



**Republic of the Philippines  
Supreme Court  
Manila**

**THIRD DIVISION**

**ADRIANO S. LORENZO, SR., G.R. No. 261059  
JOSE D. FLORES III, represented  
by his father, JOSE R. FLORES, Present:  
JR., and CARLOS S. FLORES,**

*Petitioners,* CAGUIOA, J., *Chairperson,*  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, JJ.

- versus -

**DOMINADOR M. LIBUNAO,  
EVAGRIO S. LIBUNAO, NOE S.  
LIBUNAO, MAYO S. LIBUNAO,  
and DEPARTMENT OF  
AGRARIAN REFORM  
ADJUDICATION BOARD Promulgated:  
(DARAB),\***

*Respondents.* February 15, 2023

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**D E C I S I O N**

**INTING, J.:**

Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> filed by Adriano S. Lorenzo, Sr., Jose D. Flores III, and Carlos S. Flores (petitioners) assailing the Decision<sup>2</sup> dated June 30, 2021, and the Resolution<sup>3</sup> dated May 24, 2022, of the Court of Appeals (CA) in CA-G.R. SP No. 164049. The CA dismissed the petition for review and affirmed the Decision dated June 22, 2018 of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 17247 (Reg. Case No. III-T-2379-03) which affirmed the Decision dated January 27, 2009

\* The Court of Appeals is dropped as respondent because it is not an indispensable party in a Petition for Review under Rule 45.

<sup>1</sup> *Rollo*, pp. 16–36. The pleading was erroneously delineated as Petition for *Certiorari*.

<sup>2</sup> *Id.* at 43–53. Penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Germano Francisco D. Legaspi and Raymond Reynold R. Lauigan.

<sup>3</sup> *Id.* at 55–56.

of the Office of the Provincial Agrarian Reform Adjudicator (PARAD) of *Diwa ng Tarlak*, Tarlac City.<sup>4</sup>

*The Antecedents*

The case stemmed from an Amended Complaint for Cancellation of Titles and Emancipation Patents and Maintenance of Possession filed on July 26, 2005, by petitioners against Dominador M. Libunao, Evagrio S. Libunao, Noe S. Libunao, and Mayo S. Libunao (respondents), before the PARAD. The complaint involved a nine-hectare portion of a tract of agricultural riceland known as the Patricio Pineda Estate located in *Barangay San Roque, La Paz, Tarlac* (subject land).<sup>5</sup>

Petitioners alleged the following:

Petitioners have been in possession of the subject land through their predecessors-in-interest since 1978, and by themselves beginning 1994. The Barangay Agrarian Reform Committee Chairperson and other farmer-residents of La Paz, Tarlac, certified petitioners' possession. They had previously filed their respective applications with the Municipal Agrarian Reform Office (MARO) of La Paz, Tarlac, for them to be declared as qualified farmer-beneficiaries of the portions they were cultivating. However, their applications were reported to be missing. Sometime in 2003, they were informed at the conference set by the MARO that emancipation patents and titles over the landholdings they were cultivating were already issued to respondents. They believed that respondents must have employed fraudulent means to secure the emancipation patents and titles in their favor because they never possessed or cultivated the land so as to become entitled to it.<sup>6</sup>

For their part, respondents denied having employed fraud or machinations in their applications for emancipation patents. Further, they alleged that the MARO of La Paz, Tarlac, and the Department of Agrarian Reform (DAR) have duly administratively identified them as the qualified farmer-beneficiaries of the portions of the landholdings that they have been cultivating, resulting in the issuance of the corresponding emancipation patents and transfer certificates of title in their favor. They furthermore averred that they have been in actual and physical possession of their respective landholdings for a long period of time, as certified by

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<sup>4</sup> *Rollo*, pp. 43-44. Copies of the PARAD and DARAB Decisions were not attached to the *rollo*.

<sup>5</sup> *Id.* at 44.

<sup>6</sup> *Id.* at 44-45.

the barangay chairperson of San Roque, La Paz, Tarlac. As such, they moved that the complaint be dismissed.<sup>7</sup>

*Ruling of the PARAD*

In its Decision dated January 27, 2009, Provincial Adjudicator Vicente Aselo S. Sicat of the PARAD dismissed the complaint and affirmed the validity of respondents' emancipation patents and titles. He ruled that the DAR's administrative identification of respondents as the legitimate qualified farmer-beneficiaries of the subject land enjoys the presumption of regularity and legality in the absence of any convincing and credible evidence to the contrary. He decreed that, except for petitioners' bare allegations, they failed to adduce evidence that respondents were not in actual possession of the subject land.<sup>8</sup>

*Ruling of the DARAB*

Initially, in its Decision dated June 22, 2018, the DARAB denied petitioners' appeal and accordingly affirmed the PARAD's findings. It ruled that without any concrete proof of the alleged fraud in the processing and issuance of the emancipation patents and titles to respondents, they shall remain valid.<sup>9</sup>

Subsequently, the DARAB issued its Resolution dated October 28, 2019 denying petitioners' Motion for Reconsideration for want of jurisdiction. According to the DARAB, the exclusive original jurisdiction to resolve cases involving the cancellation of titles issued under any agrarian reform program has already been transferred to the DAR Secretary or his authorized representative.<sup>10</sup>

*Ruling of the CA*

In its Decision<sup>11</sup> dated June 30, 2021, the CA denied the petition for review. It ruled that the DARAB correctly divested itself of jurisdiction to rule upon the case in view of the passage of Republic Act No. (RA) 9700,<sup>12</sup>

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<sup>7</sup> Id. at 45–46.

<sup>8</sup> Id. at 46–47.

<sup>9</sup> Id. at 48.

<sup>10</sup> Id. at 49.

<sup>11</sup> Id. at 43–53.

<sup>12</sup> Entitled, "An Act Strengthening the Comprehensive Agrarian Reform Program (CARP),

which transferred the exclusive and original jurisdiction of all cases involving cancellation of emancipation patents, certificate of land ownership award and titles to the DAR Secretary. It also noted that the DARAB in fact had no jurisdiction to take on petitioners' appeal because, at the time petitioners filed their appeal on November 20, 2009, RA 9700 was already in force and in effect.<sup>13</sup>

Hence, petitioners filed the present petition<sup>14</sup> raising the following issues:

*Issues*

WHETHER OR NOT THE HONORABLE COURT OF APPEALS, PARAD[,] AND DARAB ERRED IN NOT APPRECIATING THE EVIDENCE OF THE PETITIONERS;

x x x WHO BETWEEN THE PETITIONERS AND RESPONDENTS ARE QUALIFIED TO BECOME BENEFICIARIES OF THE LAND IN QUESTION;

WHETHER OR NOT THE x x x EMANCIPATION PATENT NO. 00751354, EMANCIPATION PATENT NO. 00751355, EMANCIPATION PATENT NO. 00751356, EMANCIPATION PATENT NO. 00751357, IN THE NAME OF EVAGRIO S. LIBUNAO, DOMINADOR LIBUNAO, NOE S. LIBUNAO[,] AND MAYO LIBUNAO COULD BE CANCELLED.<sup>15</sup>

Essentially, petitioners aver that the PARAD erred in affirming the emancipation patents and titles issued to respondents notwithstanding that petitioners, and not respondents, have been in actual and continuous possession of the subject land.<sup>16</sup>

*Our Ruling*

The petition is unmeritorious.

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Extending the Acquisition and Distribution of All Agricultural Lands, Instituting Necessary Reforms, Amending for the Purpose Certain Provisions of Republic Act No. 6657, Otherwise Known as the Comprehensive Agrarian Reform Program Law of 1998, as amended, and Appropriating Funds Therefor," approved August 7, 2009.

<sup>13</sup> *Rollo*, p. 52.

<sup>14</sup> *Id.* at 16–36.

<sup>15</sup> *Id.* at 27.

<sup>16</sup> *Id.* at 30.

At the outset, while petitioners do not raise this as an issue, the Court deems it necessary to emphasize that the CA correctly affirmed the DARAB's Resolution divesting itself of jurisdiction in view of the enactment of RA 9700. Specifically, Section 9 of RA 9700 amending Section 24 of RA 6657<sup>17</sup> provides:

SEC. 24. Award to Beneficiaries. — x x x x

x x x x

All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR.

As the CA aptly ruled:

[I]t may be well to state that at the time the instant complaint for cancellation was filed in July 2005, the jurisdictional setup was that the DARAB will take cognizance of cases that involve the issuance, correction and cancellation of registered Emancipation Patents (EPs), Certificates of Land Ownership Award (CLOAs), and other agrarian titles. If the said EP[s], CLOAs and titles were still unregistered, jurisdiction lies with the DAR Secretary. However, when Congress passed Republic Act (R.A.) No. 9700 on August 7, 2009 amending R.A. No. 6657 or the Comprehensive Agrarian Reform Law, all cases involving the cancellation of EPs, CLOAs and titles issued in relation thereto, whether registered with the Land Registration Authority (LRA) or not, are now within the exclusive original jurisdiction of the Department of Agrarian Reform (DAR) Secretary. He or she takes jurisdiction over cases involving the cancellation of titles issued under any agrarian reform program of the government.

x x x x

x x x It is the Agrarian Reform Secretary who has the authority and power to probe into the validity of the issuance of the EPs and titles in favor of respondents and determine their qualification as farmers-beneficiaries. It may also be well to note that at the time the appeal was filed by petitioners with the DARAB on November 20, 2009, R.A. No. 9700 was already in force and in effect. Hence, the DARAB had no more jurisdiction to take cognizance of the appeal.<sup>18</sup>

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<sup>17</sup> Comprehensive Agrarian Reform Law of 1988, approved June 10, 1988.

<sup>18</sup> *Rollo*, pp. 50–52.

Accordingly, the CA committed no reversible error when it denied the petition for review and ruled that the DARAB lacks jurisdiction to resolve petitioners' appeal.

In any case, the present case must still be denied.

A petition for review on *certiorari* under Rule 45 of the Rules of Court is confined only to reviewing errors of law, not of fact.<sup>19</sup> In the case, petitioners are clearly begging the Court to reevaluate their pieces of evidence to determine who between them and respondents actually possessed the subject land as to be entitled to the issuance of the emancipation patents, which is outside the scope and function of this Court.<sup>20</sup> While the Court has allowed certain exceptions for the review of the factual findings of the lower tribunals, none of the exceptions are present in this case.<sup>21</sup>

Nevertheless, the doctrine of primary jurisdiction holds that “if a case is such that its determination requires the expertise, specialized training and knowledge of the proper administrative bodies, relief must first be obtained in an administrative proceeding before a remedy is supplied by the courts even if the matter may well be within their proper jurisdiction.”<sup>22</sup> Here, upon the enactment of RA 9700, petitioners should have directed their appeal or filed a new case for cancellation of respondents' patents and titles before the DAR Secretary as the administrative entity determined by law to have the expertise and knowledge in resolving the issue. Hence, petitioners' premature invocation of the CA and the Court's judicial powers is fatal to their cause of action warranting the outright dismissal of the present petition.

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<sup>19</sup> *Gatan v. Vinarao*, 820 Phil. 257, 265 (2017).

<sup>20</sup> *Rollo*, pp. 28–32.

<sup>21</sup> *Gatan, supra* at 265–266. The general rule for petitions filed under Rule 45 admits exceptions, to wit: (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record. (See *Sps. Miano v. Manila Electric Company*, 800 Phil. 118, 123 (2016))

<sup>22</sup> *Province of Aklan v. Jody King Construction and Dev't Corp.*, 722 Phil. 315, 324 (2013).

All told, the present petition is patently without merit as to warrant the Court's exercise of discretionary appellate jurisdiction.

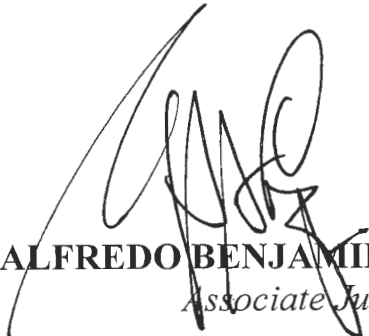
**WHEREFORE**, the petition for review on *certiorari* is **DENIED** for lack of merit. The Decision dated June 30, 2021 and the Resolution dated May 24, 2022 of the Court of Appeals in CA-G.R. SP No. 164049 are **AFFIRMED**.

**SO ORDERED.**




**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

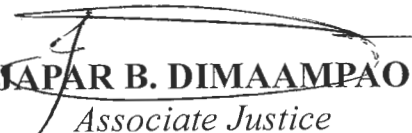
WE CONCUR:



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**SAMUEL H. GAERLAN**  
*Associate Justice*



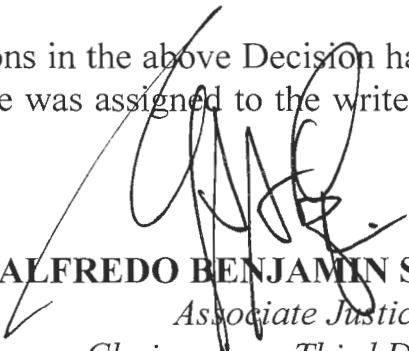
**JAPAR B. DIMAAMPAO**  
*Associate Justice*



**MARIA FILOMENA D. SINGH**  
*Associate Justice*

**ATTESTATION**


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



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*  
*Chairperson, Third Division*

**CERTIFICATION**

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



**ALEXANDER G. GESMUNDO**  
*Chief Justice*