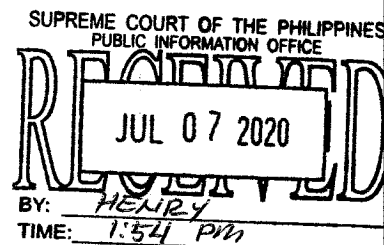




Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **February 5, 2020**, which reads as follows:

“G.R. No. 196367 (RECARIDO GELITO, *petitioner* v. HEIRS OF CIRIACO TIROL, represented by attorney-in-fact, SOCRATES TIROL, *respondents*). — This resolves a Petition for Review¹ assailing the Decision² and Resolution³ of the Court of Appeals, which ruled as final the Provincial Agrarian Reform Adjudicator’s 1992 Decision cancelling Recarido Gelito’s (Gelito) Certificate of Land Transfer.

In 1968, Gelito began cultivating 2.31 hectares of unirrigated rice land in Boracay Island, Malay, Aklan. The land, which was covered by the Operation Land Transfer under Letter of Instruction No. 474,⁴ had previously been owned by the heirs of Ciriaco Tirol (Tirol).⁵ In 1974, the government issued Gelito Certificate of Land Transfer No. 00008-1.⁶

In 1991, the heirs of Tirol filed a Complaint seeking the annulment of Gelito’s Certificate of Land Transfer.⁷ Later, on September 30, 1992, Provincial Adjudicator Erlinda S. Vasquez (Provincial Adjudicator Vasquez) canceled the certificate for being invalid.⁸

The dispositive portion of the 1992 Decision read:

WHEREFORE, decision is rendered in favor of the complainant, as follows:

¹ *Rollo*, pp. 3–17.

² *Id.* at 18–24. The Decision was penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Portia A. Hormachuelos and Edwin D. Sorongon of the Eighteenth Division, Court of Appeals, Cebu City.

³ *Id.* at 25–26. The Resolution was penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Portia A. Hormachuelos and Edwin D. Sorongon of the Eighteenth Division, Court of Appeals, Cebu City.

⁴ *Id.* at 3 and 19.

⁵ *Id.* at 11.

⁶ *Id.* at 19.

⁷ *Id.*

⁸ *Id.* at 19–20.

1. Ordering respondent R[e]carido Gelito to vacate the landholding subject of this case and to desist from usurping the same;
2. Declaring the issuance of CLT No. 00008-1 erroneous and not valid;

SO ORDERED.⁹

Five (5) years later, in March 1997, Gelito filed a Complaint¹⁰ before Provincial Adjudicator Valentin F. Nagaynay (Provincial Adjudicator Nagaynay), assailing the validity of the 1992 Decision.

According to Gelito, fraud attended the case when he was fooled into surrendering his claim on the land. He alleged that the heirs of Tirol paid him ₱20,000.00 to prevent him from contesting their Complaint, tricking him into thinking that the amount was a valid consideration for the land.¹¹

Gelito also claimed that his constitutional right to due process was violated because during trial, he was cross-examined by his own counsel, Atty. Belen A. Conlu,¹² and made a witness for the other party.¹³ His counsel likewise waived his right to present evidence.¹⁴

Gelito claimed that he only received the 1992 Decision, and therefore learned of its implications and his rights, in March 1997. It took him this long, he contended, because his lawyer had not been furnished with the Decision when it was issued in September 1992.¹⁵

The heirs of Tirol countered that Gelito had actually received a copy of the 1992 Decision on November 16 that year, making it final. They claimed that Gelito was now in estoppel and his Complaint was barred by laches and *res judicata*.¹⁶

In a May 24, 1999 Decision,¹⁷ Provincial Adjudicator Nagaynay dismissed the Complaint for lack of jurisdiction and merit.¹⁸ Ruling that the 1992 Decision had attained finality, he held that Gelito failed to timely contest the 1992 Decision when he received it in November that year.¹⁹ Nonetheless, he ultimately dismissed the Complaint for lack of jurisdiction, stating that the Department of Agrarian Reform Adjudication Board should

⁹ Id. at 27-28.

¹⁰ Id. at 27-36.

¹¹ Id. at 28.

¹² Id. at 4.

¹³ Id. at 28.

¹⁴ Id. at 38.

¹⁵ Id. at 37.

¹⁶ Id. at 37-38.

¹⁷ Id. at 37-40.

¹⁸ Id. at 40.

¹⁹ Id. at 39.

have the exclusive appellate jurisdiction over the Complaint under Rule II, Section 5 of its 1994 Rules of Procedure.²⁰

On appeal before the Department of Agrarian Reform Adjudication Board, Gelito mainly argued that his constitutional rights to due process and adequate legal assistance were violated. He raised the following errors in the hearing: (1) he was made to testify against himself; (2) he was made to execute an affidavit against his interest; (3) his lawyer was allowed to waive his right to present evidence; (4) the Decision was rendered without the heirs of Tirol presenting evidence; and (5) the Decision was not served on his counsel but on him, who was ignorant about his right to appeal.²¹

In a June 24, 2005 Decision,²² the Department of Agrarian Reform Adjudication Board dismissed the case for lack of merit. It found no fraud in the case, since Gelito received a copy of the 1992 Decision in November that year, as evidenced by his signature on the last page of the Decision.²³

Gelito filed a Motion for Reconsideration, but this was denied.²⁴

Gelito then appealed to the Court of Appeals. In addition to his previous arguments, he also argued that under Presidential Decree No. 27, the property cannot be transferred; and under Memorandum Circular No. 7, series of 1979, all transactions or surrenders of land under the presidential decree are void. Moreover, he claimed that the 1992 Decision was void because only the Secretary of Agrarian Reform is authorized by law to cancel the Certificate of Land Transfer.²⁵

Gelito further argued that the 1992 Decision violated Section 10 of Republic Act No. 3844, which provides that the agricultural leasehold relation cannot be extinguished by sale, alienation, or transfer of the land's legal possession.²⁶

²⁰ Id. at 40. DARAB RULES OF PROCEDURE (1994), Rule II, sec. 5 provides:
SECTION 5. Appellate Jurisdiction. — The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter or affirm resolutions, orders, and decisions, of its Adjudicators. No order of the Adjudicators on any issue, question, matter or incident raised before them shall be elevated to the Board until hearing shall have been terminated and the case decided on the merits.

²¹ Id. at 6.

²² Id. at 45–48. The Decision was penned by Member Delfin B. Samson and concurred in by Members Lorenzo R. Reyes, Augusto P. Quijano, and Edgar A. Igano. Chair Rene C. Villa and Members Ernesto G. Ladrido III and Severino T. Madronio did not take part.

²³ Id. at 47.

²⁴ Id. at 55–56. The Resolution was penned by Member Delfin B. Samson and concurred in by Members Lorenzo R. Reyes, Augusto P. Quijano, and Edgar A. Igano. Chair Nasser C. Pangandaman and Members Nestor R. Acosta and Severino T. Madronio did not take part.

²⁵ Id. at 60.

²⁶ Id. at 62 *citing* Republic Act No. 3844 (1963), sec. 10.

Finally, Gelito contended that the heirs of Tirol could not have claimed ownership over the land when they filed the Complaint in 1991, because it was only in 2006, when Proclamation No. 1064 was issued, that Boracay was declared as alienable and disposable and open to private ownership.²⁷

In a January 18, 2011 Decision,²⁸ the Court of Appeals dismissed the appeal:

WHEREFORE, the petition is dismissed. The assailed Decision dated 24 June 2005 of the Department of Agrarian Reform Adjudication Board, upholding the judgment of the Provincial Agrarian Reform Adjudicator Erlinda S. Vasquez in DARAB Case No. VI-10-Akl-91 dismissing the complaint on grounds of lack of jurisdiction and lack of merit, is hereby AFFIRMED.

SO ORDERED.²⁹

The Court of Appeals ruled that Gelito's Certificate of Land Transfer was validly canceled since a farmer-beneficiary like him only had an inchoate right over the land, which may be administratively canceled for a justifiable reason.³⁰ It also upheld the 1992 Decision's finality,³¹ according great respect to the lower courts' rulings after it found no fraud, mistake, or arbitrariness on their part.³²

Gelito filed a Motion for Reconsideration, but this was denied.³³

Hence, Gelito filed a Petition for Review.³⁴ The heirs of Tirol later submitted their Comment to the Petition.³⁵

Reiterating his arguments before the lower tribunals, petitioner argues that his right to due process, as well as his right to a hearing and to present his case and evidence, was violated.³⁶

Moreover, petitioner claims that the 1992 Decision and the Decision of the Department of Agrarian Reform Adjudication Board are void for lack of jurisdiction.³⁷

²⁷ Id. at 65.

²⁸ Id. at 18-24.

²⁹ Id. at 24.

³⁰ Id. at 21.

³¹ Id. at 22.

³² Id. at 23.

³³ Id. at 25.

³⁴ Id. at 3-17.

³⁵ Id. at 76-79.

³⁶ Id. at 13.

³⁷ Id. at 9.

