

FIRST DIVISION

[G.R. No. 169913, June 08, 2011]

HEIRS OF DR. JOSE DELESTE, NAMELY: JOSEFA DELESTE, JOSE RAY DELESTE, RAUL HECTOR DELESTE, AND RUBEN ALEX DELESTE, PETITIONERS, VS. LAND BANK OF THE PHILIPPINES (LBP), AS REPRESENTED BY ITS MANAGER, LAND VALUATION OFFICE OF LBP COTABATO CITY; THE REGIONAL DIRECTOR - REGION 12 OF COTABATO CITY, THE SECRETARY OF THE DEPARTMENT OF AGRARIAN REFORM; THE REGIONAL DIRECTOR OF REGION X - CAGAYAN DE ORO CITY, REPRESENTED BY MCMILLAN LUCMAN, IN HIS CAPACITY AS PROVINCIAL AGRARIAN REFORM OFFICER (PARO) OF DAR LANAO DEL NORTE; LIZA BALBERONA, IN HER CAPACITY AS DAR MUNICIPAL AGRARIAN REFORM OFFICER (MARO); REYNALDO BAGUIO, IN HIS CAPACITY AS THE REGISTER OF DEEDS OF ILIGAN CITY AS NOMINAL PARTY; THE EMANCIPATION PATENT HOLDERS: FELIPE D. MANREAL, CUSTUDIO M. RICO, HEIRS OF DOMINGO V. RICO, HEIRS OF ABDON T. MANREAL, MACARIO M. VELORIA, ALICIA B. MANREAL, PABLO RICO, SALVACION MANREAL, HEIRS OF TRANQUILIANA MANREAL, HEIRS OF ANGELA VELORIA, HEIRS OF NECIFURO CABALUNA, HEIRS OF CLEMENTE RICO, HEIRS OF MANTILLANO OBISO, HEIRS OF HERCULANO BALORIO, AND TITO BALER, RESPONDENTS.

D E C I S I O N

VELASCO JR., J.:

The Case

Before Us is a Petition for Review on Certiorari under Rule 45 seeking to reverse and set aside the October 28, 2004 Resolution^[1] of the Court of Appeals (CA) and its September 13, 2005 Resolution^[2] denying petitioners' motion for reconsideration.

The Facts

The spouses Gregorio Nanaman (Gregorio) and Hilaria Tabuclin (Hilaria) were the owners of a parcel of agricultural land located in Tambo, Iligan City, consisting of 34.7 hectares (subject property). Said spouses were childless, but Gregorio had a son named Virgilio Nanaman (Virgilio) by another woman. Virgilio had been raised by the couple since he was two years old. Gregorio also had two daughters, Esperanza and Caridad, by still another woman.^[3]

When Gregorio died in 1945, Hilaria and Virgilio administered the subject property.^[4] On February 16, 1954, Hilaria and Virgilio sold the subject property to Dr. Jose

Deleste (Deleste) for PhP 16,000.^[5] The deed of sale was notarized on February 17, 1954 and registered on March 2, 1954. Also, the tax declaration in the name of Virgilio was canceled and a new tax declaration was issued in the name of Deleste. The arrears in the payment of taxes from 1952 had been updated by Deleste and from then on, he paid the taxes on the property.^[6]

On May 15, 1954, Hilaria died.^[7] Gregorio's brother, Juan Nanaman, was appointed as special administrator of the estate of the deceased spouses. Subsequently, Edilberto Noel (Noel) was appointed as the regular administrator of the joint estate.^[8]

On April 30, 1963, Noel, as the administrator of the intestate estate of the deceased spouses, filed before the Court of First Instance, Branch II, Lanao del Norte an action against Deleste for the reversion of title over the subject property, docketed as Civil Case No. 698.^[9] Said case went up to this Court in *Noel v. CA*, where We rendered a Decision^[10] on January 11, 1995, affirming the ruling of the CA that the subject property was the conjugal property of the late spouses Gregorio and Hilaria and that the latter could only sell her one-half (1/2) share of the subject property to Deleste. As a result, Deleste, who died in 1992, and the intestate estate of Gregorio were held to be the co-owners of the subject property, each with a one-half (1/2) interest in it.^[11]

