

(4)

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
BOHOL
City of Tagbilaran

ALEJANDRO CIFRA,
Petitioner,
-versus-

GREGORIO CIFRA,
Respondent.

X ----- /

DARAB CASE NO. VII-BOH-13-2000

For: FORCIBLE ENTRY AND
UNLAWFUL WITHHOLDING OF
AWARDED LAND

SHERIFF'S REPORT

Last May 7, 2004 undersigned with the assistance of two (2) police officers went to the land in question in order to execute the decision of the above-entitled case and hereunder are the events occurred relative thereto:

1. That at the questioned landholding, only the petitioner is present;
2. Undersigned immediately proceed to the Municipal Agrarian Reform Office where the respondent is reportedly waiting;
3. There, with the presence of some DAR personnel a conference was conducted between the parties regarding the payment for the damages;
4. At this instance, respondent is adamant in his stand not to pay the said damages for he is going to refer the matter to his counsel;
5. However, undersigned insisted in installing the prevailing petitioner back to the questioned landholding even without the damages being paid and further requested the respondent to respect the decision of the DARAB.

In light of the foregoing, the herein execution although substantially complied but not fully satisfied.

02nd day of June 2004, City of Tagbilaran, Philippines

Respectfully submitted by,

Facility Legal Div.
16/6/04
AB

DONALD S. DORON
COB/Sheriff III

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
B O H O L
City of Tagbilaran

ALIJANDRO CIFRA,
Petitioner,

-versus-

DARAB CASE NO. VII-BOH-13-2000
FOR: FORCIBLE ENTRY AND
UNLAWFUL WITHHOLDING OF
AWARDED LAND

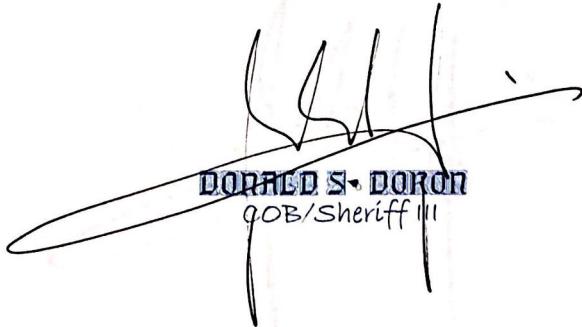
GREGORIO CIFRA,
Respondent.
X-----/

NOTICE OF EXECUTION

TO: All parties concerned,

Please be informed that the execution of the above-entitled case is scheduled May 7, 2004 (Friday) at 11:00 A.M., and the venue will be the Municipal Agrarian Reform Office of San Miguel, Bohol.

Your presence is required.


DORIC S. DORON
AOB/Sheriff III



4th Floor FCB Building, Carlos P. Garcia Avenue, Tagbilaran City
Tel. No. (038) 235-3560

ALEJANDRO CIFRA,

Petitioner,

- versus -

DARAB CASE NO. VII-BOH-13-2000

For: Forcible Entry and Unlawful
Withholding of Awarded Land

GREGORIO CIFRA,

Respondent.

x _____ X. Dispositive portion of which reads:

WRIT OF EXECUTION

TO: MR. DONALD S. DORON

Clerk of the Adjudicator and Sheriff III

DAR Adjudication Board (DARAB)

4th Floor FCB Building

Carlos P. Garcia Avenue, Tagbilaran City

WHEREAS, the DAR Adjudication Board, after hearing the above-captioned case, rendered a Decision dated 30 October 2003, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered, as follows:

- 1.) Upholding the legality and validity of the issuance, registration and distribution of CLOA No. 00325971/TCT No. 1927;
- 2.) Ordering respondent, his agents, assigns and all other persons acting for and in his behalf to vacate lot 27-U-6, Bsd-07-036571 (AR) and turn over the physical possession of the same to complainant; and
- 3.) Ordering respondent to pay complainant the amount of Five Thousand pesos (P5,000.00) by way of exemplary damages and consequential damages.