Further, petitioner contends that the administrative tribunals failed to ascertain facts and address the issues he raised. He says that the Department of Agrarian Reform Adjudication Board failed to account that he was a beneficiary of the Operation Land Transfer and that he was issued a Certificate of Land Transfer.³⁸

Petitioner reiterates that respondents could not have sought the cancellation of his Certificate of Land Transfer as it may only be annulled if the Operation Land Transfer conducted in Boracay was annulled. Even if his certificate were annulled, petitioner says that the agricultural land will not revert to the possession and ownership of respondents as previous landowners; at most, they could only demand compensation.³⁹

Lastly, petitioner argues that the Court of Appeals Decision violates Proclamation No. 1064. He reiterates that the proclamation was issued only in 2006, which makes respondents' claim on the subject property in 1991 impossible.⁴⁰

In their Comment,⁴¹ respondents argue that there was no violation of due process because the 1992 Decision was issued after a hearing. Moreover, it attained finality after the lapse of the period to appeal.⁴²

As to Proclamation No. 1064, respondents maintain that prior to its issuance, the lands in Boracay were all considered unclassified public land. The proclamation then classified the lands as either forest land or agricultural land. Respondents contend that the land claimed by petitioner is not an agricultural land, but a forest land, which cannot be covered by the agrarian reform program. Hence, petitioner's Certificate of Land Transfer was validly canceled.⁴³

The sole issue for this Court's resolution is whether or not the doctrine of immutability of judgment applies in this case. Subsumed under this are the following issues:

First, whether or not the judgment may be set aside for the existence of a supervening event;

Second, whether or not the cancellation of Certificate of Land Transfer No. 00008-1 violates Proclamation No. 1064;

³⁸ Id. at 10.

³⁹ Id.

⁴⁰ Id. at 13.

⁴¹ Id. at 76-79.

⁴² Id. at 77.

⁴³ Id.

Third, whether or not the judgment is void for violating the right to due process of petitioner Recarido Gelito; and

Finally, whether or not the 1992 Decision is void for lack of jurisdiction.

I

Under the doctrine of immutability of judgment, a decision becomes immutable and unalterable once it turns final.⁴⁴ The court also loses its jurisdiction;⁴⁵ it may no longer modify or amend the decision even to correct conclusions of fact and law.⁴⁶

This doctrine is anchored on public policy considerations. In *Social Security System v. Isip*:⁴⁷

The doctrine of immutability and inalterability of a final judgment has a two-fold purpose: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Controversies cannot drag on indefinitely. The rights and obligations of every litigant must not hang in suspense for an indefinite period of time.⁴⁸ (Citation omitted)

Nevertheless, the mandatory character of this rule must not be a vehicle to perpetuate injustice.⁴⁹ If warranted, it must “yield to practicality, logic, fairness, and substantial justice.”⁵⁰ Thus, the rule on immutability of judgment is not a hard and fast rule. It is subject to a few exceptions, namely:

(1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.⁵¹ (Citation omitted)

⁴⁴ *National Housing Authority v. Court of Appeals*, 731 Phil. 400, 405 (2014) [Per J. Perlas-Bernabe, Second Division].

⁴⁵ *Republic v. Dagondon*, 785 Phil. 210, 215 (2016) [Per J. Perlas-Bernabe, First Division].

⁴⁶ *National Housing Authority v. Court of Appeals*, 731 Phil. 400, 405 (2014) [Per J. Perlas-Bernabe, Second Division].

⁴⁷ 549 Phil. 112 (2007) [Per J. Corona, En Banc].

⁴⁸ *Id.* at 116.

⁴⁹ *Republic v. Dagondon*, 785 Phil. 210, 215–216 (2016) [Per J. Perlas-Bernabe, First Division].

⁵⁰ *Id.* at 216.

⁵¹ *FGU Insurance Corp. v. Regional Trial Court of Makati City, Branch 66*, 659 Phil. 117, 123 (2011) [Per J. Mendoza, Second Division].

Clerical errors, such as typographical errors and miscalculations, may be corrected without violating the doctrine of immutability of judgment, since the correction does not affect the decision's substance.⁵²

A *nunc pro tunc* correction is made to “enter into the record an act previously done by the court, which had been omitted through inadvertence or mistake.”⁵³ It is not made to correct judicial error, but solely for the records to reflect a “judicial action which has been actually taken.”⁵⁴

If a judgment is void, it is considered a nullity and never acquires finality.⁵⁵ The doctrine of immutability of judgment, then, will not apply. A void judgment does not have any legal effect; it cannot be a “source of any right nor of any obligation.”⁵⁶ Any writ of execution or order issued based on a void judgment is also void.⁵⁷

In *Metropolitan Waterworks & Sewerage System v. Sison*:⁵⁸

[A] void judgment is not entitled to the respect accorded to a valid judgment, but may be entirely disregarded or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding effect or efficacy for any purpose or at any place. It cannot affect, impair or create rights. It is not entitled to enforcement and is, ordinarily, no protection to those who seek to enforce. All proceedings founded on the void judgment are themselves regarded as invalid. In other words, a void judgment is regarded as a nullity, and the situation is the same as it would be if there were no judgment. It, accordingly, leaves the parties-litigants in the same position they were in before the trial.⁵⁹ (Citation omitted)

A judgment may be voided by way of direct attack under the Rules of Court, either through a petition for annulment of judgment under Rule 47 or through a petition for certiorari under Rule 65. It may also be challenged collaterally “by assailing its validity in another action where it is invoked.”⁶⁰ A decision rendered without due process may likewise be assailed at any time for being void because due process is a jurisdictional requisite.⁶¹

⁵² *Mercury Drug Corp. v. Spouses Huang*, 817 Phil. 434, 446 (2017) [Per J. Leonen, Third Division].

⁵³ *Id.* at 449 citing *Lichauco v. Tan Pho*, 51 Phil. 862, 879–881 (1923) [Per J. Romualdez, En Banc].

⁵⁴ *Id.*

⁵⁵ *Nazareno v. Court of Appeals*, 428 Phil. 32, 41–42 (2002) [Per J. De Leon, Jr., Second Division] citing *Metropolitan Waterworks & Sewerage System vs. Sison*, 209 Phil. 325 (1983) [Per J. Escolin, Second Division].

⁵⁶ *Id.* at 42.

⁵⁷ *Id.*

⁵⁸ 209 Phil. 325 (1983) [Per J. Escolin, Second Division].

⁵⁹ *Id.* at 335–336.

⁶⁰ *Mercury Drug Corp. v. Spouses Huang*, 817 Phil. 434, 453 (2017) [Per J. Leonen, Third Division].

⁶¹ *Apo Cement Corp. v. Mingson Mining Industries Corp.*, 746 Phil. 1010, 1017–1018 (2014) [Per J. Perlas-Bernabe, First Division].

Lastly, a supervening event may justify the modification or alteration of a judgment if the event caused a material change in the circumstance of the case.⁶² In *Natalia Realty, Inc. v Court of Appeals*,⁶³ a supervening event is defined in this wise:

Supervening events refer to facts which transpire after judgment has become final and executory or to new circumstances which developed after the judgment has acquired finality, including matters which the parties were not aware of prior to or during the trial as they were not yet in existence at that time.⁶⁴

To invoke this exception, the following must be established: (1) the supervening event must have “transpire[d] after [the] judgment has become final and executory”;⁶⁵ and (2) the supervening event must affect or change the judgment’s substance that its execution is rendered inequitable.⁶⁶

II

Here, petitioner argues that the 1992 Decision must be set aside since it was only in 2006—when Proclamation No. 1064 was issued—that Boracay was declared alienable and disposable, which meant respondents could not have claimed ownership over the land in 1991. Contrarily, he claims that he is the owner of the parcel of land covered by the Certificate of Land Transfer and the proclamation must respect his title of ownership.⁶⁷

The effect of Proclamation No. 1064 has been discussed in *Secretary of the Department of Environment and Natural Resources v. Yap*.⁶⁸ There, claimants filed a petition for prohibition, mandamus, and nullification of Proclamation No. 1064 as it supposedly infringed on their prior vested rights over portions of Boracay.⁶⁹ According to this Court, it was Proclamation No. 1064 that declared part of Boracay as alienable and open to private ownership:

Except for lands already covered by existing titles, Boracay was an unclassified land of the public domain prior to Proclamation No. 1064. Such unclassified lands are considered public forest under PD No. 705. The DENR and the National Mapping and Resource Information Authority certify that Boracay Island is an unclassified land of the public domain.⁷⁰

⁶² *Gadrinab v. Salamanca*, 736 Phil. 279, 294 (2014) [Per J. Leonen, Third Division].

⁶³ 440 Phil. 1 (2002) [Per J. Carpio, First Division].

⁶⁴ *Id.* at 23.

⁶⁵ *Id.*

⁶⁶ *See Mercury Drug Corp. v. Spouses Huang*, 817 Phil. 434 (2017) [Per J. Leonen, Third Division].

⁶⁷ *Rollo*, p. 14.

⁶⁸ 589 Phil. 156 (2008) [Per J. R.T. Reyes, En Banc].

⁶⁹ *Id.* at 167.

⁷⁰ *Id.* at 190.

Notably, the proclamation exempts parcels of land that were covered by certificates of title prior to Proclamation No. 1064.

This ruling is reiterated in *Heirs of Maravilla v. Tupas*.⁷¹ There, a deed of sale of unregistered land had initially been held valid by the trial court. Eventually, however, this Court held that Proclamation No. 1064 was a supervening event that can stay the execution of the trial court's judgment. It ruled that the respondent had no right to sell the unregistered land in 1975 because it had not yet been declared alienable by the State.⁷²

However, this case is different from *Heirs of Maravilla*.

Proclamation No. 1064, as well as the subsequent rulings of this Court, recognized the State's declaration that Boracay is alienable and disposable, except for parcels of land already covered by existing titles.

Here, Provincial Adjudicator Vasquez and even petitioner himself acknowledged that the parcel of land belongs to respondents. Now, while petitioner contests the annulment of his Certificate of Land Transfer, he alternatively argues that if it could be rightfully annulled, it should not be returned to respondents. Instead, he insists that respondents' remedy is to demand compensation for the land if it is not yet fully paid.⁷³

This Court disagrees.

Proclamation No. 1064 cannot be considered a supervening event here. It does not divest ownership from respondents who are recognized landowners by the government under the Operation Land Transfer.

As ruled in *Secretary of Department of Environment and Natural Resources and Heirs of Maravilla*, the declaration that Boracay is alienable only affected lands that are unregistered or without title. While Proclamation No. 1064 was issued after the 1992 Decision had turned final, it did not change the substance of the controversy here. It did not affect respondents' status as landowners.

Also untenable is petitioner's argument that his Certificate of Land Transfer proves his ownership over the land.

⁷¹ 795 Phil. 145 (2016) [Per J. Peralta, Third Division].

⁷² Id. at 164-166.

⁷³ *Rollo*, p. 29.

In *Heirs of Buensuceso v. Perez*,⁷⁴ this Court ruled that the mere issuance of a certificate of land transfer “does not vest full ownership on the holder”; he or she only has an inchoate right over the land, which can still be canceled for a justifiable reason:

[T]he mere issuance of the [Certificate of Land Transfer] does not vest full ownership on the holder and does not automatically operate to divest the landowner of all of his rights over the landholding. The holder must first comply with certain mandatory requirements to effect a transfer of ownership. Under R.A. No. 6657 in relation with P.D. No. 27 and E.O. No. 228, the title to the landholding shall be issued to the tenant-farmer only upon the satisfaction of the following requirements: (1) payment in full of the just compensation for the landholding, duly determined by final judgment of the proper court; (2) possession of the qualifications of a farmer-beneficiary under the law; (3) full-pledged membership of the farmer-beneficiary in a duly recognized farmers’ cooperative; and (4) actual cultivation of the landholding. We explained in several cases that while a tenant with a CLT is deemed the owner of a landholding, the CLT does not vest full ownership on him. The tenant-holder of a CLT merely possesses an inchoate right that is subject to compliance with certain legal preconditions for perfecting title and acquiring full ownership. For these reasons, we hold that Lorenzo’s right and claim to ownership over the disputed lot were, at most, inchoate.⁷⁵ (Citations omitted)

A certificate of land transfer is only an evidence of the government’s recognition that the beneficiary is qualified to avail of the “statutory mechanisms for the acquisition of ownership of the land titled by him [or her] as provided under Presidential Decree No. 27.”⁷⁶ This recognition is neither permanent nor irrevocable. The beneficiary must comply with the prescribed conditions to be entitled to an emancipation patent “by which he acquires the vested right of absolute ownership in the landholding.”⁷⁷

Hence, petitioner cannot claim ownership over the land simply because he was issued a Certificate of Land Transfer. At most, he only has an inchoate right over the land, which may be revoked by the government if warranted.

III

Petitioner asserts that the 1992 Decision is void due to violations of his constitutional right to due process. He cites lapses during the hearing that were ignored by Provincial Adjudicator Vasquez and even by his own counsel. Particularly, he asserts that he was prevented from presenting his

⁷⁴ 705 Phil. 460 (2013) [Per J. Brion, Second Division].

⁷⁵ Id. at 471-472.

⁷⁶ *Vinzons-Magana v. Estrella*, 278 Phil. 544, 550 (1991) [Per J. Paras, En Banc].

⁷⁷ Id.

own evidence and that he was made to testify against himself, in violation of Article III, Sections 1⁷⁸ and 17⁷⁹ of the 1987 Constitution.

The right to substantive and procedural due process is accorded even in administrative proceedings. While administrative tribunals are not strictly bound by procedural requirements as applied in judicial proceedings, they are not exempt from observing due process.⁸⁰

In *Ang Tibay v. Court of Industrial Relations*,⁸¹ this Court laid down the “fundamental and essential requirements of due process in trials and investigations of an administrative character.”⁸² In subsequent cases, the procedural requirements were later simplified into four (4) basic rights:

(a) [T]he right to notice, be it actual or constructive, of the institution of the proceedings that may affect a person's legal right; (b) reasonable opportunity to appear and defend his rights and to introduce witnesses and relevant evidence in his favor; (c) a tribunal so constituted as to give him reasonable assurance of honesty and impartiality, and one of competent jurisdiction; and (d) a finding or decision by that tribunal supported by substantial evidence presented at the hearing or at least ascertained in the records or disclosed to the parties.⁸³

Administrative due process is anchored on fairness and equity. The due process requirement in administrative proceedings is “not as strict compared to judicial tribunals in that it suffices that a party is given a reasonable opportunity to be heard.”⁸⁴ In *Espiritu v. Del Rosario*,⁸⁵ this Court explained that the “essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard”:⁸⁶

In administrative proceedings, such as in the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of. “To be heard” does not mean only verbal arguments in court;

⁷⁸ CONST., art. III, sec. 1 provides:

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

⁷⁹ CONST., art. III, sec. 17 provides:

SECTION 17. No person shall be compelled to be a witness against himself.

⁸⁰ *Montoya v. Varilla*, 595 Phil. 507, 519 (2008) [Per J. Chico-Nazario, En Banc] citing *Civil Service Commission v. Lucas*, 361 Phil. 486 (1999) [Per J. Pardo, En Banc].

⁸¹ 69 Phil. 635 (1940) [Per J. Laurel, En Banc].

⁸² Id. at 641–642.

⁸³ *Commissioner of Internal Revenue v. Avon Products Manufacturing, Inc.*, G.R. Nos. 201398–99 and 201418–19, October 3, 2018, <elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64720> [Per J. Leonen, Third Division].

⁸⁴ Id.

⁸⁵ 745 Phil. 566 (2014) [Per J. Leonen, Second Division].

⁸⁶ Id. at 576.

one may be heard also thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.⁸⁷ (Citation omitted)

In this case, petitioner's right to due process was not violated. The case records show that he has presented his evidence—having submitted a position paper with several attachments as evidence—and even participated in the proceedings before the administrative tribunals.⁸⁸ Indeed, he was accorded a fair and reasonable opportunity to present his case.

Likewise, petitioner cannot invoke his right against self-incrimination under Article III, Section 17 of the 1987 Constitution.

In *Rosete v. Lim*,⁸⁹ this Court pronounced that the right against self-incrimination protects a party or witness from being compelled to be a witness against oneself. It allows a witness to refuse to answer incriminatory questions. Nevertheless, this right may only be claimed at the time the specific question is actually addressed to the witness, and may not be raised at any other time:

The right against self-incrimination is accorded to every person who gives evidence, whether voluntary or under compulsion of subpoena, in any civil, criminal or administrative proceeding. The right is not to be compelled to be a witness against himself. It secures to a witness, whether he be a party or not, the right to refuse to answer any particular incriminatory question, *i.e.*, one the answer to which has a tendency to incriminate him for some crime. *However, the right can be claimed only when the specific question, incriminatory in character, is actually put to the witness. It cannot be claimed at any other time. It does not give a witness the right to disregard a subpoena, decline to appear before the court at the time appointed, or to refuse to testify altogether.* The witness receiving a subpoena must obey it, appear as required, take the stand, be sworn and answer questions. It is only when a particular question is addressed to which may incriminate himself for some offense that he may refuse to answer on the strength of the constitutional guaranty.⁹⁰ (Emphasis supplied)

The right against self-incrimination may not be belatedly raised, especially years after the hearing has ended. Here, petitioner never alleged what incriminatory questions was raised against him, let alone that he invoked his right against self-incrimination when these questions were asked. Even if he did testify against his interest, he is deemed to have

⁸⁷ Id.

⁸⁸ *Rollo*, p. 38.

⁸⁹ 523 Phil. 498 (2006) [Per J. Chico-Nazario, First Division].

⁹⁰ Id. at 511.

waived his right against self-incrimination. This Court, therefore, cannot sustain petitioner's contention.

IV

Lastly, petitioner contends that the 1992 Decision is void for lack of jurisdiction. Only the Secretary of Agrarian Reform, he insists, has the authority to cancel the Certificate of Land Transfer.

“Jurisdiction over a subject matter is conferred by the Constitution or the law and rules of procedure yield to substantive law.”⁹¹ A review of the relevant laws and issuances shows that the Department of Agrarian Reform Adjudication Board was never conferred jurisdiction over the cancellation of certificates of land transfer.

Prior to Republic Act No. 6657, or the Comprehensive Agrarian Reform Law, the Agrarian Reform Secretary's jurisdiction over canceling certificates of land transfer is provided under Presidential Decree No. 946. Under Section 12, “matters involving the administrative implementation of the transfer of the land to the tenant-farmer under Presidential Decree No. 27” were exclusively cognizable by the Secretary of Agrarian Reform:

SECTION 12. Jurisdiction over Subject Matter. The Courts of Agrarian Relations shall have original and exclusive jurisdiction over:

....

