Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

LAND BANK OF THE PHILIPPINES, *Petitioner,*	**G.R. No. 194167**
	Present:
- *versus* -	LEONEN, *J.*, *Chairperson*, HERNANDO, INTING, DELOS SANTOS, and LOPEZ, J. Y., *JJ.*
MAGDALENA QUILIT and MAURICIO LAOYAN, *Respondents.*	Promulgated: February 10, 2021

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DECISION

HERNANDO, *J.*:

This Petition for Review on *Certiorari*[1] assails the October 19, 2010 Decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 104830, which denied the Petition for Review[3] of herein petitioner Land Bank of the Philippines (LBP).

Petitioner seeks the reversal of the August 7, 2006 Resolution[4] of the Department of Agrarian Reform Adjudication Board (DARAB) dismissing its Petition for *Certiorari*[5] in DARAB Case No. 0191, as well as the April 10, 2008 Resolution[6] denying its Motion for Reconsideration.[7]

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1 *Rollo*, pp. 27-58.
2 CA *rollo*, pp. 375-384; penned by Justice Isaias Dicdican and concurred in by Associate Justices Stephen C. Cruz and Manuel M. Barrios.
3 Id. at 23-75; under Rule 43 of the Revised Rules of Court; Id. at 23-75.
4 Id. at 79-82.
5 Id. at 176-186.
6 Id. at 99-100.
7 Id. at 83-96.

Factual Antecedents:

On August 13, 1999, herein respondents Mauricio Laoyan (Laoyan; now deceased)[8] and Magdalena Quilit (Quilit) filed with the Regional Agrarian Reform Adjudicator (RARAD) a petition for annulment of sale of an agricultural land and redemption thereof docketed as DARAB Case No. 0347-99-B-CAR. The case involves two parcels of land located at La Trinidad, Benguet containing areas of 219 square meters and 3,042 square meters, including improvements thereon, which were formerly owned by the Spouses Pedro and Erenita Tolding (Spouses Tolding). These lots were mortgaged by the Spouses Tolding and were later acquired by petitioner through foreclosure, by virtue of which petitioner was issued Transfer Certificates of Title (TCT) Nos. T-43270 and T-43271.[9]

Ruling of the Regional Agrarian Reform Adjudicator:

After the parties submitted their respective position papers, the RARAD rendered a Decision[10] holding, among others, that respondents may exercise their right of redemption for both parcels of land.

Aggrieved, petitioner filed a Notice of Appeal[11] with the RARAD but it was denied in an Order[12] dated February 28, 2008 for being filed late. Subsequently, the RARAD issued a Writ of Execution[13] commanding the Department of Agrarian Reform (DAR) sheriff to enforce and execute the December 17, 1999 Decision.

Petitioner thus filed a Motion for Reconsideration[14] of the RARAD's denial of its Notice of Appeal and issuance of the Writ of Execution, which was, however, denied by the RARAD in an Order[15] dated April 10, 2000. Thereafter, on April 28, 2000, the RARAD issued a Certificate of Finality and Entry of Judgment.[16]

Ruling of the Department of Agrarian Reform Adjudication Board.

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[8] *Rollo*, p. 144.
[9] Id. at 63.
[10] CA *rollo*, pp. 125-133.
[11] Id. at 134-135.
[12] Id. 136-137.
[13] Id. at 138-140.
[14] Id. at 141-171.
[15] Id. 172.
[16] Id. 173-175.

