



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

THE HON. SECRETARY OF THE  
DEPARTMENT OF AGRARIAN  
REFORM,

Petitioner,

- versus -

NEMESIO DUMAGPI,  
represented by VICENTE  
DUMAGPI,

Respondent.

G.R. No. 195412

Present:

VELASCO, JR., J.,  
Chairperson,  
PERALTA,  
VILLARAMA, JR.,  
REYES, and  
JARDELEZA, JJ.

Promulgated:

February 4, 2015

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DECISION

REYES, J.:

Before this Court is a petition for review on *certiorari*<sup>1</sup> by the Secretary of the Department of Agrarian Reform (DAR) from the Decision<sup>2</sup> dated October 7, 2010 of the Court of Appeals (CA), in CA-GR. CV No. 01724-MIN, which affirmed the Decision<sup>3</sup> dated December 16, 2005 of the Regional Trial Court (RTC) of Pagadian City, Branch 22, in Civil Case No. 3985, the *fallo* of which reads:

<sup>1</sup> Rollo, pp. 15-33.

<sup>2</sup> Penned by Associate Justice Rodrigo F. Lim, Jr., with Associate Justices Angelita A. Gacutan and Nina G. Antonio-Valenzuela concurring; id. at 39-55.

<sup>3</sup> Issued by Judge Harun B. Ismael; id. at 70-85.

WHEREFORE, judgment is hereby rendered:

1. Ordering all the private defendants and their privies to restore the possession on the property in question in favor of the plaintiff and his heirs;

2. Ordering the cancellation of Land Ownership Award No. 00014318 over Lot 684, CSD-09-001830, containing an area of 15,304 square meters issued on December 8, 1990, awarded to Juan Aguilar, Sr. with the corresponding Original Certificate of Title, as well as the Certificate of Land Ownership Award No. 00614859 over Lot 686, CSD-09-001830 containing an area of 16,474 square meters issued on December 8, 1990, awarded to Juan Aguilar, Sr. with the corresponding Original Certificate of Title;

3. Ordering the cancellation of Certificate of Land Ownership Award No. 00014832 over Lot 682, CSD-09-001830, containing an area of 32,428 square meters issued on November 20, 1990, awarded to Dionito V. Custodio with the corresponding Original Certificate of Title as well as the Certificate of Land Ownership Award No. 014833 over Lot 683, CSD-09-001830 containing an area of 25,616 square meters issued on November 20, 1990 with the corresponding Original Certificate of Title.

4. Sentencing all the private defendants jointly and severally to pay plaintiff the sum of P100,000[.00] or plus an appearance fee of P2,000.00 as per appearance in court as attorney's fees, moral damages in the amount of P50,000.00. All with interests at the rate of 6% per annum until fully paid; and

With costs against private defendants.

SO ORDERED.<sup>4</sup>

### **The Facts**

On August 12, 1997, Nemesio Dumagpi (Nemesio), filed a complaint denominated *Accion Reivindicatoria, Quieting of Title, and Damages* before the RTC against Juan Aguilar, Sr. (Aguilar), Rosalino C. Valencia (Valencia), Dionito B. Custodio (Custodio) and the Secretary of DAR (defendants), wherein he alleged that he is the owner of land in Siay, Zamboanga del Sur designated as Lot No. F-18-5483-D, containing 211,967 square meters and covered by Tax Declaration No. 1203 issued in 1957; that due to his open, notorious, adverse and exclusive possession, occupation and cultivation of the said land in the concept of owner since July 4, 1945, during which he introduced improvements thereon such as a residential house of light materials, canals, dikes, and rice paddies and planted coconut and fruit trees and exclusively enjoyed the produce, the said lot has long been converted into his private property by operation of law.

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<sup>4</sup>

Id. at 84-85.

