SUPREME COURT
SECOND DIVISION

DAMASO SEBASTIAN and TOMASA CARDENAS,
***Petitioners*,**

-versus-

G.R. No. 141116
February 17, 2003

HON. HORACIO R. MORALES, Secretary of the Department of Agrarian Reform, LEONILA SARENAS,[1] JOSEPHINE SARENAS-DAYRIT, EVANGELINE SARENAS, ESTRELITA SARENAS TAN, CECILIO MARCOS SARENAS, MANUEL DEL SARENAS, DAISY RITA SARENAS, and JOY SARENAS,
***Respondents*.**
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D E C I S I O N

QUISUMBING, *J.*:

On Appeal by *Certiorari* is the Decision[2] of the Court of Appeals dated March 9, 1999 in CA-G.R. SP No. 51288, which dismissed petitioners' special civil action for *certiorari* and prohibition on the ground that petitioners pursued the wrong mode of appeal. Equally

assailed is the Resolution[3] of the appellate court dated December 10, 1999, which denied petitioners' motion for reconsideration.

The facts, as gleaned from the record, are as follows:

Private respondents Leonila Sarenas, Josephine Sarenas-Dayrit, Evangeline Sarenas, Estrellita Sarenas Tan, Cecilio Marcos Sarenas, Manuel Gil Sarenas, Daisy Rita Sarenas, and Joy Sarenas are the heirs of the late Guillermo Sarenas, who died intestate on June 27, 1986. During his lifetime, Guillermo owned the following agricultural landholdings, all located in Samon and Mayapyap Sur, Cabanatuan City:

1. Agricultural lot with an area of 1.6947 hectares covered by TCT No. NT-8607 and tenanted by Juanito Gonzales;

2. Agricultural lot with an area of 3.1663 hectares covered by TCT No. NT-8608, with petitioner Damaso Sebastian as the tenant; and

3. Agricultural lot with an area of 2.2723 hectares registered under TCT No. NT-8609, with Perfecto Mana as the tenant.

In addition to the foregoing properties, Guillermo was also the registered owner of a parcel of agricultural land located at San Ricardo, Talavera, Nueva Ecija, with a total area of 4.9993 hectares, under TCT No. NT-143564. This property was, in turn, tenanted by Manuel Valentin and Wenceslao Peneyra.

The tenants tilling the farm lots covered by TCT Nos. NT-8607, 8608, and 8609 had already been issued emancipation patents pursuant to P.D. No. 27.[4]

On July 14, 1993, private respondents filed an application with the Department of Agrarian Reform (DAR) Regional Office in San Fernando, Pampanga, docketed as No. A-0303-1219-96, for retention of over five hectares of the late Guillermo's landholdings. Among the lots which private respondents sought to retain under Section 6 of the Comprehensive Agrarian Reform Law (R.A. No. 6657)[5] were those covered by TCT Nos. NT-8608 and 8609.

On June 6, 1997, the DAR Regional Office in San Fernando, Pampanga granted private respondents' application, thus:

> WHEREFORE, premises considered, an ORDER is hereby issued:
>
> 1. GRANTING the Application for Retention of not more than five (5) hectares of the Heirs of the late Guillermo Sarenas on their agricultural landholdings covered by TCT Nos. NT-TCT-8608 and TCT-8609 situated at Samon and Mayapyap Sur, Cabanatuan City, and which area must be compact and contiguous and least prejudicial to the entire landholdings and majority of the farmers therein;
>
> 2. DIRECTING the Heirs of the late Guillermo Sarenas o[r] their duly authorized representative to coordinate with the MARO concerned for the segregation of their retained area at their own expense and to submit a copy of the segregation plan within thirty (30) days from approval thereof;
>
> 3. MAINTAINING the tenants in the retained areas as lessees thereof pursuant to RA 3844 as amended; and
>
> 4. ACQUIRING the other agricultural landholdings in excess of the retained area, and to distribute the same to identified qualified farmer-beneficiaries pursuant to RA 6657.
>
> SO ORDERED.[6]

On June 16, 1997, petitioner Sebastian moved for reconsideration of the foregoing order before the DAR Regional Director, Region III, which docketed the case as A.R. Case No. LSD 1083-97. The DAR Regional Director found that the order dated June 6, 1997 in Docket No. A-0303-1219-96 was contrary to law for violating Section 6 of RA No. 6657[7] and its Implementing Rules and Regulations. He then issued a new order dated October 23, 1997, which instead allowed

private respondents to retain a parcel of land with an area of 4.9993 hectares, covered by TCT No. 143564, located at San Ricardo, Talavera, Nueva Ecija.

Private respondents then appealed the order of October 23, 1997 to the DAR Secretary.

On June 18, 1998, the Secretary of Agrarian Reform set aside the order dated October 23, 1997, and in lieu thereof issued a new one the decretal portion of which reads:

> WHEREFORE, premises considered, the 23 October 1997 Order of RD Herrera is hereby SET ASIDE and a new one issued:
>
> 1. GRANTING the heirs of Guillermo Sarenas the right to retain 2.8032 has. of the landholding covered by TCT No. 8608 located at Cabanatuan City;
>
> 2. AFFIRMING the validity of the coverage of the landholdings covered by TCT Nos. 8607, 8609 and 143564 located at Cabanatuan City and Talavera, Nueva Ecija respectively;
>
> 3. MAINTAINING the tenants affected in the retained area as leaseholders thereof pursuant to RA 3844;
>
> 4. DIRECTING the MARO/PARO to determine the qualification status of the FB whose respective tillage is embraced under TCT No. 8608, subject of the pending controversy with the DARAB; and
>
> 5. DIRECTING the Heirs of the late Guillermo Sarenas or their duly authorized representative to coordinate with the MARO concerned for the segregation of their retained area at their own expense and to submit a copy of the segregation plan within 30 days from approval thereof.
>
> SO ORDERED.[8]

Petitioner Sebastian then filed a motion for reconsideration, but this motion was denied by the DAR Secretary in an order dated January 26, 1999, the dispositive portion of which states:

> WHEREFORE, premises considered, Order is hereby issued DENYING the instant Motion for Reconsideration for utter lack of merit. Accordingly, as far as this Office is concerned, this case is considered closed. Further, all persons, other than the recognized tenant-farmers, are hereby ordered to cease and desist from further entering and undertaking any activity on the subject landholdings.
>
> SO ORDERED.[9]

The Secretary also found that petitioners appeared to have waived their rights over the tenanted land in favor of Clemente Bobares and Luzviminda Domingo-Villaroman, and had allowed cultivation of the landholding by a certain Ricardo Dela Paz. He ruled that it was "unlawful/illegal to allow other persons than the tenant-farmers themselves to work on the land except if they are only working as an aide of the latter otherwise, landowners shall have the recourse against the tenant-farmers."[10]

Consequently, on February 22, 1999, petitioners filed a special civil action for *certiorari* and prohibition, with prayer for writ of preliminary mandatory injunction with the Court of Appeals, docketed as CA-G.R. SP No. 51288.

On March 9, 1999, the Court of Appeals, without going into the merits of the case, dismissed CA-G.R. SP No. 51288 after finding that "petitioners pursued the wrong mode of appeal."[11] It found that the orders of the DAR Secretary sought to be reviewed were final orders for they finally disposed of the agrarian case and left nothing more to be decided on the merits. Hence, the proper remedy available to petitioners was a petition for review pursuant to Rule 43, Section 1 of the 1997 Rules of Civil Procedure,[12] and not a special civil action for *certiorari* under Rule 65. The Court of Appeals also ruled that petitioners failed to attach a certified true copy or duplicate original of the assailed order of June 18, 1998 as required by Rule 46, Section

3,[13] and hence, it had no alternative but to dismiss the action pursuant to said Section 3.

Petitioners then timely moved for reconsideration, but the appellate court in its resolution of December 10, 1999 denied their motion.

Hence, the instant case anchored on the following sole assigned error:

> THE COURT OF APPEALS COMMITTED REVERSIBLE ERROR (A) IN NOT TREATING THE PETITION FILED BY PETITIONERS AS A PETITION FOR REVIEW; AND (B) IN NOT RESOLVING THE CASE ON THE MERITS.[14]

Petitioners submit that the sole issue before us is whether or not the dismissal by the Court of Appeals of the petition in CA-G.R. SP No. 51288 is valid and proper.

