Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

THE HEIRS OF THE LATE DOMINGO BARRAQUIO, NAMELY GLENN M. BARRAQUIO, MARIA M. BARRAQUIO, GREGORIO BARRAQUIO, DIVINA B. ONESA, URSULA B. REFORMADO, AND EDITHA BARRAQUIO, Petitioners, -versus- **ALMEDA INCORPORATED,** Respondent.	**G.R. No. 169649**
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THE HEIRS OF THE LATE DOMINGO BARRAQUIO REPRESENTED BY GLENN BARRAQUIO, Petitioners, -versus- **ALMEDA INCORPORATED and the COURT OF APPEALS,** Respondents.	**G.R. No. 185594** Present: LEONEN, *J.*, *Chairperson*, LAZARO-JAVIER, LOPEZ, M., LOPEZ, J., and KHO, JR., *JJ.*[*] **Promulgated:** JAN 16 2023

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DECISION

LEONEN, *J.*:

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[*] On leave.

An exemption order issued by the agrarian reform secretary must be final and executory before it may be used as basis to revoke or cancel certificates of land ownership award (CLOAs) issued to farmer-beneficiaries.

G.R. No. 169649 involves a Petition for Review[1] filed under Rule 45 of the Rules of Court assailing the Court of Appeals Decision[2] and Resolution[3] which affirmed the Department of Agrarian Reform Adjudication Board's (DARAB) cancellation of CLOAs issued to farmer-beneficiaries on account of an Order[4] exempting the property from coverage under the Comprehensive Agrarian Reform Program (CARP).

G.R. No. 185594 is a Petition for *Certiorari*[5] filed under Rule 65 of the Rules of Court questioning the Court of Appeals Resolutions[6] which ruled that petitioners are guilty of forum shopping.

Both G.R. Nos. 169649 and 185594 were filed by petitioners Glenn M. Barraquio, Maria M. Barraquio, Gregorio Barraquio, Divina B. Onesa, Ursula B. Reformado, and Editha Barraquio. They are the heirs of Domingo Barraquio (Barraquio), a farmer-beneficiary who was issued CLOAs on a portion of the property registered under the name of Almeda Incorporated (Almeda).

Almeda is a corporate entity who is the registered owner of four parcels of land covered by Transfer Certificates of Title (TCT) Nos. T-83731, T-83732, T-83733 and T-83734, with total area of 14.5727 hectares located in Barangay Pulong Sta. Cruz, Santa Rosa, Laguna (Almeda properties).[7]

In 1994, the Department of Agrarian Reform issued and awarded 18 CLOAs to nine farmer-beneficiaries over the Almeda properties.[8] One of the farmer-beneficiaries is Barraquio, who was awarded with two CLOAs.[9]

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1 *Rollo* (G.R. No. 169649), pp. 14–32.

2 *Id.* at 34–42. The March 30, 2005 Decision was penned by Associate Justice Santiago Javier Ranada, and concurred in by Associate Justices Marina Buzon and Mario Guariña III of the Tenth Division, Court of Appeals, Manila.

3 *Id.* at 43–46. The September 9, 2005 Resolution was penned by Associate Justice Santiago Javier Ranada, and concurred in by Associate Justices Marina Buzon and Mario Guariña III of the Tenth Division, Court of Appeals, Manila.

4 *Id.* at 87–92.

5 *Rollo* (G.R. No. 185594), pp. 3–24.

6 *Id.* at 26–27 & 29–35. The July 23, 2008 and November 17, 2008 Resolutions were penned by Associate Justice Celia Librea-Leagogo, and concurred in by Associate Justices Mario Guariña III and Ricardo Rosario of the Fourteenth Division, Court of Appeals, Manila.

7 *Rollo* (G.R. No. 169649), p. 59.

8 *Id.* The nine farmer-beneficiaries were Domingo Barraquio, Flora G. Samiano, Anita M. Samiano, Leonardo S. Montoya, Marcos B. Aripol, Dioscoro M. Acerdin, Sabina B. Aripol, Mariano A. Paz, and Santos G. Atienza (DARAB Case No. 2093, entitled *Valeriano Barraquio, et al. vs. Almeda Inc.*)

9 *Id.* at 60–61 & 72–73. PARAB Order, CLOA No. CLO-1375 covering 2,182 square meters and CLOA No. CLO-1409 covering 9,826 square meters of land.

Prior to the issuance of the CLOAs, a Notice of Coverage was sent to Almeda on June 30, 1994.

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On July 2, 1998, Almeda filed a Complaint before the Provincial Agrarian Reform and Adjudication Board (PARAB) against the farmer-beneficiaries[10] to cancel or nullify their CLOAs.[11] It impleaded the Provincial Agrarian Reform Officer of Laguna and the Register of Deeds for Laguna in their official capacities.[12]

Almeda alleged that the allocation of lots and registration of CLOAs in favor of the farmer-beneficiaries constituted confiscatory taking and deprivation of ownership rights.[13] It claimed that the Provincial Agrarian Reform Officer did not comply with the prerequisites for land acquisition under Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law. Almeda insisted that no investigation was made, and that the farmer-beneficiaries were already disqualified from becoming beneficiaries, since they already received disturbance compensation and executed the corresponding quitclaims before the CLOAs were issued.[14] Almeda also alleged that Barraquio waived his agrarian rights, based on a separate Certification dated October 31, 1989.[15] Almeda further contended that the properties were already classified as industrial,[16] and are thus, exempt from the coverage of Republic Act No. 6657.[17]

In its April 21, 1999 Decision,[18] the PARAB dismissed Almeda's complaint,[19] finding that no exemption order or conversion order was issued warranting the cancellation of the farmer-beneficiaries' CLOAs.[20] Almeda was duly notified of the administrative proceedings for the issuance of the CLOAs from the initial stages until termination, but failed to make an appearance to signify its stand on the matter.[21] The PARAB further ruled that the acts of the Provincial Agrarian Reform Officer of Laguna and the Register of Deeds of Laguna were presumed regular and could not be overturned on the basis of Almeda's self-serving verbal assertions.[22]

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10 *Id.* at 118–122.
11 *Id.* at 34.
12 *Id.* at 34-35.
13 *Id.* at 35 & 119–120.
14 *Id.* at 35 & 120–121.
15 *Id.* at 61.
16 *Id.* at 35. In the Court of Appeals March 30, 2005 Decision, it states that the land was reclassified per Santa Rosa, Laguna Municipal Zoning Ordinance March 1, 1989.
17 *Id.* at 35 & 121.
18 *Id.* at 58–71. The Decision was penned by Provincial Adjudicator Virgilio M. Sorita of the Department of Agrarian Reform Adjudication Board, Region IV, San Pablo City.
19 *Id.* at 35 & 71.
20 *Id.* at 70.
21 *Id.* at 69.
22 *Id.* at 70.

Almeda sought reconsideration, reiterating that the properties have been reclassified to non-agricultural use as early as March 1, 1989, per a Municipal Zoning Ordinance of Santa Rosa, Laguna. This ordinance was issued prior to the issuance of the Notice of Coverage and the award of the CLOAs, which was in 1994.[23]

In its Order dated June 25, 1999,[24] the PARAB set aside its earlier decision and ordered the nullification of the CLOAs and the reversion of the lands to Almeda.[25] It lent credence to Almeda's argument that in 1989, the land had been reclassified as industrial and thus placed outside the coverage of Republic Act No. 6657. The PARAB justified its reversal:[26]

> Firstly, it is noteworthy that the properties in question were already reclassified as industrial area on March 01, 1989 prior to the issuance of a notice of coverage on June 30, 1994 (Annex "AA" Supplemental Position Paper). The placing thereof of the subject property under CARP coverage violated Memorandum Circular No. 54 Series of 1993.
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> Secondly, the land in question had not been valued and the Land Bank of the Philippines has not paid the landowner the just compensation required by law. In the case of DAR VS. PEDRO L. YAP G.R. NO. 118745, October 6, 1995, the Supreme Court ordered the cancellation of CLOA issued to the farmer beneficiary after it found that the landowner had not yet been paid the required compensation under Section 16 of R.A. 6657. Definitely, the instant case does not deserve an exemption to the rule.
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> . . . .
>
> The fact, however, is that the question of CLOA[]s were already issued without notice and payment which is a clear violation of the constitutional right of the landowner to due process.
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> . . . .
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> WHEREFORE, the foregoing premises considered[,] judgment is hereby rendered setting ASIDE the decision dated April 21, 1999 and ordering the cancellation and/or nullification of the CLOA[]s issued to private respondents and reverting the properties to herein plaintiff.
>
> SO ORDERED.

The nine farmer-beneficiaries appealed on July 31, 2001 before the Department of Agrarian Reform Adjudication Board (DARAB). However, except for Barraquio, the eight other farmer-beneficiaries[27] withdrew their appeal and entered into a compromise agreement with Almeda.[28]

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23 *Id.* at 36.

24 *Id.* at 72–74. The order was made by Provincial Adjudicator Virgilio M. Sorita of the Department of Agrarian Reform Adjudication Board, Region IV, San Pablo City.

25 *Id.* at 36 & 74.

26 *Id.* at 73.

27 Flora G. Samiano, Anita M. Samiano, Leonardo S. Montoya, Marcos B. Aripol, Dioscoro M. Acerdin, Sabina B. Aripol, Mariano A. Paz, and Santos G. Atienza.

28 *Rollo* (G.R. No. 169649), p. 36.

Almeda then filed a Motion to Defer Resolution of Appeal against Barraquio on the ground that it filed an application before the Department of Agrarian Reform Secretary (DAR Secretary) to exempt the Almeda properties from the CARP coverage.[29] Almeda's motion to defer was granted on December 19, 2002.[30]

On May 16, 2003, the DAR Secretary granted Almeda's application and issued an Exemption Order[31] exempting the land from CARP coverage. It found:

> In this case, the subject landholdings were zoned for Industrial Use prior to 15 June 1988, as evidenced by the certifications and letters issued by the HLURB and the Zoning Administrator of Sta. Rosa Laguna. Based on the foregoing, it is clear that the subject parcels were classified to non-agricultural use prior to the effectivity of R.A. 6657 and hence, are outside the ambit of the CARP.
>
> Furthermore, this Office finds proper compliance by the applicant with all the requirements for exemption set forth under DAR A.O. No. 6 (1994).
>
> **WHEREFORE**, premises considered, the herein application for exemption from CARP coverage involving the herein described parcels of land located at Brgy. Pulong Sta. Cruz, Sta. Rosa, Laguna, and covering an aggregate area of 20.0375 hectares, is hereby **GRANTED**.
>
> **SO ORDERED**.[32]

The Exemption Order noted that Almeda submitted several documents to support its application, including:

> (i) Housing and Land Use Regulatory Board (HLURB)-Regional Office Certification dated 7 January 2002 issued by Belen G. Ceniza of the HLURB-Regional Office No. IV. It stated that the properties are zoned for Industrial Use pursuant to the approved General Land Use Plan of Santa Rosa, Laguna, ratified by the HLURB through Resolution No. R-36 dated 2 December 1981;
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> (ii) Certification dated 25 January 2002, issued by Reynaldo D. Pambid, Zoning Officer II/Administrator of Santa Rosa, Laguna, stating that the subject parcels of land are within the Industrial Zone pursuant to the Zoning Ordinance of 1981;
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> (iii) Certification dated 15 April 2002, issued by Baltazar H. Usis, Regional Irrigation Manager of the National Irrigation Administration (NIA)-Region IV stating that the subject parcels of land have been found to

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29 *Id.*
30 *Id.*
31 *Id.* at 87–92.
32 *Id.* at 90–91.

