

EDERLINA DUMAYAG- SIOBAL, ERIC ULEP DUMAYAG, EMERSON ULEP DUMAYAG AND RUFINA P. ROBEROS, PETITIONERS, VS. DANILO GERONIMO, ROMULO VALLEJO, BENJAMIN RUMBAOA, REGINA VALDEZ, ARTEM...

Ponente: VILLON, J.

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VILLON, J.:

This Petition for Review assails the Decision[1] dated September 2, 2009 of the Department of Agrarian Reform Adjudication Board (DARAB) which affirmed the Decision[2] dated January 8, 2002 rendered by the Provincial Agrarian Reform Adjudicator of Region 2, Tuguegarao City, Cagayan (or “Regional Adjudicator”), in favor of respondents. Likewise assailed is the Resolution[3] of the DARAB dated August 1, 2011 denying petitioners’ Motion for Reconsideration.

The instant petition stemmed from the Complaint for recovery of possession and damages[4] filed with the Provincial Office of the DARAB stationed at Region 2, Tuguegarao City, Cagayan on June 27, 2002 by Danilo Geronimo, Guillermo Geronimo, Romulo Vallejo, Benjamin Rumbaoa, Regina Valdez and Artemio Agustin, respondents herein, against Vicente Dumayag, Ederison Dumayag and herein petitioners Ederlina Dumayag and Rufina Roberos. Respondents alleged: that they were tenants of an agricultural landholding (or “landholding”) with a total area of 46,822 square meters, more or less, located at Asinggavia, Baggao, Cagayan, covered by Transfer Certificate of Title (TCT) No. T-122261 and registered in the name of Land Bank of the Philippines (LBP); that the former owner of the landholding was one Simeon Sarani who mortgaged the same to the LBP; that after the mortgaged was foreclosed, a new title was issued in the name of LBP; that the landholding was turned over to the Department of Agrarian Reform (DAR) pursuant to Executive Orders 707 and 448; that by virtue of the Land Reform Program of the government, the landholding was awarded to them, thus, the same was subdivided and the portions thereof covered by: 1) TCT Nos. 8999, 9004, 7874, 9005, 7875 and 7876 were adjudicated to Danilo Geronimo; 2) TCT No. 9006 to Benjamin Rumbaoa; 3) TCT No. 9003 to Artemio Agustin; 4) TCT No. 9002 to Romulo Vallejo; 5) TCT No. 9000 to Guillermo Geronimo; and 6) TCT No. 9001 to Regina Valdez; that they occupied and cultivated the landholding as tenants from 1972 until 1998 when the same was taken from them by herein petitioners through force, violence and intimidation; and that petitioners continued to occupy and cultivate the landholding to their damage and prejudice.

On July 31, 2002, respondents, the plaintiffs below, filed an Amended Complaint[5] impleading Ederison Dumayag and Arcadio Luis as additional defendants.

On August 28, 2002, defendants Vicente Dumayag, Ederison Dumayag and Arcadio Luis, and herein petitioners Ederlina Dumayag and Rufina Roberos, filed their Answer[6] to the Complaint denying the material allegations therein. They asserted: that they had been in open, continuous, exclusive and actual cultivation of the landholding; that the former owners of the landholding were Celestino Malanot and Simeon Sarandi (or “Simeon”) who executed in their favor an agricultural leasehold contract denominated as “Katulagan”; that the TCTs issued in favor of herein respondents resulted from an erroneous identification of the actual tillers of the landholding owned

by Simeon; that they were the actual tillers of the landholding since 1964 up to the present; that the DARAB had no jurisdiction over the complaint and over their persons since action to recover possession is an ordinary action or accion publiciana, which must be filed with the regular courts; that the emancipation patents and TCTs issued in favor of herein respondents should be cancelled and nullified as the same were procured and generated through fraudulent and spurious means.

On January 8, 2002, the Regional Adjudicator of the DARAB rendered a decision[7], the dispositive portion of which reads:

“Accordingly, judgment is rendered:

1. Finding the dispossession of the plaintiffs by the defendants to be illegal;

Ordering defendants to vacate subject lands and turn-over the peaceful possession and cultivation thereof to the plaintiffs being the lawful owners; and

Ordering defendants to pay plaintiffs actual damages equivalent to their unrealized produce from their dispossession up to the actual return of the land to the former; and;

Ordering defendants to pay the cost of suit.

SO ORDERED.”

Petitioners filed an appeal from the foregoing decision to the DARAB. On September 2, 2009, the DARAB rendered a Decision[8] disposing as follows:

“WHEREFORE, premises considered, the instant appeal is DENIED for lack of merit and the assailed Decision dated 08 January 2003 (sic) is hereby AFFIRMED.

SO ORDERED.”

Their motion for reconsideration[9] having been denied in the assailed August 1, 2011[10] DARAB Resolution, petitioners filed the instant petition raising the following issues:[11]

A

THAT THE HONORABLE BOARD ERRED IN SO DECLARING THAT IT HAS JURISDICTION TO DECIDE CASES INVOLVING RECOVERY OF POSSESSION IN THE ABSENCE OF LANDLORD-TENANT RELATIONSHIP;

B

THAT THE HONORABLE BOARD ERRED IN NOT CONSIDERING THE PIECES OF EVIDENCE WHICH WOULD CLEARLY ESTABLISH PETITIONERS RIGHT TO BE THE LAWFUL AND RIGHTFUL BENEFICIARIES OF THE LAND IN SUIT.

We dismiss the petition.

On the first issue, petitioners contend that the complaint filed against them, for recovery of possession with damages, is an ordinary action that must be filed with the regular courts as the jurisdiction of the DARAB pursuant to Section 1, Rule 2 of the DARAB Revised Rules of Procedure is limited to the adjudication of agrarian cases; that for the DARAB to acquire jurisdiction over the case, it is a condition sine qua non that there be a tenancy relationship between the parties; that this case is not an agrarian dispute since the parties had no tenurial agreement, whether in the form of leasehold, tenancy or otherwise; and that therefore, the DARAB had no authority to take cognizance of respondents' complaint for recovery of possession.

On the other hand, respondents assert that the DARAB correctly ruled that it had jurisdiction over the case, the same being an agrarian dispute and not a simple civil suit for recovery of possession.

Petitioners' contentions are not meritorious. This case properly falls within the ambit of the jurisdiction of the DARAB.

The DARAB, pursuant to Section 1, paragraph (a), Rule II of the 1994 DARAB Revised Rules of Procedure, exercises primary jurisdiction — both original and appellate — to determine and adjudicate all agrarian disputes, cases, controversies and matters or incidents involving the implementation of agrarian laws and their implementing rules and regulations. The provision reads as follows:

“JURISDICTION OF THE ADJUDICATION BOARD

SECTION 1. Primary and Exclusive Original and Appellate Jurisdiction. — The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228 and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

“a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws;

xxx xxx xxx” (underscored, ours)

In the case of *Heirs of Julian dela Cruz and Leonora Talaro v. Heirs of Alberto Cruz*[12] the Supreme Court made the following pronouncement:

“It is axiomatic that the jurisdiction of a tribunal, including a quasi-judicial officer or government agency, over the nature and subject matter of a petition or complaint is determined by the material allegations therein and the character of the relief prayed for, irrespective of whether the petitioner or complainant is entitled to any or all such reliefs. Jurisdiction over the nature and subject matter of an action is conferred by the Constitution and the law, and not by the consent or waiver of the parties where the court otherwise would have no jurisdiction over the nature or subject matter of the action. Nor can it be acquired through, or waived by, any act or omission of the parties. Moreover, estoppel does not apply to confer jurisdiction to a tribunal that has none over the cause of action. The failure of the parties to challenge the jurisdiction of the DARAB does not prevent the court from addressing the issue, especially where the DARAB's lack of jurisdiction is apparent on the face of the complaint or petition.

Indeed, the jurisdiction of the court or tribunal is not affected by the defenses or theories set up by the defendant or respondent in his answer or motion to dismiss. Jurisdiction should be determined by considering not only the status or the relationship of the parties but also the nature of the issues or questions that is the subject of the controversy. If the issues between the parties are intertwined with the resolution of an issue within the exclusive jurisdiction of the DARAB, such dispute must be addressed and resolved by the DARAB. The proceedings before a court or tribunal without jurisdiction, including its decision, are null and void, hence, susceptible to direct and collateral attacks.”

In the case at bar, respondents, in their Amended Complaint[13] for recovery of possession and damages filed before the Regional Adjudicator of the DARAB, alleged:

“2. That complainants are tenants of parcels of agricultural land located at Asinggavia (sic), Baggao, Cagayan embraced by TCT No. T-122261, registered in the name of the Land Bank of the Philippines with an area of FORTY SIX THOUSAND EIGHT HUNDRED TWENTY TWO (46,822) square meters even prior to 1972;

3. That the above-mentioned parcel of land was formerly owned by Simeon Sarandi who mortgaged it to the Land Bank of the Philippines (LBP) which foreclosed and turned over the same to the Department of Agrarian Reform pursuant to E.O. 407 and 448;

4. That the complainants by virtue of the Land Reform Program of the government became the owners of the subject land as evidenced by the Transfer Certificates of Title which are hereto attached, to wit:

TCT No. 8999 in the name of Danilo Geronimo as Annex 'A';
TCT No. 9004 in the name of Danilo Geronimo as Annex 'A-1';
TCT No. 7874 in the name of Danilo Geronimo as Annex 'A-2';
TCT No. 9005 in the name of Danilo Geronimo as Annex 'A-3'
TCT No. 7875 in the name of Danilo Geronimo as Annex 'A-4'
TCT No. 7876 in the name of Danilo Geronimo as Annex 'A-5'
TCT No. 9006 in the name of Benjamin Rumbaoa as Annex 'B'
TCT No. 9003 in the name of Artemio Agustin as Annex 'C'
TCT No. 9002 in the name of Romulo Vallejo as Annex 'D'
TCT No. 9000 in the name of Guillermo Geronimo as Annex 'E' and

TCT No. 9001 in the name of Regina Valdez as Annex 'F'

5. That complainants being tenants were continuously occupying and cultivating the subject landholding from 1972 to 1998 when the same property was taken from them by herein defendants through the use of force, violence and intimidation;

6. That defendants up to this time are still occupying and cultivating the land to the damage and prejudice of the lawful possessor;

7. That despite efforts of the complainants to recover the land in suit, defendants continue and cultivate the same;

8. That there is no other remedy in the ordinary course of law to recover the possession of the said property from the defendants except by filing this instant action against them;

9. That complainants by reason of their dispossession of the land in suit, suffered from actual damages equivalent to the produce for (6) cropping seasons;

10. That by reason of the unlawful act of the defendants, plaintiffs suffered from sleepless nights, serious anxiety and wounded feelings which will warrant the award of Php 50,000.00 to each of them as moral damages and also Php30,000.00 each by way of exemplary damages.

PRAYER

WHEREFORE, in the light of the foregoing facts, it is most respectfully prayed of this Honorable Court to render judgment in favor of the complainants:

- Directing the defendants to surrender the possession and tillage of the land in suit to the complainants;
- Ordering the defendants to pay the actual damages equivalent to the produce for six (6) cropping seasons at approximately 100 cavans per hectare;
- Ordering the defendants to pay moral and exemplary damages sought;"

A perusal of the aforequoted complaint will readily show that respondents, to whom the landholdings were awarded by virtue of the Comprehensive Agrarian Reform Program (CARP) of the government and who became

the registered owners thereof, essentially sought the following: first, to recover the possession of the landholdings unlawfully taken by petitioners through the use of force, violence and intimidation; and second, to recover damages by reason of such unlawful dispossession. Undoubtedly, the said complaint involves the rights of respondents in the management, cultivation and use of the landholding covered by the CARP. Verily, the DARAB correctly took cognizance of the complaint below as the subject matter thereof fell squarely within its jurisdiction.

On the second issue, petitioners contend: that the evidence consisting of leasehold contract or “Katulagan” and receipts or “Resibo ti Abang” established that they were instituted as tenants by the former owner of the landholding and that they religiously delivered his share of the harvest; that their possession and cultivation of the landholding were never disturbed and remained uninterrupted since 1969. Petitioners further sought the admission of an affidavit^[14] of certain Lorenzo Pagulayan, Barangay Captain of Asinga-via, Baggao, Cagayan and a certification from the then Ministry of Agrarian Reform, showing that petitioners and not respondents are the actual tillers of the landholding; that the presumption of regularity in the performance of official function, specifically, granting of emancipation patents to herein respondents, was rebutted by the said affidavit and certification.

We do not agree.

It is undisputed that respondents had already become the absolute and registered owners of the landholdings upon the issuance of the Transfer Certificates of Title, to wit: TCT Nos. 8999, 9004, 7874, 9005, 7875 and 7876 in the name of Danilo Geronimo; TCT No. 9006 in the name of Benjamin Rumbaoa; TCT No. 9003 in the name of Artemio Agustin; TCT No. 9002 in the name of Romulo Vallejo; TCT No. 9000 in the name of Guillermo Geronimo; and TCT No. 9001 in the name of Regina Valdez. The said TCTs were derived from the emancipation patents issued in favor of respondents pursuant to the CARP of the government. The issuance of the emancipation patents and the corresponding TCTs covering the landholding carries with it the presumption of regularity^[15]. To overcome the presumption of regularity, clear and convincing evidence must be presented.^[16] Absent such evidence, the presumption must be upheld. In this case, We cannot consider the affidavit of Barangay Captain Pagulayan and the certification issued by the then Ministry of Agrarian Reform as clear and convincing evidence to overturn the presumption of regularity in the issuance of emancipation patents and the corresponding TCTs in favor of respondents. There is nothing in the said affidavit and certification as would suggest any hint of illegality or manipulation on the part of respondents in securing the said emancipation patents.

Moreover, it is a fundamental principle in land registration under the Torrens system that a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein.^[17] The certificate of title thus becomes the best proof of ownership of a parcel of land;^[18] It is only when the acquisition of the title is attended with fraud or bad faith that the doctrine of indefeasibility finds no application.^[19] It is also a settled rule that fraud cannot be presumed and must be proven by clear and convincing evidence.^[20] However, petitioners in this case failed to present any evidence to show that respondents committed fraud or were in bad faith. Where a property subject of controversy is duly registered under the Torrens System, the presumptive conclusiveness of such title should be given weight, and in the absence of strong and compelling evidence to the contrary, the holder thereof should be considered as the owner of the property in controversy until his title is nullified or modified in an appropriate ordinary action.^[21]

Finally, it is a hornbook doctrine in this jurisdiction that factual findings of an administrative agency deserve utmost respect, more so, when, as here, they are supported by substantial evidence, albeit such evidence may not be overwhelming or merely preponderant. By reason of their special knowledge and expertise on matters falling under their jurisdiction, administrative agencies are in a better position to pass judgment thereon, and their findings of fact relative thereto are generally accorded great respect, if not finality, by the courts.^[22] Thus, We

find no reason to disturb the following findings of the DARAB:

“The instant Appeal is not impressed with merit.

Under Section 1, Rule II of the 1994 DARAB New Rules of Procedure, it is provided that:--

x x x x x x x x

Clearly, this Board has jurisdiction to try and decide cases involving the rights of persons engaged in the management, cultivation and use of all agricultural lands covered by agrarian laws.

In the instant case, it is undeniable that complainants sought to recover the possession of the subject landholdings, which were awarded in their favor under PD 27 but were taken and possessed by herein defendants. Contrary to the defendants’ claim, the said action is not an ordinary action for recovery of possession but is merely a remedy resorted to in the exercise of complainants’ right as farmer-beneficiaries. In essence, the instant case is an incidental action of the complainants engaged in the management, cultivation and use of landholdings covered by agrarian laws in order to protect their right or to exercise their attributes of ownership and, therefore, does not fall as an ordinary action for recovery of possession.

As regards the defendants’ claim that the complainants’ titles were the result of erroneous identification of actual tillers over the subject landholding, We are not convinced.

It must be noted that the coverage, survey and actual distribution of the subject landholding are vested with DAR officials concerned. In fact, this Board takes into consideration that before a certain landholding is awarded to an FB, several steps are undertaken, among them is to determine the FB’s willingness, ability and aptitude to cultivate the land and make it as productive as possible. It is, indeed, a tedious process, which must be accorded great respect in the absence of any evidence showing any irregularity in the issuance thereof.

In this case, the defendants’ possession and cultivation is not sufficient to overthrow the presumption of regularity in the issuance of the title over the subject landholdings in favor of the complainants especially because it is not supported by substantial evidence.

It is worth stressing that the complainants’ titles serve as an evidence of an indefeasible title to the property in favor of the person whose name appears therein. The title once registered is notice to the world. No one can plead ignorance of such registration. And upon the expiration of one year after the decree of registration of title shall become incontrovertible.

In this connection, it is safe to conclude that the complainants are the legal and rightful owners of the subject landholding. Thus, they are entitled to enjoy all the attributes of ownership, including the right to possess, use and occupy said property.

Besides, the issue as to the qualification or disqualification of potential/actual farmer-beneficiaries is a matter involving the strict implementation of agrarian reform program, which is vested with the Secretary of the Department of Agrarian Reform. Hence, it is not within the jurisdiction of this Board to delve on the defendants’ claim that they are more qualified as farmer-beneficiaries of the complainants’ landholding.

Accordingly, We find and so hold that defendants failed to adduce clear and convincing evidence that warrant the reversal of the Adjudicator a quo’s findings. Hence, the same is hereby sustained.

x x x x x x x x”

WHEREFORE, premises considered, the instant Petition for Review is hereby **DISMISSED** for lack of merit. The assailed Decision dated September 2, 2009 and Resolution dated August 1, 2011 of the Department of Agrarian Reform Adjudication Board are hereby **AFFIRMED** and **UPHELD**.

SO ORDERED.

Macalino, and Corales, JJ., concur.

[1] Rollo, pp. 38-44

[2] Rollo, pp. 93-95

[3] Rollo, pp. 47-49

[4] Rollo, pp. 51-54

[5] Rollo, pp. 74-76

[6] Rollo, pp. 78-81

[7] Rollo, pp. 93-95

[8] Rollo, pp. 38-44

[9] Rollo, pp. 96-100

[10] Rollo, pp. 47-49

[11] Rollo, p. 21, Petition, p. 9

[12] G.R. No. 162980, November 22, 2005, 475 SCRA 743.

[13] Rollo, 74-76

[14] Rollo, pp. 144

[15] Rules of Court, Rule 131, Sec. 3 (m) That official duty has been regularly performed;

[16] Bote v. Eduardo, A.M. No. MTJ-04-1524, 11 February 2005, 451 SCRA 9.

[17] Federated Realty Corporation v. Court of Appeals, G.R. No. 127967, December 14, 2005, 477

SCRA 707, 716-717

[18] Halili v. Court of Industrial Relations, G.R. No. 24864, May 30, 1996, 257 SCRA 174, 183.

[19] Saccalan v. Court of Appeals, G.R. No. 128967, May 20, 2004.

[20] Quitariano vs. Department of Agrarian Reform Adjudication Board, G.R. No. 171184, March 4, 2008

[21] Go Kim Huy v. Go Kim Huy, 365 SCRA 490.

[22] See Rodolfo Santos vs. Ronald C. Manalili, et al., G.R. No. 157812, November 22, 2005.

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