Notably, while Civil Case No. 698 was still pending before the CFI, particularly on October 21, 1972, Presidential Decree No. (PD) 27 was issued. This law mandates that tenanted rice and corn lands be brought under the Operation Land Transfer (OLT) Program and awarded to farmer-beneficiaries. Thus, the subject property was placed under the said program.^[12] However, only the heirs of Gregorio were identified by the Department of Agrarian Reform (DAR) as the landowners. Concomitantly, the notices and processes relative to the coverage were sent to these heirs.^[13]

In 1975, the City of Iligan passed City Ordinance No. 1313, known as the "Zoning Regulation of Iligan City," reclassifying the subject property as commercial/residential.^[14]

Eventually, on February 12, 1984, DAR issued Certificates of Land Transfer (CLTs) in favor of private respondents who were tenants and actual cultivators of the subject property.^[15] The CLTs were registered on July 15, 1986.^[16]

In 1991, the subject property was surveyed.^[17] The survey of a portion of the land consisting of 20.2611 hectares, designated as Lot No. 1407, was approved on January 8, 1999.^[18] The claim folder for Lot No. 1407 was submitted to the LBP which issued a Memorandum of Valuation and a Certificate of Cash Deposit on May 21, 2001 and September 12, 2001, respectively. Thereafter, Emancipation Patents (EPs) and Original Certificates of Title (OCTs) were issued on August 1, 2001 and October 1, 2001, respectively, in favor of private respondents over their respective portions of Lot No. 1407.^[19]

Meanwhile, on November 22, 1999, the City of Iligan filed a complaint with the

Regional Trial Court (RTC), Branch 4 in Iligan City for the expropriation of a 5.4686-hectare portion of Lot No. 1407, docketed as Special Civil Action No. 4979. On December 11, 2000, the RTC issued a Decision granting the expropriation. Considering that the real owner of the expropriated portion could not be determined, as the subject property had not yet been partitioned and distributed to any of the heirs of Gregorio and Deleste, the just compensation for the expropriated portion of the subject property in the amount of PhP 27,343,000 was deposited with the Development Bank of the Philippines in Iligan City, in trust for the RTC in Iligan City.^[20]

On February 28, 2002, the heirs of Deleste, petitioners herein, filed with the Department of Agrarian Reform Adjudication Board (DARAB) a petition seeking to nullify private respondents' EPs.^[21] This was docketed as Reg. Case No. X-471-LN-2002.

On July 21, 2003, the Provincial Agrarian Reform Adjudicator (PARAD) rendered a Decision^[22] declaring that the EPs were null and void in view of the pending issues of ownership, the subsequent reclassification of the subject property into a residential/commercial land, and the violation of petitioners' constitutional right to due process of law.

Dissatisfied, private respondents immediately filed their Notice of Appeal on July 22, 2003. Notwithstanding it, on July 24, 2003, petitioners filed a Motion for a Writ of Execution pursuant to Section 2, Rule XII of the Revised Rules of Procedure, which was granted in an Order dated August 4, 2003 despite strong opposition from private respondents.^[23] On January 28, 2004, the DARAB nullified the Order dated August 4, 2003 granting the writ of execution.^[24]

Subsequently, the DARAB, in DARAB Case No. 12486, reversed the ruling of the PARAD in its Decision^[25] dated March 15, 2004. It held, among others, that the EPs were valid as it was the heirs of Deleste who should have informed the DAR of the pendency of Civil Case No. 698 at the time the subject property was placed under the coverage of the OLT Program considering that DAR was not a party to the said case. Further, it stated that the record is bereft of any evidence that the city ordinance has been approved by the Housing and Land Use Regulatory Board (HLURB), as mandated by DAR Administrative Order No. 01, Series of 1990, and held that whether the subject property is indeed exempt from the OLT Program is an administrative determination, the jurisdiction of which lies exclusively with the DAR Secretary or the latter's authorized representative. Petitioners' motion for reconsideration was likewise denied by the DARAB in its Resolution^[26] dated July 8, 2004.

Undaunted, petitioners filed a petition for review with the CA, docketed as CA-G.R. SP No. 85471, challenging the Decision and Resolution in DARAB Case No. 12486. This was denied by the CA in a Resolution dated October 28, 2004 for petitioners' failure to attach the writ of execution, the order nullifying the writ of execution, and such material portions of the record referred to in the petition and other supporting papers, as required under Sec. 6 of Rule 43 of the Rules of Court. Petitioners' motion for reconsideration was also denied by the appellate court in a Resolution dated September 13, 2005 for being *pro forma*.