> be not irrigable lands and not covered by any irrigation project with funding commitment;
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> (iv) Certification issued by Job N. Candanido, the Municipal Agrarian Reform Officer of Santa Rosa, Laguna, stating that the subject parcels of land are untenanted but that a Notice of Coverage for said properties has been issued on 30 June 1994. The same certification states that CLOAs were generated and registered, but were subsequently cancelled pursuant to a DAR Adjudication Board (DARB) Order dated 25 June 1999 in Case No. R-0403-0299-98; and
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> (v) Copy of Municipal Ordinance No. XVIII, Series of 1981, dated August 26, 1981 which approved the zoning classification of Lots Nos. 1977-A to 1977-C, 1977-E (Almeda Inc. Properties), Lots 1 to 3 and 2281 for industrial use to the General Land Use Plan of Santa Rosa, Laguna.[33]

Thus, on May 21, 2003, Almeda filed before the DARAB a Manifestation with Motion to Dismiss alleging that: (i) an Exemption Order has been issued by the DAR Secretary exempting the land from CARP coverage, and (ii) all the farmer-beneficiaries, except Barraquio, have amicably settled with it.[34]

On June 4, 2003, Barraquio wrote a letter-communication to the DAR Secretary seeking reconsideration of the issuance of the Exemption Order.[35] Allegedly, Barraquio also filed a Petition for Revocation on the same date.[36]

On June 18, 2003, Barraquio passed away.[37] Thus, petitioner Domingo Barraquio's heirs (Heirs of Barraquio) opposed Almeda's Manifestation with Motion to Dismiss, arguing that its application for exemption violated DAR Administrative Order No. 6 (1994).[38]

On July 3, 2003, a Certificate of Finality of the Exemption Order was issued by the Bureau of Agrarian Legal Assistance Director.[39] It reads:

> This is to certify the copies of the Order dated May 16, 2003 in the above-entitled case have been received by the parties. Since then, more than fifteen (15) days have lapsed and there being no appeal filed or received by this Office, as certified to by the Center for Land Use, Policy, Planning and Implementation-Secretariat (CLUPPI-Secretariat) and the Records Management Division, DAR Central Office, pursuant to Section 51, RA No. 6657, the same has become final and executory.[40]

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33 *Id.* at 309–311.
34 *Id.* at 37.
35 *Id.* at 336–338.
36 *Id.* at 129 & 255.
37 *Id.* at 315. Death Certificate of Domingo Barraquio.
38 *Id.* at 37.
39 *Id.* at 256.
40 CA *Rollo*, p. 184.

In its December 29, 2003 Resolution, the DARAB dismissed the Heirs of Barraquio's appeal for being moot on account of the finality of the Exemption Order:

> Considering that the subject landholding is now outside the coverage of CARP upon the issuance of the Exemption Order by the DAR Secretary which became final after the lapse of the fifteen (15)-day reglementary period, the instant appeal has heretofore been rendered moot and academic.
>
> WHEREFORE, premises considered, the Board hereby RESOLVES to GRANT the Manifestation and Motion to Dismiss. The instant appeal is hereby DISMISSED for being moot and academic. However, pursuant to the Exemption Order of the DAR Secretary dated May 16, 2003, Defendants-Appellants including Domingo C. Barraquio are to vacate the said premises effective immediately. Appellant Domingo C. Barraquio however, is entitled to a relocation site and disturbance compensation to be computed at not less than five (5) times the average gross harvest on his tillage during the last five (5) preceding calendar years, pursuant to DAR AO No. 06, Series of 1994 in relation to Section 36 of R.A. 3844 as amended by Section 7 of R.A. 6839.
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> SO ORDERED.[41]

On appeal, the Court of Appeals still ruled in favor of Almeda.[42] The Court of Appeals affirmed that the Exemption Order has rendered the case moot, especially since a Certificate of Finality has already been issued on July 3, 2003.[43] It said that the issuance of the Certificate of Finality may be "considered as a denial of the reconsideration prayed for by the petitioners in a letter to Secretary Pagdanganan dated 4 June 2003."[44] It likewise held that there was substantial evidence to support the factual findings upon which the Exemption Order was based.[45]

In its Motion for Reconsideration before the Court of Appeals, the Heirs of Barraquio questioned the basis of the Exemption Order, arguing that the CLOAs issued to Barraquio was zoned for industrial use only in 1995, or after the effectivity of Republic Act No. 6657 on June 15, 1988. The Court of Appeals denied reconsideration in its September 9, 2005 Resolution.[46]

The Heirs of Barraquio thus filed a Petition for Review under Rule 45 of the Rules of Court, docketed as G.R. No. 169649.

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41 *Rollo* (G.R. No. 169649), pp. 37–38. The DARAB Resolution dated December 29, 2003 was penned by Assistant Secretary Member Lorenzo R. Reyes, and concurred in by Undersecretary Rolando G. Mangulabnan and Assistant Secretaries Agusto P. Quijano and Rustico T. De Belen.

42 *Id.* at 41.

43 *Id.* at 39.

44 *Id.*

45 *Id.* at 40-41.

46 *Id.* at 46.

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Later, in an Order dated December 6, 2006, noting that the Department of Agrarian Reform recognized the existence of Barraquio's Petition for Revocation, the DAR Secretary[47] decided to lift the Certificate of Finality of the Exemption Order to decide the case on the merits and avoid miscarriage of justice.[48]

Nonetheless, ruling on the merits, the DAR Secretary affirmed *in toto* the Exemption Order.[49] It lent no credence to the contention of the Heirs of Barraquio that the properties were only classified as industrial only in 1995. It found that the Municipal Ordinance of 1981 already previously classified the subject properties as industrial in 1981, prior to the effectivity of Republic Act No. 6675 on June 15, 1988.[50] It accorded weight to the March 8, 2005 Letter of the Office of the Zoning Administrator, which stated:

> In regards with this, we wish to inform you that the Santa Rosa Zoning Ordinance of 1981 is consistent with the 1991 and 2000 Zoning Ordinances regarding the classification of the abovementioned properties as within the Industrial Zone and has been maintained as such in all the Municipal Zoning Ordinances of the then municipality and now City of Santa Rosa, Laguna.[51]

The Heirs of Barraquio appealed the case to the Office of the President, but it was dismissed in a resolution dated November 22, 2007 for lack of merit.[52] They also raised the matter before the Court of Appeals. However, the petition was also dismissed outright, since the Heirs of Barraquio failed to append the listed supporting papers or material portions of the record, in violation of Rule 43, Section 6(c) and Section 7 of the Rules of Court.[53]

The Heirs of Barraquio sought reconsideration, appending the supporting papers listed as lacking by the Court of Appeals, but it was still denied.[54] Noting the pendency of G.R. No. 169649, the Court found that the Heirs of Barraquio are guilty of forum shopping.[55] It ruled that the identity of parties, causes of action, and reliefs in the Petition filed with it and in G.R. No. 169649 were similar. The cases were founded on the same facts and discussion, but the Heirs of Barraquio did not mention the pendency of G.R.

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47 The Order was signed by Officer-in-Charge-Secretary, Nasser C. Pangandaman.
48 *Id.* at 301–306.
49 *Id.* at 306.
50 *Id.* at 258 & 260.
51 *Id.* at 258.
52 *Id.* at 391-393.
53 *Rollo* (G.R. No. 185594), pp. 26-27. The July 23, 2008 Resolution was penned by Associate Justice Celia Librea-Leagogo, and concurred in by Associate Justices Mario Guariña III and Ricardo Rosario of the Fourteenth Division, Court of Appeals, Manila.
54 *Id.* at 29–35. The November 17, 2008 Resolution was penned by Associate Justice Celia Librea-Leagogo, and concurred in by Associate Justices Mario Guariña III and Ricardo Rosario of the Fourteenth Division, Court of Appeals, Manila.
55 *Id.* at 34.

No. 169649.[56] The Court of Appeals noted that the prayers in both Petitions asked that the CLOAs be restored in the name of Barraquio's heirs and that Almeda be divested of the land.[57] It found that any judgment by the Supreme Court in G.R. No. 169649 will amount to *res judicata* in the petition before it.[58]

Hence, the Heirs of Barraquio filed a Petition for *Certiorari* under Rule 65 of the Rules of Court, docketed as G.R. No. 185594.[59]

G.R. No. 169649

In its Petition for Review in G.R. No. 169649, the petitioners maintain that the Almeda properties are agricultural land covered by the CARP.[60] They argue against the Court of Appeals' ruling that there is substantial evidence to support the finding that the properties are classified as industrial prior to the enactment of Republic Act No. 6675.[61]

First, they raise the conflicting decisions of the PARAB. The PARAB initially found that Almeda consistently ignored the proceedings for the issuance of the CLOAs despite due notice. The PARAB also initially dismissed the complaint on the ground that no Exemption Order or Conversion Order exists. However, the PARAB later reconsidered its stance, on the premise that the lands have been reclassified as industrial before the issuance of the Notice of Coverage.[62] Petitioners point that the Notice of Coverage dated June 30, 1994 is a mere reiteration of the Notice of Coverage dated March 2, 1990.[63]

Second, the Heirs of Barraquio submit that conversions may only be granted by the Department of Agrarian Reform when there is an application to convert. At the time the complaint was filed, there was no application to convert the agricultural land to any other classification.[64] They insist that the land "has never been dedicated or converted to any other use except of rice and sugar production," and a mere zoning map cannot be the basis of the conversion to industrial land.[65] Petitioners claim that the Certification of the Zoning Administrator of the Municipality of Santa Rosa pointing to S.B. Resolution No. 20-91 dated February 20, 1991[66] did not result in the land's

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56 *Id.* at 33.
57 *Id.* at 34.
58 *Id.*
59 *Id.* at 3–24.
60 *Rollo* (G.R. No. 169649), p. 24.
61 *Id.*
62 *Id.*
63 *Id.*
64 *Id.* at 25.
65 *Id.*
66 "This is to certify that the parcel of land with a total area of 465,221 Sq. M. situated at Barangay Pulong, Sta. Cruz, appears to be with the INDUSTRIAL AREA based on Approved Zoning Map, approved per S.B. Resolution No. 20-91, dated February 20, 1991."

conversion as only the Department of Agrarian Reform may decide on the matter.[67] They forward that the Declaration of Real Property for the year 1997 classifies the properties as agricultural irrigated ricelands and sugarlands.[68]

In its Comment, Almeda argues that the findings of fact of the Court of Appeals and the DARAB are final and conclusive, and cannot be reviewed on appeal under Rule 45 of the Rules of Court.[69] It alleges that PARAB's reversal of its first Decision is not an irregularity or anomaly since it may reverse itself after a restudy of the facts and the law.[70] Almeda also claims that this issue was not raised in the proceedings before the Court of Appeals and cannot thus be considered on appeal.[71]

In any case, the reversal of PARAB's decision was supported by substantial evidence.[72] Since the Exemption Order is now final and executory,[73] it is procedurally wrong to question it before this Court instead of before the Office of the President. The decision asserts that the Exemption Order confirmed the property conversion to industrial use before the CARP took effect,[74] Thus, it need not be issued before filing the complaint to cancel the CLOAs.[75] The matter is likewise moot as the DAR Secretary has determined that the properties are not covered by CARP.[76]

Aside from this, Almeda claims that it has not received payment for the properties.[77] It contests the evidence presented by the Heirs of Barraquio, as the documents were only presented when it sought reconsideration before the Court of Appeals, and not during the proceedings before the PARAB or DARAB.[78] For Almeda, the matter of when the properties became industrial remains a question of fact.[79] In any case, Barraquio's heirs were able to invoke their evidence in the proceedings with the DAR Secretary but the Exemption Order was still granted.[80]

Contrary to this, the Barraquio Heirs claim that this Court may rightfully review the facts as there is no substantial evidence to support the DARAB's Decision.[81] In its Reply, they emphasize that Almeda was informed several times of the expropriation proceedings for the issuance of the CLOAs: it was given a Notice of Coverage dated March 2, 1990; a Letter dated March

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67 *Rollo* (G.R. No. 169649), p. 25.
68 *Id.* at 26.
69 *Id.* at 145.
70 *Id.* at 146.
71 *Id.*
72 *Id.* at 149.
73 *Id.* at 152.
74 *Id.*
75 *Id.*
76 *Id.* at 153.
77 *Id.*
78 *Id.* at 155.
79 *Id.*
80 *Id.*
81 *Id.* at 188.