SO ORDERED."

WHEREAS, counsel for the respondent filed a Motion for Reconsideration dated 8 January 2004 of the above-cited Order;

WHEREAS, this Office issued a Resolution dated 18 February 2004 affirming *in toto* the directives in the Order dated 30 October 2003;

appeal has expired as of this date and said Order and Resolution has become final and executory;

WHEREAS, petitioner, through counsel, filed a Motion for Execution of Judgment dated 18 March 2004;

WHEREAS, the Clerk of the Board, DARAB Office, Tagbilaran City, issued a Certification dated 15 April 2004 stating that the Order/Decision of the above-entitled case has become final and executory, the pertinent portion of which reads:

*2014-2015 Case Number
Tagbilaran City*
"CERTIFICATION
(Finality of Judgment)

*DARAB Office
17th Floor, B Building
Cebu P. Garcia Avenue, Tagbilaran City*
THIS IS TO CERTIFY that the ORDER/DECISION of the above-entitled case has become FINAL and EXECUTORY there being NO APPEAL taken or any MOTION FOR RECONSIDERATION filed within the reglementary period provided for by the RULES.

x x x

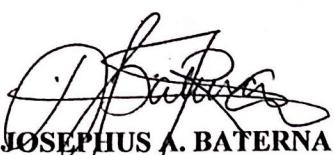
(Sgd) **DONALD S. DORON**
COB/Sheriff III"

WHEREAS, this Board finds the Motion for Writ of Execution proper pursuant to Section 1, Rule XX of the DARAB 2003 Rules of Procedure;

WHEREFORE, premises considered, DARAB Sheriff Donald S. Doron is hereby **DIRECTED** to enforce and implement the aforementioned Order dated 30 October 2003 and Resolution dated 18 February 2004 and to submit a report thereafter consistent with Rule XX of the DARAB 2003 Rules of Procedure.

SO ORDERED.

Tagbilaran City, Philippines, 16 April 2004.


JOSEPHUS A. BATERNA
Provincial Agrarian Reform Adjudicator

Copy furnished:

1. **ATTY. AIDA I. DIGAUM-LANGCAMON**
Counsel for the Complainant
DAR Provincial Office
3rd Floor FCB Building
Carlos P. Garcia Avenue, Tagbilaran City
2. **ALEJANDRO CIFRA**
Mahayag, San Miguel, Bohol
3. **ATTY. EPIFANIO BOLANDO G.**
Counsel for the Respondent
207-C J. A. Clarin Street
Tagbilaran City
4. **GREGORIO CIFRA**
Mahayag, San Miguel, Bohol
5. **THE SHERIFF**
DAR Adjudication Board (DARAB)
DAR Provincial Office
3rd Floor FCB Building, Tagbilaran City
Carlos P. Garcia Avenue, Tagbilaran City

W R I T O F E X E C U T I O N

WHEREAS, the Field Adjudication Board, after hearing the parties concerned, rendered its Final Award of Adjudication Case No. October 2003, the dispositive portion of which reads:

"After due consideration of the parties concerned, judgment is hereby rendered, as follows:

"1. Declaring that the territoriality and validity of the adverse registration and use of the trademark No. 001859217677 (No. 1-2), consisting of the name 'CIFRA' and its logo design and all other permutating forms thereof, is hereby declared to be valid for Class 21-4-6, Reg. Cl. 001859217677 (AK) and Class 21-4-6, Reg. Cl. 001859217678 (AK) and that the same is excludable from the protection of the law; and that the Respondent is ordered to pay compensation to the Plaintiff in the amount of Piso One Thousand (P1,000.00) by way of exemplary damages and costs of suit and expenses."

