Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PHILCONTRUST RESOURCES INC. (Formerly known as INTER-ASIA LAND CORPORATION),
Petitioner,

-versus-

CARLOS SANTIAGO, LITO PALANGANAN, OLIMPIA ERCE, TAGUMPAY REYES, DOMINGO LUNA, RICARDO DIGO, FRANCIS DIGO, VIRGILIO DIGO, CORAZON DIGO, WILBERT SORTEJAS, ADRIEL SANTIAGO, CARLOS SANTIAGO JR., SEGUNDO BALDONANSA, RODRIGO DIGO, PAULINO MENDOZA, SOFRONIO OLEGARIO, BERNARD MENDOZA, JUN DELPINADO, EDILBERTO CABEL, ERINITO MAGSAEL, HONORIO BOURBON, MAURICIO SENARES, RICARTE DE GUZMAN, MANUEL DE CASTRO, CENON MOSO, JESUS EBDANI, DOMINGO HOLGADO, LETICIA PELLE, REY SELLATORES, EFREN CABRERA, RONNIE DIGO, RENATO OLIMPIAD, RICARDO LAGARDE, ERIC DIGO, ISAGANI SENARES, CANCIANO PAYAD, MELITONA PALANGANAN, VIRGILIO PERENA, EDGARDO PAYAD, WINNIE CABANSAG, WINNIE AVINANTE, and VALENTINA SANTIAGO,
Respondents.

G.R. No. 174670

Present:

CARPIO, *J.*,
Chairperson
PERALTA,
MENDOZA,
LEONEN, and
MARTIRES, *JJ.*

Promulgated:

26 JUL 2017

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DECISION

MARTIRES, *J.*:

THE CASE

Petitioner Philcontrust Resources, Inc. assails,[1] by way of a Petition for Review by Certiorari,[2] the 19 June 2006[3] and 12 September 2006[4] Resolutions of the Court of Appeals (*CA*) in CA-G.R. SP No. 93735, whereby the appellate court dismissed outright petitioner's Rule 43 Petition[5] against the 25 April 2005 Decision[6] and 3 February 2006 Resolution[7] of the Department of Agrarian Reform Adjudication Board (*DARAB*) in DARAB Case No. 12726. With said issuances, the DARAB declared respondents to be petitioner's agricultural tenants of a piece of land located in Barangay Iruhin West, Tagaytay City,[8] which in the present petition is referred to as titled to petitioner.

In fine, petitioner prays for the remand of the case to the agrarian reform adjudicator for further proceedings.

THE FACTS

The records support the following narration.

Respondents are members of an organization called *Kapisanan ng mga Magsasaka sa Iruhin.*[9] On 20 February 2002, they filed a Complaint[10] before the DARAB, alleging as follows:

Respondents and their predecessors were the agricultural tenants of the subject land since 1935, which they cultivated with a variety of food crops, namely, pineapple, coffee, banana, papaya, root crops, vegetables, and coconut. Comprising twenty-nine hectares, the land was subdivided into

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1 *Rollo*, pp. 3-243.
2 Rule 45 of the Rules of Court.
3 *Rollo*, pp. 45-46; Penned by Associate Justice Elvi John S. Asuncion, and concurred in by Associate Justices Japar B. Dimaampao and Arturo G. Tayag.
4 Id. at 48-50.
5 Id. at 112-126.
6 Id. at 86-92.
7 Id. at 101-102.
8 Id. at 4
9 Id. at 51.
10 Id. at 51-54; Docketed as DARAB Case No. 0402-003-2002.

thirteen parcels and was then owned by one Marcela Macatangay, to whom respondents paid lease rental at the rate of one-fifth of the net harvest.[11]

In 1994, petitioner, then known as Inter-Asia Development Corporation, informed respondents of its acquisition of the land and ordered them to stop its cultivation. While petitioner promised respondents disturbance compensation, several meetings at the Office of the Punong Barangay to negotiate the terms of the disturbance compensation, however, proved to be futile.[12]

In August 2001, petitioner gave respondents notice to vacate the land and surrender their respective areas of tillage. Respondents refused, saying that the land was covered by the Comprehensive Agrarian Reform Program[13] and that they had been identified as the potential farmer beneficiaries by the Municipal Agrarian Reform Officer (*MARO*) of Tagaytay City.[14]

In their complaint, respondents prayed: that they be declared as the *bona fide* agricultural tenants of the land, to be maintained in its peaceful possession; that their lease rental with petitioner be fixed; and that petitioner be ordered to execute leasehold contracts with them.[15]

Petitioner initially filed an answer,[16] Later, however, it filed an Omnibus Motion that included a request for the withdrawal of the answer.[17] In the motion, petitioner prayed that the complaint be dismissed on the grounds of forum shopping, lack of cause of action, and lack of jurisdiction. The purpose of the complaint, petitioner claimed, was to "offset"[18] the several ejectment cases it had filed against respondent before the Municipal Trial Court in Cities (*MTCC*), Tagaytay City, as respondents were "squatters"[19] whose occupation of the land was merely being tolerated. Also, the complaint was filed sans the necessary certification from the Barangay Agrarian Reform Committee (BARC), in violation of Section 53 of Republic Act (*R.A.*) No. 6657.[20] Finally, petitioner insisted that the land had always been residential in nature and a number of its parcels were located in

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11 Id. at 52.
12 Id.
13 Id.
14 Id. at 53.
15 Id.
16 The Answer is not a part of the records before the Court.
17 *Rollo*, pp. 55-063; Filed on 26 March 2002.
18 Id. at 57.
19 Id. at 58-59.
20 Section 53 of R.A. No. 6657, also known as the Comprehensive Agrarian Reform Law of 1988, reads:

> Section 53. *Certification of the BARC.*—The DAR shall not take cognizance of any agrarian dispute or controversy unless a certification from the BARC that the dispute has been submitted to it for mediation and conciliation without any success of settlement is presented: provided, however, that if no certification is issued by the BARC within thirty (30) days after a matter or issue is submitted to it for mediation or conciliation the case or dispute may be brought before the PARC.

conservation areas. As proof, petitioner presented several documents that include certifications from a former MARO, the National Irrigation Administration, the Housing and Land Use Regulatory Board (*HLURB*), and the Planning and Development Office of Tagaytay City.[21]

The Order of the Adjudicator

On 7 October 2002, the Regional Agrarian Reform Adjudicator[22] dismissed the complaint on the first and third grounds of the Omnibus Motion.[23]

Respondents moved for reconsideration,[24] pleading that the person who signed the complaint's verification and certification against forum shopping, Honorio Borbon, was the president of their organization and that their failure to attach their written authority for him to sign was due to mere inadvertence. They also pointed out that the authority to approve conversions of agricultural lands to non-agricultural belonged to the Secretary of the Department of Agrarian Reform (*DAR*).