On May 4, 2000, petitioner filed with the DARAB a Petition for *Certiorari*[17] assailing the December 17, 1999 Decision, April 10, 2000 Order, issuance of the writ of execution and certificate of finality by the RARAD, in accordance with Section 3, Rule VIII of the 1994 DARAB New Rules of Procedure, which states:

> SECTION 3. *Totality of Case Assigned.* When a case is assigned to an Adjudicator, any or all incidents thereto shall be considered assigned to him, and the same shall be disposed of in the same proceedings to avoid multiplicity of suits or proceedings.
>
> The order or resolution of the Adjudicator on any issue, question, matter or incident raised before them shall be valid and effective until the hearing shall have been terminated and the case is decided on the merits, **unless modified and reversed by the Board upon a verified petition for *certiorari*** which cannot be entertained without filing a motion for reconsideration with the Adjudicator a *quo* within five (5) days from receipt of the order, subject of the petition. Such interlocutory order shall not be the subject of an appeal. (Emphasis supplied)

In the meantime, the RARAD issued an Order[18] directing the Register of Deeds of Benguet "to immediately release Transfer Certificates of Title Numbers T-43270 and T-43271 to the petitioners through counsel, Atty. Daniel D. Mangallay, who shall likewise submit the same upon payment of the necessary fees for their cancellation and for issuance of new titles in the names of MAGDALENA QUILIT and MAURICIO LAOYAN x x x."[19]

On September 14, 2000, a Deed of Transfer and/or Reconveyance[20] involving the parcels of land was executed by and between Janette Olsim, Regional Clerk of the RARAD and Quilit. In view thereof, the Register of Deeds of Benguet issued TCT No. T-46455[21] in the name of Quilit and TCT No. T-46456[22] in the names of Quilit and Laoyan, and canceled petitioner's titles over the said parcels of land.

On August 7, 2006, the DARAB issued a Resolution[23] dismissing the May 2, 2000 Petition for *Certiorari* of petitioner on the ground that the DARAB, being only a quasi-judical body with limited jurisdiction, cannot acquire jurisdiction over petitions for *certiorari.* Citing *Department of Agrarian Reform Adjudication Board v. Lubrica (Lubrica),*[24] the DARAB held in this wise:

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17 Id. at 176-186.
18 Id. at 235.
19 Id.
20 Id. at 236-239.
21 Id. at 240.
22 Id. at 242.
23 Id. at 79-82.
24 497 Phil. 313 (2005).

> In resolving the petition, this Board notes the ruling of the Supreme Court in "Department of Agrarian Reform Adjudication Board Et al., vs. Josefina S. Lubrica, et al. (G.R. No. 159145) dated April 29, 2005 hereby quoted, to wit:
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> > "The DARAB is only a quasi-judicial body, whose limited jurisdiction does not include authority over petitions for certiorari in the absence of an express grant in R.A. No. 6657, E.O. No. 229 and E.O. No. 129-A."
>
> Accordingly, this Board is constrained to refrain from taking further action in the present petition except to dismiss the same for lack of jurisdiction.[25]

Petitioner thus filed a motion for reconsideration[26] which was, however, denied by the DARAB in its April 10, 2008 Resolution.[27]

Ruling of the Court of Appeals:

Petitioner, in its Petition for Review[28] filed with the CA, averred, among others, that the RARAD acted without or in excess of its jurisdiction when it denied its Notice of Appeal. LBP likewise claimed that the DARAB committed an error in judgment when it dismissed its May 2, 2000 Petition for *Certiorari* for lack of jurisdiction.

On October 19, 2010, the CA rendered its assailed Decision[29] denying LBP's petition for review. Applying the ruling in *Lubrica,* the appellate court held, among others, that the DARAB is only a quasi-judicial agency whose limited jurisdiction "does not include authority over petitions for *certiorari*, in the absence of an express grant in R.A. No. 6657, E.O. No. 229 and E.O. No. 129-A."[30]

The CA explained further that even if the 1994 DARAB New Rules of Procedure permitted the filing of a petition for *certiorari* with the DARAB, the DARAB may dismiss the same considering the petitioner's failure to file the requisite motion for reconsideration with the RARAD within the five-day reglementary period provided for by the rules.

Hence the instant petition.

