



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 15, 2022 which reads as follows:

“G.R. No. 257990 (*Heirs of Nemesio Tan, namely: Sonia Tan-Beluso and Madeline Tan-Yap, represented by their attorney-in-fact, Ferdinand L. Bacanto vs. Atty. Sheila B. Enciso, Regional Director, Department of Agrarian Reform Regional Office VI, Lucrecia S. Taberna, Officer-in-Charge Assistant Regional Director, Department of Agrarian Reform Regional Office VI, Anthony P. Arostique, Officer-in-Charge Provincial Agrarian Reform Program Officer II, Department of Agrarian Reform Provincial Office, Capiz, and Eugene L. Dela Cruz, Municipal Agrarian Reform Program Officer-Pilar and President Roxas, Capiz*) – Before the Court is a Petition for Prohibitory Injunction with Prayer for Writ of Preliminary Prohibitory Injunction and/or Temporary Restraining Order (*TRO*),¹ under Rule 58 of the Rules of Court seeking to enjoin the implementation by the Department of Agrarian Reform (*DAR*) in *DAR* Case No. CANC-0603-0040-2012 of its Order² dated May 15, 2017 and the corresponding Writ of Execution³ dated October 15, 2020 issued to implement the assailed Order.

The late Nemesio Tan (*Nemesio*) was the registered landowner and possessor of several parcels of land in Capiz. Petitioners, as heirs of Nemesio, namely: Sonia Tan-Beluso and Madeline Tan-Yap, represented by their attorney-in-fact, Ferdinand L. Bacanto (*petitioners*) succeeded in the ownership and possession of these landholdings. These were placed under the coverage of the Comprehensive Agrarian Reform Program that prompted petitioners

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¹ *Rollo*, pp. 14-27.

² Penned by DAR Secretary Rafael V. Mariano; *id.* at 35-48.

³ Penned by DAR Secretary John R. Castriciones; *id.* at 51-59.

to file a special civil action with the DAR docketed as Special Civil Action Case No. V-7346, praying for administrative nullification of certificates of land ownership award (*CLOA*) and removal of annotation of titles. They also filed a petition for the determination of just compensation with the Regional Trial Court acting as Special Agrarian Court (*RTC-SAC*). Trial has not yet commenced in the *RTC-SAC* because herein respondents, who are officials of the DAR, have yet to comply with the order for the production of documents.

On March 11, 2016, DAR Secretary Virgilio R. De los Reyes issued an Order, the dispositive portion of which reads:

WHEREFORE, premises considered, the Petition filed by Nemesio Tan for the nullification of the herein subject *CLOA* Titles and cancellation of annotations thereof on Tan's Titles is hereby **PARTIALLY GRANTED**. Accordingly, Order is hereby issued:

1. **DIRECTING** the Provincial Agrarian Reform Program Officer of Capiz to transmit to the Register of Deeds of Roxas City Capiz the Certificates of Deposit pertaining to the coverage of the subject landholdings, as well as the Master List of the qualified beneficiaries pertaining to the same;
2. **DIRECTING** the Register of Deeds of Roxas City, Capiz, upon receipt of the Certificates of Deposit and Master List from the PARPO, to cancel the Titles x x x to reinstate the Titles in lieu thereof in the name of the former landowner named in the predecessor Titles, to cancel the said Titles immediately thereafter, to issue and register Titles in lieu thereof in the name of the Republic of the Philippines, to cancel the same Republic of the Philippines' Titles, and to register individual *CLOAs* in the name(s) of the beneficiaries in the said Master List.
3. **DIRECTING** the Provincial Agrarian Reform Program Officer of Capiz to inform the Land Bank of the Philippines-Agrarian Operations Center to update the records in the Land Distribution Information Schedule, if applicable.

SO ORDERED.⁴ (Emphases in the original)

Thereafter, petitioners filed a Motion for Reconsideration. On May 15, 2017, DAR Secretary Rafael V. Mariano issued the assailed Order⁵ partially granting the motion, the dispositive portion of which reads:

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⁴ *Id.* at 38-39.

⁵ Penned by DAR Secretary Rafael V. Mariano; *id.* at 35-48.

WHEREAS, premises considered, **ORDER** is issued **PARTIALLY GRANTING** the Motion for Reconsideration dated 12 April 2016. The Order dated 11 March 2016 issued by Department of Agrarian Reform Secretary Virgilio R. De los Reyes is hereby modified, as follows:

1. **DIRECTING** the Provincial Agrarian Reform Program Officer (PARPO) of Capiz to transmit to the ROD of Roxas City, Capiz the Certificates of Deposit issued by the Land Bank of the Philippines pertaining to the coverage of the subject landholdings, furnishing the herein landowner/ petitioner copies thereof, as well as the Master List of the qualified beneficiaries pertaining to the same.
2. **DIRECTING** the ROD of Roxas City, Capiz, upon receipt of the Certificates of Deposit and Master List from the PARPO, to **CANCEL** the following CLOAs:
x x x
3. **DIRECTING** the ROD of Roxas City, Capiz to simultaneously issue titles in the name of the Republic of the Philippines in lieu of the cancelled CLOAs;
4. Immediately thereafter, **DIRECTING** the PARPO to immediately generate the individual CLOAs in the name(s) of the beneficiaries on the said Master List and to register the same with ROD of Roxas City, Capiz;
5. **DIRECTING** the PARPO of Capiz to inform the Land Bank of the Philippines-Agrarian Operations Center to update the records in the Land Distribution Information Schedule, if applicable.
6. A **CEASE AND DESIST ORDER/ STATUS QUO ORDER** is likewise issued prohibiting the petitioner, her representative, the administrator of Nemesio Tan Estate, and all its officers, employees or persons acting for and in its behalf, from forcibly evicting the respondents or any ARB of the said estate from the subject landholding and from disturbing their peaceful possession and occupation of the subject property.
7. The Sheriff of the DAR Regional Office No. VI, the Regional Director DAR Region VI, and the Provincial Agrarian Reform Program Officer (PARPO) of Capiz is directed to serve and implement this Cease and Desist Order. They are further directed to secure police or military assistance to ensure the maintenance of peace and order in the subject landholding and that no untoward incident will happen in the future against the respondents and the ARBs of the Nemesio Tan Estate.

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8. The Regional Director, DAR Region VI, and the Provincial Agrarian Reform Program Officer (PARPO) of Capiz are also directed to submit a written report on the compliance with this CDO within FIFTEEN (15) days from receipt hereof.

In any and all instances, the implementation of the corrective measures stated herein must never prejudice the rights of the Agrarian Reform Beneficiaries.

SO ORDERED.⁶ (Emphases in the original)

The DAR case is presently under review with the Court of Appeals (CA).⁷

On October 15, 2020, a Writ of Execution⁸ was issued instructing the Register of Deeds of Capiz, the Regional Director of DAR Regional Office VI, the Provincial Agrarian Reform Program Officer II of Capiz, the Municipal Agrarian Reform Program Officer of Pilar, Capiz, and the Municipal Agrarian Reform Program Officer of President Roxas, Capiz to enforce and implement the DAR Order dated May 15, 2017, and to request the assistance of the Philippine National Police to maintain order during its implementation.⁹

On November 24, 2021, allegedly without any notice or hearing and without waiting for the judgment in the petition for the determination of just compensation, respondents commenced the ouster of petitioners from the subject landholdings and invoked the Order and Writ of Execution to install the farmer beneficiaries therein.¹⁰ Municipal Mayor Receliste L. Excolin (*Mayor Excolin*) intervened and invited the parties to a conference for a peaceful resolution.¹¹ During the conference, Mayor Excolin requested that the implementation of the take-over be deferred until November 29, 2021 to give the petitioners time to make representations to the DAR.

Petitioners were under the impression that, unless restrained by the Court, respondents would proceed to oust them from the subject landholdings on November 29, 2021, in violation of their constitutional rights to due process and right to receive just compensation.¹² Hence, they filed the instant petition.

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⁶ *Id.* at 45-48.)

⁷ *Id.* at 20.

⁸ *Supra* note 2.

⁹ *Id.* at 58-59.

¹⁰ *Id.* at 21.

¹¹ *Id.*

¹² *Id.* at 22.

Citing Section 55, of Republic Act (R.A.) No. 6657, as amended by R.A. No. 9700, petitioners maintain that the petition was properly filed before the Court because no other court can issue restraining orders or preliminary injunctions in connection with the application, implementation, enforcement or interpretation of R.A. No. 6657, as amended.¹³ They pointed out that the Order and the Writ of Execution did not authorize respondents to oust them from their landholdings.¹⁴ They insist that there are still standing sugarcanes to be harvested and that they should be given reasonable time to complete the harvest of unharvested crops prior to taking possession of the same in compliance with Item No. 4.0¹⁵ of DAR Memorandum Circular No. 23, Series of 2020.¹⁶ They also claim that dispossessing them without waiting for the judgment in the petition for the determination of just compensation is unlawful.¹⁷

The issue to be resolved here is whether it is proper to file with the Court a petition for prohibitory injunction to enjoin the implementation of the DAR Order dated May 15, 2017 and the Writ of Execution, which were issued in relation to an agrarian reform case, now pending in the CA.

After a judicious study of the case, the Court resolves to dismiss outright the instant petition.

In filing the petition before the Court, petitioners invoke Section 55 of R.A. No. 6657 and argue that no court, other than the Supreme Court, may issue restraining orders or preliminary injunctions in connection with the application, implementation, enforcement or interpretation of R.A. No. 6657, as amended.¹⁸ This construction of the law is erroneous.

Section 55, R.A. No. 6657, as amended by R.A. No. 9700, states:

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¹³ *Rollo*, pp. 16-17.

¹⁴ *Id.* at 20-21; 23-24.

¹⁵ Item No. 4.0 of DAR Memorandum Circular No. 23, Series of 2020 states:

The DAR shall recognize the right of the previous landowner to retain his or her share of any standing crop unharvested at the time the DAR takes possession of the land in accordance with Section 24 of R.A. No. 6657, as amended. The DAR shall give the landowner a reasonable time for the completion of the harvest based on the type of crops and subject to the approval of the Regional Director. Simultaneously, the DAR shall allow the removal of any and all movable property which belongs to the previous landowner.

¹⁶ *Rollo*, pp. 21; 25; 61.

¹⁷ *Id.* at 24.

¹⁸ *Id.* at 16-17.

SECTION 55. *No Restraining Order or Preliminary Injunction.* — Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC, the DAR, or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform.

Petitioners cannot simply file before the Court an independent petition with the sole objective of securing the issuance of a writ of preliminary injunction or TRO as ancillary reliefs in agrarian reform cases pending in the lower court.

Section 55 of R.A. No. 6657 does not authorize the institution before the Court of a separate action for the sole purpose of securing the issuance of a writ of preliminary injunction or TRO against the implementation of an order of the DAR. In *Perucho v. Valencia II*,¹⁹ the Court had the opportunity to clarify the proper construction of Section 55 of R.A. No. 6657. The Court explained that:

A reading of Section 55 of R.A. No. 6657 discloses that the provision simply prohibits all courts — save this Court — from issuing writs of preliminary injunction and restraining orders against the DAR *“in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of [RA No. 6657] and other pertinent laws on agrarian reform.”* Hence, the provision, on its face, contemplates an actual agrarian reform case reaching this Court first — either by an appeal in due course or otherwise — before it could be allowed to issue a restraining order against the DAR. Properly construed, therefore, Section 55 of R.A. No. 6657 only means that when a “case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of [RA No. 6657] and other pertinent laws on agrarian reform” has been duly elevated before it, this Court, unlike other courts, may issue a restraining order against the DAR.

Thus[,] contrary to petitioner’s position, Section 55 of R.A. No. 6657 does not really contemplate the institution before the Court of an independent action solely for the issuance of writs of preliminary injunction and TROs against the DAR. What the provision only does is to vest in this Court the authority to issue provisional injunctive reliefs against the DAR whenever an agrarian reform case reaches the former, generally, through a valid appeal in due course.²⁰ (Emphases and italics in the original; Underscoring supplied; Citation omitted)

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¹⁹ G.R. No. 231971 (Resolution), July 10, 2019.

²⁰ *Id.*

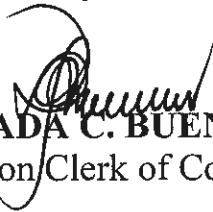

Clearly, the present petition, which seeks to enjoin the implementation of the Order and Writ of Execution which the DAR issued in an agrarian case pending in the CA, is inappropriate. Considering that the reliefs that petitioners pray for, are in the nature of ancillary reliefs to the principal agrarian case pending in the CA, the Court has no authority to take cognizance of the present petition and grant the injunctive reliefs. The Court may only grant such injunctive reliefs when the case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of R.A. No. 6657 and other pertinent laws on agrarian reform has been duly elevated to the Court. Accordingly, on this ground alone, the petition should be dismissed.

WHEREFORE, the instant petition is **DISMISSED**.

The petitioners' urgent manifestation and motion (to accept herein attached copies of the petition pending receipt of the petition filed thru registered mail for the purposes of the issuance of temporary restraining order [TRO]), is **NOTED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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