27, 1990; a Letter dated April 15, 1991; a Notice of Coverage on June 30, 1994; a Notice of Conduct of Field Investigation dated September 2, 1994; another Notice of Conduct of Field Investigation dated September 16, 1994; and a Notice of Land Valuation and Acquisition dated April 18, 1995.[82] The Heirs of Barraquio thus assert that Almeda waived its right to contest the validity of the expropriation proceedings when it failed to respond on the matter.[83]

Barraquio's heirs likewise disputed Almeda's claim that it has not been paid for the property. They said that Almeda was notified that payment for properties were ready for delivery and may be claimed at the Office of the Department of Agrarian Reform in Pulong Sta. Cruz, Santa Rosa, Laguna.[84] Almeda allegedly refused to claim the compensation and a trust account was created at the Landbank of the Philippines in its favor. [85]

Finally, petitioners assert that the DAR Secretary wrongfully disregarded the CLOAs since the property no longer belongs to Almeda. Any valid reclassification from agricultural to industrial use of the land is no longer relevant, since Almeda was no longer the owner of the properties.[86]

On July 13, 2006, Almeda filed a Motion to Dismiss G.R. No. 169649 alleging that the Heirs of Barraquio are guilty of forum shopping.[87] It explains that there is a pending Petition for Revocation of the Exemption Order filed by Barraquio before the Department of Land Reform which they did not disclose to this Court.[88] Almeda argues that the Heirs of Barraquio's are praying for the same relief in the Petition for Revocation as they are ultimately seeking ownership over the property covered by the revoked CLOAs.[89] Almeda claims it discovered the Petition for Revocation through a DAR letter dated June 20, 2006 informing it of its pendency. It maintains that the Petition for Revocation would have been undetected considering Almeda was under the impression that a Certificate of Finality has already been issued.[90] It insists that the Department of Land Reform should have deferred action on the Petition for Revocation while this case was ongoing.[91]

On November 6, 2006, the Heirs of Barraquio filed a Comment to the Motion to Dismiss, arguing they are not guilty of forum shopping and that they did not deliberately withhold information regarding the Petition for

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82 *Id.* at 189–193.
83 *Id.* at 196.
84 *Id.* at 193.
85 *Id.* at 193–194.
86 *Id.* at 197.
87 *Id.* at 218.
88 *Id.* at 219.
89 *Id.* at 222.
90 *Id.*
91 *Id.* at 227.

Revocation.[92] In any case, the two actions do not involve the same issues.[93] The case pending in G.R. No. 169649 involves the recovery of their titles to the properties.[94] On the other hand, the Petition for Revocation involves the determination of whether the properties are agricultural and covered by the CARP.[95] The first case involves ownership over the property, the other pertains to its use.[96] In both cases, Almeda was the party who initiated the action.[97]

In its Reply, Almeda points that Barraquio's heirs admit that the two cases involve the same property and parties.[98] They also acknowledge that there is a pending motion for reconsideration on the Exemption Order. Thus, the Heirs of Barraquio were duty bound to disclose its pendency considering it may affect the outcome of this case.[99]

G.R. No. 185594

In the Heirs of Barraquio's Petition for *Certiorari* in G.R. No. 185594, they argue that the Court of Appeals gravely abused its discretion in outrightly dismissing its petition on the ground of failing to append the supporting documents.[100] They also assail the ruling of forum shopping, arguing that there is no identity of causes of action.[101]

On February 4, 2009, this Court issued a Resolution consolidating G.R. No. 169649 with G.R. No. 185594.

On May 11, 2009, Almeda filed a Comment to the Heirs of Barraquio's Petition for *Certiorari* in G.R. No. 185594. It alleged that Barraquio's heirs availed of the wrong mode of appeal in filing a Petition for *Certiorari* under Rule 65 instead of a Petition for Review under Rule 45, considering that the Court of Appeals' Decision was a final order that conclusively decides the rights of the parties.[102] Almeda theorizes that the Petition for *Certiorari* was filed when Barraquio's heirs realized they had run out of time to file the Petition for Review under Rule 45.[103]

Almeda also argues that the Court of Appeals' dismissal was not purely on technical grounds considering it also rightfully dismissed the petition of

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92 *Id.* at 235.
93 *Id.* at 236.
94 *Id.*
95 *Id.*
96 *Id.* at 237.
97 *Id.*
98 *Id.* at 242.
99 *Id.* at 245.
100 *Rollo* (G.R. No. 185594), pp. 13–16.
101 *Id.* at 16–19.
102 *Id.* at 175.
103 *Id.* at 179.

Barraquio's heirs on the ground of forum shopping.[104] It maintained that Barraquio's heirs are seeking the same reliefs from the Court, which is the restoration of their CLOAs.[105] It further posits that there was an intent to mislead the Court as it concealed the pending Petition for Revocation with the Department of Land Reform.[106] They likewise point that Barraquio's Heirs still did not comply with the requirements for the correct verification and certification of non-forum shopping.[107]

On May 30, 2013, the Heirs of Barraquio filed a Motion to Admit Newly Discovered Evidence[108] to support its claim that the subject property is agricultural land. They allege that they requested the Housing and Land Use Regulatory Board (HLURB) to issue a certificate that the land is agricultural. The request was initially denied, but the Regulatory Board eventually issued Certification No. 13-094-04 dated April 18, 2013 ("HLURB Certification"), indicating that the land covered by Barraquio's CLOAs[109] are agricultural land.[110]

Moreover, pursuant to the HLURB Certification, the Heirs of Barraquio acquired a Certification from the Zoning Administration of the City of Santa Rosa, Laguna (Zoning Administration Certification), verifying that the land covered by Barraquio's CLOAs[111] are classified as agricultural. It states that it was issued pursuant to *Zoning Ordinance of 1981,* or SB Municipal Ordinance No. 18, Series of 1981, *dated September 9, 1981*, as approved by HLURB Board Resolution No. R-36, Series of 1981, dated December 2, 1981.[112]

The Heirs of Barraquio claim that the Zoning Administration Certification was acquired only when the HLURB Certification was presented despite the exercise of diligence required.[113]

On April 14, 2014, Almeda filed a Comment to the Barraquio Heirs' Motion to Admit Newly Discovered Evidence,[114] arguing that the certifications are irrelevant and not new evidence. It claims that the certifications refer to a Comprehensive Land Use Plan and Zoning Ordinance of the Municipality of Santa Rosa, Province of Laguna which has been in existence since 1981. The DARAB and the Court of Appeals could have taken

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104 *Id.* at 182.
105 *Id.* at 192.
106 *Id.*
107 *Id.* at 193.
108 *Rollo* (G.R. No. 169649), pp. 478–483.
109 *Id.* at 479. Lot Nos. 119 and 11 with TCT Nos. CLO-1409 and CLO-1375.
110 *Id.*
111 *Id.*
112 *Id.* at 480. This Court notes that the Exemption Order is also based on HLURB Board Resolution No. R-36, Series of 1981, dated December 2, 1981. However, the SB Municipal Ordinance No. 18, Series of 1981 upon which the Exemption Order is based is dated August 26, 1981, and not September 9, 1981.
113 *Id.*
114 *Id.* at 507.

judicial notice of it in their respective proceedings and rulings.[115] The Heirs of Barraquio also could have availed of compulsory writs to secure the certifications or could have proven it with other evidence through the exercise of reasonable diligence.[116] However, they gave no proof that they have been requesting this certification from the Housing and Land Use Regulatory Board as they claimed.[117] Thus, the evidence is not new, but rather suppressed or neglected. [118] Likewise, it cannot be raised for the first time before the Supreme Court, as this Court is not a trier of facts.[119] The HLURB Certification's validity, authenticity, probative value, weight, or relevance has not been determined. It is also clearly hearsay considering that the person who signed it was never presented as a witness nor subjected to cross-examination.[120]

Considering the arguments of the parties, this Court resolves the following issues:

first, whether petitioners availed of the wrong remedy in questioning the ruling of the Court of Appeals in G.R. No 185594 via a Petition for *Certiorari* under Rule 65 of the Rules of Court, instead of a Petition for Review on *Certiorari* under Rule 45;

second, whether petitioners committed forum shopping;

third, whether the Exemption Order is binding and is sufficient basis for the cancellation of Barraquio's CLOAs;

fourth, whether this Court may admit the certifications presented by the petitioners as newly discovered evidence; and

finally, whether the property was classified as industrial or agricultural land prior to the effectivity of Republic Act No. 6657.

I

Before ruling on these issues, this Court finds it necessary to provide a background on agrarian reform and the nature of exemption orders issued under Republic Act No. 6657.

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115 *Id.* at 508.
116 *Id.*
117 *Id.*
118 *Id.*
119 *Id.* at 509.
120 *Id.* at 510.

Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law, was enacted on June 10, 1988, primarily to provide landless farmers and regular farmworkers the right to own the lands they till, or, in the case of other farmworkers, to receive a just share of its fruits.[121]

This policy originates from the Constitution itself, which provides that the State shall undertake an agrarian reform program founded on the rights of landless farmers to own the lands they till. Article XIII of the Constitution provides for the social justice provisions on agrarian reform:

ARTICLE XIII
Social Justice and Human Rights

. . . .

Agrarian and Natural Resources Reform

SECTION 4. The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

SECTION 5. The State shall recognize the right of farmers, farmworkers, and landowners, as well as cooperatives, and other independent farmers' organizations to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing, and other support services.

SECTION 6. The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.

The State may resettle landless farmers and farmworkers in its own agricultural estates which shall be distributed to them in the manner provided by law.

SECTION 7. The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of local marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other

[121] Republic Act No. 6657 (1988) sec. 2, as amended by Republic Act No. 9700 (2009).

> services. The State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources.
>
> SECTION 8. The State shall provide incentives to landowners to invest the proceeds of the agrarian reform program to promote industrialization, employment creation, and privatization of public sector enterprises. Financial instruments used as payment for their lands shall be honored as equity in enterprises of their choice.

The comprehensiveness of the agrarian reform program under Republic Act No. 6657 can only be understood in the context of the historical progression of agrarian reform in the Philippines. In *Heirs of Nuñez, Sr. v. Heirs of Villanoza*,[122] this Court outlined its development through the years:

> Prior to any colonization, various ethnolinguistic cultures had their own customary laws governing their property relationships. The arrival of the Spanish introduced the concept of encomienda, or royal land grants, to loyal Spanish subjects, particularly the soldiers. Under King Philip II's decree, the encomienderos or landowners were tasked "to maintain peace and order" within their encomiendas, to protect the large estates from external attacks, and to support the missionaries in converting the natives into Christians. In turn, the encomienderos had the right to collect tributes or taxes such as gold, pearls, cotton cloth, chickens, and rice from the natives called indios. The encomienda system helped Hispanicize the natives and extended Spanish colonial rule by pacifying the early Filipinos within the estates.
>
> There were three (3) kinds of encomiendas: the royal encomiendas, which belonged to the King; the ecclesiastical encomiendas, which belonged to the Church; and the private encomiendas, which belonged to private individuals. The local elites were exempted from tribute-paying and labor, or *polo services*, required of the natives.
>
> The encomienda system was abused by the encomienderos. Filipinos were made to pay tribute more than what the law required. Their animals and crops were taken without just compensation, and they were forced to work for the encomienderos.
>
> Thus, the indios, who once freely cultivated the lands, became mere share tenants or dependent sharecroppers of the colonial landowners.
>
> In the 1899 Malolos Constitution and true to one (1) of the principal concerns of the Philippine Revolution, then President General Emilio Aguinaldo declared "his intention to confiscate large estates, especially the so-called [f]riar lands." Unfortunately, the First Philippine Republic did not last long.
>
> The encomienda system was a vital source of revenue and information on the natives for the Spanish crown. In the first half of the 19th century, the cash crop economy emerged after the Philippines

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[122] 809 Phil 965 (2017) [Per J. Leonen, Second Division].

integrated into the world market, increasing along with it the powers of the local elites, called *principalias*, and landlords.

The United States arrived later as the new colonizer. It enacted the Philippine Bill of 1902, which limited land area acquisitions into 16 hectares for private individuals and 1,024 hectares for corporations. The Land Registration Act of 1902 (Act No. 496) established a comprehensive registration of land titles called the Torrens system. This resulted in several ancestral lands being titled in the names of the settlers.

The Philippines witnessed peasant uprisings including the *Sakdalista* movement in the 1930's. During World War II, peasants and workers organizations took up arms and many identified themselves with the Hukbalahap, or *Hukbo ng Bayan Laban sa Hapon.* After the Philippine Independence in 1946, the problems of land tenure remained and worsened in some parts of the country. The Hukbalahaps continued the peasant uprisings in the 1950s.

To address the farmers' unrest, the government began initiating various land reform programs, roughly divided into three (3) stages.

The first stage was the share tenancy system under then President Ramon Magsaysay (1953-1957). In a share tenancy agreement, the landholder provided the land while the tenant provided the labor for agricultural production. The produce would then be divided between the parties in proportion to their respective contributions. On August 30, 1954, Congress passed Republic Act No. 1199 (Agricultural Tenancy Act), ensuring the "equitable division of the produce and [the] income derived from the land[.]"

Compulsory land registration was also established under the Magsaysay Administration. Republic Act No. 1400 (Land Reform Act) granted the Land Tenure Administration the power to purchase or expropriate large tenanted rice and corn lands for resale to bona fide tenants or occupants who owned less than six (6) hectares of land. However, Section 6(2) of Republic Act No. 1400 set unreasonable retention limits at 300 hectares for individuals and 600 hectares for corporations, rendering President Magsaysay's efforts to redistribute lands futile.

On August 8, 1963, Congress enacted Republic Act No. 3844 (Agricultural Land Reform Code) and abolished the share tenancy system, declaring it to be against public policy. The second stage of land reform, the agricultural leasehold system, thus began under President Diosdado Macapagal (1961-1965).

Under the agricultural leasehold system, the landowner, lessor, usufructuary, or legal possessor furnished his or her landholding, while another person cultivated it until the leasehold relation was extinguished. The landowner had the right to collect lease rental from the agricultural lessee, while the lessee had the right to a homelot and to be indemnified for his or her labor if the property was surrendered to the landowner or if the lessee was ejected from the landholding.

Republic Act No. 3844 also sought to provide economic family-sized farms to landless citizens of the Philippines especially to qualified farmers. The landowners were allowed to retain as much as 75 hectares of

their landholdings. Those lands in excess of 75 hectares could be expropriated by the government.

The system finally transitioned from agricultural leasehold to one of full ownership under President Ferdinand E. Marcos (1965-1986). On September 10, 1971, Congress enacted Republic Act No. 6389 or the Code of Agrarian Reform.

Republic Act No. 6389 automatically converted share tenancy into agricultural leasehold. It also established the Department of Agrarian Reform as the implementing agency for the government's agrarian reform program. Presidential Decree No. 2 proclaimed the whole country as a land reform area.

On October 21, 1972, Presidential Decree No. 27, or the Tenants Emancipation Decree, superseded Republic Act No. 3844. Seeking to "emancipat[e] the tiller of the soil from his bondage," Presidential Decree No. 27 mandated the compulsory acquisition of private lands to be distributed to tenant-farmers. From 75 hectares under Republic Act No. 3844, Presidential Decree No. 27 reduced the landowner's retention area to a maximum of seven (7) hectares of land.

Presidential Decree No. 27 implemented the Operation Land Transfer Program to cover tenanted rice or corn lands. According to *Daez v. Court of Appeals*, "the requisites for coverage under the [Operation Land Transfer] program are the following: (1) the land must be devoted to rice or corn crops; and (2) there must be a system of share-crop or lease-tenancy obtaining therein."

. . . .

Following the People Power Revolution, then President Corazon C. Aquino (1986-1992) fulfilled the promise of land ownership for the tenant-farmers. Proclamation No. 131 instituted the Comprehensive Agrarian Reform Program. Executive Order No. 129 (1987) reorganized the Department of Agrarian Reform and expanded it in power and operation. Executive Order No. 228 (1987) declared the full ownership of the land to qualified farmer beneficiaries under Presidential Decree No. 27.

. . . .

On June 10, 1988, Congress enacted Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law, to supersede Presidential Decree No. 27.

The compulsory land acquisition scheme under Republic Act No. 6657 empowers the government to acquire private agricultural lands for distribution to tenant-farmers. A qualified farmer beneficiary is given an emancipation patent, called the Certificate of Land Ownership Award, which serves as conclusive proof of his or her ownership of the land.[123] (Citations omitted)

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[123] *Id.* at 985–998.

A review of the legislation and the constitutional provisions shows that the CARP provides a more thorough outline of scale, classification, use, programs implemented, and structuring of land conversion.

Republic Act No. 6657 was meant to justly distribute agricultural lands.[124] Thus, it covers all public and private lands classified as agricultural including other lands of the public domain suitable for agriculture. Section 4 of Chapter II states:[125]

> SECTION 4. *Scope.* — The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands, as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture: *Provided,* That landholdings of landowners with a total area of five (5) hectares and below shall not be covered for acquisition and distribution to qualified beneficiaries.

Agricultural land pertains to that "devoted to agricultural activity . . . and not classified as mineral, forest, residential, commercial or industrial land."[126] Agricultural activities include cultivating soil, planting crops, growing fruit trees, raising livestock, poultry or fish, including the harvesting of farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons.[127]

Prior to the enactment of Republic Act No. 6657, local government units had the power to reclassify agricultural lands into residential, industrial, or commercial use by law or by zoning ordinances. In *Heirs of Luna v. Afable*:[128]

> It is undeniable that local governments have the power to reclassify agricultural into non-agricultural lands. Section 3 of RA No. 2264 (The Local Autonomy Act of 1959) specifically empowers municipal and/or city councils to adopt zoning and subdivision ordinances or regulations in consultation with the National Planning Commission. By virtue of a zoning ordinance, the local legislature may arrange, prescribe, define, and apportion the land within its political jurisdiction into specific uses based not only on the present, but also on the future projection of needs. It may, therefore, be reasonably presumed that when city and municipal boards and councils approved an ordinance delineating an area or district in their cities or municipalities as residential, commercial, or industrial zone pursuant to the power granted to them under Section 3 of the Local Autonomy Act of 1959, they were, at the same time, reclassifying any agricultural lands within the zone for non-agricultural use; hence, ensuring the implementation of and compliance with their zoning ordinances. (Citations omitted)

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[124] Republic Act No. 6657 (1988), sec.2, as amended by Republic Act No. 9700 (2009).
[125] Republic Act No. 6657 (1988), sec. 4, as amended by Republic Act No. 9700 (2009).
[126] Republic Act No. 6657 (1988), sec. 3(c).
[127] Republic Act No. 6657 (1988), sec. 3(b).
[128] 702 Phil. 146, 167–168 (2013) [Per J. Perez, Second Division].

After the enactment of Republic Act No. 6657, local government units can no longer convert the use of properties based on reclassification. DOJ Opinion No. 44, series of 1990, confirmed that after the enactment of Republic Act No. 6657, the Department of Agrarian Reform, as the agency vested with exclusive original jurisdiction over all matters involving the implementation of agrarian reform, became authorized to approve or disapprove all conversions of agricultural land to non-agricultural uses:

> It should be made clear at the outset that the aforementioned study of this Department was based on facts and issues arising from the implementation of the Comprehensive Agrarian Reform Program (CARP). While there is no specific and express authority given to DAR in the CARP law to approve or disapprove conversion of agricultural lands to non-agricultural uses, because Section 65 only refers to conversions effected after five years from date of the award, we opined that the authority of the DAR to approve or disapprove conversions of agricultural lands to non-agricultural uses applies only to conversions made on or after June 15, 1988, the date of effectivity of R.A. No. 6657, solely on the basis of our interpretation of DAR's mandate and the comprehensive coverage of the land reform program. Thus, we said:
>
> > *"Being vested with exclusive original jurisdiction over all matters involving the implementation of agrarian reform, it is believed to be the agrarian reform law's intention that any conversion of a private agricultural land to non-agricultural uses should be cleared beforehand by the DAR.* True, the DAR's express power over land use conversion is limited to cases in which agricultural lands already awarded have, after five years, ceased 'to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes.' But to suggest that these are the only instances when the DAR can require conversion clearances would open a loophole in the R.A. No. 6657, which every landowner may use to evade compliance with the agrarian reform program. Hence, it should logically follow from *the said department's express duty and function to execute and enforce the said statute that any reclassification of a private land as a residential, commercial or industrial property should first be cleared by the DAR."*
>
> . . . .
>
> *Based on the foregoing premises, we reiterate the view that with respect to conversions of agricultural lands covered by R.A. No. 6657 to non-agricultural uses, the authority of DAR to approve such conversions may be exercised from the date of the law's effectivity on June 15, 1988. This conclusion is based on a liberal interpretation of R.A. No. 6657 in the light*

> *of DAR's mandate and the extensive coverage of the agrarian reform program.*[129] (Emphasis supplied)

Nonetheless, DOJ Opinion No. 44 emphasized that where the lands were classified as non-agricultural *before* the enactment of Republic Act No. 6657, parties need not avail of a conversion clearance from the Department of Agrarian Reform. Instead, they may avail of an exemption clearance which excludes the property from the coverage of Republic Act No. 6657. The DAR Secretary has the ultimate authority to issue orders granting or denying applications for exemption filed by landowners.

This rule was confirmed in DAR Administrative Order No. 6, series of 1994, which provides:

> I. PREFATORY STATEMENT
>
> In order to streamline the issuance of exemption clearances, based on DOJ Opinion No. 44, the following guidelines are being issued for the guidance of the DAR and the public in general.
>
> II. LEGAL BASIS
>
> Sec. 3(c) of RA 6657 states that agricultural lands refers to the land devoted to agricultural activity as defined in this act and not classified as mineral, forest, residential, commercial or industrial land.
>
> Department of Justice Opinion No. 44 series of 1990 has ruled that with respect to the conversion of agricultural lands covered by RA No. 6657 to non-agricultural uses, the authority of DAR to approve such conversion may be exercised from the date of its effectivity, on June 15, 1988. Thus, all lands that are already classified as commercial, industrial, or residential before 15 June 1988 no longer need any conversion clearance.

In *Espiritu v. Del Rosario*:[130]

> Department of Justice Opinion No. 44 became the basis of subsequent issuances by the Department of Agrarian Reform, stating in clear terms that parties need not seek prior conversion clearance from the Department of Agrarian Reform for lands that were classified as non-agricultural prior to Republic Act No. 6657. The subsequent rulings are outlined in *Junio v. Secretary Garilao*:
>
> > Following the opinion of the Department of Justice (DOJ), the DAR issued Administrative Order (AO) No. 6, Series of 1994, stating that conversion clearances were no longer needed for lands already classified as non-agricultural before the enactment of Republic Act 6657. Designed to "streamline the issuance of exemption clearances, based on

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[129] DOJ Opinion No. 44 (1990).

[130] 745 Phil. 566, 585-588 (2014) [Per J. Leonen, Second Division], citing *Junio v. Secretary Garilao*, 503 Phil. 154 (2005) [Per J. Panganiban, Third Division].

> DOJ Opinion No. 44," the AO provided guidelines and procedures for the issuance of exemption clearances.
>
> Thereafter, DAR issued AO 12, Series of 1994, entitled "Consolidated and Revised Rules and Procedures Governing Conversion of Agricultural Lands to Non-Agricultural Uses." It provided that the guidelines on how to secure an exemption clearance under DAR AO No. 6, Series of 1994, shall apply to agricultural lands classified or zoned for non-agricultural uses by local government units (LGUs); and approved by the Housing and Land Use Regulatory Board (HLURB) before June 15, 1988. Under this AO, the DAR secretary had the ultimate authority to issue orders granting or denying applications for exemption filed by landowners whose lands were covered by DOJ Opinion No. 44. (Citations omitted)

An exemption order may thus be issued to formerly agricultural lands reclassified into non-agricultural uses by local government units, so long as it was issued prior to the effectivity of Republic Act No. 6657.

However, before an exemption order may be granted, several requisites must be presented to the DAR Secretary. Under the 2003 Rules on Exemption of Lands from CARP coverage,[131] the applicant must submit a certification from the HLURB regional officer on the actual zoning or classification of the land in the approved comprehensive land use plan, citing the municipal or city zoning ordinance number, resolution number, and date of its approval by the HLURB or its corresponding board resolution number.

In *Espiritu*,[132] this Court ruled that lands are considered exempt from the coverage of Republic Act No. 6657 if: (1) the land was zoned for non-agricultural use by the local government unit; and (2) the zoning ordinance was approved by the HLURB before June 15, 1988.[133]

Here, the parties are ultimately arguing whether the properties are exempted from CARP coverage.

Considering this context and the parties' arguments, we find for petitioners.

II

Before ruling on the merits, we first address the procedural issues.

