



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **September 7, 2022**, which reads as follows:

“G.R. No. 227800 (*Luz Cruz Salonga, represented by Angelito C. Meñez as Executor of her Last Will and Testament; Benita C. Meñez, represented by Angelito C. Meñez as Executor of her Last Will and Testament and Compulsory Heir v. Office of the Provincial Agrarian Reform Adjudicator, Branch II, Region III, Malolos City, Bulacan, Heirs of Reynaldo Cruz, represented by Adoracion Cruz-Tayao, Alberto Magtalas, Serma Magtalas, Guillermo Pascual; Eladio de Leon, Silvestre de Jesus, Alejandro Tarroza, Isidro de Leon, Ponciano Lucas, Rogelio Cuaderno, Gregorio Martin, Ernesto Ramos, Benjamin Lucas, Antonio Lucas, Pilar de Leon, Andres Ramos, Antonio Montano, Pacifico Sorbito, Petronilo de Jesus*). – Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court assailing the Decision<sup>2</sup> dated April 29, 2016 and the Resolution<sup>3</sup> dated October 17, 2016 of the Court of Appeals (CA) in CA-GR. SP No. 138841.

Benita C. Meñez (Benita) and her sister Luz Cruz Salonga (Luz) (petitioners), claim that they are the registered owners of parcels of land with an aggregate area of 424 hectares situated in the municipalities of Calumpit and Pulilan, Bulacan (subject property).<sup>4</sup> The subject property is covered by Transfer Certificate of Title No. 132322 issued by the Register of Deeds of Guiguinto, Bulacan.<sup>5</sup> On the other hand, the following respondents are all agricultural lessees of the subject property:<sup>6</sup> Heirs of Reynaldo Cruz, represented by Adoracion Cruz-Tayao, Alberto Magtalas, Serma Magtalas, Guillermo Pascual, Eladio De Leon, Silvestre De Jesus, Alejandro Tarroza,

<sup>1</sup> *Rollo*, pp. 26-47.

<sup>2</sup> *Id.* at 9-21; penned by Associate Justice Elihu A. Ybañez, with Associate Justices Francisco P. Acosta and Victoria Isabel A. Paredes, concurring.

<sup>3</sup> *Id.* at 22-24.

<sup>4</sup> *Id.* at 11.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Isidro De Leon, Ponciano Lucas, Rogelio Cuaderno, Gregorio Martin, Ernesto Ramos, Benjamin Lucas, Antonio Lucas, Pilar De Leon, Andres Ramos, Antonio Montano, Pacifico Sorbito, and Petronilo De Jesus<sup>7</sup> (collectively referred to as “respondents”).

Petitioners recalled that in 1979, ejectment cases were filed against the respondents before the Court of Agrarian Relations, Fifth Regional District, Branch V, Malolos, Bulacan, for their failure to pay rentals for the use and cultivation of the subject property.<sup>8</sup> The parties then entered into a Compromise Agreement dated August 9, 1979, the pertinent portion of which reads:

1. Ang IKALAWANG PANIG [respondents] ay bibilhin [ang] lupang sinasaka sa may-ari ng lupa na si BENITA MEÑEZ ng tuwirang bayad (Direct Payment).
2. Ang magiging halaga ng lupa ay (\_\_\_\_\_) Kaban ng palay bawat ektarya na kahulugan sa may-ari sa loob ng Labinlimang Taon (15) na pantay-pantay na pagbabayad bawat taon.
3. Na simula sa taong 1973, ang buwis sa lupa (real estate taxes) ay babayaran ng IKALAWANG PANIG x x x [respondents].<sup>9</sup>

The Compromise Agreement was approved by the Court of Agrarian Relations on September 6, 1979.<sup>10</sup>

Despite the very clear provisions of the Compromise Agreement, the petitioners averred that respondents unlawfully refused and failed to pay the purchase price and the real estate taxes of the subject property.<sup>11</sup> As such, petitioners were compelled to pay real property taxes to prevent the subject property from being sold at public auction.<sup>12</sup> Initially, the concern was brought for mediation before the Office of the Barangay Agrarian Reform Committee of Barangay Dampol-B, Pulilan, Bulacan. No settlement was arrived at by the parties. Thus, petitioners filed a petition for ejectment and damages against the respondents.<sup>13</sup>

For their defense, respondents maintain that the subject property is covered by the Operation Land Transfer under Presidential Decree No. 27.<sup>14</sup> They further claim that they did not violate the Compromise Agreement since they have religiously paid their rent. To support their claim, respondents

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<sup>7</sup> Id. at 9-10.

<sup>8</sup> Id. at 11-12.

<sup>9</sup> Id. at 30.

<sup>10</sup> Id. at 12.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id. at 88.

<sup>14</sup> Id.

presented receipts issued by Rogelio Tayao.<sup>15</sup> Upon full payment of their obligation, Emancipation Patents were issued in their favor.<sup>16</sup>

In its Joint Decision<sup>17</sup> dated September 29, 2011, the Region III Office of the Provincial Agrarian Reform Adjudicator (PARAD) dismissed the petition filed by petitioners.<sup>18</sup> Giving full faith and credit to the Emancipation Patents submitted in evidence, the PARAD declared the respondents as absolute owners of the respective landholdings in their possession.<sup>19</sup> The PARAD also noted that the respondents have already paid in full their landholdings under direct payment scheme to the landowner.<sup>20</sup> Petitioners moved for reconsideration. On September 26, 2013, petitioners received an Order<sup>21</sup> dated August 12, 2013 denying their Motion for Reconsideration.

Aggrieved, petitioners filed a Notice of Appeal with Appeal Memorandum on October 11, 2013.<sup>22</sup> They argued that Rogelio Tayao had no authority to collect payments on her behalf, thus, the payments made by the respondents are invalid.<sup>23</sup> On February 12, 2014, the PARAD disposed the appeal as follows:

**WHEREFORE**, premises considered, the Notice of Appeal is deemed **NOT PERFECTED**.

**SO ORDERED**.<sup>24</sup> (Emphases in the original)

The PARAD explained that pursuant to Section 12,<sup>25</sup> Rule X and Section 1,<sup>26</sup>

<sup>15</sup> Id. at 88 and 101.

<sup>16</sup> Id. at 88.

<sup>17</sup> Id. at 88-89.

<sup>18</sup> Id. at 89.

<sup>19</sup> Id. at 88-89.

<sup>20</sup> Id. at 88.

<sup>21</sup> Id. at 109-128.

<sup>22</sup> Id. at 13.

<sup>23</sup> Id. at 101-102.

<sup>24</sup> Id. at 74.

<sup>25</sup> SECTION 12. *Motion for Reconsideration*. — Within fifteen (15) days from receipt of notice of the order, resolution, or decision of the Board or Adjudicator, a party may move for reconsideration of such order, resolution, or decision on the grounds that:

12.1 the findings of fact in the said decision, order, or resolution are not supported by substantial evidence; or

12.2 the conclusions stated therein are contrary to law and jurisprudence.

The motion for reconsideration shall be filed together with proof of service of a copy thereof upon the adverse party.

Only one (1) Motion for Reconsideration shall be allowed for each party.

The filing of a Motion for Reconsideration shall interrupt the period to perfect an appeal. If the motion is denied, the aggrieved party shall have the remaining period within which to perfect his appeal. Said period shall not be less than five (5) days in any event, reckoned from the receipt of the notice of denial.

<sup>26</sup> SECTION 1. *Appeal to the Board*. — An appeal may be taken to the Board from a resolution, decision or final order of the Adjudicator that completely disposes of the case by either or both of the parties within a period of fifteen (15) days from receipt of the resolution/decision/final order appealed from or of the denial of the movant's motion for reconsideration in accordance with Section 12, Rule IX by:

Rule XIV of the 2003 Department of Agrarian Reform Adjudication Board (DARAB) Rules of Procedure,<sup>27</sup> petitioners only had seven days within which a notice of appeal may be filed. The PARAD pointed out that petitioners received on September 26, 2013 the order subject of their appeal. The notice of appeal, however, was filed on the 15<sup>th</sup> day from September 26, 2013, or on October 11, 2013. Hence, the appeal is deemed not timely filed.<sup>28</sup> Petitioners filed a Motion for Reconsideration, which was subsequently denied in a Resolution<sup>29</sup> dated November 4, 2014.

Petitioners then filed a petition for *certiorari* under Rule 65 before the CA. On April 29, 2016, the CA dismissed the petition:

**FOR THESE REASONS**, the instant petition is hereby **DISMISSED** for lack of merit, and the assailed Order dated 12 February 2014 and Resolution dated 04 November 2014 rendered by Region III of the Office of the Provincial Agrarian Reform Adjudicator in DCN. R-03-02-1078'04, DCN. R-03-02-1169'04, DCN. R-03-02-1181'04, DCN. R-03-02-1184'04, DCN. R-03-02-1186'04, DCN. R-03-02-1200'04, DCN. R-03-02-1203'04, DCN. R-03-02-1204'04, DCN. R-3-02-1206'04, DCN. R-03-02-1215'04, DCN. R-03-02-1220'04, DCN. R-03-02-1224'04, DCN. R-03-02-1225'04, DCN. R-03-02-1247'04, DCN. R-03-02-1079'04, DCN. R-03-02-1080'04, DCN. R-03-02-1086'04, DCN. R-03-02-1153'04, DCN. R-03-02-1178'04 are **AFFIRMED**.