Provided, however, That matters involving the administrative implementation of the transfer of the land to the tenant-farmer under Presidential Decree No. 27 and amendatory and related decrees, orders, instructions, rules and regulations, shall be exclusively cognizable by the Secretary of Agrarian Reform, namely:

....

(5) issuance, recall or cancellation of certificates of land transfer in cases outside the purview of Presidential Decree No. 816[.]

This was affirmed in *Tenants of the Estate of Dr. Jose Sison v. Court of Appeals*⁹² and *Laureto v. Court of Appeals*,⁹³ during which time Presidential Decree No. 946 governed. In these cases, this Court ruled that the issuance, recall, or cancellation of certificates of land transfer fall within

⁹¹ *Padunan v. Department of Agrarian Reform Adjudication Board*, 444 Phil. 213, 223 (2003) [Per J. Austria-Martinez, Third Division].

⁹² 285 Phil. 1080 (1992) [Per J. Grifo-Aquino, First Division].

⁹³ 287 Phil. 440 (1992) [Per J. Grifo-Aquino, First Division].

the Secretary of Agrarian Reform's administrative jurisdiction as the implementer of Presidential Decree No. 27.

In 1988, the Comprehensive Agrarian Reform Law was enacted, conferring upon the Department of Agrarian Reform Adjudication Board jurisdiction over agrarian cases.⁹⁴

Section 50 of Republic Act No. 6657 provides:

SECTION 50. Quasi-Judicial Powers of the DAR. — The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of every action or proceeding before it.

In implementing this provision, the Department of Agrarian Reform issued the 1989 Department of Agrarian Reform Adjudication Board Rules of Procedure, under which the Board is given primary jurisdiction over the issuance and administrative correction of certificates of land transfer, certificates of land ownership award, and emancipation patents.⁹⁵

The rules were later amended with the issuance of the 1994 Rules of Procedure. Under Rule II, Section 1, the Department of Agrarian Reform Adjudication Board is given primary and exclusive jurisdiction over the following:

- a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws;
- b) The valuation of land, and the preliminary determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank of the Philippines (LBP);

⁹⁴ Republic Act No. 6657 (1988), sec. 50.

⁹⁵ DARAB REVISED RULES OF PROCEDURE (1989), Rule II, sec. 1(f).

- c) The annulment or cancellation of lease contracts or deeds of sale or their amendments involving lands under the administration and disposition of the DAR or LBP;
- d) Those cases arising from or connected with membership or representation in compact farms, farmers' cooperative and other registered farmers' associations or organizations, related to lands covered by the CARP and other agrarian laws;
- e) Those involving the sale, alienation, mortgage, foreclosure, preemption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws;
- f) Those involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;
- g) Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of Presidential Decree No. 946, except sub-paragraph (q) thereof and Presidential Decree No. 815.

It is understood that the aforementioned cases, complaints or petitions were filed with the DARAB after August 29, 1987.

Matters involving strictly the administrative implementation of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988 and other agrarian laws as enunciated by pertinent rules shall be the exclusive prerogative of and cognizable by the Secretary of the DAR.

- h) And such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR. (Emphasis supplied)

Subsequently, Department of Agrarian Reform Administrative Order No. 06-00, or the Rules of Procedure for Agrarian Law Implementation Cases, outlined the administrative function of the Department of Agrarian Reform. Under Rule I, Section 2,⁹⁶ the Secretary of Agrarian Reform was

⁹⁶ DAR Administrative Order No. 06-00 (2000), sec. 2 provides:
Cases Covered. — These Rules shall govern cases falling within the exclusive jurisdiction of the DAR Secretary which shall include the following:
(a) Classification and identification of landholdings for coverage under the Comprehensive Agrarian Reform Program (CARP), including protests or oppositions thereto and petitions for lifting of coverage;
(b) Identification, qualification or disqualification of potential farmer-beneficiaries;
(c) Subdivision surveys of lands under CARP;
(d) Issuance, recall or cancellation of Certificates of Land Transfe (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall or cancellation of Emancipation Patents (EPs) or Certificates of Land Ownership Awards (CLOAs) not yet registered with the Register of Deeds;
(e) Exercise of the right of retention by landowner;
(f) Application for exemption under Section 10 of RA 6657 as implemented by DAR Administrative Order No. 13 (1990);
(g) Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990) as implemented by DAR Administrative Order No. 6 (1994);

accorded exclusive jurisdiction over the issuance, recall, and cancellation of certificates of land transfer and beneficiary certificates “in cases outside the purview of Presidential Decree (PD) No. 816,” including emancipation patents and certificates of land ownership award unregistered with the Register of Deeds.

Subsequent amendments further highlighted and clarified the jurisdiction of the Secretary of Agrarian Reform with respect to certificates of land transfer.

The 2003 Rules of Procedure explicitly mentioned that the Adjudicator or the Board has no jurisdiction over the recall or cancellation of certificate of land transfer, these being under the exclusive prerogative of the Secretary of Agrarian Reform:

SECTION 3. Agrarian Law Implementation Cases. — The Adjudicator or the Board shall have no jurisdiction over matters involving the administrative implementation of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988 and other agrarian laws as enunciated by pertinent rules and administrative orders, which shall be under the exclusive prerogative of and cognizable by the Office of the Secretary of the DAR in accordance with his issuances, to wit:

.....

3.4 Recall, or cancellation of provisional lease rentals, Certificates of Land Transfers (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall, or cancellation of EPs or CLOAs not yet registered with the Register of Deeds[.]

Here, petitioner filed his Complaint before Provincial Adjudicator Nagaynay in 1997,⁹⁷ when the 1994 Rules of Procedure were in place. Being an administrative function, the cancellation of the certificate of land transfer is exclusively cognizable by the Secretary of Agrarian Reform. Consistently, the 1994 Rules of Procedure did not mention that the

(h) Application for exemption under DAR Administrative Order No. 9 (1993);

(i) Application for exemption under Section 1 of RA 7881, as implemented by DAR Administrative Order No. 3 (1995);

(j) Issuance of certificate of exemption for lands subject of — Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes pursuant to DAR Memorandum Circular No. 34 (1997);

(k) Application for conversion of agricultural lands to residential, commercial, industrial or other nonagricultural uses including protests or oppositions thereto;

(l) Right of agrarian reform beneficiaries to homelots;

(m) Disposition of excess area of the farmer-beneficiary's landholdings;

(n) Transfer, surrender or abandonment by the farmer-beneficiary of his farmholding and its disposition;

(o) Increase of awarded area by the farmer-beneficiary;

(p) Conflict of claims in landed estates and settlements; and

(q) Such other matters not mentioned above but strictly involving the administrative implementation of RA 6657 and other agrarian laws, rules and regulations as determined by the Secretary.

⁹⁷ *Rollo*, p. 31.

Department of Agrarian Reform Adjudication Board has jurisdiction on the issuance, correction, or cancellation of certificates of land transfer.

Even if the prior 1989 Rules of Procedure were followed, the cancellation of certificates of land transfer still does not fall under the jurisdiction of the Board. The 1989 Rules merely refer to the *issuance* and *administrative correction* of certificates of land transfer. Cancellation does not fall under “administrative correction” because the term merely refers to “rectification of wrong or insufficient information in the patent and not to something as substantial as the actual cancellation thereof.”⁹⁸ As stated under Department of Agrarian Reform Administrative Order No. 02, series of 1994, “administrative correction” includes “non-identification of spouse, corrections of civil status, corrections of technical descriptions and other matters related to agrarian reform.”

The Department of Agrarian Reform Adjudication Board was never accorded jurisdiction to cancel certificates of land transfer. At most, it can only issue and make administrative corrections on certificates.

Hence, the 1992 Decision is void for lack of jurisdiction. Respondents’ Complaint for the annulment of the Certificate of Land Transfer should have been filed before the Secretary of Agrarian Reform, not the Provincial Adjudicator. Thus, despite the lapse of time from the issuance of the 1992 Decision, petitioner can assail its validity. The doctrine of immutability of judgment cannot be applied to a void judgment.

WHEREFORE, the Petition for Review is **GRANTED**. The January 18, 2011 Decision and March 18, 2011 Resolution of the Court of Appeals in CA-G.R. S.P. No. 01308 are **REVERSED** and **SET ASIDE**.

SO ORDERED.”

Very truly yours,

Misael DC Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court *gaw*
2/21/20

⁹⁸ *Padunan v. Department of Agrarian Reform Adjudication Board*, 444 Phil. 213, 229 (2003) [Per J. Austria-Martinez, Third Division].

Atty. Mariano R. Pecianco
Counsel for Petitioner
(Deceased)

Ms. Laarni G. Casidsid
Balagbag, Boracay Island, Malay, Aklan

COURT OF APPEALS
CA G.R. SP No. 01308
6000 Cebu City

Atty. Immanuel L. Sodusta
Counsel for Respondents
Carillo Building, L. Barrios St.
Kalibo, 5600 Aklan

Heirs of Ciriaco Tirol
Represented by AIF Socrates Tirol
Poblacion Tangalan, Aklan

DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD (DARAB)
Annex Building, DAR Central Office Compound
Elliptical Road, Diliman, Quezon City
(DARAB Case No. 8716)

PROVINCIAL AGRARIAN REFORM
ADJUDICATION BOARD
Region VI
Kalibo, Aklan
(DARAB Case No. VI-08-AKL-97)

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

196367

ten/
gms


(117)
URES