On November 18, 2005, petitioners filed a petition for review with this Court. In Our Resolution^[27] dated February 4, 2008, We resolved to deny the said petition for failure to show sufficiently any reversible error in the assailed judgment to warrant the exercise by the Court of its discretionary appellate jurisdiction in this case.

On March 19, 2008, petitioners filed a Motion for Reconsideration.^[28] On April 11, 2008, they also filed a Supplement to the Motion for Reconsideration.^[29]

In Our Resolution^[30] dated August 20, 2008, this Court resolved to grant petitioners' motion for reconsideration and give due course to the petition, requiring the parties to submit their respective memoranda.

The Issues

I. [WHETHER THE CA WAS CORRECT IN DISMISSING] OUTRIGHT THE PETITION FOR REVIEW OF PETITIONERS X X X.

II. [WHETHER] THE OUTRIGHT DENIAL OF PETITIONERS' MOTION FOR RECONSIDERATION BASED ON A MISAPPRECIATION OF FACTS IS JUSTIFIED; AND [WHETHER THE] OUTRIGHT DISMISSAL OF THE PETITION IS JUST CONSIDERING THE IMPORTANCE OF THE ISSUES RAISED THEREIN.

X X X X

III. [WHETHER PETITIONERS' LAND IS] COVERED BY AGRARIAN REFORM GIVEN THAT THE CITY OF ILIGAN PASSED [CITY] ORDINANCE NO. 1313 RECLASSIFYING THE AREA INTO A STRICTLY RESIDENTIAL AREA IN 1975.

IV. [WHETHER THE LAND] THAT HAS BEEN PREVIOUSLY AND PARTIALLY EXPROPRIATED BY A CITY GOVERNMENT [MAY] STILL BE SUBJECT[ED] TO AGRARIAN REFORM.

V. [WHETHER DAR VIOLATED] THE RIGHTS OF PETITIONERS TO PROCEDURAL DUE PROCESS.

VI. [WHETHER] THE COMPENSATION DETERMINED BY DAR AND LBP IS CORRECT GIVEN THAT THE FORMULA USED HAD BEEN REPEALED.

VII. [WHETHER] THE ISSUANCE OF EMANCIPATION PATENTS [IS] LEGAL GIVEN THAT THEY WERE FRUITS OF AN ILLEGAL PROCEEDING.

VIII. [WHETHER] THE CERTIFICATES OF TITLE [ARE] VALID GIVEN THAT THEY WERE DIRECTLY ISSUED TO THE FARMER-BENEFICIARIES IN GROSS VIOLATION OF SECTION 16(E) OF R.A. 6657 X X X.^[31]

Our Ruling

The petition is meritorious.

Effect of non-compliance with the requirements under Sec. 6, Rule 43 of the Rules of Court

In filing a petition for review as an appeal from awards, judgments, final orders, or resolutions of any quasi-judicial agency in the exercise of its quasi-judicial functions, it is required under Sec. 6(c), Rule 43 of the Rules of Court that it be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order, or resolution appealed from, with certified true copies of such material portions of the record referred to in the petition and other supporting papers. As stated:

Sec. 6. Contents of the petition. - The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) **be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers**; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein. (Emphasis supplied.)

Non-compliance with any of the above-mentioned requirements concerning the contents of the petition, as well as the documents that should accompany the petition, shall be sufficient ground for its dismissal as stated in Sec. 7, Rule 43 of the Rules:

Sec. 7. Effect of failure to comply with requirements. - The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and **the contents of and the documents which should accompany the petition** shall be **sufficient ground for the dismissal thereof**. (Emphasis supplied.)

In the instant case, the CA dismissed the petition in CA-G.R. SP No. 85471 for petitioners' failure to attach the writ of execution, the order nullifying the writ of execution, and such material portions of the record referred to in the petition and other supporting papers.^[32]

A perusal of the issues raised before the CA would, however, show that the foregoing documents required by the appellate court are not necessary for the proper disposition of the case. Specifically: