

SIXTH DIVISION

[CA-G.R. SP No. 121510, November 13, 2014]

HEIRS OF THE LATE RICARDO TENORIO, HEIRS OF THE LATE JUAN RAMOS, HEIRS OF THE LATE JOSE RAMOS, HEIRS OF THE LATE JUAN ROMERO, HEIRS OF THE LATE AMELIA ESPIRITU, LOIDA SAMSON, JUAN ESPINO AND ROLANDO ESPINO, REPRESENTED BY MERCEDITA S. ROMERO, PETITIONERS, VS. ANTONIO LUIS TANTOCO AND ARACELI B. TANTOCO, REPRESENTED BY FLORDELIZ M. GOMEZ, RESPONDENTS.

DECISION

TIJAM, J.:

Before Us is a Petition for Review^[1] assailing the *Decision*^[2] dated June 11, 2008 and the *Resolution*^[3] dated February 16, 2009, and *Joint Resolution*^[4] dated September 6, 2011 of the Office of the President (OP) in OP Case No. 07-1-359. The June 11, 2008 Decision denied the appeal of Petitioners, the February 16, 2009 Resolution denied the motions for reconsideration of the June 11, 2008 Decision, while the September 6, 2011 Joint Resolution denied the Manifestation with Motion, Motion for Intervention and Appeal in Intervention filed by the Heirs of Late Ricardo Tenorio, et. al.

The facts of the case are as follows:

This controversy involves various parcels of land that were originally part of an agricultural land with an area of 35.5719 hectares, covered by TCT No. RT-51064 (182111), previously registered in the name of Felisa Tantoco ("Felisa") who allegedly died intestate on February 6, 1970 without issue. Felisa's land is located at Brgy, Pungo, Calumpit, Bulacan and was tenanted by herein Petitioners.

Pursuant to Presidential Decree No. 27^[5], it appears that petitioners were issued Transfer Certificate of Titles (TCTs) on the basis of Emancipation Patents^[6] (EPs) as follows:

EP No.	Name of Grantee/Beneficiary	Area (in sq. m.)
617018	Ricardo S. Tenorio	7,068
617006	Juan S. Ramos	7,496
743196	Heirs of Jose Ramos	4,025
617027	Heirs of Juan Romero	13,856
617020	Amelia T. Espiritu	5,446
704814	Loida Samson	8,869
617028	Juan Espino	9,760
617030	Rolando Espino	7,649

In a *Notice*^[7] dated August 26, 2004, petitioners were asked by the Department of Agrarian Reform (DAR) to attend a meeting wherein respondents' application for retention under Republic Act No. 6657 (RA 6657) will be discussed. Petitioners failed to attend the meeting.^[8]

In an *Order*^[9] dated December 23, 2004, the Regional Director of DAR, Regional Office III approved respondents' application for retention. The dispositive portion of the said *Order* states:

"WHEREFORE, premises considered, an ORDER is hereby issued as follows:

1. APPROVING the Application for retention of Antonio Luis Tantoco and Araceli B. Tantoco, as represented by Flordeliz M. Gomez of a maximum of seven (7) hectares, identified as Lot 25, pursuant to RA 6657 covering the landholding embraced by TCT No. RT-51064 (182111), with an area of 35.5719 hectares, more or less, situated at Pungo, Calumpit, Bulacan;
2. ORDERING the landowner-applicant to cause the segregation survey of the retained area, at her own expense, and to submit within thirty (30) days from receipt hereof to this Office;
3. ORDERING further the landowner-applicant to maintain the affected tenants in their peaceful possession as lessees thereof pursuant to RA 3844, as amended; and
4. The coverage of the excess area under PD 27 is hereby maintained.

SO ORDERED."^[10]

Seeking for a higher retention area, respondents filed an appeal to the DAR Secretary. In an *Order*^[11] dated October 9, 2006, the DAR Secretary granted respondents a maximum of seven hectares each as retention area. The DAR Secretary also directed the Provincial Agrarian Reform Officer and Municipal Agrarian Reform Officer to cause the coverage of the excess area under the Comprehensive Agrarian Reform Program (CARP).

Petitioners filed a motion for reconsideration of the October 9, 2006 Order. In an *Order*^[12] dated August 13, 2007, the DAR Secretary partially granted the motion for reconsideration and modified its October 9, 2006 Order by maintaining the Operation Land Transfer (OLT) coverage of the area in excess of the landowner's retention area.

Not satisfied with the DAR Secretary's Order, the petitioners filed an Appeal to the Office of the President (OP) questioning the retention area granted to the respondents.

In an *Order*^[13] dated September 25, 2007, the OP directed petitioners to submit their appeal memorandum within 15 days from notice.

Subsequently, the OP issued a *Decision*^[14] dated June 11, 2008, denying petitioners' appeal. The OP ruled that respondents, as the legal heirs of Felisa, are indeed, entitled to the retention of 7 hectares each since they submitted their application on March 25, 1985, which is before the deadline of August 27, 1985, as required by Administrative Order No. 2, s. 2003.

In an *Resolution*^[15] dated February 16, 2009, the OP likewise denied petitioners' motion seeking reconsideration of its June 11, 2008 Decision. The OP found, as one of the grounds for denial of petitioners' motion for reconsideration, that it was only petitioner Pedro Tenorio who filed an appeal memorandum. Hence, it ruled that the failure of the other petitioners, Heirs of the late Ricardo Tenorio, Heirs of the late Juan Ramos, Heirs of the late Jose Ramos, Heirs of the late Juan Romero, Heirs of the Late Amelia Espiritu, Loida Samson, Juan Espino and Rolando Espino ("Heirs of Ricardo Tenorio, et. al.") to submit their appeal memorandum is failure to pursue the appeal.

To this finding, the Heirs of Ricardo Tenorio, et. al. filed a *Manifestation with Motion*^[16], contending that they timely filed an appeal memorandum as shown by the registry receipts. They prayed that the June 11, 2008 Decision and February 16, 2009 Resolution of the OP be reconsidered and set aside.

In its *Joint Resolution*^[17] dated September 6, 2011, the OP denied the Manifestation with Motion filed by Heirs of Ricardo Tenorio, et. al. Hence this petition raising the following errors:

- "1. The Honorable Office of the President gravely erred in holding that Petitioners failed to file an Appeal Memorandum pursuant to its Order dated September 25, 2007 that led to the denial of its Motion for Reconsideration.
2. The Honorable Office of the President grossly erred in holding that the DAR Secretary correctly granted area of seven (7) hectares each to applicants-appellees since they submitted their application on March 25, 1985, which is before the deadline of August 27, 1985 as required by DAR Administrative Order No. 2, s. 2003.
3. The Honorable Office of the President glaringly erred in holding that Respondents Antonio Luis Tantoco and Araceli Tantoco, are the surviving niece and nephew of the registered owner, Felisa S. Tantoco, without requiring any proof that indeed, they are the lawful heirs of the deceased landowner.
4. The Honorable Office of the President flagrantly erred in ruling that laws and jurisprudence do not guarantee the indefeasibility of Emancipation Patents (EPs) and Certificate of

Land Ownership Award (CLOAs), and that the current policy of the law is to make EPs and CLOAs defeasible."

Reformulating the issues raised by petitioners, We believe that the resolution of the instant case hinges on a determination of whether respondents were properly granted 7 hectares each as retention area.

The Petition lacks merit.

In this case, petitioners preliminary raise as error the OP's finding that they failed to submit an Appeal Memorandum. Attaching Registry Receipts Nos. 5719, 5714 and 5715, petitioners insist that they timely submitted their appeal memorandum on October 25, 2007, which is the last day for the filing of the said memorandum.

True, in the OP's *Resolution*^[18] dated February 16, 2009, the OP denied the motions for reconsideration of petitioners Heirs of Ricardo Tenorio, et. al. due to their failure to submit their appeal memorandum. However, upon closer reading of the said Resolution, We find that the OP's denial of the motions for reconsideration was also based on other substantive grounds. In the said Order, the OP noted that the motions were a mere rehash of the arguments it already considered in its Decision dated June 11, 2008. More importantly, the OP noted that even if Heirs of Ricardo Tenorio, et. al submitted their appeal memorandum, the same does not detract from respondents' entitlement to retention of certain portion of the land subject of the case.

Considering the substantive grounds raised by the OP in denying petitioners' appeal and motion for reconsideration, We do not believe that the OP's finding that petitioners failed to pursue their appeal as a reversible error on the part of the OP. Evidently, the OP's June 8, 2011 *Decision* and February 16, 2009 *Resolution* denying petitioners' motion for reconsideration were reached upon consideration of the totality of the facts established and the law governing the case at bar. In other words, petitioners' arguments raised before the DAR Secretary which form part of the records submitted to the OP, were all considered by the OP in disposing the appeal before it. Incidentally, We note that the arguments raised by petitioners before the DAR Secretary were substantially identical to those raised in the appeal memorandum which were allegedly not submitted before the OP. Hence, We believe that independent of the issue on the timely filing of appeal memorandum by petitioners Heirs of Ricardo Tenorio, et. al., they were not deprived of the opportunity to be heard on their arguments on the case at hand.

In any case, the OP directly addressed petitioners' arguments in their appeal memorandum in its *Joint Resolution*^[19] dated September 6, 2011. Hence, any perceived defect or error raised by petitioners with respect to the OP's February 16, 2009 Resolution is deemed to have been cured by the OP's September 6, 2011 Joint Resolution.

We now go to the merits of the case.

At the outset, well-entrenched is the rule that courts will not interfere in matters which are addressed to the sound discretion of the government agency entrusted with the regulation of activities coming under the special and technical training and

knowledge of such agency. Administrative agencies are given a wide latitude in the evaluation of evidence and in the exercise of their adjudicative functions, latitude which includes the authority to take judicial notice of facts within their special competence. In administrative proceedings, only substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion is required. Thus, findings of fact of quasi-judicial agencies are generally accorded respect and even finality.^[20]

A perusal of the questioned issuances of the OP reveals that they are based on the records of the case which constitutes substantial evidence, sufficiently proving that respondents are entitled to retain 7 hectares each from the land of their deceased aunt, Felisa Tantoco, which was distributed to herein petitioners pursuant to Our government's agrarian reform program.

Concededly, the rule is that Certificates of Title issued pursuant to Emancipation Patents are as indefeasible as TCTs issued in registration proceedings. We are not oblivious to the High Court's ruling in *Estrebillo v. DAR*^[21] which affirmed the prior pronouncements in *Ybañez v. Intermediate Appellate Court*^[22] and *Lahora v. Dayanghirang, Jr.*^[23] which states that "when land is granted by the government to a private individual, the corresponding patent therefor is recorded, and the certificate of title is issued to the grantee; thereafter, the land is automatically brought within the operation of the Land Registration Act, the title issued to the grantee becoming entitled to all the safeguards provided in Section 38 of the said Act. In other words, upon expiration of one year from its issuance, the certificate of title shall become irrevocable and indefeasible like a certificate issued in a registration proceeding."

In this petition though, We are called upon to determine whether the indefeasibility of TCTs issued to farmer-beneficiaries, pursuant to EPs, deprives the landowner the right to retain a certain portion of the land given to the tenants-farmers thereof.

We answer in the negative.

In *Mago v. Barbin*^[24], the High Court ruled that the mere issuance of an emancipation patent does not put the ownership of the agrarian reform beneficiary beyond attack and scrutiny. Emancipation patents issued to agrarian reform beneficiaries may be corrected and canceled for violations of agrarian laws, rules and regulations.

DAR Administrative Order No. 02, Series of 1994, which was issued in March 1994, enumerates the grounds for cancellation of registered Emancipation Patents or Certificates of Landownership Award:

"Grounds for the cancellation of registered EPs [Emancipation Patents] or CLOAs [Certificates of Landownership Award] may include but not be limited to the following:

1. Misuse or diversion of financial and support services extended to the ARB [Agrarian Reform Beneficiaries]; (Section 37 of R.A. No. 6657)