THIRD DIVISION

G.R. No. 237638 – BGS REALTY, INC., represented by its Attorney-in-Fact, MIGUEL ANGELO SARTE SILVERIO, Petitioner, **v. DEMETRIO AYDALLA, AND HEIRS OF JOSE AYDALLA,** Respondents.

Promulgated:
May 20, 2024
MickDCbott

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DISSENTING OPINION

SINGH, *J.*:

I respectfully register my dissent from the ruling that the Order,[1] dated May 9, 2000, is merely an interlocutory order.

A review of the records of the case shows that the July 28, 2000 Order[2] of the Department of Agrarian Reform (**DAR**) Agrarian Reform Regional Office (**ARRO**) for Region V (**DAR ARRO V**), denying the respondents' Motion to Set Aside or Reconsider Order[, dated May 9, 2000,] and Motion to Resolve Motion to Dismiss, was received by the respondents on August 23, 2000.[3] Thus, respondents had 15 days from receipt of the July 28, 2000 Order to file their appeal before the DAR Secretary, pursuant to DAR Administrative Order No. 09, Series of 1994,[4] governing the appeal process from the decision of the Regional Director to the DAR Secretary. The DAR Administrative Order provides:

> **III. PROCEDURE**
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> . . . .
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> C. *In case any of the parties disagree with the RD's decision/resolution, the affected party may file a written motion for reconsideration within [15] days from receipt of the order.* The filing of the motion for reconsideration shall stop the running of the period to appeal.

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1 *Rollo*, pp. 80–83.
2 *Id.* at 87–91.
3 *Id.* at 92–93, Order of DAR ARRO V, dated November 27, 2000.
4 Administrative Order No. 09 (1994) Authorizing All Regional Directors (Rds) to Hear and Decide All Protests Involving Coverage Under Republic Act No. 6657 Or Presidential Decree No. 27 and Defining The Appeal Process From The RDs To The Secretary.

> *Thereafter, the RD shall rule on the motion for reconsideration and in the event that the motion is denied, the adverse party has the right to appeal within the remainder of the period to appeal, reckoned from the receipt of the resolution of denial.* If the decision is reversed on reconsideration, the aggrieved party shall have [15] days from receipt of the resolution of reversal within which to perfect an appeal. *Upon the expiration of the period to appeal therefrom, if no appeal has been duly perfected, the RD shall order execution.*
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> D. GROUNDS FOR APPEAL
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> *Any person who is aggrieved by the decision of the RD may, within [15] days after the receipt of the decision, file a written appeal to the DAR Secretary* on the following grounds:
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> 1. There is a grave abuse of discretion on the part of the RD;
> 2. The order of decision is obtained through fraud, coercion or graft and corruption; or
> 3. Errors in the findings of facts or conclusions of laws were committed which, if not corrected, would cause grave and irreparable damage or injury to the appellant.
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> E. REQUISITES FOR THE APPEAL
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> 1. The appeal shall be in the form of a Memorandum filed with the RD and may contain a draft of the decision which the appellant desires to the Secretary to issue in his/her behalf.
> 2. *The appeal shall be filed within the reglementary period (15 days after the receipt of the order or decision).*
> 3. An appeal fee of [PHP 500.00] shall be charged the appellant to be paid to the Cashier of the Regional Office. Exempted from the appeal fee are pauper litigants. (Emphasis supplied)

It bears to stress that perfection of an appeal within the period and in the manner prescribed by law is jurisdictional and non-compliance with such requirements is considered fatal and has the effect of rendering the judgment final and executory.[5] The right to appeal is a statutory right and the one who seeks to avail that right must comply with the statute or rules.[6]

Here, the respondents only filed their appeal[7] before the DAR Secretary, dated May 24, 2001, or nine months after their receipt of the July 28, 2000 Order. It should be noted that the dispositive portion of the July 28, 2000 Order states:

> **WHEREFORE,** premises considered Order is hereby issued:

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5 *Yalong v. People*, 716 Phil. 657, 665 (2013) [Per J. Perlas-Bernabe, Second Division].

6 *De Leon v. Hercules Agro Industrial Corporation*, 734 Phil. 652, 660 (2014) [Per J. Peralta, Third Division].

7 *Rollo*, pp. 99–105.

> 1. DENYING this Motion for Reconsideration and AFFIRMING [*in toto*] the Order[,] dated May 9, 2000;
> 2. DECLARING the Motion to Dismiss filed in reply to the basic petition as MOOT and ACADEMIC;
> 3. DECLARING this case closed in so far as this level is concerned.
>
> **SO ORDERED**.[8] (Emphasis in the original)

It is clear from the July 28, 2000 Order issued by Regional Director Dominador B. Andres (**RD Andres**) of the DAR ARRO V that the case before them had been declared as closed or terminated. Therefore, the period of 15 days to perfect an appeal should already be reckoned from the receipt of this Order, and not the April 4, 2001 Order[9] as declared by the Office of the President in its Decision.[10] The April 4, 2001 Order merely reads:

> Submitted for resolution is the Motion filed by respondents, thru counsel, seeking to set aside/reconsider [the] Order[, dated November 27, 2000,] and to set case for hearing and to afford the parties to present their evidence in support of their claims and defenses relative to the above-entitled [sic]case.
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> . . . .
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> The records reveal that, indeed, the Order, which is now being challenged pertains to an Order, which declared the previous Orders in the above-entitled case as FINAL and EXECUTORY. In that same Order of November 27, 2000, the Provincial Agrarian Reform Officer was directed to cause the immediate implementation of the previous Orders referred to herein.
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> It is a rule recognized in our jurisdiction that when a final judgment becomes executory, it thereby becomes immutable and unalterable. Stated otherwise, a final order, resolution or decision can no longer be disturbed nor a case with final order be re-heard or re-opened on a mere motion without justifiable grounds. It shows that the finality of the Order subject of this instant motion was by operation of law, hence nothing more is left but to cause its execution or implementation.
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> WHEREFORE, premises considered, Order is issued DENYING the instant motion by the respondents for lack of basis in fact and in law.[11] (Emphasis in the original)

The respondents, unfortunately, failed to timely appeal the July 28, 2000 Order. To reiterate, respondents only filed their appeal before the DAR

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8 *Id.* at 91.

9 *Id.* at 97–98.

10 *Id.* at 148–151. The Decision in O.P. Case No. 09*B-039 was penned by Executive Secretary Paquito N. Ochoa of the Office of the President of the Philippines, Malacañang.

11 *Id.* at 97–98.

Secretary on May 25, 2001, which was way beyond the 15-day reglementary period.

Consequently, there being no motion for reconsideration or appeal filed within the prescribed period, it was correct for the DAR ARRO V to issue the November 27, 2000 Order[12] directing the Provincial Agrarian Reform Officer of the DAR Provincial Office to cause the implementation and execution of the July 28, 2000 Order.

Based on the foregoing discussion, the decision of the DAR ARRO V ruling in favor of BGS Realty, Inc. had already attained finality and had, thus, become final and immutable. It is settled in this jurisdiction that a judgment that has become final is immutable and unalterable, and could no longer be modified in any respect even if the modification is meant to correct an erroneous conclusion of fact or of law, and whether the modification is made by the court that rendered the decision or even the Supreme Court.[13] Not even the exceptions[14] to the rule on the immutability of final judgments are apparent in this case for the Court to set aside the Orders of the DAR ARRO V. In essence, once a judgment becomes final and executory, it can no longer be disturbed no matter how erroneous it may be and nothing further can be done therewith except to execute it.[15]

The *ponencia*, on the other hand, declares that the May 9, 2000 Order is merely an interlocutory order that could not have fully disposed of the petition for nullification filed by BGS Realty, Inc. In particular, it posits that the *fallo* of the May 9, 2000 Order only states that it was "giving due course" to the petition, not that it was granting the petition or nullifying the CLTs and EPs in question. Consequently, the July 28, 2000 Order, which affirmed the May 9, 2000 Order *in toto*, is likewise an interlocutory order that is not subject to appeal.

