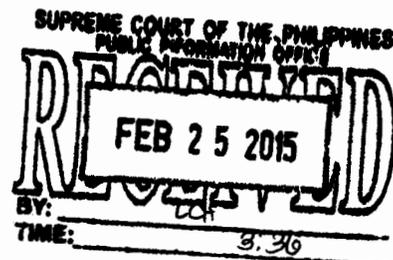




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 4, 2015 which reads as follows:

“G.R. No. 214917 (Lucita Aguilando v. Spouses Clemente and Eustaquia Lagrimas). – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the February 24, 2014¹ and October 14, 2014² Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 130831 for failure of Lucita Aguilando (petitioner) to show that the CA committed any reversible error in dismissing her petition for review before it both on substantive and procedural grounds.

As correctly ruled by the CA, petitioner’s children cannot qualify as beneficiaries under Republic Act (RA) No. 6657, otherwise known as the “Comprehensive Agrarian Reform Law of 1988,” since: (a) at the time she

- over – three (3) pages

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¹ *Rollo*, pp. 30-38. Penned by Associate Justice Ramon M. Bato, Jr. with Associate Justices Rodil V. Zalameda and Edwin D. Sorongon, concurring.

² *Id.* at 28. Penned by Associate Justice Ramon M. Bato, Jr. with Associate Justices Rodil V. Zalameda and Ramon A. Cruz, concurring.

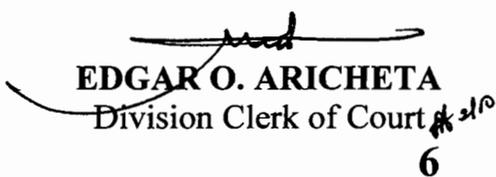
instituted them as her preferred beneficiaries, petitioner no longer owned the subject land; and (b) it was not shown that her children had tilled or directly managed the same as required under Section 6³ thereof.

Likewise, the petition filed before the CA – same as the instant petition – failed to include material portions of the record (e.g., the Decision dated October 8, 2012 and the Resolution dated June 7, 2013 of the Office of the President), thus justifying its denial altogether.

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 annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA

Division Clerk of Court *Aricheta*

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Court of Appeals (x)
Manila
(CA-G.R. SP No. 130831)

Sps. Clemente and Eustaquia Lagrimas
Respondents
Sitio Dampigan, Brgy. Bobolosan
Laoang 6411 Northern Samar

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³ Section 6 of RA No. 6657 provides:

SEC. 6. Retention Limits. – Except as otherwise provided in this Act, no person may own or retain, directly or indirectly, any public or private agricultural land, the size of which shall vary according to factors governing a viable family-size farm, such as commodity produced, terrain, infrastructure, and soil fertility as determined by the Presidential Agrarian Reform Council (PARC) created hereunder, but in no case shall retention by the landowner exceed five (5) hectares. **Three (3) hectares may be awarded to each child of the landowner, subject to the following qualifications: (1) that he is at least fifteen (15) years of age; and (2) that he is actually tilling the land or directly managing the farm:** provided, that landowners whose lands have been covered by Presidential Decree No. 27 shall be allowed to keep the areas originally retained by them thereunder: provided, further, that original homestead grantees or their direct compulsory heirs who still own the original homestead at the time of the approval of this Act shall retain the same areas as long as they continue to cultivate said homestead. (Emphasis supplied)

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