The motion was denied.[25]

The Ruling of the DARAB

On respondents' *Notice of Appeal*[26] dated 1 October 2003, and docketed as DARAB Case No. R-0402-003-2002, the DARAB reversed and set aside the adjudicator's ruling. In the Decision dated 25 April 2005,[27] the board found that respondents had incurred vested rights over the subject land as a consequence of their tenancy relations with its previous owner. The board recognized respondents as the agricultural tenants at petitioner's property and ordered that they be maintained in peaceful possession and cultivation thereof.

On 3 February 2006, the DARAB denied[28] petitioner's motion for reconsideration.[29]

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21 *Rollo*, pp. 59-61.
22 Regional Adjudicator Conchita C. Miñas.
23 *Rollo*, pp. 76-77.
24 Id. at 78-82; Motion for Reconsideration (with compliance) dated 30 October 2002.
25 Id. at 83-84; Order dated 3 September 2003.
26 Id. at 85.
27 Id. at 86-92.
28 Id. at 101-102.
29 Id. at 93-100.

The CA Rulings

Petitioner attempted to obtain relief from the CA. On 21 March 2006, it filed a *Motion for Time*,[30] docketed as CA-G.R. SP No. 93735, manifesting that it had until 21 March 2006 to file an appeal, under Rule 43 of the Rules of Court, as it received notice of the CA's ruling on its motion for reconsideration on 6 March 2006. Due to the heavy workload of its counsel and the fact that it was securing "certified true copies of the pertinent documents" from the DARAB, petitioner asked for an additional **thirty (30) days**, or until 20 April 2006, within which to file the appeal.

In a Resolution dated 10 April 2006, the CA[31] granted the request, but only for **fifteen (15) days**.

Petitioner filed its appeal[32] on 20 April 2006, which was the very last day of the extension it had prayed for. On even date, it received a copy of the CA's 10 April 2006 Resolution.[33]

In the Resolution dated 19 June 2006, which is presently assailed, the CA dismissed the appeal for being filed beyond the extended period.[34] It also took note of other defects:

> Moreover, a perusal of the petition shows the following legal defects: (a) the copy of the assailed April 25, 2005 Decision as well as the February 3, 2006 Resolution of the DARAB are in plain photocopy, contrary to the requirement under *Section 6(c), Rule 43* of the *Revised Rules of Court*; and (b) there are no certified copies of the material portions of the record and other supporting papers (i.e., position paper of the parties, memorandum of appeal) attached to the petition, as required under *Section 6(c), Rule 43* of the *Revised Rules of Court*.[35]

Petitioner filed a motion for reconsideration,[36] which the CA denied via the second assailed Resolution, dated 12 September 2006. The CA hewed to its technical dismissal of petitioner's appeal as being proper, viz:

> [Under Sec. 4, Rule 43 of the Rules:] this [c]ourt may grant an additional period of fifteen (15) days only within which to file a petition for review. No further extension shall be granted except for the most compelling reasons and in no case to exceed fifteen (15) days. This [c]ourt

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30 Id. at 103-106.
31 CA *rollo*, p. 19.
32 *Rollo*, pp. 112-129.
33 Id. at 11-12.
34 Id. at 45-46.
35 Id. at 46.
36 Id. at 233-246.

did not grant petitioner the thirty-day extension as originally prayed for, as [w]e did not find compelling reasons to grant the same.

Motions for extensions are not granted as a matter of right but in the sound discretion of the court, and lawyers should never presume that their motions for extensions or postponement will be granted or that they will be granted the length of time they pray for (*Cosmo Entertainment Management vs. La Ville Commercial Corporation*, 437 SCRA 145, 150).

WHEREFORE, the motion for reconsideration is hereby DENIED for lack of merit. Our June 19, 2006 Resolution STANDS. [37]

Hence, the present petition, which, for the purpose of imputing error on the CA's technical dismissal of its Rule 43 appeal, argues in this wise:

I.

THE DARAB DECISION IS VOID FOR HAVING BEEN RENDERED (A) WITHOUT SUBJECT MATTER JURISDICTION AND (B) IN VIOLATION OF PETITIONER'S FUNDAMENTAL RIGHT TO DUE PROCESS.

II.

VOID JUDGMENTS DO NOT BECOME EXECUTORY AND CAN BE ASSAILED AT ANY TIME. THE COURT OF APPEALS ERRED IN RELYING ON TECHNICAL RULES OF PROCEDURE IN DISMISSING THE PETITION FOR REVIEW PETITIONER FILED WITH THE COURT OF APPEALS FOR ALLEGEDLY HAVING BEEN FILED BEYOND THE EXTENDED PERIOD THE COURT OF APPEALS GRANTED TO PETITIONER.

III.

EVEN ASSUMING, FOR THE SAKE OF ARGUMENT, THAT THE PETITION FOR REVIEW WITH THE COURT OF APPEALS FAILED TO COMPLY WITH TECHNICAL REQUIREMENTS, THE SUBSTANTIVE MERITS OF THIS PETITION OVERRIDE TECHNICAL RULES AND THE HONORABLE COURT HAS THE POWER TO SUSPEND TECHNICAL RULES—EVEN JURISDICTIONAL PERIODS PROVIDED FOR PLEADING SUBMISSION—IN ORDER TO PROMOTE SUBSTANTIAL JUSTICE.[38]

The Court required respondents to comment.[39] They complied.[40]

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37 Id. at 50.
38 Id. at 18.
39 Id. at 250.
40 Id. at 263-264; Compliance dated 8 February 2008; id. at 265-270; Comment dated 8 February 2008.

The Issues

Inasmuch as the present case is one for review on certiorari from a final order of the CA, the petition is essentially an attack on the DARAB ruling. The assault rests on two grounds: *first*, the DARAB had no subject matter jurisdiction over respondents' complaint; and, *second,* the DARAB had violated petitioner's right to due process.

The Court shall resolve these issues and touch upon the manifold concerns of the case *ad seriatim.*

Discussion

The Court shall first deal with the claim that the CA had committed reversible error through an "improper adherence" to the rule on the period for the filing of an appeal.[41]

At issue is Rule 43 of the Rules of Court,[42] Section 4 of which provides:

> Section 4. *Period of appeal.* — The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency a quo. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, **the Court of Appeals may grant an additional period of fifteen (15) days only** within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days. (emphasis ours)

We have said, time and again, that strict compliance with the Rules of Court is indispensable for the orderly and speedy disposition of justice.[43] Section 4 of Rule 43 limits the extension the appellate court may grant for the filing of an appeal. Clearly, the thirty-day extension that petitioner requested of the CA is incompatible with the prescribed period.

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41 Id. at 4.

42 Appeals from the Court of Tax Appeals and Quasi-Judicial Agencies to the Court of Appeals.

43 *Spouses Bergonia v. Court of Appeals,* 680 Phil. 334, 345 (2012), citing *Dimarucot v. People of the Philippines,* 645 Phil. 218, 229 (2010).

Undeterred, petitioner invokes the prevailing trend in the computation of the period to appeal, which is that of liberality.[44] Such liberality is in line with an overall jurisprudential trend, duly noted in *Asia United Bank v. Goodland Company, Inc.*,[45] that is inclined to a flexible application of the Rules of Court, if so warranted. In said case, however, we reminded the bench and the bar of a primordial judicial policy: that of a zealous compliance with the Rules of Court. Consequently, we directed that a liberal and flexible application of the technical rules be bestowed not only for reason of substantial justice, but also for *meritorious reasons*. We relate this to *Cu-Unjieng v. CA*,[46] where we held that "...the mere invocation of substantial justice is not a magical incantation that will automatically compel the Court to suspend procedural rules," as well as to *Redeña v. CA*,[47] where we held that what constituted good and sufficient cause as would merit such suspension would be discretionary upon the courts. Following case law, therefore, the pleading party must plead both substantial justice and *meritorious reasons* before its request for liberality in the application of the Rules of Court may be granted in accordance with sound judicial discretion.

The reason petitioner gave for its inability to comply with the fifteen-day appeal period as well as the *additional* fifteen days it was granted was simply that it was securing certified true copies of certain documents from the DARAB, and that it had no control over the speed with which the DARAB staff could release the copies. The requested copies are: (a) petitioner's Omnibus Motion; (b) the Order of the adjudicator dated 03 September 2003; (c) respondents' *Notice of Appeal*; (d) respondents' Complaint; (e) the Order of the adjudicator dated 7 October 2002; (f) the Certification dated 2 December 1996 of the HLURB; (g) the Certification dated 7 August 2001 of the Tagaytay City Planning and Development Office; (h) petitioner's Motion for Reconsideration, dated 30 October 2002, filed with the DARAB; (i) respondents' Motion for Reconsideration dated "24 June 2005;"[48] (j) Certification dated 20 January 1992 of the DAR; (k) Certification dated 23 August 1994 of the DAR; (l) Certification dated 31 July 1995 of the National Mapping and Resource Information Authority; and (m) "45 other documents attached as Annexes to the Omnibus Motion dated March 26, 2002."[49]

The CA found this reason to be not compelling. We see no error in this particular exercise of discretion.

This Court is perplexed with petitioner's request for certified copies, as they include copies of documents that petitioner itself had submitted to

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44 *Rollo*, p. 31.
45 650 Phil. 174, 183 (2010).
46 515 Phil. 568, 578 (2006).
47 543 Phil. 358, 336 (2007).
48 *Rollo*, p. 10.
49 Id. at 10-11.

the DARAB and documents that were copy-furnished to petitioner in the normal course of proceedings. Petitioner already should have these documents in its possession, particularly in time for its appeal to the CA. Petitioner could have preempted or dispelled our perplexity with an explanation, but it did not. We are thus at a loss as to why, for example, petitioner had to request certified copies of the orders of the adjudicator. Section 11, Rule VIII of the 1994 DARAB Rules of Procedure, which prevailed at the time of the adjudicator's 2002 Order, provides:

> SECTION 11. *Finality of Judgment.* Unless appealed, the decision, order or ruling disposing of the case on the merits shall be final after the lapse of fifteen (15) days from receipt of a copy thereof by the counsel or representative on record, or by the party himself who is appearing on his own behalf. **In all cases, the parties themselves shall be furnished with a copy of the final decision.** (emphasis ours)

A similar provision is likewise found in the 2003 DARAB Rules of Procedure, which governed the adjudicator's 2003 Order.[50] Notably, petitioner does not allege, let alone prove, that it did not receive a copy of said orders. Absent such allegation and proof, petitioner is thus deemed to have been duly furnished with the copies, following the presumption of regularity in the performance of official duty. All told, we see no error in the CA's finding, done in the exercise of its discretion, that petitioner presented no compelling reason for its failure to seasonably file the appeal.

Parenthetically, petitioner also argues that the appeal should have been considered as having been filed on time, if reckoned within the sixty-day period set by the Rules of Court for the filing of a petition for certiorari, under Rule 65. Petitioner points out that among the material allegations of its appeal was that the DARAB had rendered a decision "with grave abuse of discretion amounting to lack or excess of jurisdiction," given that the board acted outside of its subject matter jurisdiction when it took cognizance of respondents' complaint.[51] Thus, petitioner advances, the appeal qualifies as a Rule 65 petition.