On 2003-10-23

Given under oath for the respondent filed a Motion for Rehearing on the date and hour of 2003-10-23, the Adjudication Order;

Whereupon the Office issued a Specification dated 18 February 2004, returning the same to the Office on the same date, 20 October 2003;

DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
B O H O L
City of Tagbilaran

ALEJANDRO CIFRA,
Petitioner,

DARAB CASE NO. VII-BOH-13-2000

-versus-

For: FORCIBLE ENTRY AND
UNLAWFUL WITHHOLDING OF
LAND AWARDED

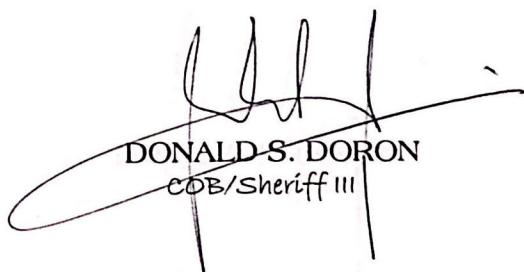
GREGORIO CIFRA,
Respondent.

x-----/

CERTIFICATION
(FINALITY OF JUDGMENT)

THIS IS TO CERTIFY that the ORDER/DECISION of the above-entitled case has become FINAL and EXECUTORY there being NO APPEAL taken or any MOTION FOR RECONSIDERATION filed within the reglementary period provided for by the RULES.

This certification is issued this 15th day of April 2004 at the DAR-Adjudication Board Office, City of Tagbilaran, Philippines.


DONALD S. DORON
COB/Sheriff III



TAGBILARAN CITY

ALEJANDRO CIFRA,
Complainant,

DARAB CASE NO. VII-BOH-13-2000

- versus -

GREGORIO CIFRA,
Respondent.
X ----- /

FOR: FORCIBLE ENTRY AND
UNLAWFUL WITHHOLDING
OF LAND AWARDED

MOTION FOR EXECUTION OF JUDGMENT

COMES NOW, the complainant by the undersigned counsel, in the above-entitled case, and to this Honorable Board, most respectfully shows, THAT:

1. A decision has been rendered in this case on October 30, 2003 in favor of the complainant and against the respondent;
2. Counsel for the respondent filed a Motion for Reconsideration dated January 8, 2004;
3. A resolution on the respondent's Motion for Consideration has been promulgated on February 18, 2004, denying the Motion and affirming in toto the Board's Order dated October 30, 2003;
4. The period for appeal has already expired without the respondent having perfected an appeal from said decision/resolution;
5. The decision is now final and executory.

WHEREFORE, it is respectfully prayed that an order of execution of the above decision be issued.



Tagbilaran City, Philippines, March 18, 2004.

DEPARTMENT OF AGRARIAN REFORM
Province of Bohol
Counsel for the Complainant

By:

AIDA I. DIGAUM-LANGCAMON
Attorney V/Chief, LAD

Cc:

ATTY. EPIFANIO BOLANDO
207-C J. A. Clarin Street
Tagbilaran City

Fn: PPLAO unit/cifra-aids

RE: Application for Reconsideration of Order dated October 2003
and Application for Reconsideration of which results
in the issuance of writ of execution.

Re: Application for Reconsideration of Order dated October 2003
and Application for Reconsideration of which results in the issuance of writ of execution.



4th Floor FCB Building, Carlos P. Garcia Avenue, Tagbilaran City
Tel. No. (038) 235-3560

ALEJANDRO CIFRA,
Complainant,

- versus -

DARAB CASE NO. VII-BOH-13-2000

For: Forcible Entry and Unlawful
Withholding of Awarded
Land

GREGORIO CIFRA,
Respondent.

Promulgated:

FEB 18 2004

X-----X

RESOLUTION

For resolution is a Motion for Reconsideration dated 8 January 2004 filed by respondent Gregorio Cifra, by counsel, of the Order dated 30 October 2003 issued by this Office, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered, as follows:

- 1.) Upholding the legality and validity of the issuance, registration and distribution of CLOA No. 00325971/TCT No. 1927;
- 2.) Ordering respondent, his agents, assigns and all other persons acting for and in his behalf to vacate lot 27-U-6, Bsd-07-036571 (AR) and turn over the physical possession of the same to complainant; and
- 3.) Ordering respondent to pay complainant the amount of Five Thousand Pesos (P5,000.00) by way of exemplary damages and consequential damages.

