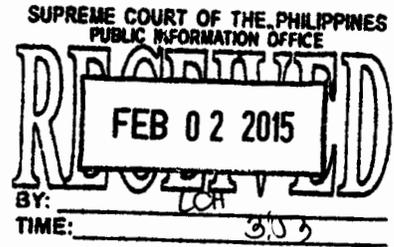




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 24, 2014 which reads as follows:

“G.R. No. 213428 – EDUARDO GODOY, *Petitioner* v. LEONARDO REYES, *Respondent*.

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to reverse the Decision of the Court of Appeals affirming the ruling of the Department of Agrarian Reform Adjudication Board (DARAB) that the cancellation of patent on the ground of abandonment must be declared first by the Secretary of Agrarian Reform before it can implemented.

On January 6, 1997, Leonardo Reyes (Reyes) filed a case for Recovery of Possession and Issuance of Preliminary Mandatory Injunction against his brother-in-law Eduardo Godoy (Godoy) before the Provincial Adjudicator of DARAB. He alleged that he is the farmer-beneficiary of a 4.7874-hectare land in Talugtog, Nueva Ecija as evidenced by an emancipation patent issued on December 28, 1989. He averred that he asked Godoy to assist him in the preparation of his landholding sometime in 1978 as he did not have a working animal during that time. When he was already capable to manage his farm on his own, Godoy refused to vacate the land even if he demanded him to do so.

In his answer, Godoy averred that Reyes had already abandoned his landholding. He also alleged that Reyes is not a farmer but an employee of an educational institution. Finally, he argued that the emancipation patent issued to him was spurious and null and void for having been issued fraudulently.

- over – four (4) pages

Pending resolution of the recovery of possession, Godoy filed a case for Cancellation of Emancipation Patent of Reyes and for the Issuance of Certificate of Land Ownership Award in his favor.

On June 30, 1999, the Provincial Adjudicator declared Reyes to have abandoned the subject landholding and maintained Godoy in possession of the land pending recommendation of the qualified farmer-beneficiary. He also ordered the Municipal Agrarian Reform Officer to cancel the title of Reyes and to declare it to be null and void.

Upon appeal, DARAB on December 29, 2009 reversed and set aside the decision of the Provincial Adjudicator for being premature pending resolution of the Secretary of Agrarian Reform on the question of abandonment of landholding.

On January 10, 2014, the Court of Appeals affirmed the ruling of DARAB and dismissed the petition of Godoy for lack of merit. The motion for reconsideration was denied on June 25, 2014.

The question before this Court is whether the determination of the Secretary of Agrarian Reform on the question on abandonment is a condition precedent before an emancipation patent can be cancelled. We rule in the affirmative.

According to DAR Administrative Order No. 02-94¹ or *the Rules Governing the Correction and Cancellation Of Registered/Unregistered Emancipation Patents (EP), and Certificates of Land Ownership Award (CLOAS) Due To Unlawful Acts and Omissions or Breach of Obligations of Agrarian Reform Beneficiaries (ARB) and for Other Causes*, one of the grounds for cancellation of EPs or CLOAs is neglect or abandonment of landholding. However, the neglect or abandonment of the awarded land must be continuously for a period of two (2) calendar years as determined by the Secretary or his authorized representative. Evident from this provision, the rulings of the Court of Appeals and the DARAB that the cancellation of the emancipation patent of Reyes was premature are correct.

Further, the authority to cancel a registered emancipation patents lies within the power of the DARAB, being the adjudicating arm of the Department of Agrarian Reform.² Thus, the ruling of the Provincial Adjudicator of cancellation of the emancipation patent of Reyes can be set aside by the DARAB, as in this case.

¹ Issued on 7 March 1994.

² *Padunan v. DARAB*, 444 Phil. 213, 224-225 (2003).

WHEREFORE, the petition is **DENIED**. Accordingly, the Decision and Resolution of the Court of Appeals dated January 10, 2014 and June 25, 2014 are hereby **AFFIRMED**.

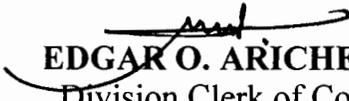
At any rate, the petition was filed beyond the extended period pursuant to Sec. 5(a), Rule 56, 1997 Rules of Civil Procedure, as amended.

The petitioner is hereby **DIRECTED** to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed petition for review on certiorari and its annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC; and the Cash Collection and Disbursement Division is likewise **DIRECTED** to **RETURN** to the petitioner the excess amount of ₱270.00 paid for filing fees under O.R. No. 0099365-SC-EP dated August 6, 2014.

The Honorable Secretary of the Department of Agrarian Reform is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

SO ORDERED. **PERLAS-BERNABE, J.**, on leave;
VILLARAMA, JR., J., acting member per S.O. No. 1885 dated November 24, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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Court of Appeals (x)
Manila
(CA-G.R. SP No. 118743)

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Adjudication Board
Region III, Office of the Provincial
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Talavera 3114 Nueva Ecija
(DARAB Case Nos. 6062 'NNE' 97;
6530 'NNE'97)

- over -



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