, 2022

Mis-DC Batt

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DECISION

INTING, J.:

Assailed in this Petition¹ for review on *certiorari* (Petition) is the Decision² dated November 29, 2016 and the Resolution³ dated June 23, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 05935 which

* In the Court's Resolution dated September 19, 2022, Marietta Janeo Quiros and Reynaldo Janeo were dropped as party respondents on the ground of misjoinder of parties, pursuant to Section 11, Rule 3, of the Rules of Court.

** On official leave.

*** Per Special Order No. 2918-REVISED dated October 12, 2022.

¹ *Rollo*, pp. 14-28.

² Id. at 60-74. Penned by Associate Justice Pablito A. Perez and concurred in by Associate Justices Pamela Ann Abella Maxino, and Gabriel T. Robeniol.

³ Id. at 34-40.

reversed the Decision⁴ dated March 24, 2010 and the Resolution⁵ dated March 31, 2011 of the Office of the President (OP) in OP Case No. 08-E-190.

Antecedents

Deogracias Janeo (Deogracias) was declared a farmer-beneficiary of a 2.5-hectare land situated in San Vicente, Leganes, Iloilo and was issued Certificate of Land Transfer (CLT) No. 077984. He died on May 15, 1976,⁶ leaving as heirs his nine children, namely: Ladeslao Janeo⁷ (Ladeslao), Marietta J. Quiros⁸ (Marietta), Merlita Janeo Ramos (petitioner Merlita), Mercedita J. Ramos⁹ (Mercedita), Reynaldo Janeo (Reynaldo), Ricardo Janeo (Ricardo), Melita J. Jagunap (Melita), Emelita Janeo Sol (respondent Emelita), and Marjorita J. Baltazar¹⁰ (Marjorita).¹¹

After Deogracias' death, respondent Emelita was left with the cultivation of the land and assumed the duties and responsibilities of her father. She then filed before the Department of Agrarian Reform Regional Office (DARRO), Region VI, Iloilo City, an application for confirmation and designation as Deogracias' successor, the cancellation of CLT No. 077984, and the issuance of a new CLT in her favor.¹²

In an Investigation Report dated January 8, 1987, David Grande, Agrarian Reform Technologist of Leganes, Iloilo, brought respondent Emelita's application to the attention of the San Vicente *Samahang Nayon*. The *Samahang Nayon* issued Resolution No. 6, Series of 1986, recommending respondent Emelita, petitioner Merlita, and Marjorita as priority successors of Deogracias.¹³

⁴ Id. at 138-144. Signed by Deputy Executive Secretary for Legal Affairs Natividad G. Dizon.

⁵ Id. at 152-153. Signed by Executive Secretary Paquito N. Ochoa, Jr.

⁶ Id. at 61.

⁷ Referred to as "Ladislao" in some parts of the *rollo* (see id. at 123, 162, 243, 247-248, 252, 254).

⁸ Referred to as "Marieta Janeo Quiros" and "Marietta Janeo Sol" in some parts of the *rollo*.

⁹ Referred to as "Mercedita" in some parts of the *rollo*.

¹⁰ Referred to as "Marjorita J. Baltasar" in some parts of the *rollo*.

¹¹ Id. at 234.

¹² Id. at 62.

¹³ The Team Leader of the investigation made the following observation: "That out of the nine (9) surviving heirs, the three priority [*sic*] were recommended by San Vicente Samahang Nayon namely, Emelita J. Sol, Merlita J. Ramos, and Marjorita J. Baltasar as number one[,] two[,] and three[,] respectively, The number two and three recommendees waived their rights, interest and participation in the said parcel of land covered by CLT No. 077984 in favor of Emelita J. Sol per

In an Order¹⁴ dated June 10, 1987, the Regional Director confirmed the selection of respondent Emelita, and thus, designated her as the sole owner-cultivator of the subject land. The same Order also canceled the CLT previously issued to Deogracias and issued a new one in respondent Emelita's favor.¹⁵

Ricardo filed a motion for reconsideration assailing respondent Emelita's designation as the successor of their father.¹⁶

DAR Secretary's Ruling

In an Order¹⁷ dated July 11, 1988, Department of Agrarian Reform (DAR) Secretary Philip Ella Juico (DAR Secretary Juico) denied Ricardo's motion for reconsideration and directed the issuance of a new CLT in respondent Emelita's name.¹⁸ He found that majority of the heirs—namely: Marietta, petitioner Merlita, Mercedita, Melita, and Marjorita—had waived their rights and interests over the subject land in favor of respondent Emelita as evidenced by a Waiver of Rights dated November 26, 1986.¹⁹ Respondent Emelita was directed to compensate the other heirs to the extent of their respective legal interest in the subject land, subject to the payment of Deogracias' outstanding obligations.²⁰

Respondent Emelita's siblings: petitioner Merlita, Ladeslao, Reynaldo, and Melita, filed a motion for reconsideration/reinvestigation of the Order dated July 11, 1988 alleging that fraud attended the execution of the alleged Waiver of Rights in favor of respondent Emelita.²¹

waiver of right executed last November 26, 1986, by the majority of the heirs and hereby concurs with the recommendation." As culled from the DAR Order dated July 11, 1988. Id. at 235.

¹⁴ Id. at 232-233.

¹⁵ Id. at 233.

¹⁶ See id. at 235.

¹⁷ Id. at 234-237.

¹⁸ Id. at 237.

¹⁹ Id. at 236.

²⁰ Id. at 236-237.

