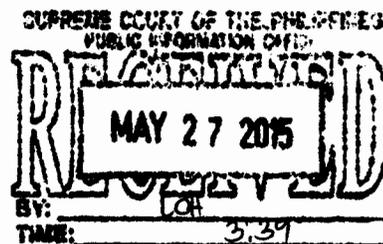




Republic of the Philippines
Supreme Court
Baguio City
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015 which reads as follows:

“G.R. No. 209194 (Republic of the Philippines, represented by the Department of Agrarian Reform v. Diego V. Carit, Sr.). After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the September 19, 2013 Decision¹ of the Court of Appeals (CA) in CA-G.R. SP No. 112873 for failure to show any reversible error committed by the CA in declaring: (a) the identification of Wenifreda Arpon-Balais (Wenifreda) as the agrarian reform beneficiary (ARB) over the subject land to be erroneous; and (b) Diego V. Carit, Sr. (respondent) to be the rightful ARB.

As correctly ruled by the CA, respondent is the rightful ARB over the subject land considering his actual cultivation/possession thereof. The rule is that the farmer-tiller or actual occupant shall be given preference in the distribution of the lands occupied by him.² While the Department of Agrarian Reform’s issuance of the Certificate of Land Ownership and the corresponding Original Certificate of Title covering the subject land carries with it a presumption of regularity,³ when challenged by credibly convincing evidence, as here, it can no longer be treated as binding truth.

- over - two (2) pages

505-A

¹ Rollo, pp. 27-39. Penned by Associate Justice Leoncia Real-Dimagiba with Associate Justices Rosmari D. Carandang and Ricardo R. Rosario, concurring.

² DAR Memorandum Circular No. 07-93 issued on May 26, 1993.

³ See *Magno v. Heirs of Pablo Parulan*, G.R. No. 183916, April 25, 2012, 671 SCRA 162, 170, citing Section 3(m), Rule 131 of the Rules of Court.

Thus, their mere issuance does not put the ownership of the land beyond attack and scrutiny, and they may be corrected and cancelled for violation of agrarian laws and its implementing rules and regulations,⁴ as in this case where the identified ARB, Wenifreda, was shown to be neither an agricultural lessee nor an actual tiller of the subject land.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{ms/s}
505-A

The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. SP No. 112873)

The Hon. Secretary
DEPARTMENT OF AGRARIAN
REFORM
DAR Central Office Cmpd.
Elliptical Rd., Diliman
1128 Quezon City
(DARCO Order No. B1-1002-023
Series of 20110; A-9999-08-B1-
021-08)

CARTAGENA LAW OFFICES
Counsel for Respondent
Sapphire Logistics Center
Multinational Access Rd. cor.
Kaingin Rd., Multinational Village
1700 Parañaque City

TICOY DIAZ CERCADO AND
TUTAAN LAW OFFICES
Counsel for Respondent
G/F, MB YU Bldg.
Real St., Tacloban City
6500 Leyte

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR

⁴ *Almagro v. Amaya, Sr.*, G.R. No. 179685, June 19, 2013, 699 SCRA 61, 79.