Petitioners admit that there was error in the remedy resorted to before the Court of Appeals. They insist, however, that a perusal of their initiatory pleading in CA-G.R. SP No. 51288 would show that said pleading contained all the features and contents for a petition for review under Rule 43, Section 6 of the 1997 Rules of Civil Procedure.[15] Hence, the court a quo should have treated their special civil action for *certiorari* and prohibition under Rule 65 as a petition for review under Rule 43, since dismissals based on technicalities are frowned upon. Petitioners contend that procedural rules are but a means to an end and should be liberally construed to effect substantial justice.

Private respondents, on the other hand, claim that the Court of Appeals did not commit any reversible error in dismissing the petition in CA-G.R. SP No. 51288, for it simply applied the express and categorical mandate of this Court that a petition shall be dismissed if the wrong remedy is availed of. Private respondents argue that while it is true that the Rules of Court should be liberally construed, it is also equally true that the Rules cannot be ignored, since strict observance thereof is indispensable to the orderly and speedy discharge of judicial business.

Under Rule 1, Section 6 of the 1997 Rules of Civil Procedure,[16] liberal construction of the rules is the controlling principle to effect substantial justice. Thus, litigations should, as much as possible, be decided on their merits and not on technicalities. This does not mean, however, that procedural rules are to be ignored or disdained at will to suit the convenience of a party. Procedural law has its own rationale in the orderly administration of justice, namely, to ensure the effective enforcement of substantive rights by providing for a system that obviates arbitrariness, caprice, despotism, or whimsicality in the settlement of disputes. Hence, it is a mistake to suppose that substantive law and procedural law are contradictory to each other, or as often suggested, that enforcement of procedural rules should never be permitted if it would result in prejudice to the substantive rights of the litigants.

Litigation is not a game of technicalities, but every case must be prosecuted in accordance with the prescribed procedure so that issues may be properly presented and justly resolved. Hence, rules of procedure must be faithfully followed except only when for persuasive reasons, they may be relaxed to relieve a litigant of an injustice not commensurate with his failure to comply with the prescribed procedure. Concomitant to a liberal application of the rules of procedure should be an effort on the part of the party invoking liberality to explain his failure to abide by the rules.[17]

In the instant case, petitioners failed to show any compelling reason for not resorting to the proper remedy. Instead, we find from our perusal of their pleadings before the appellate court that they stoutly and persistently insisted that the extraordinary remedy of *certiorari* was their correct remedy. First, in instituting CA-G.R. SP No. 51288, petitioners categorically invoked the jurisdiction of the Court of Appeals to have the questioned orders of the DAR Secretary declared null and void for having "been issued and promulgated with grave abuse of discretion amounting to lack of jurisdiction."[18] Note that it is precisely the office of an action for *certiorari* under Rule 65 to correct errors of jurisdiction. Second, after the appellate court dismissed their petition on the ground that the proper remedy was a petition for review, petitioners continued to insist in their motion for reconsideration that under Section 54 of R.A. No. 6657,[19] a petition for *certiorari* is both adequate and proper in CA-G.R. SP No. 51288.

It was only as an afterthought that they asked the appellate court to treat their special civil action for *certiorari* as a petition for review, after a belated and grudging admission that their reliance on Section 54 of R.A. No. 6657 was an honest mistake or excusable error.

We agree with the appellate court that petitioners' reliance on Section 54 of R.A. No. 6657 "is not merely a mistake in the designation of the mode of appeal, but clearly an erroneous appeal from the assailed Orders."[20] For in relying solely on Section 54, petitioners patently ignored or conveniently overlooked Section 60 of R.A. No. 6657, the pertinent portion of which provides that:

> An appeal from the decision of the Court of Appeals, or from any order, ruling or decision of the DAR, as the case may be, shall be by a petition for review with the Supreme Court, within a non-extendible period of fifteen (15) days from receipt of a copy of said decision. (Emphasis supplied.)