²¹ See id. at 64.

In the meantime, Emancipation Patent (EP) No. A-119356 was issued in favor of respondent Emelita, and pursuant thereto, Transfer Certificate of Title (TCT) No. EP-5840 was issued in her name by the Registry of Deeds of Iloilo.²²

In an Order²³ dated April 3, 1989, DAR Secretary Juico set aside his Order dated July 11, 1988 and directed the remand of the entire records of the case to the Regional Director, DARRO VI, Iloilo City, for further investigation.

In an Order²⁴ dated May 31, 1996, the Regional Director directed the issuance of an EP in favor of petitioner Merlita as the sole heir-cultivator of the subject land. He found that there was no unanimous waiver made by the heirs of Deogracias in favor of respondent Emelita.²⁵ In view of the absence of a validly executed unanimous waiver of rights, the Regional Director declared that the order of priority of the heir-successor should be determined based on their age pursuant to paragraph 2(b) of Memorandum Circular No. 19, Series of 1978²⁶ (MC 19, s. 1978); hence, the order of priority would be the eldest, Ladislao,

²² Id. at 238-240.

²³ Id. at 241-242.

²⁴ Id. at 243-248. Signed by Regional Director Elmo A. Bañares.

²⁵ Id. at 246.

²⁶ Entitled "Rules and Regulations in case of the Death of a Tenant-Beneficiary," provides:

1. Succession to the farmholding covered by the Operation Land Transfer shall be governed by the pertinent provisions of the New Civil Code of the Philippines subject to the following limitations:
 - x x x x
 - b. The ownership and cultivation of the farmholding shall ultimately be consolidated in one heir who possesses the following qualifications:
 - (1) being a full-fledged member of a duly recognized farmers' cooperative;
 - (2) capable of personally cultivating the farmholding; and
 - (3) willing to assume the obligations and responsibilities of a tenant-beneficiary.
 - c. Such owner-cultivator shall compensate the other heirs to the extent of their respective legal interest in the land, subject to the payment of whatever outstanding obligations of the deceased tenant beneficiary.
2. For the purpose of determining who among the heirs shall be the sole owner-cultivator, the following rules shall apply:
 - x x x x
 - b. Where there are several heirs, and in the absence of extra-judicial settlement or waiver of rights in favor of one heir who shall be the sole owner and cultivator, the heirs shall within one month from the death of the tenant-beneficiary be free to choose from among themselves one who shall have sole ownership and cultivation of the land, subject to Paragraph 1 (b) and (c) hereof: Provided, however, That the surviving spouse shall be given first preference; otherwise, in the absence or due to the permanent incapacity of the surviving spouse, priority shall be determined among the heirs according to age.
 - c. In case of disagreement or failure of the heirs to determine who shall be the owner-cultivator within the period prescribed herein, the priority rule under the proviso of Paragraph 2(b) hereof shall apply. (Underscoring omitted.)

followed by Marietta and petitioner Merlita.²⁷ Considering that Ladeslao was already cultivating 3 hectares under leasehold tenancy and Marietta was already a CLT beneficiary, the Regional Director designated petitioner Merlita, who had not cultivated any landholding²⁸ and was chosen by majority of the heirs to be the successor of the subject land.²⁹

Respondent Emelita, Marietta, and Reynaldo, filed a motion for reconsideration which the Regional Director denied in an Order³⁰ dated December 4, 1996. They filed their appeal before the DAR Secretary, but the latter denied it in his Order³¹ dated December 10, 1997; it found that the right to succeed was clearly established in favor of petitioner Merlita. The DAR Secretary denied their motion for reconsideration in a Resolution³² dated April 14, 2008.

Subsequently, respondent Emelita, Marietta, and Reynaldo filed a Petition for Review³³ before the OP.

OP's Ruling

In a Decision³⁴ dated March 24, 2010, the OP denied their Petition for Review. It found that the determination of the validity of the Waiver of Rights allegedly executed by the heirs in favor of respondent Emelita, while admittedly a legal issue, was within the competence of the DAR.³⁵ Thus, it ruled that necessarily, the issue on the validity of such Waiver of Rights should be resolved first before the issue as to who among the heirs of Deogracias should be declared the rightful successor to the subject land.³⁶

²⁷ Id. at 246-247.

²⁸ Id. at 247.

²⁹ Id.

³⁰ Id. at 250-258. Signed by Regional Director Elmo A. Bañares.

³¹ Id. at 221-227. Signed by Secretary Ernesto D. Garilao.

³² Id. at 229-230. Signed by Secretary Nasser C. Pangandaman.

³³ Id. at 204-220.

³⁴ Id. at 138-144.

³⁵ Id. at 142, citing *Department of Agrarian Reform v. Cuenca*, 482 Phil. 208, 211 (2004), which ruled that: "All controversies on the implementation of the Comprehensive Agrarian Reform Program (CARP) fall under the jurisdiction of the Department of Agrarian Reform (DAR), even though they raise questions that are also legal or constitutional in nature. All doubts should be resolved in favor of the DAR since the law has granted it special and original authority to hear and adjudicate agrarian matters."

³⁶ Id.