It should be pointed, however, that the May 9, 2000 Order is already an order or judgment disposing of the nullity case on its merits. A reading of this May 9, 2000 Order would show that it not only summarized the facts of the case and the arguments raised by the respondents in their Motion to Dismiss,[16] but more importantly, it made a ruling on the merits. The relevant portions of the May 9, 2000 Order read:

> The central issue to be resolved is whether the respondents [sic] claim is meritorious.

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12 *Rollo*, pp. 92–93.

13 *Calubad v. Aceron*, 881 Phil. 9, 21 (2020) [Per J. Hernando, Second Division].

14 *See FGU Insurance Corp. v. Regional Trial Court of Makati City, Branch 66*, 659 Phil. 117, 123 (2011) [Per J. Mendoza, Second Division].

15 *Florentino v. Mendoza*, 515 Phil. 494, 501 (2006) [Per J. Ynares-Santiago, First Division].

16 *Rollo*, pp. 68–69.

> It is noteworthy that in 1973, *an application for conversion covering the subject landholding was filed with the DAR and in fact was given due course* resulting to the payments by the landowner of the corresponding disturbance compensation and home lots to the affected tenants thereon.
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> The identification of the respondents as tenants of lot 4064-A and lot 4064-B was made in a later date (1984) and hence could not be validly upheld considering that the landholding was diverted or converted into other use or purpose at an earlier time.
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> While it could be admitted that respondents' parents were in actual tillage of the subject lots, however [sic] the problem arose when despite transfer or conveyance of the same to the present owners, one of the herein respondents, Demetrio Aydalla[,] never remitted his share or rental with the petitioner-landowner. The tenancy relationship between Demetrio Aydalla and the petitioner corporation was not established before its acquisition of the subject land in 1972, resulting therefor to the former's non-inclusion in the list of tenants who were entitled to disturbance compensation. On the part of Jose Aydalla, he was [sic] identified farmer beneficiary over Lot 2933 owned by Ireneo Los Baños where he became recipient of [two] registered Emancipation Patents with an area of 3.1903 and .8145 hectares, respectively. Jose Aydalla entered, developed[,] and converted the lot in question into riceland only in 1975 without the consent from the landowner.
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> Truth of which maybe vague, as there was no clear documents showing said findings, but the hard facts established remain that the subject landholding was no longer within the sphere of Operation Land Transfer in lieu of the conversion of the land to an industrial site (Isarog Pulp and Paper Co., mill site), residential[,] or socialized housing subdivision.
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> ***WHEREFORE,*** *premises considered, Order is hereby issued* ***GIVING DUE COURSE*** *to the petition for the declaration of nullity of CLTs issued to tenants covering lot 4064-A and lot 4064-B.*
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> SO ORDERED.[17] (Emphasis supplied)

Indeed, the contents of the May 9, 2000 Order reveal that a categorical ruling was made as to the status of the respondents as tenants, and eventually as to the nullity of the CLTs issued in their favor. It also worthy to note that in the quoted Order, *i.e.*, the second paragraph, reference was made to an application for conversion filed before the DAR and was "given due course" resulting to the payments of the corresponding disturbance compensation and home lots to the affected tenants. Thus, "given due course" would mean "granted" insofar as DAR orders are concerned.

More, it should be stressed that the present case involves a quasi-judicial procedure, thus, the Court cannot expect the DAR ARRO V to employ

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[17] *Id.* at 82–83.

the same semantics used in the courts. Had the intention of the DAR ARRO V be otherwise or not to grant BGS Realty Inc.'s petition for nullification, then it would not have issued the succeeding Orders of execution, dated November 27, 2000 and August 17, 2001.