**SO ORDERED.**<sup>30</sup> (Emphases in the original)

The CA agreed with the PARAD that the appeal was filed out of time,<sup>31</sup> and reiterated the ruling in *San Lorenzo Ruiz Builders and Developers Group, Inc. v. Bayang*<sup>32</sup> that the “fresh period rule” in filing for an appeal applies only to judicial proceedings.<sup>33</sup> The appeal from a decision of the PARAD to the DARAB is administrative in nature and not judicial, hence, the “fresh period rule” does not apply.<sup>34</sup>

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1.1 filing a Notice of Appeal with the Adjudicator who rendered the decision or final order appealed from;

1.2 furnishing copies of said Notice of Appeal to all parties and the Board; and

1.3 paying an appeal fee of Seven Hundred Pesos (Php700.00) to the DAR Cashier where the Office of the Adjudicator is situated or through postal money order, payable to the DAR Cashier where the Office of the Adjudicator is situated, at the option of the appellant.

A pauper litigant shall be exempt from the payment of the appeal fee.

Proof of service of Notice of Appeal to the affected parties and to the Board and payment of appeal fee shall be filed, within the reglementary period, with the Adjudicator *a quo* and shall form part of the records of the case.

Non-compliance with the foregoing shall be a ground for dismissal of the appeal.

<sup>27</sup> Done and adopted on January 17, 2003.

<sup>28</sup> *Rollo*, p. 74.

<sup>29</sup> *Id.* at 76-81.

<sup>30</sup> *Id.* at 20-21.

<sup>31</sup> *Id.* at 17.

<sup>32</sup> 758 Phil. 368 (2015).

<sup>33</sup> *Id.* at 372.

<sup>34</sup> *Rollo*, p. 20.

In their Motion for Reconsideration, petitioners sought for the reversal of the Decision dated April 29, 2016. The CA denied the motion in a Resolution<sup>35</sup> dated October 17, 2016.

Undaunted, petitioners filed before the Court the present petition for review on *certiorari* under Rule 45 of the Rules of Court. Respondents submitted their Comment<sup>36</sup> pursuant to the Resolution of the Court dated June 21, 2017.<sup>37</sup> Meanwhile, due to non-submission of a reply to respondents' Comment despite Notice,<sup>38</sup> petitioners are deemed to have waived the filing of the said reply.<sup>39</sup>

The Court finds the petition without merit.

The petition centers on the determination of whether the DARAB may entertain an appeal filed beyond the reglementary period. Specifically, whether petitioners, as the aggrieved parties, are entitled: (a) only to seven days to file their Notice of Appeal pursuant to the 2003 DARAB Rules of Procedure; or (b) the period of 15 days following the 2009 DARAB Rules of Procedure.

It is a matter of record that the petition for ejectment and damages against respondents were filed before the PARAD on August 5, 2004.<sup>40</sup> The pertinent provisions of the 2003 DARAB Rules of Procedure, which was then in force, state:

**Rule XIV**  
*Appeals*

SECTION 1. *Appeal to the Board.* — An appeal may be taken to the Board from a resolution, decision or final order of the Adjudicator that completely disposes of the case by either or both of the parties within a period of fifteen (15) days from receipt of the resolution/decision/final order appealed from or of the denial of the movant's motion for reconsideration in accordance with Section 12, Rule IX x x x:

x x x x

**Rule X**  
*Proceedings Before the Adjudicators*

SECTION 12. *Motion for Reconsideration.* — x x x x

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<sup>35</sup> Id. at 22-24.

<sup>36</sup> Id. at 319-320.

<sup>37</sup> Id. at 319.

<sup>38</sup> Resolution of the Court dated January 17, 2018; id. at 322.

<sup>39</sup> Id. at 332.

<sup>40</sup> Id. at 16.

x x x x

The filing of a Motion for Reconsideration shall interrupt the period to perfect an appeal. If the motion is denied, the aggrieved party shall have the remaining period within which to perfect his appeal. Said period shall not be less than five (5) days in any event, reckoned from the receipt of the notice of denial.<sup>41</sup>

Petitioners received a copy of the PARAD Joint Decision on February 29, 2012. Eight days after, or on March 8, 2012, the Motion for Reconsideration was filed. The Order denying the Motion for Reconsideration was received by petitioners on September 26, 2013. According to the above-cited 2003 DARAB Rules of Procedure, the aggrieved party had a remaining period of seven (7) days, or until October 3, 2013. The Notice of Appeal was filed on October 11, 2013.<sup>42</sup>

Petitioners contend that at the time the Notice of Appeal was filed, the 2009 DARAB Rules of Procedure already superseded the 2003 DARAB Rules of Procedure. Under this subsequent 2009 DARAB Rules of Procedure, if a motion for reconsideration is denied, the aggrieved party shall have a fresh period of 15 days reckoned from the receipt of the notice of denial within which to file the notice of appeal.<sup>43</sup> Moreover, petitioners claim that the rules of procedure must be liberally construed to protect their vested rights on the subject property.<sup>44</sup>

The Court cannot agree.

The 2009 Rules of Procedure is clear:

**RULE XXIV**  
*Miscellaneous Provisions*

SECTION 1. *Transitory Provisions.* — These Rules shall govern all cases filed on or after its effectivity. All cases pending with the Board and the Adjudicators, prior to the date of effectivity of these Rules, **shall be governed by the DARAB Rules prevailing at the time of their filing.**

Provided that all cases or proceedings involving the cancellation of EPs, CLOAs and other titles issued under any agrarian reform program which are registered with the Registry of Deeds and which remain pending before the Board or Adjudicator, as of June 30, 2009, shall be referred to the Secretary of the DAR within thirty (30) days immediately upon the effectivity of these Rules, unless those cases deemed submitted for resolution, in accordance with Sec. 9, R.A. No. 9700.

<sup>41</sup> Rule XIV, SEC. 1 and Rule X, SEC. 12 of the 2003 DARAB RULES OF PROCEDURE.

<sup>42</sup> *Rollo*, p. 59.

<sup>43</sup> *Id.* at 56-57; Rule X, Section 10, THE 2009 DARAB RULES OF PROCEDURE; done on September 1, 2009.

<sup>44</sup> *Id.* at 40.

Provided, further, that all previously acquired lands wherein valuation is subject to challenge by landowners' shall be completed and finally resolved pursuant to Section 17 of R.A. No. 6657, as amended by R.A. No. 9700.<sup>45</sup> (Emphasis Ours)

Accordingly, the period within which petitioners may file a notice of appeal shall be determined by the 2003 DARAB Rules of Procedure. Thus, the CA correctly affirmed the PARAD in finding that petitioners only had seven days, not 15, to file a notice of appeal. Since the perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional, the failure to perfect an appeal within seven days rendered the decision of the PARAD final and executory. This rule is founded upon the principle that the right to appeal is not part of due process of law, but is a mere statutory privilege to be exercised only in the manner and in accordance with the provisions of the law.<sup>46</sup>

Of course, the Court has allowed a liberal application of the rules of appeal in exceptional instances. These exceptional instances are limited to cases where the aggrieved party has offered reasonable causes to justify non-compliance with the rules, or where there is sufficient justification why the normal application of procedural rules, would frustrate the ends of justice.<sup>47</sup> Here, none of these instances are present.

Petitioners urge the Court to review the factual findings of the PARAD. Settled is the rule that factual questions are not the proper subject of a petition for review on *certiorari* under Rule 45 of the Rules of Court, as it is limited only to questions of law.<sup>48</sup> Moreover, the errors which may be reviewed by the Court in a petition for review on *certiorari* are those of the CA, and not directly those of the trial court or, in this case, the quasi-judicial agency, tribunal, or officer which rendered the decision in the first instance.<sup>49</sup>

In as much as the Court understands the frustration of Benita and Luz, their prayers could not be granted in this petition.

**WHEREFORE**, the petition is **DENIED**. The Decision dated April 29, 2016 and the Resolution dated October 17, 2016 of the Court of Appeals in CA-G.R. SP No. 138841 are hereby **AFFIRMED**.

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<sup>45</sup> THE 2009 DARAB RULES OF PROCEDURE.

<sup>46</sup> *Lazaro v. Court of Appeals*, 386 Phil. 412, 417 (2000).

<sup>47</sup> *Rivera v. Heirs of Cabling*, G.R. No. 242036, January 14, 2019.

<sup>48</sup> *Abalos v. Court of Appeals*, 375 Phil. 419, 428 (1999), citing *Atlantic Gulf and Pacific Company of Manila, Inc. v. Court of Appeals*, 247 SCRA 606, 611 (1995).

<sup>49</sup> *Sebastian v. Morales*, 445 Phil. 595, 609 (2003).

**SO ORDERED.”**

By authority of the Court:

*Mig-DCBatt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court* JB 12/20/22

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