The OP also ruled that the Waiver of Rights in favor of respondent Emelita did not reflect the true will and choice of the heirs as it was attended with fraud. It noted that both petitioner Merlita and Melita negated their signatures in the alleged document; that Ladeslao, Reynaldo, and Ricardo did not sign the Waiver of Rights; and that the Waiver of Rights in favor of petitioner Merlita was attested to by the majority of the heirs.³⁷

The OP further ruled that even on the assumption that the heirs were not able to agree as to who shall be the successor, petitioner Merlita would still be preferred to succeed by reason of age as the eldest among the siblings, who had not cultivated any landholding. The OP noted that the two siblings older than petitioner Merlita already have their respective landholdings and that she is older than respondent Emelita.³⁸

Respondent Emelita, Marietta, and Reynaldo, filed their Motion for Reconsideration,³⁹ but the OP denied it in a Resolution⁴⁰ dated March 31, 2011.

Not satisfied, respondent Emelita filed a Petition for Review⁴¹ under Rule 43 of the Rules of Court assailing the OP's Decision and Resolution with the CA.⁴²

³⁷ Id. at 144.

³⁸ Id.

³⁹ Id. at 145-150.

⁴⁰ Id. at 152-153.

⁴¹ Id. at 120-134.

⁴² See id. at 127. The grounds for the petition for review were:

1. THE HONORABLE OFFICE OF THE PRESIDENT ERRED IN AFFIRMING THE FINDING OF THE HONORABLE SECRETARY AND REGIONAL DIRECTOR OF THE DAR THAT RESPONDENT MERLITA J. RAMOS HAS A BETTER RIGHT TO SUCCEED TO THE AGRICULTURAL LANDHOLDING OF THE LATE DEOGRACIAS JANEAO.
2. THE OFFICE OF THE PRESIDENT ERRED IN AFFIRMING THE ORDER OF THE HONORABLE REGIONAL DIRECTOR, DAR REGION VI, ILOILO CITY, THAT THE WAIVER OF RIGHTS IN FAVOR OF PETITIONER EMELITA JANEAO-SOL HAS BEEN FRAUDULENTLY EXECUTED.
3. THE OFFICE OF THE PRESIDENT ALSO ERRED IN APPLYING THE PROVISIONS OF MEMORANDUM CIRCULAR NO. 19, SERIES OF 1978, WITHOUT TAKING INTO ACCOUNT THE DEED OF WAIVER OF RIGHTS IN FAVOR OF PETITIONER EMELITA JANEAO SOL.

CA's Ruling

In the Decision⁴³ dated November 29, 2016, the CA ruled in favor of respondent Emelita. The dispositive portion reads:

WHEREFORE, the petition is GRANTED. The *Resolutions* dated March 24, 2010, and March 31, 2011, of the Office of the President, in O.P. Case No. 08-E-190, as well as the *Order* dated December 10, 1997, and *Resolution* dated April 14, 2008, of the Department of Agrarian Reform in Adm. Case No. 02-17-88-88-134 [*sic*], are hereby REVERSED and SET ASIDE. No emancipation patent shall be issued in the name of Merlita Janeo Ramos. TCT No. EP-5840 in the name of Emelita Janeo Sol remains valid.⁴⁴

The CA ruled that the DAR Secretary has no authority to order the issuance of a new EP in favor of petitioner Merlita over the same property covered by EP No. A-119356 and TCT No. EP-5840 issued in favor of respondent Emelita.⁴⁵ It held that the registration of an EP and the issuance of the corresponding TCT by the Registry of Deeds in respondent Emelita's favor divested the DAR Secretary of administrative authority to summarily cancel that EP.⁴⁶ According to the CA, it is only when an EP or a CLT is not yet registered with the Land Registration Authority (LRA), or now the Register of Deeds, that the DAR Secretary retains authority to cancel them in the exercise of his administrative functions.⁴⁷

The CA held that it is the Department of Agrarian Reform Adjudication Board (DARAB) that has exclusive original jurisdiction in cases involving the issuance, correction, and cancellation of EPs that are registered with the LRA. It noted that the cancellation of EPs requires the exercise by the DAR of its quasi-judicial power through its adjudicating arm, the DARAB.⁴⁸

⁴³ Id. at 60-74.

⁴⁴ Id. at 72-73.

⁴⁵ Id. at 71.

⁴⁶ Id. at 66.

⁴⁷ Id.

⁴⁸ Id.

The CA also held that the assailed Resolutions of the DAR Secretary ordering the issuance of an EP in favor of petitioner Merlita, which will thereby result in the cancellation of EP No. A-119356 and TCT No. EP-5840 in the name of respondent Emelita, is void for want of jurisdiction. It added that the assailed rulings cannot be the source of any right nor the creator of any obligation and can never become final, and that any writ of execution based on it is void.⁴⁹

The CA further held that respondent Emelita's title cannot be the subject of a collateral attack. It noted that the outright effect of issuing a patent in petitioner Merlita's favor was the cancellation of respondent Emelita's EP, which is an indirect attack on her registered TCT.⁵⁰

Petitioner Merlita filed her Motion for Reconsideration,⁵¹ but the CA denied it in a Resolution⁵² dated June 23, 2017.

Present Petition

Petitioner Merlita is now before the Court alleging that the CA committed a grave and reversible error:

x x x IN HOLDING THAT THE SECRETARY OF THE DEPARTMENT OF AGRARIAN REFORM HAS NO JURISDICTION OVER THE CASE.

x x x IN HOLDING THAT THE SECRETARY OF THE DEPARTMENT OF AGRARIAN REFORM HAS NO JURISDICTION OVER THE CASE IN RESOLVING THE ISSUE INVOLVING THE VALIDITY OF THE WAIVER.

x x x IN HOLDING THAT THE SECRETARY OF THE DEPARTMENT OF AGRARIAN REFORM HAS NO JURISDICTION TO EXERCISE CONTINUING JURISDICTION IN THE CASE AT BAR.

x x x IN HOLDING THAT MEMORANDUM CIRCULAR NO. 19, SERIES OF 1978 IS NOT APPLICABLE IN THE CASE AT BAR.⁵³

⁴⁹ Id. at 71.