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[131] DAR Administrative Order No. 04, Series of 2003.
[132] 745 Phil. 566 (2014) [Per J. Leonen, Second Division].
[133] *Id.* at 585–586.

This Court rules that petitioners availed of the wrong remedy in questioning the ruling of the Court of Appeals in G.R. No 185594 via a Petition for *Certiorari* under Rule 65 of the Rules of Court instead of a Rule 45 Petition for Review on *Certiorari*.

In *Microsoft Corp. v. Best Deal Computer Center Corp.*,[134] this Court differentiated the two remedies. A *certiorari* petition is meant to correct errors of jurisdiction, while a petition for review seeks to correct errors of judgment:

> A special civil action for *certiorari* will prosper only if grave abuse of discretion is manifested. For an abuse to be grave, the power must be exercised in an arbitrary or despotic manner by reason of passion or personal hostility. The abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty, or a virtual refusal to perform the duty enjoined or act in contemplation of law. There is grave abuse of discretion when respondent acts in a capricious or whimsical manner in the exercise of its judgment as to be equivalent to lack of jurisdiction.
>
> Petitioner asserts that respondent trial court gravely abused its discretion in denying its application for the issuance of an *ex parte* order. However, other than this bare allegation, petitioner failed to point out specific instances where grave abuse of discretion was allegedly committed...
>
> Significantly, even assuming that the orders were erroneous, such error would merely be deemed as an error of judgment that cannot be remedied by *certiorari*. As long as the respondent acted with jurisdiction, any error committed by him or it in the exercise thereof will amount to nothing more than an error of judgment which may be reviewed or corrected only by appeal. The distinction is clear: A petition for *certiorari* seeks to correct errors of jurisdiction while a petition for review seeks to correct errors of judgment committed by the court. Errors of judgment include errors of procedure or mistakes in the court's findings. Where a court has jurisdiction over the person and subject matter, the decision on all other questions arising in the case is an exercise of that jurisdiction. Consequently, all errors committed in the exercise of such jurisdiction are merely errors of judgment. *Certiorari* under Rule 65 is a remedy designed for the correction of errors of jurisdiction and not errors of judgment... (Citations omitted)

Petitioners, in filing its Rule 65 Petition in G.R. No. 185594, claim that the Court of Appeals committed grave abuse of discretion when it dismissed their appeal on the ground of forum shopping and failure to append supporting documents. However, the Court of Appeals had jurisdiction over the persons and the subject matter in this case, and there is no showing that it exercised its jurisdiction whimsically or capriciously. At the most, it may have committed an error of judgment in dismissing the case.

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[134] 438 Phil. 408, 414-415 (2002) [Per J. Belosillo, Second Division].

Thus, petitioners failed to avail of the proper remedy.

Nonetheless, this Court notes that this case involves social legislation enacted for the benefit of petitioners. Republic Act No. 6657 is a law promoting social justice for the welfare of landless farmers and farmworkers through a more equitable distribution and ownership of land.[135] Cases involving social legislation are liberally construed in favor of its intended beneficiaries to aid the achievement of its humanitarian purposes.[136]

Additionally, the rules of procedure are not to be rigidly applied at the expense of substantial justice:

> It bears repeating that rules of procedure should be liberally construed to the end that substantial justice may be served. As stated in *Pongasi v. Court of Appeals*:
>
> > "We repeat what We said in *Obut v. Court of Appeals, et al., supra,* that 'what should guide judicial action is the principle that a party-litigant is to be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor or *property* on technicalities.'
> >
> > "In dispensing justice Our action must reflect a deep insight into the failings of human nature, a capability for making allowances for human error and/or negligence, and the ability to maintain the scales of justice happily well-balanced between these virtues and the application of the law."[137] (Citation omitted)

Considering the substantive rights at stake and the social justice aspect presented, the Court of Appeals erred in dismissing the case for petitioners' failure to append supporting documents. It should have been more wary not to dismiss this case on purely technical grounds, especially since the mistake could be due to excusable inadvertence.

Thus, in the interest of justice and so as not to further delay the disposition of this case, this Court shall proceed to resolve the issues at hand.

III

This Court denies respondent's Motion to Dismiss on the ground of petitioners' forum shopping.

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[135] Republic Act No. 6657 (1988), sec. 2.

[136] *Salabe v. Social Security Commission,* G.R. No. 223018, August 27, 2020 [Per J. Lazaro-Javier, First Division].

[137] *Toribio v. Bidin,* 219 Phil. 139, 147–148 (1985) [Per J. Gutierrez, First Division].

The rule against forum shopping is found under Rule 7, Section 5 of the Rules of Court:

> SECTION 5. *Certification Against Forum Shopping.* — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.
>
> Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

Forum shopping exists when "in two or more cases pending, there is "identity of parties, rights or causes of action and relief sought."[138] The identity of the parties in two or more cases must at least represent the same interests in both actions. The rights asserted and the relief prayed for must also be the same and founded on the same facts. The identity of these particulars must be such that any judgment that may be rendered in the pending case, regardless of which party is successful, would amount to *res judicata* in the other case.[139] In *In re Ferrer*,[140] this Court ruled:

> In *Asia United Bank v. Goodland Company, Inc., this* court enumerated the instances where forum shopping takes place:
>
> > There is forum shopping "when a party repetitively avails of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court." The different ways *by which forum shopping*

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[138] *International School, Inc. vs. Court of Appeals*, 368 Phil. 791, 798 (1999) [Per J. Gonzaga-Reyes, Third Division].

[139] *Dasmariñas Village Association, Inc. vs. Court of Appeals*, 359 Phil. 944, 954 (1998) [Per J. Romero, Third Division].

[140] A.C. No. 8037 (Resolution), February 17, 2016, 781 Phil. 448 (2016) [Per J. Leonen, Second Division].

may be committed were explained in Chua v. Metropolitan Bank & Trust Company:

> Forum shopping can be committed in three ways: (1) filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (where the ground for dismissal is *litis pendentia*); (2) filing multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (where the ground for dismissal is *res judicata*); and (3) filing multiple cases based on the same cause of action, but with different prayers (splitting causes of action, where the ground for dismissal is also either *litis pendentia* or *res judicata*).

In *Dy v. Mandy Commodities Co, Inc.*, the court elaborated on the purpose of the rule against forum shopping:

> The grave evil sought to be avoided by the rule against forum shopping is the rendition by two competent tribunals of two separate and contradictory decisions. Unscrupulous party litigants, taking advantage of a variety of competent tribunals, may repeatedly try their luck in several different fora until a favorable result is reached. To avoid the resultant confusion, this Court strictly adheres to the rules against forum shopping, and any violation of these rules results in the dismissal of a case.[141] (Citations omitted, emphasis supplied)

Here, the issues and causes of action in G.R. Nos. 169649 and 185594 are not the same.

G.R. No. 169649 stems from a complaint filed by respondent to cancel, among others, the CLOAs issued to Barraquio. The rulings in the proceedings below sustained the cancellation of the CLOAs because of the DAR Secretary's Exemption Order finding that the properties are exempted from CARP coverage. In elevating the matter to this Court, petitioners are still questioning the cancellation of the CLOAs issued to Barraquio. The issue raised involves ownership of the property.

On the other hand, the Petition for *Certiorari* in G.R. No. 185594 arose from respondent's application for the Exemption Order with the DAR Secretary. The matter was elevated to this Court because petitioners are questioning the basis of issuing an Exemption Order based on the classification of the property prior to the effectivity of Republic Act No.

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[141] 781 Phil. 48, 58 (2016) [Per J. Leonen, Second Division].

6657.[142] The issue involves the property's classification or use, whether it is industrial or agricultural.

The two cases are further differentiated in the 2003 Rules for Agrarian Law Implementation Cases.[143] G.R. No. 185594 pertains to a case involving the agrarian law implementation (ALI) concerned with applications for exemption from the CARP:

> SECTION 2. *ALI cases*. These Rules shall govern all cases arising from or involving:
>
> > 2.1. Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of Certificate of Land Ownership Awards (CLOAs) and Emancipation Patents (EPs), including protests or oppositions thereto and petitions for lifting of such coverage;
> >
> > . . . .
> >
> > 2.6. Application for exemption from coverage under Section 10 of RA 6657;
> >
> > 2.7. Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990)[.]

However, G.R. No. 169649 is a DARAB case involving the cancellation of CLOAs:

> SECTION 3. *DARAB Cases*. These Rules shall not apply to cases falling within the exclusive original jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB) and its Regional or Provincial Agrarian Reform Adjudicators (RARAD or PARAD) which include:
>
> > . . . .
> >
> > 3.6. Those involving the correction, partition, *cancellation*, secondary and subsequent issuances *of CLOAs* and EPs which are registered with the Land Registration Authority. (Emphasis supplied)

Considering the cases do not involve the same issues, petitioners committed no forum shopping.

Respondent claims that while G.R. No. 169649 is pending, a Petition for Revocation was filed with the Department of Land Reform without providing notice to it as the adverse party or to this Court. Respondent asserts

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[142] *Rollo* (G.R. No. 169649), p. 87.
[143] DAR Administrative Order No. 3, Series of 2003.

that this is contrary to petitioners' undertaking to inform the Court of any pending action involving the same issues in any court, tribunal, or quasi-judicial agency.[144]

To recall, when the DAR Secretary's May 16, 2003 Exemption Order was issued, Barraquio filed a letter of reconsideration dated June 4, 2003 addressed to DAR Secretary Roberto Pagdanganan. It was stamped received on June 5, 2003. However, there was no ruling on it. Instead, a Certificate of Finality was issued on July 3, 2003.

This Court finds that the letter for reconsideration and the alleged Petition for Revocation are one and the same.[145]

In a July 29, 2003 Indorsement, DAR Undersecretary Ricardo A. Arlanza of the Policy Planning and Legal Affairs Office referred Barraquio's letter of reconsideration dated June 4, 2003 to the Center for Land Use Policy, Planning, and Implementation (CLUPPI) Secretariat for evaluation and appropriate action.[146] This Indorsement bore the Subject:

> LETTER OF DOMINGO BARRAQUIO RE: REQUEST TO *SET ASIDE AND REVOKE THE ORDER OF SECRETARY PAGDANGANAN DATED MAY 16, 2003* GRANTING THE APPLICATION FOR EXEMPTION FROM CARP COVERAGE FILED BY APPLICANT ALMEDA INCORPORATED ET AL. REPRESENTED BY MR. EDWIN ALMEDA.[147] (Emphasis supplied)

The subject title thus shows that the letter of reconsideration dated June 4, 2003 was treated as a *request to revoke*.[148]

This Court further notes that the alleged Petition for Revocation was also filed on the same day as the day Barraquio filed a letter for reconsideration dated June 4, 2003 – on June 5, 2003.[149] Thus, it was filed prior to the issuance of the Certificate of Finality of the Exemption Order on July 3, 2003.

In any case, the alleged Petition for Revocation involves the same case with the DAR Secretary where respondent filed an application for and was issued the Exemption Order, where Barraquio received no written ruling on its letter for reconsideration, and where the Certificate of Finality of the Exemption Order was issued.

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144 *Rollo* (G.R. No. 169649), pp. 219–220.
145 *Rollo* (G.R. No. 169649), p. 336.
146 *Id.* at 347.
147 *Id.*
148 *Id.*
149 *Id.* at 336.

Thus, when the DAR Secretary later ordered to lift the Certificate of Finality of the Exemption Order, it addressed the same issue of whether there is valid ground to exempt the Almeda Properties from CARP coverage. This Court notes that the December 6, 2006 Order and the Exemption Order bore the same case number (Case No. A-9999-024-02).[150] The order was issued considering the DAR "recognized the existence of the Petition for Revocation."[151]

Thus, this Court does not find that petitioners commenced a new action to question the Exemption Order. They simply assailed the issuance of the Exemption Order in the same case where respondent filed its application for exemption.

Finally, this Court notes that respondent was aware of Barraquio's letter for reconsideration of the Exemption Order and that there was no ruling by the DAR Secretary on it. Respondent cannot feign ignorance of this letter as it was also recognized by the Court of Appeals in its March 30, 2005 Decision, ruling in favor of respondent. To recall, the Court of Appeals found that the Certificate of Finality may be "considered as a denial of the reconsideration prayed for by the petitioners in a letter to Secretary dated 4 June 2003."[152] Thus, it simply rationalized that the issuance of the Certificate of Finality implied that the petitioners' letter of reconsideration was denied. Respondent cannot now come to this Court alleging it is unaware of any paper or pleading questioning the Exemption Order.