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[25] CA *rollo,* p. 81.
[26] Id. at 83-96.
[27] Id. at 99-100.
[28] Id. at 23-75.
[29] Id. at 375-384.
[30] *Department of Agrarian Reform Adjudication Board v. Lubrica,* supra note 24 at 324.

Issues

Petitioner raised the following assignment of errors in its petition:

I.

WHETHER OR NOT THE COURT OF APPEALS HAS COMMITTED AN ERROR FOR NOT RESOLVING, LIKE THE DARAB, THE MERIT OF THE CASE INSPITE OF SHOWING BY PETITIONER LANDBANK THAT THE DECISION OF THE RARAD IT HAD ORIGINALLY CHALLENGED BY *CERTIORARI* WAS PATENTLY NOT IN ACCORD WITH LAW.

II.

WHETHER OR NOT THE RULE THAT *CERTIORARI* IS NOT COGNIZABLE BY DAR ADJUDICATION BOARD (DARAB), AS LAID DOWN IN "*DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD, ET AL. VS. JOSEFINA LUBRICA* [G.R. NO. 159145, APRIL 29, 2005], SHALL APPLY TO PETITIONS FOR *CERTIORARI* FILED WITH DARAB IN ACCORDANCE WITH ITS RULES OF PROCEDURE THEN IN FORCE AND PRIOR TO SAID *LUBRICA* DECISION THUS WARRANT DISMISSAL THEREOF TO THE PREJUDICE OF AGGRIEVED PARTIES WHO AVAILED OF SAID REMEDY.[31]

Our Ruling

We deny the Petition.

Preliminary Matters.

At the outset, we find that the CA committed no reversible error when it did not categorically rule on the substantive merits of petitioner's September 1, 2008 petition for review[32] and merely resolved to rule on the propriety of the DARAB's decision to dismiss petitioner's May 2, 2000 petition for *certiorari*[33] for lack of jurisdiction. Having found that the remedy of *certiorari* is not cognizable by the DARAB, it would be futile on its part to still pass upon the other assignments of error of petitioner which, we note, essentially involve a review of the December 17, 1999 Decision[34] of the RARAD.

On this point, it bears emphasis that findings of facts of quasi-judicial agencies, such as the RARAD, are "generally accorded great weight and even finality,"[35] owing to the fact that they are deemed experts on "matters within its specific and specialized jurisdiction."[36] Thus, considering that the RARAD

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[31] *Rollo*, p. 35.
[32] CA *rollo*, pp. 23-75.
[33] Id. at 176-186.
[34] Id. at 125-133.
[35] *Cabral v. Adolfo*, 794 Phil. 161, 172 (2016).
[36] *Reyes v. Heirs of Pablo Floro*, 723 Phil. 755, 767 (2013).

has acquired expertise in specific matters within its jurisdiction, its findings deserve full respect "in the absence of substantial showing that such findings were made from an erroneous estimation of the evidence presented."[37]

The primordial issue that must be resolved, therefore, is whether the DARAB erred in dismissing the May 2, 2000 petition for *certiorari* filed by petitioner for lack of jurisdiction.

The jurisprudential pronouncement in *Lubrica* remains to be good law, and is doctrinal and controlling.

Lubrica,[38] which likewise involved herein LBP, has settled that the DARAB is devoid of power to issue writs of *certiorari.*

The landowner in *Lubrica* filed a petition for fixing of payment and just compensation of a parcel of land with the RARAD against the DAR and LBP. After summary administrative proceedings, the RARAD rendered a decision in favor of the landowner and ordered the bank to pay an amount that was greater than the initial valuation of the land determined by DAR and the bank. LBP thus filed a petition for just compensation with the Regional Trial Court (RTC),[39] which was, however, denied by the RTC for its failure to pay the docket fees within the reglementary period.