⁵⁰ Id. at 72.

⁵¹ Id. at 45-51.

⁵² Id. at 34-40.

⁵³ Id. at 19-20.

Petitioner Merlita argues that the DARAB Rules of Procedure took effect only on December 26, 1988,⁵⁴ and thus, not applicable to the instant case which started on August 17, 1988 when she and her siblings filed a motion for reconsideration/reinvestigation of the Order of the DAR Regional Director designating respondent Emelita as their late father's substitute farmer-beneficiary. She further argues that at the time of the filing of their motion for reconsideration/reinvestigation, the only prevailing law is Republic Act No. (RA) 6657 or the Comprehensive Agrarian Reform Law (CARL), which took effect on June 10, 1988.⁵⁵ Citing Section 50 of the CARL, petitioner contends that it is the DAR, not the DARAB, that has jurisdiction over the case.⁵⁶

Petitioner Merlita further argues that the determination by the DAR regarding the validity of the Waiver of Rights in favor of respondent Emelita and the determination of the rightful successor to the subject land originally awarded to Deogracias are within the competence of the DAR; and that it has jurisdiction to exercise continuing jurisdiction on the case as provided under Section 1, Rule XVII⁵⁷ of the DARAB Revised Rules of Procedure which took effect on December 26, 1988.⁵⁸

Finally, petitioner Merlita insists that she is entitled to the subject land awarded to their father under MC 19, s. 1978.⁵⁹

Respondent's Comment

In her Comment,⁶⁰ respondent Emelita argues that the CA's Decision dated November 29, 2016 was simply anchored on the rule that a certificate of title shall not be subject to a collateral attack; thus, it

⁵⁴ The 1989 DARAB Rules of Procedure took effect on February 6, 1989.

⁵⁵ CARL was approved on June 10, 1988, but took effect on June 15, 1988.

⁵⁶ *Rollo*, pp. 20-21.

⁵⁷ SECTION 1. *Transitory Provisions*. — x x x

x x x x

Cases pending in the Office of the Secretary of Agrarian Reform before the effectivity of these Rules may be decided and finally disposed of thereat in accordance with the principle of continuing jurisdiction. The Secretary, however, may, in his discretion sort out said cases and refer the justiciable and adversarial ones to the Adjudication Board for Section 1, Rule II hereof.

⁵⁸ *Rollo*, pp. 22-23.

⁵⁹ *Id.* at 25.

⁶⁰ *Id.* at 277-282.

cannot be altered, modified, or canceled, except in a direct proceeding in accordance with law.⁶¹ She also contends that the CA correctly ruled that the matter brought before the DAR Secretary does not directly seek to annul her title but only her qualification to succeed as an allocatee to her deceased father's landholding.⁶² She further contends that the Regional Director and the DAR Secretary have no jurisdiction to rule on the validity of the title indirectly through the issuance of a new EP in favor of another person because it is a collateral attack on her title;⁶³ and that the DAR Secretary has no authority to order the issuance of an EP over an agricultural land already covered by a TCT as this authority exclusively belongs to the DARAB.⁶⁴

Petitioner's Reply

In her Reply,⁶⁵ petitioner Merlita asserts that there was no collateral attack on the title considering that at the time of the issuance of the new EP, the title issued was just an administrative title;⁶⁶ that the mere issuance of an EP did not put the ownership of an agrarian reform beneficiary beyond attack and scrutiny; and that EPs may be canceled for violation of agrarian laws, rules, and regulations.⁶⁷

Issues

The pivotal issues for resolution are: (1) whether the CA erred in finding that the DAR Secretary has no jurisdiction to order the issuance of a new EP in favor of petitioner Merlita, and (2) whether there is a collateral attack on respondent Emelita's TCT.

Our Ruling

The Court grants the Petition.

⁶¹ Id. at 278-279.

⁶² Id. at 279.

⁶³ Id. at 280.

⁶⁴ Id. at 281.

⁶⁵ Id. at 285-288.

⁶⁶ Id. at 285.

⁶⁷ Id. at 286.

The identification and selection of agrarian reform beneficiaries involve the administrative implementation of the Comprehensive Agrarian Reform Program, which is within the exclusive jurisdiction of the Department of Agrarian Reform.

Executive Order No. (EO) 229,⁶⁸ signed on July 22, 1987, vests on the DAR quasi-judicial powers to determine and adjudicate agrarian reform matters, and exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the DENR and the DA.⁶⁹

The DAR's jurisdiction is both executive and judicial. Its executive function pertains to the enforcement and administration of the laws, carrying them into practical operation and enforcing their due observance, while its judicial function involves the determination of the rights and obligations of the parties.⁷⁰

EO No. 129-A,⁷¹ issued on July 26, 1987, created the DARAB, which assumed the DAR's quasi-judicial powers and functions with respect to the adjudication of agrarian reform cases.⁷²

⁶⁸ Entitled "Providing the Mechanisms for the Implementation of the Comprehensive Agrarian Reform Program."