Thus, petitioners are not guilty of forum shopping.

IV

Based on these findings, the Exemption Order did not attain finality and its issuance is still in question in this case. Thus, it cannot be the basis for the cancellation of Barraquio's CLOAs.

The procedure to question an exemption order issued in an ALI case is found in DAR Administrative Order No. 4, series of 2003. It provides that an exemption clearance becomes "final and executory after the lapse of fifteen (15) calendar days from date of receipt date by the last recipient of an official copy of the order and no motion for reconsideration or appeal therefrom has been filed."

XI. MOTION FOR RECONSIDERATION AND APPEAL

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[150] *Id.* at 301.
[151] *Id.* at 302.
[152] *Id.* at 39.

> This Order shall adopt the provisions of the ALI rules on motion for reconsideration and appeal.
>
> XII. FINALITY OF THE ORDER
>
> The Exemption Clearance or its denial shall become *final and executory* after all the parties receive a copy of the Order and after the lapse of fifteen (15) calendar days from date of receipt date by the last recipient of an official copy of the Order, and *no motion for reconsideration or appeal therefrom has been filed.* The Head of the Legal Division of the Regional Office or the BALA Director shall issue the appropriate Certificate of Finality.
>
> XIII. REVOCATION OR WITHDRAWAL OF EXEMPTION CLEARANCES
>
> Any person may file a petition to revoke, or the landowner may file a petition to withdraw, the Exemption Clearance, when there is a serious violation of agrarian laws or DAR rules, or on any other substantial ground which the Secretary may deem proper, within ninety (90) days from discovery of the fact(s) constituting the grounds(s) for cancellation or withdrawal, but not more than one (1) year from issuance of the Exemption Clearance. (Emphasis supplied)

Under the 2003 Rules for Agrarian Law Implementation Cases,[153] the provisions on motions for reconsideration and appeals read:

> Section 24. *Motion for Reconsideration of the decision or order of the Secretary* – In cases where the Secretary exercises exclusive original jurisdiction, a party may file only one (1) motion for reconsideration of the decision of the Secretary, and may do so only within a non-extendible period of fifteen (15) calendar days from receipt of the decision, furnishing a copy of the motion to all other parties. The filing of the motion interrupts the running of the reglementary period within which to appeal.
>
> 24.1. If the motion for reconsideration is denied, the movant may perfect an appeal before the Office of the President within only the remainder of said non-extendible period of fifteen (15) calendar days but not less than five (5) calendar days.
>
> 24.2. If the motion for reconsideration is granted, resulting in the reversal of the original decision, the losing party may perfect an appeal before the Office of the President within a full but non-extendible period of fifteen (15) calendar days from receipt the new decision.

Thus, before any exemption order can become final and executory, there should have been no motion for reconsideration or appeal filed within the reglementary period. Similarly, if there is a motion for reconsideration filed, there must first be an order granting or denying it, and the lapse of the appropriate reglementary period before the order is deemed final and

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[153] DAR Administrative Order No. 3, Series of 2003.

executory. Otherwise, the losing party is deprived of their right to elevate the issue before the appropriate higher tribunal.

In this case, Barraquio filed a letter for reconsideration on June 4, 2003. There is no finding it was filed out of time. However, without any ruling on the letter, the Bureau of Agrarian Legal Assistance Director already issued a Certificate of Finality dated July 3, 2003.[154] Thus, in its Order dated December 6, 2006, the DAR Secretary decided to lift the Certificate of Finality to decide the case on the merits and avoid a miscarriage of justice.

Even if the DAR Secretary still affirmed that respondent is entitled to the Exemption Order, this ruling is not yet final and executory because the matter was elevated to the Office of the President, then to the Court of Appeals, and now to this Court. Whether the Almeda properties are exempted from the CARP is still an issue that is yet to finally be resolved.

V

Necessarily, Barraquio's CLOAs should not yet be cancelled unless it is determined that the subject properties are exempted from the CARP.

To support its claim that the Almeda properties are covered by the CARP, petitioners filed a motion in this Court to admit the following as newly discovered evidence:

> (i) HLURB Certification No. 13-094-04 dated April 18, 2013, indicating that the properties covered by TCT Nos. CLO-1409 and CLO-1375 are agricultural land;[155] and
>
> (ii) Zoning Administration Certification dated April 24, 2013, from the City of Santa Rosa, Laguna, verifying that these properties are within agricultural land.[156]

These certifications state that these were issued pursuant to the City of Santa Rosa, Laguna Zoning Ordinance of 1981 as per SB Municipal Ordinance No. 18, Series of 1981, dated September 9, 1981, and approved by the HLURB in its Board Resolution No. R-36, Series of 1981, dated December 2, 1981.[157] Petitioners claim that the Zoning Administration Certification was acquired only when HLURB Certification No. 13-094-04 was presented despite the exercise of diligence required.[158]

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[154] *Rollo* (G.R. No. 169649), p. 256.
[155] *Id.* at 484–485.
[156] *Id.* at 486–487.
[157] *Id.* at 479–480.
[158] *Id.* at 480.

We grant petitioners' motion to admit new evidence.

In civil cases where a judgment has already been rendered, newly discovered evidence may be admitted upon filing a motion for new trial and compliance with several requirements. Section 1 of Rule 37 of the Rules of Court states:

> SECTION 1. *Grounds of and Period for Filing Motion for New Trial or Reconsideration.* — Within the period for taking an appeal, the aggrieved party may move the trial court to set aside the judgment or final order and grant a new trial for one or more of the following causes materially affecting the substantial rights of said party:
>
> (a) Fraud, accident, mistake or excusable negligence which ordinary prudence could not have guarded against and by reason of which such aggrieved party has probably been impaired in his rights; or
>
> (b) Newly discovered evidence, which he could not, with reasonable diligence, have discovered, and produced at the trial, and which if presented would probably alter the result.

In *Ybiernas v. Tanco-Gabaldon*:[159]

> New trial is a remedy that seeks to "temper the severity of a judgment or prevent the failure of justice." Thus, the Rules allows the courts to grant a new trial when there are errors of law or irregularities prejudicial to the substantial rights of the accused committed during the trial, or when there exists newly discovered evidence. The grant or denial of a new trial is, generally speaking, addressed to the sound discretion of the court which cannot be interfered with unless a clear abuse thereof is shown.
>
> . . . .
>
> If the alleged newly discovered evidence could have been very well presented during the trial with the exercise of reasonable diligence, the same cannot be considered newly discovered.
>
> The only contentious element in the case is whether the evidence could have been discovered with the exercise of reasonable diligence. In *Custodio v. Sandiganbayan,* the Court expounded on the due diligence requirement, thus:
>
> > The *threshold question* in resolving a motion for new trial based on newly discovered evidence is whether the [proffered] evidence is in fact a "newly discovered evidence which could not have been discovered by due diligence." *The question of whether evidence is newly discovered has*

[159] 665 Phil. 297, 311–312 (2011) [Per J. Nachura, Second Division].

> *two aspects: a temporal one, i.e.*, when was the evidence discovered, and a *predictive one, i.e.*, when should or could it have been discovered. It is to the latter that the requirement of due diligence has relevance. We have held that in order that a particular piece of evidence may be properly regarded as newly discovered to justify new trial, what is essential is not so much the time when the evidence offered first sprang into existence nor the time when it first came to the knowledge of the party now submitting it; what is essential is that the offering party had exercised *reasonable diligence* in seeking to locate such evidence before or during trial but had nonetheless failed to secure it.
>
> The Rules do not give an exact definition of due diligence, and whether the movant has exercised due diligence depends upon the particular circumstances of each case. Nonetheless, it has been observed that the phrase is often equated with "reasonable promptness to avoid prejudice to the defendant." In other words, the concept of due diligence has both a *time component* and a *good faith component.* The movant for a new trial must not only act in a timely fashion in gathering evidence in support of the motion; he must act reasonably and in good faith as well. Due diligence contemplates that the defendant acts reasonably and in good faith to obtain the evidence, in light of the totality of the circumstances and the facts known to him.
>
> As previously stated, respondents relied in good faith on the veracity of the Order dated June 30, 1989 which petitioners presented in court. It was only practical for them to do so, if only to expedite the proceedings. Given this circumstance, we hold that respondents exercised reasonable diligence in obtaining the evidence. The certifications therefore qualify as newly discovered evidence.
>
> The question of whether the certifications presented by respondents have any probative value is left to the judgment and discretion of the trial court which will be hearing the case anew.[160] (Emphasis in the original, citations omitted)

The following are the requisites for the grant of a motion for new trial on the ground of newly discovered evidence: (1) the evidence was discovered after trial; (2) the evidence could not have been discovered and produced at the trial even with the exercise of reasonable diligence; (3) the evidence is material, not merely cumulative, corroborative, or impeaching; and (4) the evidence is of such weight that it would change the judgment if admitted.[161]

Applying these requisites, we admit the newly discovered evidence by petitioners.

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[160] *Id.* at 311–312.
[161] *Id.* at 311.

First, the findings in the lower tribunals are premised primarily on the DAR Secretary's Exemption Order. However, this Exemption Order is not final and executory, but was treated as such. Thus, the previous rulings on the matter were not based on final and unquestionable factual findings. To prevent the failure of justice, this Court deems it necessary to reevaluate and consider any evidence presented by the parties.

Second, the documents that petitioners seek to admit as newly discovered evidence were acquired after the proceedings in the lower tribunals. There is suggestion that these were suppressed and could not have been produced at the earlier proceedings even with the exercise of reasonable diligence.

Petitioners explain that the HLURB Certification was requested from the Housing and Land Use Regulatory Board on March 29, 2007, but their requests were denied on May 16, 2007, through a letter issued by Director Belen G. Ceniza.[162] Only when the petitioners filed another request did the Housing and Land Use Regulatory Board issue the Certification on April 18, 2013. As to the Zoning Administration Certification, petitioners claim that it was acquired only when HLURB Certification No. 13-094-04 was presented despite the exercise of diligence required.[163] They allege that their first application with the Zoning Administration was not acted upon.[164] Thus, their failure to present these earlier cannot be attributable to their own fault.

The documents are likewise material to the issue of determining whether the subject property is covered by the CARP. It could change the judgment on this case if it is admitted and lent credence. Since these are documents that tend to prove that the properties remained classified as agricultural land prior to the enactment of Republic Act No. 6657, the evidence is material to the determination of whether Barraquio's CLOAs ought to be cancelled.

Finally, as discussed, this matter being a case involving social legislation, and to prevent any party from being denied their day in court, this Court shall relax its rules of procedure in the interest of justice and the humanitarian purposes the law is meant to serve.

Findings of fact are not fully conclusive on this Court. In all instances, the doctrine of conclusiveness of factual findings of an administrative body cannot hide an injustice. Thus, this Court may overturn factual findings if it was arrived at without evidence, or with insufficient evidence, or without accounting for contrary evidence. It may overturn it also if it was based on wrongful inference. The existence of these may be indicated with tell-tale

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[162] *Rollo* (G.R. No. 169649), p. 479.
[163] *Id.* at 480.
[164] *Id.*

signs, such as conflicting findings made by the different administrative agencies.

Furthermore, being social legislation, this Court should be mindful of the different capacities of the parties. A farmer does not have unlimited resources and the costs they assume may be numerically of the same value as a landowner, but in proportion to their wealth and the cultural bias against them, the burden they carry may be heavier to bear.

Thus, this Court grants petitioners' motion to admit newly discovered evidence.

VI

Examining the evidence in this case, we rule that the properties were classified as agricultural prior to the effectivity of the Republic Act No. 6657. They are not exempted from the CARP.

This Court notes that there are glaring inconsistencies in the evidence. Both parties rely on Zoning Administration and HLURB Certifications from the City of Santa Rosa, Laguna. The certifications submitted by petitioners declare that the land is agricultural, while the certifications relied on by respondent state the property is industrial.

This Court seeks to be clear that belatedly securing a certification from the Housing and Land Use Regulatory Board is no substitute for proof of the actual zoning ordinance issued prior to 1988. It must show that the land subject of the controversy was clearly covered by the municipal ordinance.

Nonetheless, this Court finds that petitioners presented substantial evidence for this Court to rule in its favor.

As stated, respondent presented the following evidence to the DAR Secretary to support its claim that the Almeda Properties are exempted from CARP coverage:

> (i) Housing and Land Use Regulatory Board (HLURB)-Regional Office Certification dated 7 January 2002 issued by Belen G. Ceniza of the HLURB-Regional Office No. IV. It stated that the properties are zoned for Industrial Use pursuant to the approved General Land Use Plan of Santa Rosa, Laguna, ratified by the HLURB through Resolution No. R-36 dated 2 December 1981;
>
> (ii) Certification dated 25 January 2002, issued by Reynaldo D. Pambid, Zoning Officer II/Administrator of Santa Rosa, Laguna, stating

that the subject parcels of land are within the Industrial Zone pursuant to the Zoning Ordinance of 1981;

(iii) Certification dated 15 April 2002, issued by Baltazar H. Usis, Regional Irrigation Manager of the National Irrigation Administration (NIA)-Region IV stating that the subject parcels of land have been found to be not irrigable lands and not covered by any irrigation project with funding commitment;

(iv) Certification issued by Job N. Candanido, the Municipal Agrarian Reform Officer of Santa Rosa, Laguna, stating that the subject parcels of land are untenanted but that a Notice of Coverage for said properties has been issued on 30 June 1994. The same certification states that CLOAs were generated and registered, but were subsequently cancelled pursuant to a DAR Adjudication Board (DARB) Order dated 25 June 1999 in Case No. R-0403-0299-98; and

(v) Copy of Municipal Ordinance No. XVIII, Series of 1981, dated August 26, 1981 which approved the zoning classification of Lots Nos. 1977-A to 1977-C, 1977-E (Almeda Inc. Properties), Lots 1 to 3 and 2281 for industrial use to the General Land Use Plan of Santa Rosa, Laguna.[165]

The DAR Secretary issued the Exemption Order based on these documents.

However, when Barraquio questioned the Exemption Order through its letter of reconsideration, the matter was referred to the CLUPPI Secretariat for evaluation and appropriate action.[166]

On November 30, 2004, the CLUPPI Secretariat informed Bureau of Land Development Director Reynaldo A. Caymo that the CLUPPI Exemption Committee shall conduct an ocular inspection on the properties on December 3, 2004. It requested the Bureau of Land Development to join the ocular inspection.[167]

After its ocular inspection, on January 3, 2005, the CLUPPI Exemption Committee issued a Memorandum[168] which contained an evaluation report on the properties, stating:

II. COMMENTS/OBSERVATIONS

1. The subject Landholdings were projected using the Philippine Standard Basic Map Scale 1:50,000. *(Annex "12")*

2. In the 1981 Approved Zoning Classification of the Municipality of Sta. Rosa, Laguna, the industrial zone areas were described as bounded by Sta. Rosa (which when projected in the standard

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[165] *Rollo* (G.R. No. 169649), pp. 309–310, 311.
[166] *Id.* at 347.
[167] *Id.* at 348.
[168] *Id.* at 352–357.

base map 1:50,000, the geographical name error was noted as "Sta. Rosa River"), by the Expressway and the Provincial Road of Sta. Rosa, Laguna traversing from Balibago to Tagaytay. *(Annex "13")*

The Almeda properties are located across or on the other side of the provincial road, and outside the industrial zone area boundaries. (Annex "14")

3. *The Kautusang Bayan Blg. 237-'95 approved in 17 May 1995 reveals that the Almeda properties are within the agricultural land use zone areas in the Town Planning/Zoning Ordinance of the Municipality of Sta. Rosa, Laguna in HSRC Resolution No. 36, Series of 1981 and reclassified into an industrial zone areas in 1995. (Annex "15")*

. . . .

4. The *subject landholdings are irrigable lands.* Based on the Sta. Rosa Estate Property Map, the areas are bounded by irrigation canals. *(Annex "16")*

5. The subject landholdings are bounded by irrigation canals as shown in the Approved Subdivision Plan (LRC)PSD-284988. *(Annex "17")*

6. An ocular inspection subject of the exemption application was conducted in June 7, 2002 by Mr. Emmanuel M. Fallaria and Mr. Nicanor Barte, both Members, CLUPPI-2 Secretariat. According to their undated investigation report, ***the actual land use of the subject landholdings is agricultural and irrigation ditches were noted on the northern, southern and western boundaries of the properties.*** They recommended that "the petition for exemption be granted **subject to the condition that the irrigation ditch be maintained** when subject properties are developed for whatever purpose." (Emphasis supplied) *(Annex "18")*

7. The certification of Engr. Felimon Domingo that the subject landholdings are within the vicinity of industrial areas is true. *The subject landholdings are near but not within the classified industrial area. But the landholdings were not plotted accurately. There was no map projection and appropriate map scale indicated on the 1981 Approved Land Use Plan as basis of an accurate plotting.*

8. In order to determine the geographical relationship on the ground, the technical description of the landholdings, the narrative descriptions of the industrial zone area boundaries, the riceland and tree crops classification zone boundaries as indicated on the 1981 Approved Land Use Plan of Sta. Rosa, Laguna, were overla[i]d and projected utilizing the appropriate cartographic method on the standard base map scale 1:50,000. *(Annex "19")*

9. The agricultural areas were categorized into riceland and sugarcane (I-Agricultural, pages 1 to 3, Annex "C", Zone

Boundaries, but only the riceland and tree crops land uses were indicated and symbolized in the Approved Land Use Plan of Sta. Rosa, Laguna ratified by the Housing and Land Use Regulatory Board under Board Resolution No. 36 dated December 2, 1981. *(Annex "20")*

10. Director Cesar A. Manuel, Legal Services Group and Commissioner Francisco L. Dagnalan, Legal Affair, both of the Housing and Land Use Regulatory Board, in their letter dated 20 September 2002 addressed to Atty. Roel Eric C. Garcia, Assistant Secretary, Policy, Planning and Legal Affairs, this Department, opined that "lands within the tree crop zone are deemed agricultural in nature." *(Annex "21")*

11. The map projection shows that about 70% of the subject landholdings are within the riceland zone areas and about 30% portion is within the tree crop zone areas. *(Annex "22")*

12. The map projection also shows that the subject landholdings are outside the industrial zone areas. *(Annex "23")*

III. CONCLUSION

Based on the aforecited findings, comments and observations, it is concluded that Lot Nos. 1977-A, 1977-B, 1977-C, 1977-E,1,2,3 and 2281 covered by TCT Nos. T-83731, T-83732, T-83733, T-83734, T-429284, T-429285, T-42986 and T-2047110 respectively, with an aggregate area of 20.0375 hectares, located in Barangay Pulong Sta. Cruz, Sta. Rosa, Laguna are within the riceland and tree crops zone areas in the 1981 Approved Zoning Ordinance and Land Use Plan of the Municipality of Sta. Rosa, Laguna. *(Annex "24")*

It is further concluded that *subject landholdings are within the Agricultural land use zone in the 1981 Approved Zoning Ordinance and Land Use Plan of the Municipality of Sta. Rosa, Province of Laguna. (Annex "25")* (Emphasis supplied)

This evaluation thus states in clear and unequivocal terms that the Almeda properties are classified as within the agricultural land use zone in the 1981 Approved Zoning Ordinance and Land Use Plan of the City of Santa Rosa, Laguna.

Thereafter, Belen G. Ceniza, director of the Housing and Land Use Regulatory Board, wrote Almeda informing it of the possibility of recalling or cancelling its HLURB Certification dated January 7, 2002. She asked Almeda for an explanation, noting that the properties were not properly plotted and were made to appear to be within the industrial zone in the Land Use Plan Map that Almeda submitted with its application:[169]

This refers to the request of the DAR Chairperson, Ms. Atanacia Guevarra of the Center for Land Use Policy, Planning and Implementation

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[169] *Id.* at 359.

(CLUPPI) Exemption Committee for Confirmation/Validation of Zoning Certification No. 01-208-04 issued by this Office on 07 January 2002 for eight (8) parcels of land located at Pulong Santa Cruz, Sta. Rosa, Laguna, copy attached.

Upon review of the records on file with this Office re: aforementioned certification, and based on the ocular inspection conducted by this Office, the subject parcels of land covered by the Zoning Certification were not properly plotted on the Land Use Plan Map that you submitted to this Office on December 10, 2001 together with your completed application form and the requirements thereof. The Land Use Plan Map bears the certification by your Geodetic Engineer, Felimon R. Domingo (Registration Cert. # 1220 dated April 11, 1966 and License No. 9321729 dated January 22, 2001) which states that:

> "I hereby certify that this lots covered by TCT numbers T-83731, T-83732, T-83733, T-83734, T- 429284, T-429285, T-429286, T-204710 are within the vicinity of Industrial Zone Areas, are accurately plotted on this map."

Engr. Domingo plotted the subject parcels of land on the Land Use Plan Map such that the subject lots were made to appear to be within the INDUSTRIAL ZONE.

We regret to inform you that per our re-evaluation of your application, we may have to recall/cancel said zoning certification.

In view thereof, we are giving you ten (10) days from receipt of this letter to explain and to show proof why the aforementioned Zoning Certification should not be recalled/cancelled. Failure on your part shall be deemed a waiver of your right and this Office shall proceed with the said cancellation accordingly.

Very truly yours,

BELEN G. CENIZA.[170]

On January 28, 2005, Ernesto G. Ladrido III, Undersecretary for Policy, Planning and Legal Affairs and Executive Director of the CLUPPI (Undersecretary Ladrido) also sought clarification from Zoning Officer II/Administrator Reynaldo D. Pambid (Zoning Administrator Pambid).[171]

Nonetheless, when the DAR Secretary ruled on Barraquio's letter for reconsideration/Petition for Revocation in its Order dated December 6, 2006, it still found that the properties were classified as industrial. It used as basis the March 8, 2005 Reply Letter of Zoning Administrator Pambid to Undersecretary Ladrido which confirmed that the Santa Rosa Zoning Ordinance of 1981 is consistent with the 1991 and 2000 Zoning Ordinances regarding the classification of the Almeda Properties as within the Industrial

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[170] *Id.*
[171] *Id.* at 112.

Zone. It explains that this has been maintained in all the Zoning Ordinances of Santa Rosa, Laguna. It reads:

> Dear Mr. Ladrido:
>
> This is in connection with the Department of Agrarian Reform, Central Office Order, dated 16 May 2003, Granting the Application for Exemption from CARP coverage, pursuant to Department of Justice Opinion (DOJ) No. 44, Series of 1990 as implemented by DAR Administrative Order No. 6, Series of 1994, filed by the Almeda Inc., et al., as represented by Edwin Almeda, involving eight parcels of land located in Barangay Pulong Sta. Cruz, Sta. Rosa, Laguna.
>
> The landholdings are described as follows:

Registered Owner	Title No.	Lot No.	Area (Ha)
1. Almeda, Inc.	T-83731	1977-A	0.2547
2. Almeda, Inc.	T-83732	1977-B	4.7453
3. Almeda, Inc.	T-83733	1977-C	7.1857
4. Almeda, Inc.	T-83734	1977-E	2.3876
5. Ponciano Almeda	T-429284	1	2.9514
6. Virginia Carpo	T-429285	2	0.5004[172]
7. Virginia Carpo	T-429286	3	0.1910
8. Allan T. Almeda	T-204710	2281	1.8214
		TOTAL	20.0375

> In regards with this, we wish to inform you that the Santa Rosa Zoning Ordinance of 1981 is consistent with the 1991 and 2000 Zoning Ordinances regarding the classification of the abovementioned properties as within the Industrial Zone and has been maintained as such in all the Municipal Zoning Ordinances of the then municipality and now City of Santa Rosa, Laguna.[173]
>
> Very truly yours,
>
> REYNALDO D. PAMBID
> Zoning Officer II/Administrator

The Order dated December 6, 2006 also contained this portion of SB Municipal Ordinance No. 18, Series of 1981 dated August 26, 1981, to show that the Almeda properties were classified as within the industrial zone:[174]

> MUNICIPAL ORDINANCE NO. XVIII
> Series of 1981
>
> AN ORDINANCE ADOPTING A COMPREHENSIVE ZONING REGULATIONS OF THE MUNICIPALITY OF SANTA ROSA, LAGUNA AND PROVIDING FOR THE ADMINISTRATION,

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[172] In the Order dated December 6, 2006, this is typed as 0.9514.

[173] *Id.* at 257–258.

[174] *Id.* at 259. No copy of the SB Municipal Ordinance No. 18, Series of 1981 dated August 26, 1981 or September 9, 1981 or the HLURB Board Resolution No. R-36, Series of 1981 dated December 2, 1981 is found in the *Rollo* or in the Court of Appeals' records.

ENFORCEMENT AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES AND CONFLICT THEREWITH.

. . . .

B. SUGARCANE:	
3. P.S. Cruz	Bounded by Sta. Rosa river on the North West; Rice land about 500 meters away from the P. S. Cruz-Balibago boundary Industrial Area on the South Provincial road on the West and Expressway and Malitlit – P. S. Cruz boundary on the East.
III. INDUSTRIAL	
3. P.S. Cruz	This area is bounded through the Northwest by Sta. Rosa; on the Northeast by Expressway; on the Southeast by Provincial road; on the East by Provincial road to Tagaytay.
V. RESIDENTIAL	
11. P.S. Cruz	Bounded through North by Expressway, South by sugar Canes; on the West by Industrial Area; and on the East by sugar Cane also.
VI INSTITUTIONAL	
9. P.S. Cruz	This institution is bounded through Northwest by the Provincial road; Northeast by the residentials, on south, west and east by residentials about 120 meters deep and about 1.80 km. away from the Expressway.

By unanimous approval of the body, the ZONING ORDINANCE is already considered passed as of August 26, 1981 and numbered as Municipal Ordinance No. XVIII, sponsored by Members Carait and Bedoya with self alterations to wit:

1. Along the National High Way: (From the boundary of Biñan up to the fork of Balibago)	This area has been re-opened to Industrial Zone as this area in the former Industrial Zone of the Municipality passed on January 22nd Regular Session, 1966, many of businessman and firms bought pieces of lands on this area for the same purpose.

This Court notes, however, that the exact TCTs or CLOAs covered by the property classified as industrial are not enumerated in the DAR Secretary's Order dated December 6, 2006.[175] Thus, there is no clear indication that the property classified in this Municipal Ordinance as within the industrial zone pertains to the Almeda properties.

[175] *Id.* at 259.

This Court thus finds that these issuances cast doubt on the documents submitted by respondent to obtain the Exemption Order. Respondent also offered no persuasive explanation or contrary proof to this Court to contest the evidence attached by petitioners.

This is opposed to the following evidence presented by petitioner.

Kautusang Bayan Blg. 237-'95 is attached to the Petition, and it reads:

OFFICE OF THE SANGGUNIANG BAYAN

SIPI MULA SA KATITIKAN NG IKA-LABING ANIM NA PANGKARANIWANG PULONG NG SANGGUNIANG BAYAN NG SANTA ROSA, LAGUNA NA IDINAOS SA ARAW NG MIYERKOLES, IKA-17 NG MAYO, 1995 SA BULWAGANG PULUNGAN NG PAMAHALAANG BAYAN.

. . . .

KAUTUSANG BAYAN BLG. 237-'95
(Sa mungkahi ni Kag. Dia na pinangalawahan
ni Kag. Almodovar)

ANG KAUTUSANG BAYAN NA NAGPAPATIBAY NG PAGPAPANIBAGONG-GAMIT (Change of Land Use) NG MGA PARCELA NG LUPAING NAKATALA SA NGALAN NG ALMEDA INC.; NA BINABAGO AT ITINATADHANANG GAMIT INDUSTRIYAL.

SAPAGKAT, ang parcela ng lupaing inilalarawan sa sumusunod na may kabuuang sukat na 200,407 metrong parisukat ay *nasasa lugal na itinadhanang gamit-agrikultura alinsunod sa "Town Plan"/Zoning Ordinance ng bayan ng Santa Rosa, Laguna at pinagtibay din ng "HSRC Resolution No. 36, Series of 1981"*:

TCT No.	Lot No.	Area
83731	1977-A	2,547
83732	1977-B	47,405
204710	2281	18,214
83733	1977-C	71,857
83734	1977-E	23,876
17261	1978	18,214
17262	2200	18,214
		200,407

[sic]

SAPAGKAT, matapos ang masusing pagsusuri at pagsasagawa ng Lupon para sa Human Settlements ay iniulat na sa Zoning Ordinance 1991 ng bayan, ang parcela ng lupain ay itinadhanang gamit industriyal kaya't ang paayong rekomendasyon para sa pagbabago ng gamit ng lupain;

NGAYON, SAMAKATUWID, sa pamamagitan ng isang mungkahing pinangalawahan ay:

IPINASISIYA, tulad ng dito'y ginagawang PAGPAPASIYA at ngayon nga ay IPINASYA na:

Seksiyon 1: *Ang gamit ng lupaing pinapaksa na kasalukuyang gamit-Agrikultura ay binabago at ito ay itinatadhanang gamit-INDUSTRIYAL* para sa kapakinabangan at nakararaming mamamayan sa kondisyon na ang pagpapaunlad na isasagawa ay naaayon sa mga patakaran, mga batas na umiiral;

Seksiyon 2. Lahat ng Kapasiyahan at Kautusang ipinatutupad na sumasalungat sa Kautusang ito ay pinagpapasiyahang baguhin at susugan;

Seksiyon 3. Ang Kautusang ito ay magkakabisa matapos itong mapagtibay at maipaskil sa mga lugal na mababasa ng kinauukulan.

BUONG PAGKAKAISANG PINAGTIBAY.

Pinagtibay:

ROBERTO R. GONZALES
Punong-Bayan[176]

Based on this issuance, the Almeda properties were classified as for agricultural use based on the Santa Rosa, Laguna Town Plan/Zoning Ordinance and HSRC Resolution No. 36, Series of 1981. Furthermore, it is only in this May 17, 1995 Ordinance when it was changed from agricultural to industrial use.[177]

This, taken with the newly discovered evidence presented by petitioner, supports the finding that the properties were classified as agricultural. HLURB Certification No. 13-094-04 dated April 18, 2013 reads: [178]

CERTIFICATION

I. BASIC INFORMATION

. . . .

REGISTERED OWNER	LOT NO.	TCT NO.	AREA PER TITLE (Has.)	AREA APPLIED FOR	ZONING CLASSIFICATION
DOMINGO C. BARRAQUIO	19	CLO-1409	0.9826	0.9826	Agricultural (Riceland)
DOMINGO C. BARRAQUIO	11	CLO-1375	0.2182	0.2182	Agricultural (Riceland)

[176] *Id.* at 169–170. (Emphasis supplied)
[177] *Id.* at 169.
[178] *Id.* at 484.

II. STATUS OF COMPREHENSIVE LAND USE PLAN (CLUP) ZONING ORDINANCE (ZO)

[X] **WITH APPROVED CLUP/ZO**

THIS IS TO CERTIFY that the above described landholdings are zoned for the uses specified in the above table per approved Comprehensive Land Use Plan and Zoning Ordinance of the Municipality of Santa Rosa, Province of Laguna which was adopted by the Sangguniang Bayan (SB), SB Municipal Ordinance No. 18, S-1981 dated 09 September 1981 and which was approved by the Housing and Land Use Regulatory Board (HLURB) under Board Resolution No. R-36, S. 1981 dated 02 December 1981, in accordance with pertinent issuances.

Zoning Administration Certification[179] dated April 24, 2013 from the City of Santa Rosa, Laguna states:

TO WHOM IT MAY CONCERN:

This is to certify that certain parcels of land herein described as:

LOT NO.	TCT NO.	AREA (Sq. M.)
Lot 19	*CLO-1409*	*9,826.00 Sq. Mtrs.*
Lot 11	*CLO-1375*	*2,182.00 Sq. Mtrs.*

registered in the name of ***DOMINGO C. BARRAQUIO*** **m/to** ***MARIA S. MONTOYA***, located at Brgy. Pulong Sta. Cruz, City of Sta. Rosa, Laguna, is within the ***AGRICULTURAL ZONE***, pursuant to Zoning Ordinance of 1981 as per SB Municipal Ordinance No. 18, series of 1981, dated September 09, 1981 and was later approved by the Housing and Land Use Regulatory Board (HLURB) under Board Resolution No. R-36, series of 1981 dated December 2, 1981.

. . . .

Very truly yours.

LUIS G. CARTECIANO
Zoning Officer III

Weighing the evidence in this case, this Court rules in favor of petitioners.

Considering these findings, the CLOAs in favor of Barraquio are restored in favor of petitioners, subject to proof of payment of just compensation to respondent. In *Land Bank of the Philippines v. Court of Appeals*,[180] this Court discussed that title to the properties does not pass to the farmer-beneficiaries until the property was fully condemned:

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[179] *Id.* at 487. (Emphasis supplied)
[180] 319 Phil. 246, 260–262 (1995) [Per J. Francisco, Second Division].

The ruling in the "Association" case merely recognized the extraordinary nature of the expropriation to be undertaken under RA 6657 thereby allowing a deviation from the traditional mode of payment of compensation and recognized payment other than in cash. It did not, however, dispense with the settled rule that there must be full payment of just compensation before the title to the expropriated property is transferred.

The attempt to make a distinction between the deposit of compensation under Section 16(e) of RA 6657 and determination of just compensation under Section 18 is unacceptable. To withhold the right of the landowners to appropriate the amounts already deposited in their behalf as compensation for their properties simply because they rejected the DAR's valuation, and notwithstanding that they have already been deprived of the possession and use of such properties, is an oppressive exercise of eminent domain. The irresistible expropriation of private respondents' properties was painful enough for them. But petitioner DAR rubbed it in all the more by withholding that which rightfully belongs to private respondents in exchange for the taking, under an authority (the "Association" case) that is, however, misplaced. This is misery twice bestowed on private respondents, which the Court must rectify.

Hence, we find it unnecessary to distinguish between provisional compensation under Section 16(e) and final compensation under Section 18 for purposes of exercising the landowners' right to appropriate the same. The immediate effect in both situations is the same, the landowner is deprived of the use and possession of his property for which he should be fairly and immediately compensated. Fittingly, we reiterate the cardinal rule that:

> ". . . within the context of the State's inherent power of eminent domain, *just compensation means not only the correct determination of the amount to be paid to the owner of the land but also the payment of the land within a reasonable time from its taking. Without prompt payment, compensation cannot be considered 'just' for the property owner is made to suffer the consequence of being immediately deprived of his land while being made to wait for a decade or more before actually receiving the amount necessary to cope with his loss.*"

The promulgation of the "Association" decision endeavored to remove all legal obstacles in the implementation of the Comprehensive Agrarian Reform Program and clear the way for the true freedom of the farmer. But despite this, cases involving its implementation continue to multiply and clog the courts' dockets. Nevertheless, we are still optimistic that the goal of totally emancipating the farmers from their bondage will be attained in due time. It must be stressed, however, that in the pursuit of this objective, vigilance over the rights of the landowners is equally important because social justice cannot be invoked to trample on the rights of property owners, who under our Constitution and laws are also entitled to protection.[181] (Emphasis in the original, citations omitted)

ACCORDINGLY, this Court hereby **GRANTS** the Petitions in G.R. Nos. 169649 and 185594. The Court of Appeals' Decision dated March 30,

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[181] *Id.* at 260–262.

2005 and Resolution dated September 9, 2005 in CA G.R. SP No. 81764 are **REVERSED.** The cancellation and/or nullification of the Certificates of Land Ownership Award issued in favor of Domingo Barraquio (CLO-1409 and 1375) are **REVERSED**. The Court of Appeals' Resolutions dated July 23, 2008 and November 17, 2008 in CA G.R. SP No. 104265 are likewise **REVERSED.**

The properties issued in favor of Domingo Barraquio (CLO-1409 and 1375) are deemed covered by the Comprehensive Agrarian Reform Program under Republic Act No. 6657.

SO ORDERED.

MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:

AMY C. LAZARO-JAVIER
Associate Justice

MARIANO C. LOPEZ
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

On leave
ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

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

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

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 cases were assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice