



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 12, 2021** which reads as follows:*

“G.R. No. 250357 (Jethro P. Orong, Sr. v. Heirs of Timoteo and Emelia Ramiro, namely: Edgar Ramiro, Dale Ramiro, Mariano Ramiro, Neil Ramiro, and Dennis Ramiro represented by Jessie Ramiro). – This Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court seeks to set aside the Resolutions dated February 21, 2019² and October 3, 2019³ of the Court of Appeals (CA) which dismissed the Petition for *Certiorari* under Rule 65 of the Rules of Court filed by petitioner for failure to exhaust administrative remedies and which denied petitioner’s motion for reconsideration.

The Court notes that the CA erred in applying Rule 41 of the Rules of Court, considering that said rule pertains to appeals from the Regional Trial Courts. What is being appealed in this case is a ruling of the Provincial Agrarian Reform Adjudication Board (PARAD) after the denial of petitioner’s petition for relief. What applies is the 2009 Department of Agrarian Reform Adjudication Board (DARAB) Rules of Procedure, which rules govern the conduct of proceedings before the DARAB and its Regional and Provincial Adjudication Offices. Under the DARAB Rules,⁴ an appeal may be availed of from the denial of a petition for relief.

¹ *Rollo*, pp. 18-28.

² *Id.* at 73-74.

³ Penned by Associate Justice Evalyn M. Arellano-Morales, with the concurrence of Associate Justices Oscar V. Badelles and Florencio M. Mamauag, Jr.; *id.* at 9-14.

⁴ RULE XVI

Relief from Decision/Resolution/Final Order

Section 4. Procedure. – If after due hearing, the petition is found to be meritorious, the Adjudicator shall set aside the questioned decision/resolution/final order and he shall then proceed to hear the principal case.

When an appeal from the denial of the petition for relief is granted, the Board shall give due course to the appeal, as if a timely and proper appeal has been made from the questioned decision/resolution/final order.

In the higher interest of substantial justice, taking into consideration the allegation of petitioner that he is a *de jure* tenant of the land having inherited the tenancy rights of his parents, submitted copies of a Certification issued by the Barangay Agrarian Reform Committee and the Punong Barangay of Dalipaga, that petitioner has been a tenant of the land owned by the Heirs of Timotheo Ramiro, this Court deems it just and prudent to direct petitioner to submit material portions of the records as would support the present petition. In this way, the Court would be able to thoroughly review the case on the merits and examine the decisions and orders referred to in the contents of the present petition.

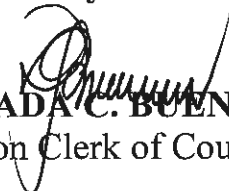
WHEREFORE, petitioner Jethro P. Orong, Sr. is hereby **DIRECTED** to submit before this Court, within fifteen (15) days from receipt of this Resolution, the following pleadings and orders:

- (1) petition for declaration of termination of tenancy and ejectment filed by respondents against petitioner before the Provincial Agrarian Reform Adjudication Board, Lanao del Norte;
- (2) Decision dated June 22, 2017 of the Provincial Agrarian Reform Adjudication Board granting the petition;
- (3) Order denying petitioner's motion for reconsideration;
- (4) Petition for relief from judgment filed by petitioner;
- (5) Order denying the petition for relief;
- (6) Order denying the notice of appeal with appeal memorandum;
- (7) Order denying the motion for reconsideration; and
- (8) other relevant and pertinent pleadings filed, and rulings issued by the Provincial Agrarian Reform Adjudication Board.

The petitioner's compliance with the Resolution dated February 5, 2020, submitting the soft copy of the petition for review on certiorari, duplicate original copy of the Court of Appeals Resolution dated February 21, 2019 and a valid verification and certification on non-forum shopping is **NOTED**. The petitioner is required to **SUBMIT** within five (5) days from notice hereof, a verified declaration of the signed petition for review on certiorari with prayer for issuance of a writ of preliminary injunction pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *ms/r*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
151-A

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7-1-SC)

DEPARTMENT OF AGRARIAN
REFORM
ADJUDICATION BOARD (DARAB)
Office of the Provincial Adjudicator,
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Judgment Division (x)
Supreme Court

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