⁶⁹ SECTION 17. *Quasi-Judicial Powers of the DAR.* — The DAR is hereby vested with quasi-judicial powers to determine and adjudicate agrarian reform matters, and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the DENR and the Department of Agriculture (DA).

x x x x

⁷⁰ *Cabral v. Court of Appeals*, 413 Phil. 469, 484 (2001).

⁷¹ Entitled "Modifying Order No. 129 Reorganizing and Strengthening the Department of Agrarian Reform and for Other Purposes."

⁷² Section 13 of EO 129-A provides:

SECTION 13. *Agrarian Reform Adjudication Board.* — There is hereby created an Agrarian Reform Adjudication Board under the Office of the Secretary. The Board shall be composed of the Secretary as Chairman, two (2) Undersecretaries as may be designated by the Secretary, the Assistant Secretary for Legal Affairs, and three (3) others to be appointed by the President upon the recommendation of the Secretary as members. A Secretariat shall be constituted to support the Board. The Board shall assume the powers and functions with respect to the adjudication of agrarian reform cases under Executive Order No. 229 and this Executive Order. These powers and functions may be delegated to the regional offices of the Department in accordance with rules and regulations to be promulgated by the Board.

Thereafter, the CARL was enacted and took effect on June 15, 1988. Section 50 of the CARL provides:

SECTION 50. *Quasi-Judicial Powers of the DAR.* — The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

Notably, the DARAB was created prior to the enactment of the CARL. Thus, there is no merit to petitioner Merlita's claim that when she and her siblings filed their motion for reconsideration/reinvestigation with the DAR on August 17, 1988, DARAB was not yet in existence, as it was already so as early as 1987.

Nonetheless, the Court agrees with petitioner Merlita that the present controversy falls within the DAR Secretary's jurisdiction.

On December 26, 1988, the DARAB promulgated its Rules of Procedure which took effect on February 6, 1989 (1989 DARAB Rules). Section 1, Rule II of the 1989 DARAB Rules provides for the jurisdiction of the DARAB, the pertinent provision of which states:

SECTION 1. *Primary and Original and Appellate Jurisdiction.* — The Agrarian Reform Adjudication Board shall have primary jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive Order Nos. 229, 228 and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations.

Specifically, such jurisdiction shall include but not be limited to cases involving the following:

x x x x

f) Cases involving the issuance of Certificate of Land Transfer (CLT), Certificate of Land-ownership Award (CLOA), and Emancipation Patent (EP) and the administrative correction thereof;

x x x x

Provided, however, that matters involving strictly the administrative implementation of the CARP and agrarian laws and regulations, shall be the exclusive prerogative of and cognizable by the Secretary of the DAR. (Emphasis supplied)

On May 30, 1994, the DARAB issued the New Rules of Procedure which took effect on June 22, 1994 (1994 DARAB Rules). Section 1, Rule II of the 1994 DARAB Rules provides:

SECTION 1. *Primary and Exclusive Original and Appellate Jurisdiction.* The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, 229, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

x x x x

f) Those involving the issuance, correction, and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;

g) x x x

x x x x

Matters involving strictly the administrative implementation of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988, and other agrarian laws as enunciated by pertinent rules shall be the exclusive prerogative of and cognizable by the Secretary of the DAR. (Emphasis supplied)

Based on the foregoing DARAB Rules, the DARAB shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the CARP under the CARL, which includes the

issuance, correction, and cancellation of Certificates of Land Ownership Awards (CLOAs) and EPs registered with the LRA (now the Register of Deeds).

In *Sutton v. Lim*,⁷³ the Court elucidated on the jurisdiction of the DARAB under Section 1(f) of the 1994 DARAB Rules as follows:

While the DARAB may entertain petitions for cancellation of CLOAs, as in this case, its jurisdiction is, however, confined only to agrarian disputes. As explained in the case of *Heirs of Dela Cruz v. Heirs of Cruz* and reiterated in the recent case of *Bagongahasa v. Spouses Cesar Caguin*, for the DARAB to acquire jurisdiction, the controversy must relate to an agrarian dispute between the landowners and tenants in whose favor CLOAs have been issued by the DAR Secretary, to wit:

The Court agrees with the petitioners' contention that, under Section 2(f), Rule II of the DARAB Rules of Procedure, the DARAB has jurisdiction over cases involving the issuance, correction and cancellation of CLOAs which were registered with the LRA. However, for the DARAB to have jurisdiction in such cases, they must relate to an agrarian dispute between landowner and tenants to whom CLOAs have been issued by the DAR Secretary. The cases involving the issuance, correction and cancellation of the CLOAs by the DAR in the administrative implementation of agrarian reform laws, rules and regulations to parties who are not agricultural tenants or lessees are within the jurisdiction of the DAR and not the DARAB.

Thus, it is not sufficient that the controversy involves the cancellation of a CLOA already registered with the Land Registration Authority. What is of primordial consideration is the existence of an agrarian dispute between the parties.

As defined in Section 3(d) of R.A. No. 6657, an agrarian dispute relates to "any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship, or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements. It includes any controversy relating to compensation of lands acquired under the said Act and other terms

⁷³ 700 Phil. 67 (2012).

and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.”

Based on the above-cited provision, however, petitioner posits that an agrarian dispute can be dissected into purely tenurial (paragraph 1 of Section 3[d]) and non-tenurial arrangements (paragraph 2, Section 3[d]). This theory deserves no credence.