While the petition for just compensation was pending with the RTC, the RARAD issued: (1) an order declaring its earlier decision as final and executory; and (2) a writ of execution directing the DAR sheriff to implement its decision. Thus, the bank filed a petition for *certiorari* before the DARAB in accordance with the 1994 DARAB New Rules of Procedure, which prayed for the nullification of the decision and writ of execution of the RARAD.[40]

The DARAB ruled for LBP and prevented the RARAD from implementing its decision. This prompted the landowner to file a petition for prohibition with the CA, which the CA granted and enjoined the DARAB from further proceeding with the case as it did not have jurisdiction over special civil actions for *certiorari.* In ruling for the landowner, the appellate court held that the DARAB's exercise of jurisdiction over the bank's petition for *certiorari* had no constitutional or statutory basis.[41] In affirming the ruling of the CA, this Court ruled in this wise:

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[37] *Basilan Community Hospital, Inc. v. Philippine Health Insurance Corporation,* G.R. No. 240976, April 3, 2019.

[38] Supra note 24.

[39] Acting as a Special Agrarian Court.

[40] *Department of Agrarian Reform Adjudication Board v. Lubrica,* supra note 24 at 319.

[41] Id. at 320-321.

> Pursuant to Section 17 of Executive Order (E.O.) No. 229 and Section 13 of E.O. No. 129-A, the DARAB was created to act as a quasi-judicial arm of the DAR. With the passage of R.A. No. 6657, the adjudicatory powers and functions of the DAR were further delineated x x x
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> x x x Section 13 of E.O. No. 129-A also authorized the DAR to delegate its adjudicatory powers and functions to its regional offices.
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> To this end, the DARAB adopted its Rules of Procedure, where it delegated to the RARADs and PARADs the authority "to hear, determine and adjudicate all agrarian cases and disputes, and incidents in connection therewith, arising within their assigned territorial jurisdiction." In the absence of a specific statutory grant of jurisdiction to issue the said extraordinary writ of certiorari, the DARAB, as a quasi-judicial body with only limited jurisdiction, cannot exercise jurisdiction over Land Bank's petition for certiorari. Neither the quasi-judicial authority of the DARAB nor its rule-making power justifies such self-conferment of authority."
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> x x x
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> That the statutes allowed the DARAB to adopt its own rules of procedure does not permit it with unbridled discretion to grant itself jurisdiction ordinarily conferred only by the Constitution or by law. Procedure, as distinguished from jurisdiction, is the means by which the power or authority of a court to hear and decide a class of cases is put into action. Rules of procedure are remedial in nature and not substantive. They cover only rules on pleadings and practice.[42]

Notably, the recent case of *Heirs of Zoleta v. Land Bank of the Philippines (Zoleta)*[43] even goes one step further. In this case, this Court not only reiterated the DARAB's lack of statutory authority to exercise *certiorari* powers; it also underscored its inherent inability, as a quasi-judicial agency, to issue writs of *certiorari*:

> This Court calibrates the pronouncements made in *Department of Agrarian Reform Adjudication Board v. Lubrica.* It is true that the lack of an express constitutional or statutory grant of jurisdiction disables DARAB from exercising *certiorari* powers. Apart from this, however, is a more fundamental reason for DARAB's disability.
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> As an administrative agency exercising quasi-judicial but not consummate judicial power, DARAB is inherently incapable of issuing writs of *certiorari.* This is not merely a matter of statutorily stipulated competence but a question that hearkens to the separation of government's tripartite powers: executive, legislative, and judicial.[44]

In other words, the DARAB's lack of authority over special civil actions for *certiorari* is not merely attributed to the absence of a statutory grant

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42 Id. at 322-326.
43 816 Phil. 389 (2017).
44 Id. at 400.

thereof. *Zoleta,* in consonance with *Lubrica,* clarified further that the power to issue writs of *certiorari* is an incident of judicial review. DARAB, not being a court of law exercising judicial power, is, therefore, inherently powerless and incapable by constitutional fiat of acquiring jurisdiction over special civil actions for *certiorari,* and issuing writs of *certiorari* to annul acts of the Provincial Agrarian Reform Adjudicator (PARAD) or RARAD even when it exercises supervisory powers over them.[45]