In 1964, Nemesio applied for a free patent over the subject lot under Application No. 18-5483, which he said was approved in 1966, but the patent was never released due to opposition from the defendants; that sometime in 1973, defendant Aguilar forcibly entered and occupied the northwest portion of Lot No. F-18-5483-D; in 1986, Aguilar intervened as claimant/protestant and appeared at a hearing conducted by the Bureau of Lands at Buug, Zamboanga del Sur on September 10, 1996; another claimant, Wenceslao Dominguez, occupant of the property at the southeast boundary, also opposed his free patent application; sometime in 1989, defendants Custodio and Valencia, by means of force, allegedly dispossessed Nemesio of a total of two hectares at the mid-northern portion of his lot; in March 1997, the above-named free patent oppositors, all allegedly distant relatives of Nemesio, threatened to physically oust him from his lot, and it was then that he learned for the first time that titles had been issued by the DAR to the private defendants through deceit, fraud and misrepresentation, along a much-reduced portion was also issued in his name. These titles are:

1. Aguilar was awarded (a) Certificate of Land Ownership Award (CLOA) No. 00014318 over Lot 684, CSD-09-001830, containing 15,304 sq m, and was issued Original Certificate of Title (OCT) No. E-10590 on December 8, 1990; and (b) CLOA No. 00014859 over Lot 686, CSD-09-001830, with an area of 16,474 sq m for which he was issued OCT No. E-10591 on December 8, 1990;
2. Custodio was awarded CLOA No. 00014832 over Lot 682, CSD-09-001830, containing 32,428 sq m for which he was issued OCT No. E-10375 on November 20, 1990;
3. Valencia was awarded CLOA No. 00014833 over Lot 683, CSD-09-001830, containing 25,616 sq m, and was issued OCT No. E-10376 on November 20, 1990;
4. Nemesio was issued OCT No. E-9704 containing 11,440 sq m, although he never applied for Certificate of Land Ownership from the DAR;<sup>5</sup>

The private defendants moved to dismiss the complaint on September 19, 1997 on the ground that the controversy involved the implementation of the agrarian reform law, which is outside the court's jurisdiction. DAR in its answer sought the dismissal of the complaint, arguing that Nemesio did not own or possess the subject lot and thus has no cause of action to recover title and possession, much less seek the removal of a cloud over his alleged title, even as the titles issued by DAR can only be attacked directly and not collaterally.

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<sup>5</sup> Id. at 81-82.

The private defendants did not file an answer, and on January 9, 1998, Nemesio moved to declare them in default. On February 6, 1998, the RTC denied Nemesio's motion, along with the private defendant's motion to dismiss the complaint, and ordered them to file their answer immediately. On February 12, 1998, the private defendants asked for extension to file their answer, which the court granted on February 18, 1998. But instead of an answer, on March 3, 1998 they filed a motion for reconsideration of the denial of their motion to dismiss. On March 20, 1998, the RTC directed the parties to submit their position papers. On March 27, 1998, Nemesio moved anew to declare the private defendants in default, and this time the RTC conceded. On December 3, 1998, he began the presentation of his evidence before the Clerk of Court.

In his testimony, Nelson S. Dumagpi, son of Nemesio, identified the 22-ha lot claimed by Nemesio (who died on November 1, 1998) and the survey plan, blue print and tracing cloth approved by Director of Lands Nicanor Jorge in 1966 in support of Nemesio's application for free patent in 1964; he further testified that his father had been cultivating the land since World War II, introducing improvements and planting crops and trees; that his uncle Vicente also settled in the land whereas the private defendants were intruders who tried unsuccessfully to oust them from the land.<sup>6</sup>

Rodolfo G. Salvador, Jr., an employee of Land Management Services Office under the Bureau of Lands of the Department of Environment and Natural Resources (DENR) Region 9, confirmed the free patent application of Nemesio and identified the pertinent documents kept in a vault in his office; that while it appears that the free patent was approved on September 5, 1966, he did not know if it was released; that the private defendants were subsequently granted titles to portions of the lot by the DAR.<sup>7</sup>