Verily, an agrarian dispute must be a controversy relating to a tenurial arrangement over lands devoted to agriculture. Tenurial arrangements pertain to agreements which set out the rights between a landowner and a tenant, lessee, farm worker or other agrarian reform beneficiary involving agricultural land. Traditionally, tenurial arrangements are in the form of tenancy or leasehold arrangements. However, other forms such as a joint production agreement to effect the implementation of CARP have been recognized as a valid tenurial arrangement.

Accordingly, paragraph 2 of Section 3(d), by its explicit reference to controversies between landowners and farmworkers, tenants and other agrarian reform beneficiaries with respect to the compensation of lands acquired under R.A. No. 6657 or other terms and conditions relating to the transfer of such lands, undoubtedly implies the existence of a tenurial arrangement. Also, the phrase “whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee” in paragraph 2 lists certain forms of tenurial arrangements consistent with the phrase “whether leasehold, tenancy or stewardship, or otherwise” stated in paragraph 1 of the same section.

Moreover, it is a rule in statutory construction that every part of the statute must be interpreted with reference to the context—particularly, that every part of the statute must be interpreted together with the other parts, and kept subservient to the general intent of the whole enactment. Therefore, in line with the purpose of recognizing the right of farmers, farmworkers and landowners under the agrarian reform program, both paragraphs 1 and 2 of Section 3(d) of R.A. No. 6657 should be understood within the context of tenurial arrangements, else the intent of the law be subverted.

To be sure, the tenurial, leasehold, or agrarian relations referred to may be established with the concurrence of the following: 1) the parties are the landowner and the tenant or agricultural lessee; 2) the subject matter of the relationship is an agricultural land; 3) there is consent between the parties to the relationship; 4) the purpose of the agricultural relationship is to bring about agricultural

production; 5) there is personal cultivation on the part of the tenant or agricultural lessee; and 6) the harvest is shared between the landowner and the tenant or agricultural lessee.

In this case, a punctilious examination reveals that petitioner's allegations are solely hinged on the erroneous grant by the DAR Secretary of CLOA No. 00122354 to private respondents on the grounds that she is the lawful owner and possessor of the subject lot and that it is exempt from the CARP coverage. In this regard, petitioner has not alleged any tenurial arrangement between the parties, negating the existence of any agrarian dispute and consequently, the jurisdiction of the DARAB. Indisputably, the controversy between the parties is not agrarian in nature and merely involves the administrative implementation of the agrarian reform program which is cognizable by the DAR Secretary. Section 1, Rule II of the 1994 DARAB Rules of Procedure clearly provides that "matters involving strictly the administrative implementation of R.A. No. 6657, and other agrarian reform laws and pertinent rules, shall be the exclusive prerogative of and cognizable by the DAR Secretary."⁷⁴ (Emphasis and citations omitted)

Evidently, in order for the DARAB to have jurisdiction over a case, *there must exist an agrarian dispute between the parties*. To recall, an "agrarian dispute" is defined under the CARL as follows:

SECTION 3. *Definitions*.— x x x

x x x x

d. Agrarian Dispute refers to *any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture*, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements.

It includes any controversy relating to compensation of lands acquired under this Act and other *terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries*, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee. (Emphasis supplied)

⁷⁴ Id. at 74-77, citing *Heirs of Julian dela Cruz v. Heirs of Alberto Cruz*, 512 Phil. 389, 404 (2005) and *Bagongahasa v. Romualdez*, 661 Phil. 686, 695-696 (2011).

It must be stressed that an agrarian dispute refers to any controversy relating to a tenurial arrangement—an agreement which sets out “the rights between a landowner and a tenant, lessee, farm worker or other agrarian reform beneficiary involving agricultural land.”⁷⁵

In the instant case, petitioner Merlita and respondent Emelita are the heirs of Deogracias, the deceased original farmer-beneficiary of the subject land. Evidently, the case is not an agrarian dispute as the suit had no relation whatsoever to a tenurial arrangement between a landowner and his or her tenant, lessee or farm worker.

In *Lercana v. Jalandoni*,⁷⁶ the Court held that “the identification and selection of CARP beneficiaries are matters involving strictly the administrative implementation of the CARP,” which is exclusively cognizable by the DAR Secretary and beyond the jurisdiction of the DARAB.⁷⁷ In the same vein, disputes between heirs of CARP beneficiaries as to who among them should be designated as the successor CARP beneficiary, such as the instant case, is exclusively cognizable by the DAR Secretary.

Here, the DAR Secretary affirmed the Regional Director’s Order invalidating the Waiver of Rights in favor of respondent Emelita, designating petitioner Merlita as the sole heir-cultivator of the subject land based on MC 19, s. 1978, and directing the issuance of an EP in petitioner Merlita’s favor.⁷⁸ The DAR Secretary’s action was done in the exercise of his administrative powers and pursuant to his duty to implement agrarian reform laws, rules, and regulations.

To stress, Section 1, Rule II of the 1994 DARAB Rules provides that matters involving strictly the administrative implementation of the CARL and other agrarian reform laws and pertinent rules shall be the exclusive prerogative of and cognizable by the DAR Secretary.⁷⁹ Therefore, the CA erred in finding that the DAR Secretary has no jurisdiction over the instant case.

⁷⁵ *Sutton v. Lim* supra note 72, at 75.

⁷⁶ 426 Phil. 319 (2002).

⁷⁷ Id. at 329-330. See also *Concha v. Rubio*, 631 Phil. 21, 40-41 (2010) and *Polo Plantation Agrarian Reform Multipurpose Cooperative v. Inson*, G.R. No. 189162, January 30, 2019.

