

SECOND DIVISION

[G.R. No. 226863, February 19, 2020]

HEIRS OF VALERIANO C. DELA CORTA, SR., NAMELY: PEDRO C. DELA CORTA, VALERIANO C. DELA CORTA, JR., ROBERTO C. DELA CORTA, TEMOTEO C. DELA CORTA, EMMA C. DELA CORTA, ANITA C. DELA CORTA, ADELAIDA D. OTERO, AND ALEJANDRA COSE DELA CORTA FOR HERSELF, ALL REPRESENTED BY PEDRO C. DELA CORTA, PETITIONERS, VS. REBECCA ALAG-PITOGO, REPRESENTED BY OSCAR PITOGO, RESPONDENT.

D E C I S I O N

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court assailing the Decision^[2] dated August 27, 2015 and Resolution^[3] dated July 20, 2016 issued by the Court of Appeals (CA) in CA-G.R. SP No. 08322. The assailed Decision affirmed the Decision^[4] dated May 8, 2013 of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 16922 (Reg. Case No. R-0800-0017-09), while the assailed Resolution denied the subsequent Motion for Reconsideration of the Heirs of Valeriano C. Dela Corta,^[5] Sr. (Valeriano), namely, Pedro C. Dela Cotta (Pedro), Valeriano C. Dela Corta, Jr., Roberto C. Dela Corta (Roberto), Temoteo C. Dela Corta, Emma C. Dela Corta, Anita C. Dela Corta, Adelaida D. Otero, and Alejandra Cose Dela Corta for herself, all represented by Pedro, (petitioners).^[6]

The Antecedents

The present controversy involves Lot No. 50, BSD-08-000105 (OLT)^[7] (subject lot), a portion of Lot 11421, Cad. 256, which is located at Brgy. Curva, Ormoc City, Leyte.^[8] The subject lot, with an area of 29,010 square meters, was originally registered to Agapito Pongos.^[9]

Pursuant to Presidential Decree No. (PD) 27,^[10] the subject lot was awarded to the late Valeriano on December 19, 1974 through a certificate of land transfer (Emancipation Patent No. 443564).^[11] Before Transfer Certificate of Title No. (TCT) 3247^[12] was finally issued in Valeriano's favor on February 5, 1998, he died on June 12, 1989.^[13]

On October 2, 2006, Rebecca Alag-Pitogo (respondent) filed before the Department of Agrarian Reform (DAR)-Region VIII (DARRegion VIII) a petition for reallocation of the subject lot on the ground that the subject lot was erroneously awarded to Valeriano.^[14] Respondent mainly argued that in a case docketed as CAR Case No. 1726, Branch 12, Regional Trial Court (RTC), Ormoc City rendered a decision disqualifying Valeriano as a farmer beneficiary of the subject lot.^[15] Allegedly, this

RTC decision declared that the subject lot was erroneously awarded to Valeriano, thereby installing Guillerma Alag (Guillerma), respondent's mother, and Carlos Sabino as the qualified farmer beneficiaries of the 1.1000-hectare and 1.8000-hectare portions thereof, respectively.^[16] Due to old age and failing health, Guillerma allegedly executed an affidavit of waiver of her rights over the 1.1000-hectare portion of the subject lot in favor of respondent.^[17]

On August 9, 2007, the DAR-Region VIII issued an Order^[18] granting respondent's petition for reallocation, viz.:

WHEREFORE, in the light of the foregoing considerations, order is hereby issued:

- 1) CONFIRMING the qualifications of the petitioner as qualified farmer beneficiary and GRANTING the REALLOCATION of the farm lot having an area of 1[.]1000 hectares particularly designated as Lot No. 50, covered by EP No. 443564 with TCT No. 3247, located at Brgy. Curva, Ormoc city, in favor of Rebecca Alag Pitogo;
- 2) DIRECTING the petitioner to coordinate with the Legal Assistance Division of DARPO, Tolosa, Leyte in filing of the proper petition for cancellation of EP No. 443564 with TCT No. 3247, issued in the name of Valeriano de la Corta.
- 3) DIRECTING CARPO Operations of DARPO, Leyte and the MARO of Ormoc, to cause the necessary corrections by its records and to document the reallocation of the subject farm lot in favor of Rebecca A. Pitogo, in preparation for the generation of a new CLOA/FP.