We have heard of this argument before.[52] In the 2012 case of *Villaran v. DARAB*,[53] this Court held:

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50 Section 11, Rule X (on Proceedings before the Adjudicators), of the 2003 DARAB Rules of Procedure, adopted on 17 January 2003, provides:

> Section 11. Finality of Judgment. Unless appealed, the decision, order, or resolution disposing of the case on the merits shall be final after the lapse of fifteen (15) days from receipt of a copy thereof by the counsel or representative on record, or by the party himself whether or not he is appearing on his own behalf whichever is later. In all cases, the parties themselves shall be furnished with a copy of the decision, order or resolution.

51 *Rollo*, p. 28.

52 Cf. *Po v. Dampal*, 623 Phil. 523 (2009).

53 683 Phil. 536, 544-546 (2012).

> We agree with the Court of Appeals that petitioners have resorted to a wrong mode of appeal by pursuing a Rule 65 petition from the DARAB's decision. Section 60 of Republic Act (R.A.) No. 6657 clearly states that the modality of recourse from decisions or orders of the then special agrarian courts is by petition for review. In turn, Section 61 of the law mandates that judicial review of said orders or decisions are governed by the Rules of Court. Section 60 thereof is to be read in relation to R.A. No. 7902, which expanded the jurisdiction of the Court of Appeals to include exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions. **On this basis, the Supreme Court issued Circular No. 1-95 governing appeals from all quasi-judicial bodies to the Court of Appeals by petition for review regardless of the nature of the question raised**. Hence, the Rules direct that it is Rule 43 that must govern the procedure for judicial review of decisions, orders, or resolutions of the DAR as in this case. Under Supreme Court Circular No. 2-90, moreover, an appeal taken to the Supreme Court or the Court of Appeals by a wrong or inappropriate mode warrants a dismissal.
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> Thus, petitioners should have assailed the January 16, 2001 decision and the June 25, 2002 resolution of the DARAB before the appellate court via a petition for review under Rule 43. By filing a special civil action for certiorari under Rule 65 rather than the mandatory petition for review, petitioners have clearly taken an inappropriate recourse. For this reason alone, we find no reversible error on the part of the Court of Appeals in dismissing the petition before it. While the rule that a petition for certiorari is dismissible when availed of as a wrong remedy is not inflexible and admits of exceptions such as when public welfare and the advancement of public policy dictates; or when the broader interest of justice so requires; or when the writs issued are null and void; or when the questioned order amounts to an oppressive exercise of judicial authority none of these exceptions obtains in the present case. (emphasis ours and citations omitted)

In *Spouses Bergonia v. CA*,[54] we held:

> The right to appeal is not a natural right and is not part of due process. It is merely a statutory privilege, and may be exercised only in accordance with the law. The party who seeks to avail of the same must comply with the requirements of the Rules. Failing to do so, the right to appeal is lost.

For this reason alone, we can already dismiss the petition. Nevertheless, we proceed to the argument that the DARAB decision is *void ab initio*, an argument that is couched on two points: *first*, the DARAB had no jurisdiction over respondents' complaint, as the land subject of the Complaint is not agricultural; and, *second*, the DARAB had violated petitioner's right to due process.

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[54] Supra note 43, citing *Dimarucot v. People*, 645 Phil. 218, 229 (2010).

There is supreme irony in the claim that the DARAB has no subject matter jurisdiction in this case. To recall, what petitioner ultimately prays for is the remand of the case to the DARAB adjudicator for further proceedings. In other words, what petitioner wants is that the Complaint be sent back to the adjudicator of a board that petitioner believes does not have subject-matter jurisdiction over it.

At any rate, the Court cannot subscribe to the claim for two reasons.

First. It is axiomatic that the subject matter jurisdiction of a quasi-judicial body such as the DARAB[55] is *determined* by the material allegations of the complaint before it and the character of the reliefs prayed for, irrespective of whether the complainant is entitled to any or all such reliefs.[56] It is also axiomatic that the subject matter jurisdiction is *conferred* upon the quasi-judicial body by the Constitution and law, and not by the consent or waiver of the parties where the court otherwise would have no jurisdiction over the nature or subject matter of the action.[57]

Accordingly, we turn to the subject complaint.[58] As has been observed, the complaint alleges that respondents are the tenants and the cultivators of

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[55] R.A. No. 6657, Section 50; Executive Order Nos. 229 and 129-A. See also *Springfield Development Corporation, Inc. v. the Hon. Presiding Judge of RTC Misamis Oriental, Br. 40,* 543 Phil. 298 (2007).

[56] *Vda. De Herrera v. Bernardo*, 665 Phil. 234, 240 (2011).

[57] *Cf. Soriano v. Bravo*, 653 Phil. 72, 89-90 (2010), citing *Heirs of Julian dela Cruz v. Heirs of Alberto Cruz*, 512 Phil. 389, 400 (2005).

[58] *Rollo*, pp. 51-53; The Complaint reads in full:

COMPLAINT

COME[S] NOW, the plaintiffs, through the undersigned counsel, and unto this Honorable Board, most respectfully aver:

1. That plaintiffs are pauper litigants and members of the Kapisanan ng mga Magsasaka sa Iruhin, all of legal age, filipinos [*sic*] and residents of Brgy. Iruhin, west Tagaytay City, Cavite, where they may be served with legal processes of this Honorable Board;
2. That defendant is a domestic corporation created and organized under the laws of the Republic of the Philippines with office and postal address at no. (sic) 16-M Legaspi Towers 300 Vito cruz cor. Roxas Boulevard, Malate, Manila, Philippines where it may be serve (sic) with summons and other legal processes of this Honorable Board;
3. That as early as the year 1935 up to the present, the plaintiffs have been the agricultural tenants over a parcel of agricultural land with an area of twenty-nine (29) hectares of land, more or less, a portion of a more than 100 hectares of land owned by the late Marcela Luna Macatangay of Talisay, Batangas, then administered by the late Melchor Senares and located at Brgy. Iruhin West, Tagaytay, City (sic), Cavite; That some of them (plaintiffs) have succeeded their parents as tenants therein. Attached hereto are copies of the "Pinagsamang Sinumpaang Salaysay" of the herein complainants and "Sinumpaang Salaysay of Alfredo Natanauan which are marked as annex "A" and "B", respectively, and all made integral part of the complaint;
4. That the subject property, which is now subdivided into thirteen parcels, is devoted to various crops, to wit, pineapple, coffee, banana, papaya coconut, (sic) root crops and other various kinds of vegetables, whereupon the plaintiffs are religiously giving lease rentals to the landowner thru her then Administrator the (sic) late Mr. Melchor Senares (sic) and thereafter to his son and one of the plaintiffs Mr. (sic) Mauricio Senares, at the rate of one fifth (1/5) of the net harvest;

petitioner's property since 1935; that the land is agricultural; that respondents and their predecessors had been paying lease rental to the previous owner at the rate of one-fifth of the net harvest; that petitioner, the new owner, had ordered them to stop cultivating the land and surrender its possession, and offered them disturbance compensation; that respondents refused as the property was covered by the agrarian reform program and they were the potential beneficiaries. As reliefs, the Complaint prayed that respondents be declared as petitioner's agricultural tenants and that the amounts respondents were to pay petitioner as lease rental be fixed.

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5. That after so many years have passed and in the year 1994, plaintiffs to their astonishment, were approached by the lawyer and representative of the defendant Inter-Asia Develoment Corporation and informed the former that they (defendant) are now the new-owner of the subject property and further (sic) ordered them to stop cultivating the subject property, (sic) however, they promised the plaintiffs that they will be given Disturbance Compensation, and in view thereof, several meetings were undertaken before the office of the Brgy. Captain for the negotiation of the said payment disturbance compensation, but said promise has not been realised, (sic) said conferences for payment of disturbance compensation are evidenced by hereto attached "Sinumpaang Salaysay of the then Brgy. Captain Buenaventura Castillo of Brgy. Iruhin west, Tagaytay City which is marked as annex "C" and made an integral part of the complaint;
6. That on August 10, 2001 plaintiffs received notice from the defendant ordering them to vacate and surrender possession of their respective areas of tillage in favour of the defendant within 15 days from receipt as evidenced by hereto attached several copies of the demand letter and marked as annexes "D" to "D-__" (sic);
7. That plaintiffs refused to vacate their respective areas of tillage considering the fact that they are bona fide agricultural tenants of the subject property and therefore they are entitled to Security of Tenure and that, with more reason, the said landholding was put under the provisions and coverage of the Comprehensive Agrarian Reform Program (CARP) of the government pursuant to Republic Act No. 6657 otherwise known as the "Comprehensive Agrarian Reform law of 1988 and is now undergoing documentation process as evidenced by hereto attached notice of coverage by the Municipal Agrarian Reform Officer of Tagaytay City and investigation report of Mr Jimmy Dayao of FOSSO-DAR Central Office and marked as Annexes "E" to "E-_" (sic) and "F," respectively;
8. That by virtue of said program, the herein plaintiffs are identified as potential farmer beneficiaries by the MARO of Tagaytay so that their peaceful possession is protected under the pertinent provision of R.A. 6657 and other pertinent Agrarian Laws;
9. That the defendant corporation, being the successor-in-interest of the former landowner, assumes the rights and obligations of the latter with respect to the plaintiffs-tenants as provided for under pertinent agrarian laws.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed before this Honorable Board that, after due notice and hearing, Judgement (sic) be rendered:

1. Declaring the defendants as bona fide agricultural tenants of the defendants on the subject property;
2. Ordering the defendants to maintain the plaintiffs in their peaceful possession and cultivation of the subject property;
3. Ordering the MARO of Tagaytay City to fix the amount of lease rentals the plaintiffs are required to pay the defendant; and
4. Ordering the MARO of Tagaytay City to execute a leasehold contract between the parties.

Other reliefs, Just and Equitable under the premises, are likewise prayed for.

x x x x

These allegations and prayers clearly indicate an *agrarian dispute*, a subject matter that is within the competence of the DARAB and its adjudicators. Section 50 of R.A. No. 6657[59] and Section 17 of Executive Order (*E.O.*) No. 229[60] confer upon the DAR the primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all matters involving the implementation of agrarian reform. Correspondingly, and through E.O. No. 129-A,[61] the DARAB was created to assume the powers and functions of the DAR pertaining to the adjudication of agrarian reform cases.[62] At the first instance, only the DARAB, as the DAR's quasi-judicial body, can determine and adjudicate all agrarian disputes,[63] cases, controversies, and matters or incidents involving the implementation of the CARP.[64] In which case, the 1994 DARAB Rules of Procedure,[65] which was prevailing at the time the subject complaint was filed, provided:

RULE II

JURISDICTION OF THE ADJUDICATION BOARD

SECTION 1. *Primary and Exclusive Original and Appellate Jurisdiction.* The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate **all agrarian disputes** involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order

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59 Sec. 50 of R.A. No. 6657 provides: "SEC. 50. Quasi-Judicial Powers of the DAR. - The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR)."

60 Providing the Mechanisms for the Implementation of the Comprehensive Agrarian Reform Program, 22 July 1987.

61 Reorganizing and Strengthening the Department of Agrarian Reform and for Other Purposes, 26 July 1987. Sec. 13 of this executive order provides: "SECTION 13. Agrarian Reform Adjudication Board. There is hereby created an Agrarian Reform Adjudication Board under the Office of the Secretary. The Board shall be composed of the Secretary as Chairman, two (2) Undersecretaries as may be designated by the Secretary, the Assistant Secretary for Legal Affairs, and three (3) others to be appointed by the President upon the recommendation of the Secretary as members. A Secretariat shall be constituted to support the Board. The Board shall assume the powers and functions with respect to the adjudication of agrarian reform cases under Executive Order No. 229 and this Executive Order. These powers and functions may be delegated to the regional offices of the Department in accordance with rules and regulations to be promulgated by the Board."