⁷⁸ See the DAR Secretary’s Order dated December 10, 1997. *Rollo*, pp. 221-227.

⁷⁹ See *Heirs of Julian dela Cruz v. Heirs of Alberto Cruz*, 512 Phil. 389 (2005)

The assailed Resolutions of the DAR Secretary ordering the issuance of an EP in favor of petitioner Merlita do not amount to a collateral attack on TCT No. EP-5840 in the name of respondent Emelita.

The Court also finds that the CA erred in ruling that the Certificate of Title issued in respondent Emelita's name has become incontrovertible and indefeasible, and can no longer be altered, canceled or modified, or subjected to any collateral attack after the expiration of one year from the date of entry of the decree of registration, pursuant to Section 32 of Presidential Decree No. 1529.⁸⁰

Indeed, a certificate of title issued under an administrative proceeding is as indefeasible as a certificate of title issued under a judicial registration proceeding, and thus cannot be collaterally attacked.⁸¹ However, herein petitioner Merlita is questioning respondent Emelita's *title*—her qualification to succeed as allocatee to their deceased father's landholding in accordance with existing agrarian laws, rules, and regulations.⁸²

Apropos is the ruling of the Court in the case of *Hi-Lon Manufacturing, Inc. v. Commission on Audit*.⁸³

x x x In *Heirs of Clemente Ermac v. Heirs of Vicente Ermac*, the Court clarified the foregoing principle, *viz.*:

x x x While it is true that Section 32 of PD 1529 provides that the decree of registration becomes incontrovertible after a year, it does not altogether deprive an aggrieved party of a remedy in law. The acceptability of the Torrens System would be impaired, if it is utilized to perpetuate fraud against the real owners.

⁸⁰ Entitled "Amending and Codifying the Laws Relative to Registration of Property and for Other Purposes," approved on June 11, 1978.

⁸¹ *Heirs of Cayetano Cascayan v. Sps. Gumallaoi*, 812 Phil. 108, 127 (2017).

⁸² See *rollo*, p. 64.

⁸³ 815 Phil. 60 (2017).

Furthermore, ownership is not the same as a certificate of title. Registering a piece of land under the Torrens System does not create or vest title, because registration is not a mode of acquiring ownership. A certificate of title is merely an evidence of ownership or title over the particular property described therein. Its issuance in favor of a particular person does not foreclose the possibility that the real property may be co-owned with persons not named in the certificate, or that it may be held in trust for another person by the registered owner.

In *Lacbayan v. Samoy, Jr.*, the Court noted that what cannot be collaterally attacked is the certificate of title, and not the title itself:

x x x The certificate referred to is that document issued by the Register of Deeds known as the TCT. In contrast, the title referred to by law means ownership which is, more often than not, represented by that document. x x x Title as a concept of ownership should not be confused with the certificate of title as evidence of such ownership although both are interchangeably used.

In *Mallillin, Jr. v. Castillo*, the Court defined collateral attack on the title, as follows:

x x x When is an action an attack on a title? It is when the object of the action or proceeding is to nullify the title, and thus challenge the judgment pursuant to which the title was decreed. The attack is direct when the object of an action or proceeding is to annul or set aside such judgment, or enjoin its enforcement. On the other hand, the attack is indirect or collateral when, in an action to obtain a different relief, an attack on the judgment is nevertheless made as an incident thereof.⁸⁴ (Citations omitted)

The issuance of an EP in favor of petitioner Merlita does not constitute a collateral attack on TCT No. EP-5840 issued in favor of respondent Emelita. To recall, in the DAR Secretary's Order dated July 11, 1988, he confirmed the designation of respondent Emelita as the sole heir-cultivator of Deogracia's land and directed the issuance of a CLT in

⁸⁴ Id. at 85-86, citing *Heirs of Clemente Ermac v. Heirs of Vicente Ermac*, 451 Phil. 368, 376-377 (2003), *Lacbayan v. Samoy, Jr.*, 661 Phil. 306, 317 (2011), and *Mallillin, Jr. v. Castillo*, 389 Phil. 153, 165 (2000).

her name.⁸⁵ Upon petitioner Merlita's and her siblings' motion for reconsideration/reinvestigation on the ground that fraud attended the Waiver of Rights in favor of respondent Emelita, the DAR Secretary revoked his earlier Order and remanded the case to the Regional Director for further investigation.⁸⁶ The DAR's scrutiny of the Waiver of Rights was necessary to validate the qualifications of the allocatee and to resolve the issue as to who among the heirs of the deceased CARP beneficiary should be the rightful successor to the subject landholding in accordance with the provisions of MC 19, s. 1978. Corollary thereto, to expedite the reallocation of lands left by deceased beneficiaries, all DAR Regional Directors are authorized to confirm the selection of the sole owner-cultivator made by the surviving heirs or, in appropriate cases, to designate such sole owner-cultivator in accordance with existing rules and regulations of the DAR.⁸⁷

As borne out by the records, during the pendency of the case before the DAR, EP No. A-119356 and TCT No. EP-5840 had been issued in respondent Emelita's name.⁸⁸ Notwithstanding this, the DAR retains its jurisdiction to ultimately resolve petitioner Merlita and her siblings' motion for reconsideration/reinvestigation. Consequently, petitioner Merlita was designated as the sole heir-cultivator of the subject land, and the issuance of an EP in her favor was ordered.⁸⁹

⁸⁵ *Rollo*, p. 237.

⁸⁶ *Id.* at 241-242.