SO ORDERED."

The present motion is based on allegations that irregularities were committed in the issuance of the subject Certificate of Land Ownership Award (CLOA) to petitioner Alejandro Cifra.

On 29 January 2004, counsel for the petitioner filed an "Opposition to Respondent's Motion for Reconsideration" stating that no new matters were raised in the present Motion for Reconsideration and that this Office has already

The Motion for Reconsideration is without merit.

Section 3, Rule II of the DAR Adjudication Board 2003 Rules of Procedure, provides:

*"SECTION 3. **Agrarian Law Implementation Cases.** The Adjudicator or the Board shall have no jurisdiction over matter involving the administrative implementation of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988 and other agrarian laws as enunciated by pertinent rules and administrative orders, which shall be under the exclusive prerogative of and cognizable by the Office of the Secretary of the DAR in accordance with his issuances, to wit:*

- 3.1 Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of CLOAs and EPs, including protests or oppositions thereto and petitions for lifting of such coverage;
- 3.2 Classification, identification, inclusion, exclusion, qualification, or disqualification of potential/actual farmer-beneficiaries;

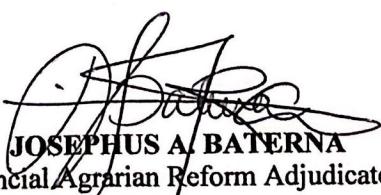
x x x"

The foregoing provision clearly shows that any allegation of irregularity in the issuance of a CLOA must be properly raised before the Office of the DAR Secretary or his authorized representative. We reiterate that this Office has no jurisdiction to rule on the said matter.

WHEREFORE, premises considered, the Motion for Reconsideration dated 8 January 2004 filed by respondent Gregorio Cifra is hereby **DENIED**. The Order of this Office dated 30 October 2003 is hereby **AFFIRMED in toto**.

SO ORDERED.

Tagbilaran City, Philippines.


JOSEPHUS A. BATERNA
Provincial Agrarian Reform Adjudicator

1. **ATTY. EPIFANIO BOLANDO G.**
Counsel for the Respondent
207-C J.A. Clarin Street
Tagbilaran City
2. **GREGORIO CIFRA**
Mahayag, San Miguel, Bohol
3. **ATTY. AIDA I. DIGAUM-LANGCAMON**
DAR Provincial Office
3rd Floor FCB Building,
Carlos P. Garcia Avenue
Tagbilaran City
4. **ALEJANDRO CIFRA**
Mahayag, San Miguel, Bohol

DARAP CASE NO. VII-1988-01-Sub-

Withholding of Land
Law

Promulgated

FCB vs. CIFRA

RECEIVED AND INDEXED

RESOLUTION

Upon consideration of the Motion for Reconsideration dated 8 January 2004 filed by the petitioner Gregorio Cifra, by counsel, of the Order dated 10 October 2003 in case no. VII-1988, the dispositive portion of which reads:

"WHEREAS, premises considered, judgment is hereby rendered as follows:

1. Regarding the legality and validity of the issuance, registration and distribution of CLEA No. 6012871901 dated 10-10-02;
2. Declaring respondent, his agents, assigns and all other persons acting for and in his behalf to recover from CLEA, Brgy. 0, 0, 0, 0 (CAR) and turn over the physical possession of the same to the acting mayor; and
3. Ordering respondent to pay compensation the amount of One Thousand Pesos (P1,000.00) by way of exemplary damages and consequential damages.

RECONSIDERATION

The present motion is based on allegations that irregularities were committed in the issuance of the subject Certificate of Land Ownership Award (CLOA) in Tagbilaran City.

On 27 January 2004, counsel for the petitioner filed an "Amendment to Respondent's Motion for Reconsideration" stating that the same was referred to the panel-soloist for Reconsideration and that the soloist has already