The Court's pronouncements in *Lubrica* and *Zoleta* find application in the instant *case.*

The above recitals notwithstanding, petitioner contends that the DARAB and the CA erred in applying *Lubrica* in the instant case on the basis of the following: (a) that the 1994 DARAB New Rules of Procedure, which were the rules relied upon by petitioner at the time its May 2, 2000 petition for *certiorari* was filed with the DARAB, expressly permitted the filing thereof and was the prescribed mode of review to the DARAB of cases decided by its regional or provincial adjudicators; and (b) the retroactive application of the pronouncement in *Lubrica*, which was promulgated by this Court in 2005, or four years after the May 2, 2000 petition for *certiorari* was filed with the DARAB, impaired petitioner's substantive right to question the DARAB's February 28, 2000 and April 10, 2000 Orders by way of *certiorari.*

Simply stated, petitioner argues that the *Lubrica* ruling cannot be applied retroactively in determining whether petitioner's May 2, 2000 Petition for *Certiorari* was properly filed with the DARAB.

Interestingly, the petitions for *certiorari* of the petitioners in *Lubrica* and *Zoleta* were likewise filed with the DARAB on September 12, 2001 and April 2, 2001, respectively *i.e.,* prior to the promulgation of *Lubrica* and/or when the 1994 DARAB New Rules of Procedure was still in effect. This notwithstanding, this Court, in both cases, declared that the DARAB cannot acquire jurisdiction over the petitions. We find no cogent reason to carve out an exception for petitioner's May 2, 2000 petition for c*ertiorari,* which, we note, was similarly filed with the DARAB prior to the promulgation of *Lubrica* and *Zoleta.*

At any rate, we find that petitioner may not repeatedly seek protection under the provisions of the 1994 DARAB New Rules of Procedure. Proceeding from our pronouncements in *Lubrica* and *Zoleta,* they cannot conveniently invoke rules of procedure in asserting their supposed right to file a petition for *certiorari* with the DARAB. As extensively explained by the Court in *Lubrica,* Republic Act No. 6657 (RA 6657) or the the Comprehensive

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[45] Id. at 392-393, 412, and 420.

Agrarian Reform Law of 1988, which is the very law creating the DARAB, does not confer it authority to take cognizance of petitions for *certiorari.*[46]

Thus, to otherwise allow petitioner to avail the extraordinary remedy of writ of *certiorari* with the DARAB would necessarily sanction an act outside the statutory authority granted by law. Worse still, following the logic of petitioner's position would lead to an absurd situation where this Court itself will unduly confer a quasi-judicial agency the authority to correct errors of jurisdiction, which, as discussed in *Zoleta,* is lodged only with the regular courts by virtue of express constitutional grant.[47]

In support of its position, petitioner heavily relies on the Court's pronouncement in *Land Bank of the Philippines v. De Leon (De Leon).*[48] This case involved a landmark ruling on how to appeal decisions of Special Agrarian Courts. In its motion for reconsideration filed by the LBP with this Court, the bank pleaded for the relaxation of the rules as it has 60 similar agrarian cases filed through ordinary appeal with the CA which may be dismissed by virtue of this Court's earlier decision dismissing its petition for review. While this Court reiterated its ruling that a petition for review, and not an ordinary appeal, is the proper mode of appeal from decisions of the RTC acting as Special Agrarian Courts, it deemed it proper, in the interest of equity and fair play, to give the same prospective application,[49] *viz.:*

> x x x While we clarify that the Decision of this Court dated September 10, 2002 stands, our ruling therein that a petition for review is the correct mode of appeal from decisions of Special Agrarian Courts shall apply only to cases appealed after the finality of this Resolution.[50]

Petitioner thus invokes the principle laid down by this Court in *De Leon* and contends that the same be applied to the case at bench.

We are not persuaded.