SO ORDERED.^[19]

Aggrieved, Pedro, one of the heirs of Valeriano, filed a Motion for Reconsideration.^[20] He claimed that he had been in the peaceful possession and cultivation of the subject lot since the death of Valeriano, and that respondent had neither been installed in it nor cultivated it.^[21] However, the motion was denied on February 12, 2008.^[22] The DAR-Region VIII's Decision became final and a Certificate of Finality^[23] was consequently issued on October 22, 2008.

On March 11, 2009, respondent filed before the DARAB a Petition^[24] for cancellation of Valeriano's Emancipation Patent No. 443564. Pedro thereafter filed an answer with a motion to dismiss, alleging therein that respondent's petition for cancellation is not yet proper for judicial determination considering that the Order dated August 9, 2007 is the subject of his appeal before the Office of the DAR Secretary.^[25]

On October 5, 2009, DARAB Regional Adjudicator Wilfredo M. Navarra (DARAB Regional Adjudicator) rendered a Decision^[26] disposing as follows:

WHEREFORE, under the foregoing premises, judgment is hereby rendered:

1. Ordering the cancellation of E.P. No. 443564 under TCT No. 3247 in the name of Valeriano dela Corta.
2. Directing the DAR Operation Division to generate a new title in favor of Rebecca Alag Pitogo as qualified farmer beneficiary of lot No. 50 with an area of 1.1000 hectares situated at Brgy. Curva, Ormoc City.
3. Ordering the Private Respondent to surrender the aforementioned Emancipation Patent to the MARO of Ormoc City or to the Register of Deeds of Ormoc City.
4. Declaring TCT No. 3247 with EP No. 00443564 lost in the event the herein Respondent failed to surrender the same to the said MARO as Register of Deeds.

SO ORDERED.^[27]

The DARAB Regional Adjudicator ruled that Pedro's appeal before the DAR Secretary did not produce any legal effect as it was taken long after the Order granting the reallocation was rendered.^[28] He further ruled that the Certificate of Finality^[29] issued by the DAR Regional Director cannot be disregarded.^[30]

Undaunted, Pedro appealed to the DARAB Central Office. However, the DARAB Central Office dismissed Pedro's appeal for lack of merit in its Decision^[31] dated May 8, 2013. It also affirmed *in toto* the Decision^[32] dated October 5, 2009 of the DARAB Regional Adjudicator. Pedro filed a Motion for Reconsideration,^[33] but it was denied in the DARAB Central Office's Resolution^[34] dated March 10, 2014.

Dissatisfied, petitioners filed with the CA a Petition for Review under Rule 43 with Preliminary Injunction.^[35] Before the CA, the following issues were resolved:

1. Whether or not the 09 August 2007 Order of DAR, Region VIII was maliciously rendered considering, allegedly, that herein respondent's petition for reallocation was based on misrepresentations [sic] and fabricated evidence;
2. Whether or not the 05 October 2009 Decision of the Regional Adjudicator was null and void for failure to implead the petitioners herein being real parties-in-interest; and
3. Whether or not the aforementioned 05 October 2009 Decision was erroneously affirmed in the herein assailed 08 May 2013 Decision.^[36]

On August 27, 2015, the CA rendered the herein assailed Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The assailed 08 May 2013 decision of DARAB, Central Office is hereby AFFIRMED.

SO ORDERED.^[37]

The CA noted that before respondent filed a petition for reallocation, there was already a decision rendered by Branch 12, RTC, Ormoc City in CAR Case No. 1726 disqualifying Valeriano as a farmer beneficiary of the subject lot and awarding the 1.1000-hectare portion thereof to Guillerma.^[38] Hence, the CA declared that the reallocation prayed for was from Guillerma to respondent, *not* from Valeriano to respondent.

The CA also held that the qualifications of respondent to be a farmer beneficiary of the 1.1000-hectare portion of the subject lot were duly confirmed by no less than the DAR-Region VIII.^[39] Moreover, the CA noted that the granting of the reallocation was based on an investigation, which found that the 1.1000-hectare portion of the subject lot was cultivated by Guillerma from 1986 until 1989 and, thereafter, by respondent; and that the Municipal Agrarian Reform Office of Ormoc as well as the Provincial Agrarian Reform Office of the Department of Agrarian Reform Provincial Office, Leyte had recommended the reallocation of the subject lot to respondent.^[40]

Above all, the CA emphasized that the Order dated August 9, 2007 of the DAR-Region VIII confirming the qualifications of respondent and granting her petition for reallocation had already attained finality.^[41]

With regard to the contention that the Decision dated October 5, 2009 of the Regional Adjudicator was null and void for failure to implead the other heirs of Valeriano who were impleaded as Pedro's co-petitioners, the CA held:

A review of the records of the case reveals that petitioner Pedro Dela Corta herein intervened and alleged that he is **one of the** heirs of the late Valeriano dela Corta. It thus puzzles this Court why, at that point, DARAB did not order the inclusions of the other heirs should there be absence of authority from them in favor of petitioner Pedro dela Corta. Nevertheless, the Court finds that the petitioners herein are not indispensable parties.

As defined, an indispensable party is one who has such an interest in the controversy or subject matter that a final adjudication cannot be made, in his absence, without injuring or affecting that interest. Given the facts of the case, it is the considered opinion of the Court that the petitioners are not "indispensable parties" as they now claim.

To reiterate, Valeriano dela Carta **had already been disqualified** by the Regional Trial Court, Branch 12, Ormoc City in **CAR Case No. 1726**; and, said findings became final and therefore binding to the parties thereto who happens [sic] to be the predecessors-in-interest of the present parties. Necessarily, the issues raised therein may not be litigated anew. x x x

By virtue of the said decision of the Regional Trial Court. Branch 12, Ormoc City in CAR Case No. 1726, Valeriano dela Corta lost any interest or right he may have over the subject farmlot. He thus had no right, so to speak, over the subject farmlot when the petition for cancellation of his emancipation patent was filed. And, so are his heirs (the petitioners

herein) who only derived their alleged rights or interests over the subject farmlot from him (Valeriano dela Corta). The spring simply cannot rise higher than its source.^[42] (Emphasis in the original; citations omitted.)

Petitioners' Motion for Reconsideration^[43] was denied in the CA's assailed Resolution^[44] dated July 20, 2016.

Hence, the present petition.

Petitioners contend that the DAR-Region VIII's Order dated August 9, 2007, the DARAB Regional Adjudicator's Decision dated October 5, 2009, and the DARAB Central Office's Decision dated May 8, 2013 are all null and void due to lack of jurisdiction and total disregard of the constitutional right to due process.^[45] Hence, petitioners argue that the CA erred in denying their appeal and affirming the Decision of the DARAB Central Office.^[46]

The Court's Ruling

The petition has no merit.

Prefatorily, considering that the findings of the DAR-Region VIII, the DARAB Regional Adjudicator, and the DARAB Central Office are similar in all material respects, these should not be disturbed, more so in this case where the CA sustained such findings. "[T]he factual findings of administrative agencies and officials that have acquired expertise in the performance of their official duties and in the exercise of their primary jurisdiction are generally accorded not only respect but, at times, even finality if such findings are supported by substantial evidence."^[47] Such factual findings, especially when affirmed by the CA, are binding on the Court.^[48]

In the present petition, Pedro contends that the DAR-Region VIII's Order dated August 9, 2007 is absolutely null and void on three grounds: 1) violation of Section 2, Rule 3 of the Rules of Court for failure to implead real parties-in-interest or indispensable parties, *i.e.*, the registered owners of Lot No. 50; 2) violation of the constitutional requirement of due process; and 3) lack of jurisdiction over the persons of the registered landowners and over the subject matter, *i.e.*, Lot No. 50.^[49]

The Court is not persuaded.

An examination of the records of the case reveals the fact that Valeriano's disqualification as a farmer beneficiary of the subject lot was never contested. It is notable that no copy of the decision of Branch 12, RTC, Ormoc City, allegedly disqualifying Valeriano as a farmer beneficiary of the subject lot and installing Guillerma as the qualified beneficiary with respect to the 1.1000-hectare portion thereof, can be found in the records of the instant case. Likewise, neither petitioners nor respondent attached a copy thereof in their respective pleadings before the Court.

Upon scrutiny of the records, it appears that a Certification^[50] dated October 18, 2006 was issued in relation to CAR Case No. 1726 before Branch 12, RTC, Ormoc City by Atty. Edwin James B. Fabriga, OIC-Clerk of Court, stating that the records of the case are no longer among the existing and available records on file; and it is