

**HEIRS OF RICARDO SINAD NAMELY: JUANITA MADARANG,
ADELAIDA S. VILLADIEGO, ANASTACIA SINAD, ANICIA S. ANCHETA,
MARCELO SINAD, HEIRS OF MIGUEL SINAD NAMELY: BENITA SINAD,
MARINOLD ...**

CV No. 85030, February 24, 2010

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Court of Appeals

The Case

On appeal by plaintiffs Heirs of Ricardo Sinad ("Heirs") is the Order[1] dated March 2, 2005 of the Regional Trial Court of Roxas, Isabela[2] ("RTC"), in Civil Case No. Br. 23-807 entitled "Heirs of Ricardo Sinad, namely, Juanita Madarang, Adelaida S. Villadiego, Anastacia Sinad, Anicia S. Ancheta, Marcelo Sinad, Heirs of Miguel Sinad, namely Benita Sinad, Marinold Sinad, Mary Ann Sinad, Henedina Sinad, Carolyn Sinad, Evalyn Sinad, Maria Teresa Sinad, versus Trinidad Natividad, Artemio Del Rosario, Rachel Sagun, Tessie Gaba and Fernando Romero, Defendants," the dispositive portion of which reads:

"WHEREFORE, let this case be, as it is, hereby dismissed without prejudice.

SO ORDERED."[3]

The Facts

This case stems from a Complaint for Recovery of Possession[4] filed by plaintiffs Heirs against defendants Natividad et. al. alleging as follows:

"2.

That the plaintiffs are the heirs of the late Ricardo Sinad who during his lifetime acquired by virtue of a homestead patent a parcel of land situated in the Barrio of Bical, Municipality of Gamu, (now Brgy. Nueva Era, San Manuel), Isabela, containing an area of 6 hectares, 05 ares, and 10 centares, and entered and registered in the Registry of Deeds of the Province of Isabela under Original Certificate of Title No. P-496 in the name of the said Ricardo Sinad married to Juanita Madarang; a copy of the said OCT No. P-496 is hereto attached as ANNEX 'A'; Declared under TD No. 99-30-012-00187 A with an assessed value of P106,250.00. a copy of which is hereto attached as ANNEX 'A-1';

3.

That sometime in the past the said parcel of land were given to defendants by way of tenancy but plaintiffs discovered that said defendants have already abandoned and conveyed their respective rights and possessions to their co-defendants, as per documents, such that Artemio Del Rosario conveyed to Rachel Sagun a portion of 4,000 square meters, of his tillage as per hereto attached document marked as ANNEX 'B1 and another portion of 4,000 square meters was conveyed to Fernando Romero as per document hereto attached as

ANNEX 'C'; while defendant Trinidad Natividad conveyed a one hectare portion of her tillage to defendant Tessie Gaba as per hereto attached document marked as ANNEX 'D';

4.

That plaintiffs as the direct descendants of the homesteaders, would now desire to personally cultivate and manage the said homestead of their late forebears, which under the law is specially reserved to the homesteader and to his direct descendants, and for this purpose demanded said defendants to vacate and surrender possession thereof to them but said defendants refused, failed and still fail and refuse to vacate the same."[5] (emphasis Ours; underscoring supplied)

On December 1, 2004, defendant Tessie Gaba filed her Answer with Affirmative Defense,[6] while the other defendants filed their Motion for Extension of Time to File Answer[7] which the RTC granted in an Order[8] dated December 21, 2004.

On January 11, 2005, defendants filed a Motion to Dismiss[9] on the ground that:

"THE HONORABLE COURT HAS NO JURISDICTION OVER THIS CASE BEING PURELY AN AGRARIAN CONTROVERSY BECAUSE THE DEFENDANTS TRINIDAD NATIVIDAD AND ARTEMIO DEL ROSARIO ARE THE TENANTS AND THE LAND IN SUIT IS NOW UNDER THE COVERAGE OF R.A. 6657."[10]

The Ruling of the Court

On March 2, 2005, the RTC rendered its now assailed Order, viz.:

"Generally, jurisdiction is conferred by the allegations in the complaint. It is noted that the plaintiffs even admitted that the possession over the subject land was given to the defendants by way of tenancy.

And unless this tenancy is legally terminated, the defendants are deemed the tenants of the plaintiffs.

The Court agrees with the defendants that this case is not within the jurisdiction of this Court."[11] (emphasis Ours)

Aggrieved, plaintiffs Heirs filed their Notice of Appeal on March 28, 2005.[12]

Issues

In their Brief,[13] plaintiffs-appellants pointed out that:

"THE HONORABLE COURT A QUO ERRED IN DISMISSING THIS CASE FOR LACK OF JURISDICTION."[14]

Our Ruling

Plaintiffs-appellants posit that the RTC should not have dismissed the present case on the ground of lack of jurisdiction. Relying on Section 6, Article XIII of the 1987 Constitution and Section 6 of the Comprehensive Agrarian Reform Law of 1988 (R.A. 6657), they contend that because the subject parcel of land is covered by homestead patent, it is not covered by agrarian reform program. And since the land is outside the ambit of agrarian reform, actions for recovery of ownership or possession thereof are jurisdictionally cognizable by the regular courts and not the DARAB. They thus submit that the jurisdiction of the RTC in this case should have been sustained.

We are not persuaded.

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.[15] It is also settled that jurisdiction should be determined by considering not only the status or relationship of the parties but also the nature of the issues or questions that are subject of the controversy. Thus, 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 to and resolved by the DARAB.[16] And when the actual issues are evident from the records of the case, then jurisdiction-over the subject matter need not depend upon the literal averments in the complaint, but on the law as applied to established facts.[17]

Section 6 of R.A. 6657 provides:

"SECTION 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-sized 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 the landowners whose lands have been covered by Presidential] D[ecree 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. ****" (emphasis Ours)

Indisputably, homestead grantees or their direct compulsory heirs can own and retain the original homesteads, only for "as long as they continue to cultivate" them. A parcel of land's being covered by homestead patent does not automatically exempt it from the operation of land reform. It is the fact of continued cultivation by the original grantees or their direct compulsory heirs that shall exempt their lands from land reform coverage.[18]

In this case, plaintiffs-appellants - who are direct descendants of a homestead patent grantee - admit that sometime in the past, they gave said parcel of land to defendants-appellees by way of tenancy and it was only recently that they wanted to personally cultivate and manage said land.[19] Clearly, plaintiffs-appellants cannot invoke exemption from coverage of land reform program as they unequivocally acknowledged that they are not in cultivation of the parcel of land because again, the same has been ceded to defendants-appellees by way of tenancy.

Such being the case, the dispute between the parties is agrarian in nature which is within the context of Section 3 (d) of R.A. 6657, viz.:

"SECTION 3. Definitions. — For the purpose of this Act, unless the context indicates otherwise:

* * * * *

(d) Agrarian Dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements.

It includes any controversy relating to compensation of lands acquired under this Act and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, and lessee." (emphasis Ours)

Under Section 50 of R.A. 6657, the DAR is vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have the exclusive jurisdiction over all matters involving the implementation of the agrarian reform program. The rule is that the DARAB, as the DAR's quasi-judicial body, has the jurisdiction to try and decide any agrarian dispute or any incident involving the implementation of the Comprehensive Agrarian Reform Program.[20]

WHEREFORE, the instant appeal is DISMISSED for lack of merit.

SO ORDERED.

Acosta[*] and Zalameda[**], JJ., concur.

[1] Records, page 34.

[2] Branch 23.

[3] Records, page 34.

[4] Ibid., pages 1-5.

[5] Records, pages 2-3.

[6] Ibid., pages 12-14.

[7] Ibid., pages 16-17.

[8] Ibid., page 18.

[9] Ibid., pages 24-29.

[10] Ibid., page 24.

[11] Records, page 34.

[12] Ibid., pages 35-36.

[13] Rollo, pages 23-33.

[14] Ibid., page 26.

[15] *Heirs of Julian dela Cruz and Leonora Talaro vs. Heirs of Alberto Cruz*, 475 SCRA 743, 755-756 (2005).

[16] *Department of Agrarian Reform vs. Abdulwahid*, G.R. No. 163285, February 27, 2008, citing *Heirs of Julian dela Cruz and Leonora Talaro vs. Heirs of Alberto Cruz*, *supra*.

[17] *Guiang vs. Court of Appeals et. al.*, G.R. No. 169372, December 6, 2006 citing *Allied Domecq Phil., Inc. v. Villon*, G.R. No. 156264, September 30, 2004, 439 SCRA 667.

[18] *Paris vs. Alfeche*, 364SCRA 110, 118 (2001).

[19] Records, pages 2-3.

[20] *Centeno vs. Centeno*, 343 SCRA 153, 159 (2000).

[*] Per Office Order No. 36-10-PAH dated February 9, 2010.

[**] Acting Junior Member, per Office Order No. 01-10-ABR dated February 22, 2010.

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