It must be stressed that our ruling in *De Leon* was based on considerations not in all fours with those obtaining in the instant case. To be clear, *De Leon,* on one hand, addressed the issue concerning the proper mode of appeal from decisions of Special Agrarian Courts under RA 6657. The instant case, on the other hand, involves an issue regarding the DARAB's supposed jurisdiction over petitions for *certiorari* not otherwise conferred to it under RA 6657.

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[46] *Department of Agrarian Reform Adjudication Board v. Lubrica,* supra note 24 at 324.
[47] Id.
[48] 437 Phil. 347 (2002) and 447 Phil 495 (2003).
[49] *Land Bank of the Philippines v. De Leon,* 447 Phil 495, 503 (2003).
[50] Id. at 505.

With these in mind, this Court may not simply apply its pronouncement in *De Leon,* which merely concerns the erroneous interpretation of RA 6657 on provisions relating to procedure and appeal, and not, such as in the instant case, a matter of erroneous conferment of jurisdiction, lest it unduly sanctions the exercise of *certiorari* powers to the DARAB that are clearly beyond its competence and authority. *Zoleta* is instructive on this point, *viz.:*

> Not only are mere procedural rules incapable of supplanting a constitutional or statutory grant of jurisdiction, no amount of textual wrangling negates the basic truth that DARAB is an administrative agency belonging to the Executive, and not to the Judicial branch, of our government.
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> Determining whether an action was made without or in excess of jurisdiction or with grave abuse of discretion is a judicial question. In a petition for certiorari where these issues are raised, the public officers or state organs exercising judicial or quasi-judicial powers are impleaded as respondents. They themselves become party-litigants and it is their own legal rights that are the subject of adjudication. A consideration of law is impelled to delineate their proper rights and prerogatives. The controversy that ensues is inexorably beyond the competence of administrative agencies. When presented with such a controversy, an administrative agency must recuse and yield to courts of law.
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> **Well-meaning intentions at rectifying a perceived breach of authority cannot be cured by an actual breach of authority. As It was in *DARAB v. Lubrica*, so it is true here that DARAB's avowed good intentions cannot justify its exercise of powers that were never meant for it to exercise.**
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> **DARAB's exercise of the innately judicial *certiorari* power is an executive encroachment into the judiciary. It violates the separation of powers; it is unconstitutional.**
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> With or without a law enabling it, DARAB has no power to rule on jurisdictional controversies via petitions for *certiorari*. DARAB's self-serving grant to itself of the power to issue writs of *certiorari* in the 1994 DARAB New Rules of Procedure is itself a grave abuse of discretion amounting to lack or excess of jurisdiction. It must be annulled for running afoul of the Constitution.[51] (Emphasis supplied)

Petitioner further insists that a retroactive application of this Court's pronouncement in *Lubrica* impaired its substantive right to question the DARAB's February 28, 2000 and April 10, 2000 Orders by way of *certiorari,* which was the remedy available to petitioner under Section 3, Rule VIII of the 1994 DARAB New Rules of Procedure.

We cannot sustain petitioner's view.

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[51] *Heirs of Zoleta v. Land Bank of the Philippines,* supra note 43 at 420.

A rule granting the DARAB judicial *certiorari* powers is an "executive encroachment into the judiciary,"[52] and therefore, constitutionally infirm. Petitioner cannot seek protection behind the protective veil of equity and fair play when the very rule invoked by it has been annulled by this Court for running afoul with the Constitution. Accordingly, it confers no right to petitioners, affords no protection to them, and in legal contemplation, inoperative and cannot be cured by mere judicial accommodation.[53]

As an alternative argument, petitioner avers that the CA, despite the pronouncement in *Lubrica,* should have ordered the DARAB to give due course to the petition for *certiorari* by treating the same as an appeal. Petitioner, however, in the first place, cannot expect the DARAB or the CA to take cognizance thereof and treat the same as an appeal as the same was not even filed in accordance with the 1994 DARAB New Rules of Procedure. As aptly held by the CA:

> The petitioner herein banked on the provision of the 1994 DARAB New Rules of Procedure apparently allowing, albeit erroneously, a petition for *certiorari* to be filed with the DARAB, without realizing that the petitioner violated the same provision that it was championing. The said provision provided that a verified petition for certiorari filed with the DARAB shall not be entertained without a motion for reconsideration filed with the adjudicator *a quo* within five (5) days from receipt of the order, subject of the petition. The petitioner acknowledged in its motion for reconsideration which it filed before the RARAD on March 20, 2000 that it received the Order dated February 28, 2000 denying its notice of appeal on March 10, 2000. Clearly, ten (10) days had already elapsed, or five (5) days beyond the period provided in the aforementioned provision, when it filed its motion for reconsideration.[54]

Other assignment of errors.

This Court is also not inclined to examine and make a determinative finding on the issues raised by petitioner, particularly: (1) whether RARAD correctly determined the proper reckoning points for the period within which petitioner must file its Notice of Appeal; and (2) whether the subject parcels of land are considered agricultural lands susceptible to agricultural cultivation, which can be redeemed by respondents in the exercise of their right of redemption.[55] These issues raised by petitioner are clearly questions of fact which require the Court to review the evidence presented by the parties.

Well-settled is the rule that "this Court is not a trier of facts, and it is not its function to examine, review, or evaluate the evidence all over again."[56] Along the same lines, a petition for review on *certiorari* under Rule 45 of the

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[52] Id.
[53] See *Republic of the Philippines v. Court of Appeals,* 298 Phil. 291, 294-295 (1993).
[54] CA *rollo,* p. 383.
[55] *Rollo,* p. 37.
[56] *Carbonell v. Carbonell-Mendes,* 762 Phil. 529, 536 (2015).

Rules of Court covers only questions of law. Thus, in a petition for review on *certiorari* under Rule 45, the Court is generally limited to reviewing only errors of law and not of facts.[57]

Nevertheless, the Court has enumerated several exceptions to this rule, such as when: "(1) the conclusion is grounded on speculations, surmises or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the findings of fact are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of facts are contradicted by the presence of evidence on record; (8) the findings of the Court of Appeals are contrary to those of the trial court; (9) the Court of Appeals manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the Court of Appeals are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties."[58]

We find that petitioner failed to show that this case falls under any of the exceptions. Thus, we will not delve into the factual issues of the case. Moreover, having disposed of the case in the foregoing manner, there is no need to pass upon the other issues raised by petitioner.

At any rate, the disallowance of the petitioner's February 4, 2000 notice of appeal signifies the disallowance of the appeal itself. Petitioner should have elevated the matter through a special civil action under Rule 65. Under Section 4, Rule 65 of the Rules of Court, a petition for *certiorari* shall be filed not later than 60 days from notice of the judgment, the order or the resolution sought to be assailed. The February 28, 2000 Order of the RARAD denying petitioner's notice of appeal was received by it on March 10, 2000.

Thus, petitioner only had sixty 60 days from that date, or from the date it received the April 10, 2000 Order of the RARAD, to file its petition for *certiorari* with the CA. For failure of petitioner to timely file its petition for *certiorari* with the proper appellate court, the said order remained valid and effective. Accordingly, the December 17, 1999 of the RARAD remains final and executory and beyond the ambit of judicial review.

WHEREFORE, the Petition is **DENIED**. The October 19, 2010 Decision of the Court of Appeals in CA-G.R. SP No. 104830 is **AFFIRMED.**

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[57] Id.
[58] Id. at 537.

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

MARVIC M. V. F. LEONEN
Associate Justice
Chairperson

HENRI JEAN PAUL B. INTING
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

JHOSEP Y. LOPEZ
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.

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

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.

DIOSDADO M. PERALTA
Chief Justice