62 See *Islanders Carp-Farmers Beneficiaries Multi-Purpose Cooperative, Inc. v. Lapanday Agricultural and Development Corporation*, 522 Phil. 626, 633-634 (2006), citing *Heirs of Julian dela Cruz v. Heirs of Alberto Cruz*, 512 Phil. 389, 402 (2005).

63 Section 3(d) of R.A. No. 6657 defines an agrarian dispute in this wise: "Section 3 (d) - Agrarian dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements. It includes any controversy relating to compensation of lands acquired under R.A. 6657 and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee."

64 *Del Monte Philippines Inc. Employees Agrarian Reform Beneficiaries Cooperative (DEARBC) v. Sangunay*, 656 Phil. 87, 97 (2011).

65 Adopted and promulgated on 30 May 1994 and came into effect on 21 June 1994. Cf. *DAR v. Paramount Holdings Equities, Inc.*, 711 Phil. 30 (2013). The 1994 DARAB Rules of Procedure has since been superceded by the DARAB 2003 Rules of Procedure. Cf. *Manuel v. DARAB*, 555 Phil. 28 (2007).

> Nos. 228, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:
>
> a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws;
>
> b) The valuation of land, and the preliminary determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank of the Philippines (LBP);
>
> x x x x

With respondents' allegations and prayers squaring with the above cases, the DARAB obtained a foothold to take cognizance of their complaint.

Second. We consider also the axiom that the jurisdiction of a tribunal cannot be made to depend on the answer of the defendant or the agreement or waiver of the parties.[66] This axiom exists, because otherwise, the question of jurisdiction would depend almost entirely on defendant."[67] In *Laynesa v. Uy,*[68] the Court had occasion to rule that the DARAB retains jurisdiction over disputes arising from agrarian reform matters even though the landowner or defendant interposes the defense that the land involved has been reclassified from agricultural to non-agricultural use.

In the course of assessing the present petition, however, the Court cannot help but notice petitioner's arguments to support its claim that the subject land is no longer agricultural. If only in passing, and to disabuse the mind of petitioner as well, the Court shall discuss why these arguments are misplaced.

According to petitioner, the DARAB had declared the subject land to be non-agricultural. Petitioner cites the following passage from the DARAB's 25 April 2005 decision as being on point:

> **Even if it ceases to be an agricultural land**, the owner must respect the status of the tenants or occupants of the land as well as the relationship governing them. Plaintiffs have vested rights over the properties in question. It is said that rights are vested when the right of enjoyment, present or prospective, has become the property of some person as present interest. They cannot avoid responsibility by simply saying that no tenancy relationship existed between them as the subject

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66 Cf. *Bokingo v. CA*, 523 Phil. 186, 195 (2006).
67 Cf. *De la Rosa v. Roldan*, 532 Phil. 492, 508 (2006).
68 570 Phil. 516, 530 (2008).

> property is no longer classified as agricultural. The law must respect the contract between them. **Thus, even if it ceases to be agricultural, the Board should rule on the matter...**[69] (underlining, emphasis, and ellipsis in the original)

It is obvious, however, that the passage does not declare, whether explicitly or implicitly, that the land is no longer agricultural. Instead, its language is subjunctive, hypothetical. By no stretch of the imagination should it be said to be declarative. The Court need not belabor this point. And even if we were to assume, *arguendo*, that the DARAB had actually made the vaunted declaration, then the DARAB would be acting outside of its jurisdiction. The DARAB itself was aware of this. Contrary to what petitioner would have the Court believe, the DARAB in the same decision took pains to *expressly* state that it was not within its competence to determine whether a piece of land was agricultural or not, to wit: "It is correct to say that the Honorable Secretary of the DAR has the jurisdiction to determine whether or not the subject property is no longer agricultural and not the Board. The determination is beyond the power of the Honorable Board."[70]

We need not dwell at length on the claim that the subject land is no longer devoted to agricultural activity and has been "classified" as residential. For these claims, petitioner put together the following: (a) a certification of a "former" MARO[71] that the land has "long been" classified as residential; (b) a certification of the Department of Agriculture that it has ceased to be economically viable or suitable for any agricultural purposes; (c) an HLURB Region IV certification that per the land use map of Tagaytay City, the land is located within a special conservation area; and (d) a certification of the City Planning and Development Office of Tagaytay City that the land is located in a special conservation zone "as envisioned in the city's land use and zoning plan."[72]

Fatally missing is a zoning ordinance, duly issued by the local government and approved by the HLURB, on the reclassification of the subject land as residential.[73] It is this ordinance, not any of the above, which would serve as conclusive proof of the land's "classification" as residential. Yet even if such ordinance had been secured and presented, such would not operate to oust the DARAB of jurisdiction. The previously cited *Laynesa v.*

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69 *Rollo*, p. 19.

70 Id. at 90-91.

71 By the name of Leticia Diesta.

72 *Rollo*, pp. 20-21.

73 *Cf.* DAR Administrative Order No. 1, Series of 1990 (the Revised Rules and Regulations Governing Conversion of Private Agricultural Land to Non-Agricultural Uses) which defined agricultural lands as those devoted to agricultural activity as defined in R.A. 6657 and not classified as mineral or forest by the Department of Environment and Natural Resources (DENR) and its predecessor agencies, and not classified in town plans and zoning ordinances as approved by the Housing and Land Use Regulatory Board (HLURB) and its preceding competent authorities prior to 15 June 1988 for residential, commercial or industrial use.

Uy,[74] held that despite a local government's reclassification of a piece of land as non-agricultural, the DARAB still retained jurisdiction over the therein complaint, filed by the land's tenant who was threatened with ejectment, because the complaint's averments pertained to a matter within the competence of the DARAB. This holds true for the complaint at bar. Incidentally, also missing from petitioner's documents is an exemption clearance, which is issued by the DAR Secretary. Without such clearance, petitioner would not be allowed to change the land's use from agricultural to non-agricultural, even if it had already been reclassified by the local government via a zoning ordinance.[75]

In the narration of facts,[76] petitioner mentions several ejectment cases with the MTCC, Tagaytay City, that it allegedly filed against respondents.[77] Petitioner asserts that these cases were decided in its favor,[78] and that the CA affirmed the ruling in 2004. Attached to the present petition are copies of the Consolidated Decision[79] and the Entry of Judgment[80] as Annexes "F" and "G," respectively.

