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SECOND DIVISION

[G.R. No. 131457, November 17, 1998]

HON. CARLOS O. FORTICH, PROVINCIAL GOVERNOR OF BUKIDNON, HON. REY B. BAULA, MUNICIPAL MAYOR OF SUMILAO, BUKIDNON, NQSR MANAGEMENT AND DEVELOPMENT CORPORATION, PETITIONERS, VS. HON. RENATO C. CORONA, DEPUTY EXECUTIVE SECRETARY, HON. ERNESTO D. GARILAO, SECRETARY OF THE DEPARTMENT OF AGRARIAN REFORM, RESPONDENTS.

O P I N I O N

MARTINEZ, J.:

This pertains to the two (2) separate motions for reconsideration filed by herein respondents and the applicants for intervention, seeking a reversal of our April 24, 1998 Decision nullifying the so-called "win-win" Resolution dated November 7, 1997, issued by the Office of the President in O.P. Case No. 96-C-6424, and denying the applicants' Motion For Leave To Intervene.

Respondents' motion is based on the following grounds:

"I.

THE SO-CALLED WIN-WIN RESOLUTION DATED NOVEMBER 7, 1997 IS NOT A VOID RESOLUTION AS IT SEEKS TO CORRECT AN ERRONEOUS RULING. THE MARCH 29, 1996 DECISION OF THE OFFICE OF THE PRESIDENT COULD NOT AS YET BECOME FINAL AND EXECUTORY AS TO BE BEYOND MODIFICATION.

"II.

THE PROPER REMEDY OF PETITIONERS IS A PETITION FOR REVIEW UNDER RULE 43 AND NOT A PETITION FOR CERTIORARI UNDER RULE 65 OF THE RULES OF COURT.

"III.

THE FILING OF A MOTION FOR RECONSIDERATION IS A CONDITION SINE QUA NON BEFORE A PETITION FOR CERTIORARI MAY BE FILED BECAUSE THE QUESTIONED RESOLUTION IS NOT PATENTLY ILLEGAL.

"IV.

PETITIONERS ARE GUILTY OF FORUM-SHOPPING BECAUSE ULTIMATELY PETITIONERS SEEK THE SAME RELIEF, WHICH IS TO RESTRAIN THE

DEPARTMENT OF AGRARIAN REFORM FROM PLACING THE SUBJECT 144-HECTARE PROPERTY UNDER THE COMPREHENSIVE AGRARIAN REFORM LAW (CARL)."[1]

For their part, the grounds relied upon by the applicants for intervention are as follows:

"I.

THE INTERVENORS POSSESS A RIGHT TO INTERVENE IN THESE PROCEEDINGS.

"II.

THE MODIFICATION BY THE OFFICE OF THE PRESIDENT (OP) OF ITS 29 MARCH 1996 DECISION, THROUGH THE 7 NOVEMBER 1997 'WIN-WIN' RESOLUTION, WAS NOT ERRONEOUS BUT WAS A VALID EXERCISE OF ITS POWERS AND PREROGATIVES.

"III.

THE 'WIN-WIN' RESOLUTION PROPERLY ADDRESSES THE SUBSTANTIAL ISSUES RELATIVE TO THIS CASE."[2]

Both movants also ask that their respective motions be resolved by this Court en banc since the issues they raise are, described by the respondents, "novel,"[3] or, as characterized by the applicants for intervention, of "transcendental significance."[4] Most specifically, movants are presenting the issue of whether or not the power of the local government units to reclassify lands is subject to the approval of the Department of Agrarian Reform (DAR).

The instant motions are being opposed vehemently by herein petitioners.

The grounds raised here were extensively covered and resolved in our challenged Decision. A minute resolution denying the instant motions with finality would have been sufficient, considering that the same follows as a matter of course if warranted under the circumstances as in other equally important cases. However, in view of the wide publicity and media coverage that this case has generated, in addition to the demonstrations staged at the perimeter of this Court, as well as the many letters coming from different sectors of society (the religious and the NGOs) and even letters from abroad, we deem it necessary to write an extended resolution to again reiterate the basis for our April 24, 1998 Decision, and hopefully write *finis* to this controversy.

To support their request that their motions be referred to the Court *en banc,* the movants cited the Resolutions of this Court dated February 9, 1993, in Bar Matter No. 209, which enumerates the cases that may be resolved *en banc,* among which are the following:

"x x x x x x x x x

3. Cases raising novel questions of law;

x x x x x x x x x

8. Cases assigned to a division which in the opinion of at least three (3) members thereof merit the attention of the Court *en banc* and are acceptable to a majority of the actual membership of the Court *en banc*; and

x x x x x x x x x"

Regrettably, the issues presented before us by the movants are matters of no extraordinary import to merit the attention of the Court en banc. Specifically, the issue of whether or not the power of the local government units to reclassify lands is subject to the approval of the DAR is no longer novel, this having been decided by this Court in the case of ***Province of Camarines Sur, et al. vs. Court of Appeals***[5] wherein we held that local government units need not obtain the approval of the DAR to convert or reclassify lands from agricultural to non-agricultural use. The dispositive portion of the Decision in the aforecited case states:

"WHEREFORE, the petition is GRANTED and **the questioned decision of the Court of Appeals is set aside insofar as it** (a) nullifies the trial court's order allowing the Province of Camarines Sur to take possession of private respondent's property; (b) orders the trial court to suspend the expropriation proceedings; and (c) **requires the Province of Camarines Sur to obtain the approval of the Department of Agrarian Reform to convert or reclassify private respondent's property from agricultural to non-agricultural use.**

"x x x x x x x x x" (Emphasis supplied)

Moreover, the Decision sought to be reconsidered was arrived at by a **unanimous** vote of all five (5) members of the Second Division of this Court. Stated otherwise, this Second Division is of the opinion that the matters raised by movants are nothing new and do not deserve the consideration of the Court *en banc.* Thus, the participation of the full Court in the resolution of movants' motions for reconsideration would be inappropriate.

We shall now resolve the respondents' motion for reconsideration.

In our Decision in question, we struck down as void the act of the Office of the President (OP) in reopening the case in O.P. Case No. 96-C-6424 through the issuance of the November 7, 1997 "win-win" Resolution which **substantially modified** its March 29, 1996 Decision that **had long become final and executory,** being in gross disregard of the rules and basic legal precept that accord **finality** to administrative determinations. It will be recalled that the March 29, 1996 OP Decision was declared by the same office as final and executory in its Order dated June 23, 1997 after the respondents DAR's motion for reconsideration of the said decision was denied in the same order for having been filed beyond the 15-day reglementary period.

In their instant motion, the respondents contend that the "win-win" Resolution of November 7, 1997 "is **not a void resolution as it seeks to correct an erroneous ruling**," hence, "**(t)he March 29, 1996 decision** of the Office of the President **could not as yet become final and executory** as to be beyond modification."[6]

The respondents explained that the DAR's failure to file on time the motion for reconsideration of the March 29, 1996 OP Decision was "excusable:"

> **"The manner of service of the copy of the March 29, 1996 decision also made it impossible for DAR to file its motion for reconsideration on time. The copy was received by the Records Section of the DAR, then referred to the Office of the Secretary and then to the Bureau of Agrarian Legal Assistance. By the time it was forwarded to the litigation office of the DAR, the period to file the motion for reconsideration had already lapsed.** Instead of resolving the motion for reconsideration on the merits in the interest of substantial justice, the Office of the President denied the same for having been filed late."[7] (Emphasis supplied)

We cannot agree with the respondents' contention that the June 23, 1997 OP Order which denied the DAR's motion for reconsideration of the March 29, 1996 OP Decision for having been filed late was "an erroneous ruling" which had to be corrected by the November 7, 1997 "win-win" Resolution. The said denial of the DAR's motion for reconsideration was in accordance with Section 7 of Administrative Order No. 18, dated February 12, 1987, which mandates that "decisions/resolutions/orders of the Office of the President shall, except as otherwise provided for by special laws, **become final after the lapse of fifteen (15) days from receipt of a copy thereof x x x, unless a motion for reconsideration** thereof is **filed within such period."**[8]