Florentino Dumagpi, first cousin of Nemesio, testified that upon invitation of Nemesio he and his brothers came to farm the land in 1955 for a share of the crops; that by 1955, portions thereof had already been cultivated and some trees had been cut to build a camarin; that they left in 1965 to be near the school of their children; that in 1972, he visited the land and saw his cousin Nemesio still occupying a portion thereof but none of the private defendants except some squatters.<sup>8</sup>

DAR presented Ariston Labrador (Labrador), a retired Municipal Agrarian Reform Officer for Diplahan, Zamboanga del Sur, which then included the subject DAR resettlement site, now part of the Municipality of Siay. He testified that the resettlement site contains 2,598 has and used to be

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<sup>6</sup> Id. at 71-72.

<sup>7</sup> Id. at 72-74.

<sup>8</sup> Id. at 74-75.

part of a coal mine reservation; that the area was reclassified and declared as a resettlement site under Proclamation No. 2342 dated March 14, 1984, to be administered and disposed of by DAR pursuant to the Comprehensive Agrarian Reform Program; that following DAR guidelines, he verified a list of qualified beneficiaries, which included the private defendants who had been personally cultivating portions which were eventually titled to them; that Nemesio cultivated a small part of the lot he claimed but during his visit he had stopped doing so due to advanced age; that he did not know that the surveyor was a brother of defendant Aguilar.<sup>9</sup>

The RTC rendered its Decision<sup>10</sup> on December 16, 2005 in favor of Nemesio, excerpts of which are quoted below as follows:

Based on the evidence presented and offered, testimonial and documentary, the following facts preponderate for the plaintiff, viz:

That since July 4, 1945 or prior thereto, plaintiff possessed, occupied and cultivated a parcel of agricultural land situated at Paradise, Diplahan, Zamboanga del Sur, and which possession, occupation and cultivation had been continuous, open, notorious, adverse and exclusive in the concept of owner; and which land is particularly described as Lot No. F-18-5483-D, situated in Municipality of Siay, Zamboanga del Sur, bounded on the North, along lines 7-8-9 by property of Pablo Paderes; along lines 9-1-2 by property of Martin Bacatan; on the East, along line 2-3 by Sibuguey River; on the South, along lines 3-4-5 by property of Wenceslao Dominguez; along line 5-6 by property of Teodorico Buendia; on the West along line 6-7 by public land. x x x Containing an area of TWO HUNDRED ELEVEN THOUSAND NINE HUNDRED EIGHTY[-]SEVEN (211,987) SQUARE METERS, more or less, covered by Tax Declaration No. 1203 for the year 1957 and having an assessed value of more than P20,000.00 at present, that plaintiff had introduced improvements therein such as coconut trees, fruit trees, a residential house made of light materials, canals, dikes and rice paddies where he had exclusively enjoyed the produce thereon; that to perfect his title, plaintiff had applied for a free patent per his Application No. 18-5483 with the Bureau of Lands on the said parcel of land in 1964; that sometime in 1973, defendant Juan Aguilar, Sr. forcibly entered and occupied a portion of the afore-described property consisting of more or less 18 hectares at the north southwestern portion thereof; that plaintiff followed up his Free Patent Application where he found out that his Free Patent Application with the Bureau of Lands and the patent thereto should have been granted were it not for the protest filed by a certain Wenceslao Dominguez, an occupant of a land situated at the southeastern boundary of the land of the plaintiff, that sometime in 1986 defendant Juan Aguilar intervened in the Free Patent Application of the plaintiff as claimant/protestant, and in the hearing conducted by the Bureau of Lands at Buug, Zamboanga del Sur, on September 10, 1996, plaintiff and defendant Juan Aguilar agreed to have a relocation o[f] the actual boundaries claimed by each of them. No relocation survey, however, was conducted thereon; that sometime in the year 1989, defendant Dionito B. Custodio, who was then residing at

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<sup>9</sup> Id. at 75-79.

<sup>10</sup> Id. at 70-85.

Gaulan, Diplahan, Zamboanga del Sur, by means of force, dispossessed plaintiff from a portion of the land in question consisting of two (2) hectares at the mid-northern portion thereof; that also in the same year of 1989, defendant Rosalino C. Valencia, who was then residing at Lindang, Diplahan, Zamboanga del Sur, by means of force, dispossessed plaintiff from a portion of the land in question consisting of two (2) hectares at the northeastern portion thereof; that plaintiff, thereafter, waited for the title of his land above-described; that sometime in the month of March, 1997, all the private defendants threatened plaintiff to physically move out from the land in question and telling him that they have acquired titles thereto, thereby sowing fear on the person of the plaintiff who is now a helpless, weak old man; that, thereafter, plaintiff made verifications on the status of his Free Patent Application and on April, 1997, he found out that thru deceit, fraud and gross misrepresentation of facts, all private defendants have partitioned the land in question and were able to acquire titles thereto to the damage and prejudice of the plaintiff and that public respondent, in violation of the due process clause of the constitution of rights, awarded unto the private defendants certificates of land ownership awards in the following manner:

- a) Defendant Juan Aguilar, Sr. was awarded Certificate of Land Ownership Award No. 00014318 over Lot 684, CSD-09-001830 containing an area of 15,304 square meters for which Original Certificate of Title No. E-10,590 was issued on December 8, 1990 and Certificate of Land Ownership Award No. 00014859 over Lot 686, CSD-09-001830 containing an area of 16,474 square meters for which Original Certificate of Title No. E-10,591 wa [sic] issued on December 8, 1990;
- b) Defendant Dionito V. Custodio was awarded Certificate of Land Ownership Award No. 00014832 over Lot 682, CSD-09-001830 containing an area of 32,428 square meters for which Original Certificate of Title No. E-10,375 was issued on November 20, 1990;
- (c) Defendant Rosalino C. Valencia was awarded Certificate of Land Ownership Award No. 00014833 over Lot 683, CSD-09-001830 containing an area of 25,616 square meters for which Original Certificate of Title No. E-10,376 was issued on November 20, 1990; and
- (d) Plaintiff Nemesio Dumagpi was awarded Original Certificate of Title No. E-9,704 containing an area of 11,440 square meters despite the fact that plaintiff did not file for any CLO award as the land covered thereby is already covered by the aforementioned free patent application.

That the continuous, open, notorious and exclusive occupation and cultivation of the herein plaintiff over the land in question for more than thirty (30) years prior to the issuance of the assailed Certificate of Land Ownership Awards (CLOAs) and the certificates of title issued therefor has already attained the character and duration equivalent to a title and an

express grant from the government unto the plaintiff and the same cannot be taken from him without violating his constitutional right;<sup>11</sup>

On appeal, the DAR interposed the following issues:

I

THE TRIAL COURT GRAVELY ERRED IN ASSUMING JURISDICTION OVER THE INSTANT CASE[;]

II

THE TRIAL COURT GRAVELY ERRED IN ITS FINDING THAT THE SUBJECT PARCEL OF LAND IS “ALIENABLE AND DISPOSABLE” LAND OF THE PUBLIC DOMAIN MADE AS THE BASIS FOR APPLYING THE RULES ON CONFIRMATION OF IMPERFECT TITLES[;]

III

THE TRIAL COURT COMMITTED GRAVE ABUSE OF JUDICIAL DISCRETION AND SERIOUSLY ERRED IN DECIDING THE INSTANT CASE WITHOUT RESOLVING PRIVATE DEFENDANTS MOTION TO LIFT ORDER OF DEFAULT[.]<sup>12</sup>

### **Ruling of the CA**

In dismissing the appeal of DAR, the CA noted, *first*, that between Nemesio and the private defendants there was no tenurial, leasehold, or any agrarian relationship whatsoever that could bring the controversy within the jurisdiction of DAR Adjudication Board (DARAB). Under Section 3(d) of Republic Act (R.A.) No. 6657,<sup>13</sup> an agrarian dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers’ associations or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements. It includes any controversy relating to terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee. The CA invoked *Morta, Sr. v. Occidental*<sup>14</sup> where this Court held as follows:

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<sup>11</sup> Id. at 80-82.

<sup>12</sup> Id. at 49-50.

<sup>13</sup> AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES. Approved on June 10, 1988.

<sup>14</sup> 367 Phil. 438 (1999).

For DARAB to have jurisdiction over a case, there must exist a tenancy relationship between the parties. In order for a tenancy agreement to take hold over a dispute, it would be essential to establish all its indispensable elements, to wit: 1) that the parties are the landowner and the tenant or agricultural lessee; 2) that the subject matter of the relationship is an agricultural land; 3) that there is consent between the parties to the relationship; 4) that the purpose of the relationship is to bring about agricultural production; 5) that there is personal cultivation on the part of the tenant or agricultural lessee; and 6) that the harvest is shared between the landowner and the tenant or agricultural lessee. In *Vda. de Tangub v. Court of Appeals*, we held that the jurisdiction of the Department of Agrarian Reforms is limited to the following:

- a) adjudication of all matters involving implementation of agrarian reform;
- b) resolution of agrarian conflicts and land-tenure related problems; and
- c) approval and disapproval of the conversion, restructuring or readjustment of agricultural lands into residential, commercial, industrial, and other non-agricultural uses.<sup>15</sup>  
(Citations omitted)

*Second*, according to the CA, the private defendants did not appeal from the RTC decision, and instead it appears that the DAR has taken up the cudgels for them through its appeal, whereas its only participation in the case pertains only to the issue of jurisdiction. On the other hand, the complaint below concerns merely Nemesio's right to recover ownership and possession over the subject property, a purely *in personam* civil action. DAR thus acted inappropriately by raising the issue of the RTC's failure to resolve the DAR's motion to lift its order of default. Besides, having filed its answer, DAR cannot now question the jurisdiction of the RTC.

### **Petition for Review to the Supreme Court**

In this petition for review, DAR raises the following issues:

- I. THE HONORABLE [CA], WITH ALL DUE RESPECT, ERRED WHEN IT AFFIRMED THE DECISION OF THE COURT A *QUO* AND IN RULING THAT THE PRESENT CONTROVERSY IS A CIVIL ACTION IN COMPLEXION AND NOT AN AGRARIAN REFORM MATTER WITHIN THE EXCLUSIVE ORIGINAL JURISDICTION OF THE DAR;

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<sup>15</sup>

Id. at 446.



II. THE HONORABLE [CA], WITH ALL DUE RESPECT, ERRED WHEN IT AFFIRMED THE DECISION OF THE TRIAL COURT BELOW DESPITE THE FACT THAT NEMESIO DUMAGPI LACKS LEGAL PERSONALITY TO ASK FOR RECOVERY OF OWNERSHIP AND/OR PETITION THE COURT TO REMOVE CLOUD COVERING A TRACT OF LAND HE DOES NOT OWN OR POSSESS.<sup>16</sup>

### **Ruling of the Court**

The Court finds merit in the petition.

The RTC held, invoking *Republic of the Philippines v. Court of Appeals*,<sup>17</sup> that the entire 22-ha lot claimed by Nemesio had *ipso jure* attained the character of private property on account of his continuous, open, notorious and exclusive occupation and cultivation for 30 years prior to the issuance of the CLOAs and OCTs to the private defendants, who were mere intruders; that the OCTs issued to them are invalid, ineffective, voidable or unenforceable, and are clouds of title prejudicial to the title of the plaintiff.<sup>18</sup> Thus, Nemesio's action to recover title to or possession is not an action *in rem*, like a land registration proceeding or the probate of a will, but an action *in personam* in which the judgment is binding only upon the parties properly impleaded and duly given an opportunity to be heard.<sup>19</sup>

The Court disagrees.

Article XII, Section 2 of the 1987 Constitution provides that “[a]ll lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. **With the exception of agricultural lands, all other natural resources shall not be alienated.**” Under Section 3 of Article XII, lands of the public domain are classified into agricultural, forest or timber, mineral lands and national parks, and alienable lands of the public domain, which shall be limited to agricultural lands. Pursuant to Section 48(b) of Commonwealth Act No. 141, or the Public Land Act, only citizens of the Philippines may be granted title to alienable public agricultural land, to wit:

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<sup>16</sup> *Rollo*, pp. 23-24.

<sup>17</sup> 374 Phil. 209 (1999).

<sup>18</sup> *See Commonwealth Act No. 141*, Section 48(b).

<sup>19</sup> *Supra* note 17, at 216.

Section 48. x x x

x x x x

(b) Those who by themselves or through their predecessors in interest have been in open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title except when prevented by war or *force majeure*. These shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter.

As asserted by the DAR and testified to by Labrador, from 1938 to 1984 the subject lot was part of a coal mine reservation, established under Proclamation No. 234, Series of 1938, as amended by Proclamation No. 402, Series of 1953. On March 14, 1984, a portion of the reservation containing 2,598 has was reclassified under Presidential Proclamation No. 2342 as agricultural land reserved for resettlement. On June 10, 1988, R.A. No. 6657, or the Comprehensive Agrarian Reform Law (CARL), placed the said reclassified area under the administration and disposition of the DAR, pursuant to Section 2 thereof.

Concerning Nemesio's claim of entitlement to a free patent, Section 44 of Commonwealth Act No. 141 provides:

Sec. 44. Any natural-born citizen of the Philippines who is not the owner of more than twenty-four hectares and who since July fourth, nineteen hundred and twenty-six or prior thereto, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of agricultural public lands subject to disposition, or who shall have paid the real estate tax thereon while the same has not been occupied by any person *shall be entitled, under the provisions of this chapter, to have a free patent issued to him* for such tract or tracts of such land not to exceed twenty-four hectares.

x x x x

There is no dispute that the land Nemesio is claiming was not alienable public agricultural land but in truth was classified and reserved as a coal mine from 1938 to 1984, a period which overlapped with his claimed acquisitive possession. Clearly, he cannot invoke Section 48(b) of Commonwealth Act No. 141 and assert an acquisitive title thereto by reason of open, continuous, exclusive, and notorious possession for 30 years.

Then, even granting *arguendo* that his application for free patent was approved by DENR, it is not denied that the same was never released. In fact, DAR claimed that it was never approved precisely because the land was not alienable. Even Nemesio admitted that his free patent application was not approved due to opposition by several other claimants. And even if the same was approved and released, it would still have been void under the Constitution, for as held in *Heirs of Santiago v. Heirs of Santiago*,<sup>20</sup> free patent applications under the Public Land Act, as amended, apply only to disposable lands of the public domain.

Importantly, the CLOAs and OCTs issued over the subject lot were pursuant to the implementation of the agrarian law under the exclusive jurisdiction of the DAR Secretary. Section 2 of R.A. No. 6657 provides that “[t]he State may resettle landless farmers and farmworkers in its own agricultural estates, which shall be distributed to them in the manner provided by law.” Nemesio has questioned the participation of the DAR in the action below and its right to bring the present petition, yet it was he who, attacking the validity of the CLOAs and OCTs issued by the DAR Secretary pursuant to R.A. No. 6657, has impleaded the said public official as a party-defendant along with the private defendants.

As the lead agency in the government’s Agrarian Reform Program, DAR issued Administrative Order No. 09-89, Series of 1989, on May 5, 1989, containing the “Rules and Procedures Governing Titling and Distribution of Lots in DAR Settlement Projects,” intended to accelerate the issuance of CLOAs to qualified beneficiaries in settlement projects administered by the DAR; it covers the titling and distribution of agricultural lands within proclaimed settlement projects under the administration of the DAR, as provided for by existing laws.

Even DARAB’s New Rules of Procedure issued on May 30, 1994 expressly recognized, under Section 1(g), Rule II thereof, that matters involving strictly the administrative implementation of R.A. No. 6657, otherwise known as the 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.

Nemesio has doubtful standing to petition for quieting of title, which is clearly a collateral attack against the CLOAs and titles the DAR Secretary issued to the private defendants. He has no title, records, or instruments to uphold, and moreover, under Section 23 of R.A. No. 6657 as agrarian reform beneficiary he is allowed only three has, not 22 has. Even granting that his complaint may be treated as one for reconveyance, there is no ownership or title to reconvey to him because he never had one, not even through

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<sup>20</sup> 452 Phil. 238 (2003).

acquisitive prescription.

Moreover, as the lead agency mandated to implement the government's agrarian reform program, the DAR is the real party in interest, since at issue is the validity of its actions comprising the determination of the qualified agrarian reform beneficiaries and the issuance of CLOAs and titles to them. Since, therefore, the implementation of agrarian law is within the exclusive jurisdiction of the DAR Secretary, and issues concerning the issuance of the subject titles can only be raised to the DAR Secretary, the RTC has no jurisdiction to decide Civil Case No. 3985, and its judgment therein is of necessity void and can never become final. As the Court held in *Leonor v. CA*:<sup>21</sup>

A void judgment for want of jurisdiction is no judgment at all. It cannot be the source of any right nor the creator of any obligation. All acts performed pursuant to it and all claims emanating from it have no legal effect. Hence, it can never become final and any writ of execution based on it is void; "x x x it may be said to be a lawless thing which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head."<sup>22</sup> (Citation omitted)

**WHEREFORE**, premises considered, the petition is **GRANTED**. The Decision dated October 7, 2010 of the Court of Appeals in CA-G.R. CV No. 01724-MIN, which affirmed the Decision dated December 16, 2005 of the Regional Trial Court of Pagadian City, Branch 22, in Civil Case No. 3985, is **REVERSED and SET ASIDE**, and a new judgment is entered **DISMISSING** the complaint in Civil Case No. 3985 for lack of jurisdiction.

**SO ORDERED.**


  
**BIENVENIDO L. REYES**  
Associate Justice

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<sup>21</sup> 326 Phil. 74 (1996).

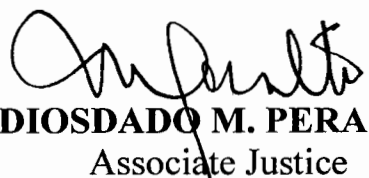
<sup>22</sup> Id. at 88.

**WE CONCUR:**

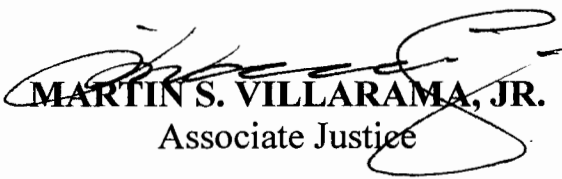


**PRESBITERO J. VELASCO, JR.**


Associate Justice  
Chairperson



**DIOSDADO M. PERALTA**  
Associate Justice




**MARTIN S. VILLARAMA, JR.**  
Associate Justice



**FRANCIS H. JARDELEZA**  
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.

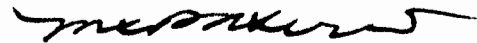


**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

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**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.



**MARIA LOURDES P. A. SERENO**  
Chief Justice