The July 28, 2000 Order is likewise not an interlocutory order. This Order exhaustively took into consideration the arguments of the respondents in their Motion to Set Aside or Reconsider Order[, dated May 9, 2000] and Motion to Resolve Motion to Dismiss,[18] as well as the counter-arguments of BGS Realty Inc. in its Opposition to the Motion to Set Aside Order[, dated May 9, 2000]. For reference, the July 28, 2000 Order states:

> In deciding the motion to set aside Order of May 9, 2000, this forum has to give more credence to petitioner's citations.
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> *First*, this Office is clothed with jurisdiction to determine the validity of Certificates of Land Transfer (CLTs) issued to tenants. It may well be noted that the generation of CLTs and the subsequent cancellation thereof if [sic] were erroneously issued, are administrative in character as they form part of the implementation of Operation Land Transfer Program pursuant to Presidential Decree No. 27[.]
>
> . . . .
>
> In the instant case, the petition to nullify the questioned CLTs emanated from the issue of erroneous coverage of the subject land within the purview of Operation Land Transfer, hence within our prerogative to decide.
>
> *Second*, prescription and laches are of no significance in the case at bar. The DAR administrative rules and guidelines do not provide for a period within which the nullification or cancellation of CLTs should be filed. . .
>
> *Third*, as to the Motion to Dismiss that was not resolved, this forum sees the plausibility of petitioner's contention that it was rendered moot and academic by the issuance of (sic) Order dated 9 May 2000. The truth of which, this forum has considered each and every issues raised therein (p. 1 of May 9, 2000 Order) and in nullifying the CLTs issued to tenants, the Motion to Dismiss was in effect denied.
>
> **WHEREFORE**, premises considered, Order is hereby issued:
>
> 1. DENYING this Motion for Reconsideration and AFFIRMING in toto the Order[,] dated May 9, 2000;
>
> 2. DECLARING the Motion to Dismiss filed in reply to the basic petition as MOOT and ACADEMIC;

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[18] *Id.* at 84–86.

3. DECLARING this case closed in so far as this level is concerned.

SO ORDERED.[19] (Emphasis in the original)

Verily, in view of the May 9, 2000 and July 28, 2000 Orders disposing the nullity case on its merits, RD Andres was correct to have issued the November 27, 2000 Order, which directed the execution and implementation of the July 28, 2000 Order.

The *ponencia* further rules that even if the May 9, 2000 Order is deemed as a judgment on the merits, it would be considered as a void judgment for having been issued in flagrant violation of the respondents' constitutional right to due process.

To be clear, the respondents were not deprived of their constitutional right to due process. Jurisprudence is clear that the essence of due process is to be heard, and as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of.[20] Here, records reveal that the respondents were given more than ample opportunity to present their side. In particular, they were able to file a Motion to Dismiss before the issuance of the May 9, 2000 Order, an Answer, and several other motions while the case was pending before the DAR. It is also worth noting that when the DAR ARRO V ruled against them, they were able to appeal their case before the DAR Secretary, which eventually ruled in their favor. Hence, without a doubt, their constitutional right to due process was not violated.

Considering these, I am of the humble opinion that the respondents' appeal from the July 28, 2000 Order was filed beyond the prescribed reglementary period, hence, it was erroneous for the OP to affirm the decision of the DAR Secretary giving due course thereto as it should have been dismissed outright. It bears emphasis that this July 28, 2000 Order is already unalterable and could no longer be modified in any respect even if the modification is meant to correct an erroneous conclusion of fact or of law.

On a final note, while it is true that agrarian reform laws are interpreted liberally in favor of farmers, as the respondents in this case, the Court should equally uphold the time-honored doctrine of immutability of judgments. Administrative decisions, just like all other court decisions, must end at some point, as fully as public policy demands that finality be written on judicial

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19 *Id.* at 89–91.

20 *Vivo v. PAGCOR*, 721 Phil. 34, 39 (2013) [Per J. Bersamin, *En Banc*].

controversies. In the absence of any showing that the subject final order was rendered without jurisdiction or with grave abuse of discretion, as in this case, no court, not even this Court, has the power to revive, review, change, or alter a final and executory judgment or decision.[21]

Thus, I vote to **GRANT** the Petition for Review on *Certiorari*. The assailed Court of Appeals Decision, dated June 15, 2017, and Resolution, dated January 29, 2018, in CA-G.R. SP No. 137366 should be **REVERSED**.

MARIA FILOMENA D. SINGH
Associate Justice

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[21] See *Samahan ng Magsasaka at Mangingisda ng Sitio Naswe, Inc. v. Tan*, 784 Phil. 727, 741 (2016) [Per J. Brion, Second Division].