Section 60 of R.A. No. 6657 should be read in relation to R.A. No. 7902 expanding the appellate jurisdiction of the Court of Appeals to include:

> Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the Labor Code of the Philippines under Presidential Decree No. 442, as amended, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948.[21]

With the enactment of R.A. No. 7902, this Court issued Circular 1-95 dated May 16, 1995 governing appeals from all quasi-judicial bodies to the Court of Appeals by petition for review, regardless of the nature of the question raised. Said circular was incorporated in Rule 43 of the 1997 Rules of Civil Procedure.

Section 61 of R.A. No. 6657[22] clearly mandates that judicial review of DAR orders or decisions are governed by the Rules of Court. The Rules direct that it is Rule 43 that governs the procedure for judicial review of decisions, orders, or resolutions of the DAR Secretary. By pursuing a special civil action for *certiorari* under Rule 65 rather than the mandatory petition for review under Rule 43, petitioners opted for the wrong mode of appeal. Pursuant to the fourth paragraph of Supreme Court Circular No. 2-90,[23] "an appeal taken to the Supreme Court or the Court of Appeals by the wrong or inappropriate mode shall be dismissed." Therefore, we hold that the Court of Appeals committed no reversible error in dismissing CA-G.R. SP No. 51288 for failure of petitioners to pursue the proper mode of appeal.

But should the appellate court have treated the petition for the extraordinary writs of *certiorari* and prohibition in CA-G.R. SP No. 51288 as a petition for review as petitioners insist?

That a petition for *certiorari* under Rule 65 should pro forma satisfy the requirements for the contents of a petition for review under Rule 43 does not necessarily mean that one is the same as the other. Or that one may be treated as the other, for that matter. A petition for review is a mode of appeal, while a special civil action for *certiorari* is an extraordinary process for the correction of errors of jurisdiction. It is basic remedial law that the two remedies are distinct, mutually exclusive,[24] and antithetical. The extraordinary remedy of *certiorari* is proper if the tribunal, board, or officer exercising judicial or quasi-judicial functions acted without or in grave abuse of discretion amounting to lack or excess of jurisdiction and there is no appeal or any plain, speedy, and adequate remedy in law.[25] A petition for review, on the other hand, seeks to correct errors of judgment committed by the court, tribunal, or officer. In the instant case, petitioners failed to show any grave abuse of discretion amounting to want of jurisdiction on the part of the DAR Secretary. When a court, tribunal, or officer has jurisdiction over the person and the subject matter of the dispute, the decision on all other questions arising in the case is an exercise of that jurisdiction. Consequently, all errors committed in the exercise of said jurisdiction are merely errors of judgment. Under prevailing procedural rules and jurisprudence, errors of judgment are not proper subjects of a special civil action for *certiorari*.[26] For if every error committed by the trial court or quasi-

judicial agency were to be the proper subject of review by *certiorari*, then trial would never end and the dockets of appellate courts would be clogged beyond measure. Hence, no error may be attributed to the appellate court in refusing to grant petitioners' request that their petition for *certiorari* under Rule 65 be treated as a petition for review under Rule 43.

As a final salvo, petitioners urge us to review the factual findings of the DAR Secretary. Settled is the rule that factual questions are not the proper subject of an appeal by *certiorari*, as a petition for review under Rule 45 is limited only to questions of law.[27] Moreover, it is doctrine that the "errors" which may be reviewed by this Court in a petition for *certiorari* are those of the Court of Appeals,[28] and not directly those of the trial court or the quasi-judicial agency, tribunal, or officer which rendered the decision in the first instance. Finally, it is settled that factual findings of administrative agencies are generally accorded respect and even finality by this Court, if such findings are supported by substantial evidence,[29] a situation that obtains in this case. The factual findings of the Secretary of Agrarian Reform who, by reason of his official position, has acquired expertise in specific matters within his jurisdiction, deserve full respect and, without justifiable reason, ought not to be altered, modified or reversed.

WHEREFORE, the instant Petition is **DENIED**. The assailed Decision of the Court of Appeals in CA-G.R. SP No. 51288 dated March 4, 1999, as well as the resolution of the appellate court dated December 10, 1999, is **AFFIRMED**. No pronouncement as to costs.

SO ORDERED.

Bellosillo, Mendoza, Austria-Martinez and Callejo, Sr., *JJ.*, concur.

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[1] Arenas in the petition.
[2] Rollo, pp. 46–50.
[3] Id. at 52–54.
[4] Entitled "Decreeing The Emancipation of Tenants From The Bondage of the Soil, Transferring to Them The Ownership of the Land They Till, and Providing The Instruments and Mechanism Therefor."

[5] 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 the 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 area 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.

The right to choose the area to be retained, which shall be compact or contiguous, shall pertain to the landowner: Provided, however, That in case the area selected for retention by the landowner is tenanted, the tenant shall have the option to choose whether to remain therein or be a beneficiary in the same or another agricultural land with similar or comparable features. In case the tenant chooses to remain in the retained area, he shall be considered a leaseholder and shall lose his right to be a beneficiary under this Act. In case the tenant chooses to be a beneficiary in another agricultural land, he loses his right as a leaseholder to the land retained by the landowner. The tenant must exercise this option within a period of one (1) year from the time the landowner manifests his choice of the area for retention.

In all cases, the security of tenure of the farmers or farmworkers on the land prior to the approval of this Act shall be respected.

Upon the effectivity of this Act, any sale, disposition, lease, management contract or transfer of possession of private lands executed by the original landowner in violation of this Act shall be null and void: Provided, however, That those executed prior to this Act shall be valid only when registered with the Register of Deeds within a period of three (3) months after the effectivity of this Act. Thereafter, all Registers of Deeds shall inform the Department of Agrarian Reform (DAR) within thirty (30) days of any transaction involving agricultural lands in excess of five (5) hectares.

[6] Rollo, pp. 65–66.

[7] Supra, note 5.

[8] Rollo, pp. 76–77.

[9] Id. at 84.

[10] Ibid.

[11] Id. at 48.

[12] SEC. 1. Scope. — This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the . . .

Department of Agrarian Reform under Republic Act No. 6657 (stress supplied)

[13] SEC. 3. Contents and filing of petition; effect of non-compliance with requirements. — The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof.

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The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition.

[14] Rollo, p. 33.

[15] SEC. 6. Contents of the petition. — The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein.

[16] SEC. 6. Construction. — These Rules shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

[17] Banco Filipino Savings and Mortgage Bank vs. Court of Appeals, 334 SCRA 305, 318 (2000).

[18] CA Rollo, p. 3.

[19] SEC. 54.*Certiorari.* — Any decision, order, award, or ruling of the DAR on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform may be brought to the Court of Appeals by *certiorari* except as otherwise provided in this Act within fifteen (15) days from receipt of a copy thereof.

The findings of fact of the DAR shall be final and conclusive if based on substantial evidence.

[20] CA Rollo, p. 159.

[21] Sec. 1, Rep. Act No. 7902 (1995).

[22] SEC. 61. Procedure on Review. — Review by the Court of Appeals or the Supreme Court, as the case may be, shall be governed by the Rules of Court. The Court of Appeals, however, may require the parties to file simultaneous

memoranda within a period of fifteen (15) days from notice, after which the case is deemed submitted for decision.

[23] Providing for "Guidelines To Be Observed In Appeals To The Court Of Appeals And To The Supreme Court."

[24] Ligon vs. Court of Appeals, 294 SCRA 73, 84 (1998), citing Fajardo vs. Bautista, 232 SCRA 291, 298 (1994).

[25] Suntay vs. Cojuangco-Suntay, 300 SCRA 760, 766 (1998), citing Sempio vs. Court of Appeals, 263 SCRA 617, 624 (1996).

[26] Cara vs. Court of Appeals, 332 SCRA 471, 474 (2000).

[27] Abalos vs. Court of Appeals, 317 SCRA 14, 20 (1999), citing Atlantic Gulf and Pacific Company of Manila, Inc. vs. Court of Appeals, 247 SCRA 606, 611 (1995).

[28] See Moomba Mining Exploration Company vs. Court of Appeals, 317 SCRA 388, 397 (1999), citing Tañedo vs. Court of Appeals, 252 SCRA 80, 86 (1996).

[29] Litonjua vs. Court of Appeals, G.R. No. 120294, 286 SCRA 136, 149 (1998).