Interestingly, in the discussion of the petition's main points, however, petitioner no longer took up or mentioned these ejectment cases. At any rate, the Court took a look at the consolidated decision, Annex "F." It is assigned the docket number of "Civil Case Nos. 474-2002 to 481-2002,"[81] consistent with how petitioner identified the ejectment cases in the narration of facts. In the Omnibus Motion with the adjudicator, however, where petitioner first mentioned the cases, petitioner identifies them as "Civil Case Nos. 462-2002 to 469-2002." To recall, petitioner alleged that respondents could be held liable for forum shopping and perjury in view of these ejectment cases.[82] A scrutiny of the consolidated decision however shows that its sets of respondents are not the exact same set of respondents presently before us.[83]

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74 *Laynesa. v. Uy,* supra note 68 at 529-530.

75 See *Chamber of Real Estate and Builders Associations, Inc. (CREBA) v. Secretary of Agrarian Reform,* 635 Phil. 283, 309 (2010).

76 *Rollo*, pp. 14-17.

77 Id. at 15 and 152-159.

78 Via a Consolidated Decision dated 20 January 2003.

79 *Rollo*, pp. 64-74.

80 Id. at 75.

81 Id. at 15.

82 Id. at 57.

83 The civil cases and their respective respondents are as follows: **Civil Case No. 474-2002**: Sps. Hilario and Gloria Agudo, Sps. Emmanuel Bangate, Sps. Efren and Nimia Cabrera, Ms. Josephine Cabrera, Sps. Edwin Cadaos, Sps. Rolando Entino, Sps. Virgilio Holgado. Sps. Felipe Llaban, Sps. Benedicto and Sonia [N]erio; Sps. Canciano Payad, Sps. Julieto Payad, Sps.Crisitto and Leticia Pelle, Ms. Marina Pelle, Sps.Eduardo Saltore, Sps. Alejo Sanares, Sps. Minda Sanares, Sps. Wilson Sangalang, Sps. Edgar Sangalang, Mrs. Lorlinda Sangalang, Sps. Willie Sangalang, Sps. Domingo Holgado, Sps. Vernon Jose, Ms. Balbina Derla, Sps. Andres Diaz, and "all persons claiming rights under the above named defendants" (*rollo*, p. 64). **Civil Case No. 475-2000**: Corazon Digo, Dennis Digo, Frederick Digo, Sofronio Digo, Olivia Erce, Angelbert and Lita Mendoza, Benito Oligario, Lito Palanganan, Rachel sortijas, Claire Caraan, and "all persons claiming rights under the abovenamed defendants," (*rollo*, p. 65). **Civil Case No. 476-2002**: Virgilio Digo and "all persons claiming rights under the above named defendant" (*rollo*, p. 65). **Civil Case No. 477-2002**: Sps. Wenceslao Avinante, Sps. Honorio and Ludy Borbon, Sps. Cosmeand Florendo Catinoy, Sps. Eduardo and Anita Climaco, Sps. Severino de Castro, Sps. Ricarte and Eden de Guzman, Ms. Winnie de Guzman, Ms. Christina Jumarang, Sps.

Which brings us to another point. We have previously observed that the petition at bar does not specifically describe its subject land; the petition refers to the land simply as being located at Barangay Iruhin West, Tagaytay City, and titled in petitioner's name. Curiously, despite the land's alleged registration, the petition also fails to state its corresponding registration number/s. In contrast, the consolidated decision specifies the registration numbers of the land in the ejectment suits, namely, Transfer Certificate of Title Nos. 25373, 25379, 25378, 25380, 25374, 25402, 25400, and 25376. With the petition's vague description of its subject land, it is impossible to ascertain if it is the same land in the ejectment cases. Considering also that there is no similarity in the sets of the respondents in the ejectment cases and in the present, the Court thus has no reason to consider that the aforementioned ejectment cases may have any significant bearing on the case at bar.

We go now to the second point that props the argument of a *void ab initio* DARAB ruling, i.e., the claim that the DARAB had violated petitioner's right to due process. The claim chiefly rests on the fact that during the DARAB proceedings, no formal hearing on the merits of the case was conducted.

Petitioner acknowledges that it was due to its own motion that the adjudicator had dismissed the subject complaint, thereby obviating a formal hearing at that stage. To recall, the dismissal led to respondents' elevation of the Complaint to the DARAB, which eventually paved a way for a ruling in respondents' favor. Petitioner now contends that what the DARAB should have done was to remand the case to the adjudicator for a formal hearing. Citing *Parañaque Kings Enterprises, Incorporated v. CA*,[84] petitioner insists that it was "basic" that when a dismissal order is reviewed by a higher tribunal, the review is limited only to the propriety of the dismissal.[85] In other words, the DARAB should not have decided the case. Petitioner thus argues that in this instance, when the DARAB ruled upon the merits of respondents' complaint without a formal hearing, the board failed to give