Contrary to the respondents' submission, the late filing by the DAR of its motion for reconsideration of the March 29, 1996 OP Decision is **not** excusable. The respondents' explanation that the DAR's office procedure after receiving the copy of the March 29, 1996 OP Decision **"made it impossible foe DAR to file its motion for reconsideration on time" since the said decision had to be referred to the different departments of the DAR,** cannot be considered a valid justification. There is nothing wrong with referring the decision to the departments concerned for the preparation of the motion for reconsideration, **but in doing so, the DAR must not disregard the reglementary period fixed by law, rule or regulation.** In other words, the DAR must develop a system of procedure that would enable it to comply with the reglementary period for filing said motion. For, **the rules relating to reglementary period should not be made subservient to the internal office procedure of an administrative body. Otherwise, the noble purpose of the rules prescribing a definite period for filing a motion for reconsideration of a decision can easily be circumvented by the mere expediency of claiming a long and arduous process of preparing the said motion involving several departments of the administrative agency.**

The respondents then faulted the Office of the President when they further stressed that it should have resolved "the (DAR's) motion for reconsideration on the merits **in the interest of substantial justice,"** instead of simply denying the same for having been filed late,[9] adding that **"technicalities and procedural lapses"**

should be "subordinated to the established merits of the case."[10] Respondents thus plead for a relaxation in the application of the rules by overlooking procedural lapses committed by the DAR.

We are persuaded.

Procedural rules, we must stress, should be treated with utmost respect and due regard since they are designed to facilitate the adjudication of cases to remedy the worsening problem of delay in the resolution of rival claims and in the administration of justice. The requirement is in pursuance to the bill of rights inscribed in the Constitution which guarantees that "all persons shall have a right to the speedy disposition of their before all judicial, quasi-judicial and **administrative bodies,"** [11] the adjudicatory bodies and the parties to a case are thus enjoined to abide strictly by the rules.[12] While it is true that a litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice.[13] There have been some instances wherein this Court allowed a relaxation in the application of the rules, but this flexibility was "never intended to forge a bastion for erring litigants to violate the rules with impunity."[14] A liberal interpretation and application of the rules of procedure can be resorted to only in proper cases and under justifiable causes and circumstances.

In the instant case, we cannot grant respondents the relief prayed for since they have not shown a justifiable for a relaxation of the rules. As we have discussed earlier, the DAR/s late filing of its motion for reconsideration of the March 29, 1996 OP Decision was not justified. Hence, the final and executory character of the said OP Decision can no longer be disturbed, much less substantially modified. ***Res judicata*** has set in and the adjudicated thing or affair should forever be put to rest. It is in this sense that we, in our decision under reconsideration, declared as void and of no binding effect the "win-win" Resolution of November 7, 1997 which substantially modified the March 29, 1996 Decision, the said resolution having been issued in excess of jurisdiction and in arrant violation of the fundamental and time-honored principle of finality to administrative determinations.

The movants, however, complain that the case was decided by us on the basis of a "technicality," and, this has been the rallying cry of some newspaper columnists who insists that we resolve this case not on mere "technical" grounds.

We do not think so.

It must be emphasized that a decision/resolution/order of an administrative body, court or tribunal which is declared void on the ground that the same was rendered **without** or **in excess of jurisdiction,** or **with grave abuse of discretion,** is by no means a mere technicality of law or procedure. It is elementary that **jurisdiction** of a body, court or tribunal is an **essential** and **mandatory** requirement before it can act on a case or controversy. And even if said body, court or tribunal has jurisdiction over a case, but has acted in excess of its jurisdiction or with grave abuse of discretion, such act is still invalid. The decision nullifying the questioned act is an **adjudication on the merits.**

In the instant case, several **fatal** violations of the law were committed, namely: (1)