⁸⁷ See Ministry Memorandum Circular No. 5, Series of 1984, implementing Ministry Memorandum Circular No. 19, Series of 1978.

Pursuant to Ministry Memorandum Circular No. 19, Series of 1978, in case of death of a farmer-beneficiary of P.D. No. 27, the surviving heirs shall be free to choose from among themselves one who shall have sole ownership and cultivation of the land. Furthermore, in case of disagreement or failure of the heirs to determine who shall be the sole owner-cultivator within the period prescribed, designation of the successor shall be made by the Ministry with the surviving spouse given first preference and in the absence or due to the permanent incapacity of the surviving spouse, priority shall be determined among the heirs according to age.

In order to expedite the reallocation of lands left by deceased beneficiaries, all MAR Regional Directors are hereby authorized to confirm the selection of the sole owner-cultivator made by the surviving heirs or in appropriate cases, to designate such sole owner-cultivator.

All requests for the issuance of a Certificate of Land Transfer and/or Emancipation Patent in favor of the successor forwarded to MARCO shall be accompanied with a copy of the Order issued by the Regional Director.

In the discharge of this authority, the guidelines contained in Ministry Memorandum Circular No. 19, Series of 1978 shall be strictly observed.

⁸⁸ *Rollo*, pp. 238-240.

⁸⁹ *Id.* at 247.

It bears to note that the DAR Secretary's Order, which was affirmed by the OP, merely directed the issuance of an EP in favor of petitioner Merlita.⁹⁰ The matter regarding the patent and the title issued in the name of respondent Emelita during the pendency of the case was neither considered nor passed upon by the DAR. Therefore, there is no basis for the CA's conclusion that respondent Emelita's patent and title were canceled.⁹¹ Notably, the DAR Secretary's Order, if it eventually becomes final and executory, will serve as a basis for petitioner Merlita to file a petition for the cancellation of the patent and title issued in respondent Emelita's name.⁹²

In *Gabriel v. Jamias*,⁹³ the Court held that the issuance of an EP does not by itself put the ownership of the agrarian reform beneficiary beyond attack and scrutiny. Emancipation patents may be canceled on the ground of violations of agrarian laws, rules, and regulations.⁹⁴

The factual findings of the DAR Secretary who, by reason of his official position, has acquired expertise in specific matters within his jurisdiction, deserve full respect and, without justifiable reason, ought not to be altered, modified, or reversed.

Notably, the CA set aside the Resolutions of the OP solely on the ground that it was the DARAB – not the DAR Secretary – that has jurisdiction over the instant case.⁹⁵

The Court finds, however, that a remand of the case to the CA for determination of the factual issues raised will only entail an unnecessary delay in the termination of the case considering that the records have been elevated to the Court in this Petition.

In her Petition for Review⁹⁶ before the CA, respondent Emelita assailed the Resolutions of the DAR Secretary and the OP as to the

⁹⁰ Id. at 221-227. See also id. at 144.

⁹¹ See id. at 71.

⁹² See *Wee v. Mardo*, 735 Phil. 420, 432-434 (2014).

⁹³ 587 Phil. 216 (2008).

⁹⁴ Id. at 231.

⁹⁵ See *rollo*, pp. 66-72.

⁹⁶ Id. at 120-134.

matter of Merlita's qualification as allocatee to the subject agricultural landholding.

The Court finds no cogent reason to disturb the findings of the DAR in its December 10, 1997 Order and April 14, 2008 Resolution declaring petitioner Merlita as the legitimate farmer-beneficiary of the subject agricultural landholding. To reiterate, the selection of CARP beneficiaries are matters involving strictly the administrative implementation of the CARP, which is exclusively cognizable by the DAR Secretary and is within his technical expertise. The Court, therefore, defers to his findings which were affirmed by the OP in its Decision dated March 24, 2010 and its Resolution dated March 31, 2011. As the Court held in *Garcia v. Santos Ventura Hocorma Foundation, Inc.*:⁹⁷

*We cannot simply brush aside the DAR's pronouncements regarding the status of the subject property as not exempt from CARP coverage considering that the DAR has unquestionable technical expertise on these matters. Factual findings of administrative agencies are generally accorded respect and even finality by this Court, if such findings are supported by substantial evidence, a situation that obtains in this case. The factual findings of the Secretary of Agrarian Reform who, by reason of his official position, has acquired expertise in specific matters within his jurisdiction, deserve full respect and, without justifiable reason, ought not to be altered, modified or reversed.*⁹⁸ (Emphasis supplied.)

WHEREFORE, the Petition for Review on *Certiorari* is **GRANTED**. The assailed Decision dated November 29, 2016 and the Resolution dated June 23, 2017 of the Court of Appeals in CA-G.R. SP No. 05935 are **REVERSED** and **SET ASIDE**. The Decision dated March 24, 2010 and the Resolution dated March 31, 2011 of the Office of the President in O.P. Case No. 08-E-190, as well as the Order dated December 10, 1997 and the Resolution dated April 14, 2008 of the Department of Agrarian Reform in Adm. Case No. 02-17-88-134, are **REINSTATED**.

⁹⁷ G.R. No. 224831, September 15, 2021.

⁹⁸ Id. Citing *DAR v. Oroville Development Corp.*, 548 Phil. 51, 58 (2007).


SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

On official leave
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice




JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
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.



HENRI JEAN PAUL B. INTING
Associate Justice
Acting Chairperson, Third Division
(Per S.O. No. 2918-REVISED dated October 12, 2022)

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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