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Samuel and Herniliza Libutan, Ms. Gertrudez Magpili, Sps. Ferdinand and Maritess Mendoza, Sps. Julius Naturales, Ms. Elena Nolasco, Sps. Renato Olimpiada, Ms. Meletona Palanganan, Sps. Edwin Puspus, Ms. Emedelia Puspus, Sps. Neptali and Alma Rualis, Sps. Mauricio Sanares, Ms. Claudia Valdueza, Sps. Ramil Godinez, Ms. Salvacion Godinez, Ms. Girlie Osabel, Sps. Efren Pascua, and "(all persons claiming rights under the above named defendants)" (*rollo*, p. 66). **Civil Case No. 478-2002**: Sps. Marcelo Hopja, Sps. Boy DelaTorres, Ms. Pricilla Saltore, Sps. Orlando Victoriano "(all persons claiming rights under the above named defendants)" (*rollo*, p. 66). **Civil Case No. 479-2002**: Ms. Emma Baldonanza, Sps. Miguel Bituin, Sps. Ricardo and Milagros Ligarde, Sps. Domingo Luna, and "(all persons claiming rights under the above named defendants)" (*rollo*, p. 6). **Civil Case No. 480-2002**: Sps. Daniel and Vivian Castro, Sps. Moises and amelita de Guzman, Sps. Eddie and Agnes Golez, Ms. Anita Magsael, Sps. Cenon and Rowena Mozo, Sps. Luisito and Marilene Mozo, Sps. Sofronio and Eufrecina Oligario, Sps. Eduardo Payad, Ms. Julie Reyes, Sps. Jojit Rivera, Ms. Pacita Ygnacio, Ms. Benita Mendoza, Ms. Araceli Digo, Ms. Betty Santiago, and "(all persons claiming rights under the above named defendants)" (*rollo*, p. 67). **Civil Case No. 481-2002**: Sps. Pedro Digo, sps. Ricardo Digo, Sps. Rodrigo Digo, sps. Paulino Mendoza, Sps. Ernesto Revira, and "(all persons claiming rights under the above-named defendants)" (*rollo*, p. 68).

84 335 Phil. 1184 (1997).

85 *Rollo*, p. 23.

petitioner an opportunity to present its case. In fine, petitioner asserts that the DARAB acted without jurisdiction, for the reason that the board obtains appellate jurisdiction only after an adjudicator below had conducted a formal hearing on a complaint and issued a ruling on the merits, which did not happen in this case. Following this chief premise, petitioner also contends that: (a) it was denied of the opportunity to file an answer to the complaint; (b) no first and second preliminary conferences were held before the adjudicator, Contrary to Rule IX, Section 1 of the DARAB Rules; (c) it was denied of an opportunity to file an appeal-memorandum before the DARAB, contrary to Rule XIV, Section 9 of the DARAB Rules; and (d) it was denied of an opportunity to file a reply-memorandum.

Petitioner also argues in this wise: "[w]orse, there was no evidentiary basis at all to the conclusion of DARAB that respondents were tenants of petitioner over the property in question. This evidentiary lack comes from the fact that no Answer and no further proceedings to receive evidence ever took place before the Adjudicator himself, much less before the DARAB."[86]

This sweeping argument is specious and incorrect. The burden of proving that respondents had tenancy rights, as an aspect of their cultivation of the subject land, rested on the party that had alleged it, i.e., the respondents. If such evidence be lacking, then the blame should fall on respondents' complaint, and not on petitioner's Answer—or alleged lack thereof. Secondly, it is not true that petitioner was denied the opportunity to file an answer. As noted in the narration above, petitioner had in fact filed an answer with the adjudicator, but later requested its withdrawal via an omnibus motion. Correspondingly, petitioner should not be heard to say that it was deprived of the chance to file an answer. Finally, it is not true that there is no evidence on record of respondents' tenancy rights. The sworn affidavits of respondents and their witness, attached as annexes "A" and "B" of the complaint, were submitted precisely in support of this factual allegation.[87] As the present case is a Rule 45 review, the Court as a general rule cannot calibrate the evidence presented below. At any rate, the Court is satisfied that, contrary to what petitioner would have the Court believe, evidence of respondent's tenancy rights are in fact present in the records of the DARAB.

In *Villaran v. DARAB*,[88] we held that in administrative proceedings, a fair and reasonable opportunity to explain one's side suffices to meet the requirements of due process. Thus:

> The essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard. In administrative

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86 Id. at 8.
87 Id. at 52.
88 Supra note 53.

> proceedings, such as in the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of. "To be heard" does not mean only verbal arguments in court; one may be heard also thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.[89]

Petitioner certainly availed of the ample opportunities it had been given to present its side. It had filed an answer and an omnibus motion with the adjudicator. It had filed a motion for reconsideration with the DARAB.[90] Thus, it should not be said that it was deprived of due process.

Moreover, as respondents correctly point out in their comment, the DARAB and its adjudicators are not bound by the technical rules. Section 3, Rule I, of the 1994 DARAB Rules of Procedure provides:

> SECTION 3. *Technical Rules Not Applicable*. The Board and its Regional and Provincial Adjudicators shall not be bound by technical rules of procedure and evidence as prescribed in the Rules of Court, but shall proceed to hear and decide all agrarian cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity. x x x

This precautionary measure, established to assist expediency, was retained by the 2003 DARAB Rules of Procedure,[91] which was effective at the time of the filing of respondents' *Notice of Appeal.* Given that the DARAB is mandated by its own rules to resolve cases expeditiously, unhampered by the technical rules, petitioner's lamentations involving foregone preliminary conferences and foregone submissions of reply and/or appeal-memoranda are woefully out of place. Inasmuch as the DARAB operates under the norms of procedural due process, the case cited by petitioner, *Parañaque Kings*,[92] is not availing. The tribunal involved in *Parañaque Kings* was a trial court which, by its very nature, must certainly cleave to the procedural laws. The Rules of Court does not provide that the courts are not to be bound by the technical rules of procedure and evidence that it contains.

All told, petitioner had not been denied due process in the DARAB proceedings.

WHEREFORE, premises considered, the Petition is hereby **DENIED** for lack of merit. The Resolutions dated 19 June 2006 and 12 September 2006 of the Court of Appeals in CA-G.R. SP No. 93735 are **AFFIRMED**.

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89 Id. at 552, citing *Casimiro v. Tandog*, 498 Phil. 660, 666 (2005).
90 *Rollo*, pp. 78-82.
91 See Rule I, Section 3, of the 2003 DARAB Rules of Procedure.
92 Supra note 84.

SO ORDERED.

SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Senior Associate Justice
Chairperson

DIOSDADO M. PERALTA
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

MARVIC M.V.F LEONEN
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice