

EMMANUEL CABANGLAN, AND ALL OTHER PERSONS CLAIMING RIGHTS UNDER HIM, PETITIONERS, VS. FELIPE ALMAZAN, JR. AND EDWARD LLANTADA, RESPONDENTS.

Ponente: BARRIOS, J.

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BARRIOS, J.:

The petitioner Emmanuel Cabanglan (hereafter the petitioner for brevity) was sued by the respondents Felipe G. Almazan, Jr. and Edward T. Llantada (or the respondents) for Unlawful Detainer before the Municipal Circuit Trial Court of Teresa-Baras (or MCTC). The MCTC rendered a Decision adverse to the petitioner who appealed this to the Regional Trial Court in Morong, Rizal (or RTC).

The RTC affirmed in toto the Decision of the MCTC, hence this Petition for Review.

In their complaint filed on March 21, 2002, the respondents alleged that they are the registered owners of a 30,398 square meters parcel of land in Brgy Pinugay, Baras, Rizal, covered by Transfer Certificate of Title No. M-019 issued on November 18, 1991 by virtue of a Certificate of Land Ownership Award (or CLOA) from the Department of Agrarian Reform (or DAR). They contended that the petitioner is in possession of the subject property by their mere tolerance and with the agreement that he will vacate this upon demand. Their agreement was formalized in a contract dated February 10, 1996 where they allowed the petitioner to plant vegetables, construct a shanty, and to act as the caretaker of the property. However, the petitioner violated the conditions of his stay when he constructed permanent structures and the respondents then asked him to vacate the subject premises. He failed and refused, and so this suit.

In his Answer, the petitioner contended that his father Ciriaco Cabanglan was in actual and physical possession and occupation of the subject property since 1988 or long before it was awarded by the DAR to the respondents. The respondents succeeded in obtaining a title without the knowledge and consent of the lawful possessors of the subject property. When they learned about the titling of the property, his father together with the other lawful occupants, immediately filed on April 26, 2000 an agrarian case before the Department of Agrarian Reform Adjudication Board (or DARAB) for the annulment of the respondents' CLOA (TCT No. M-109). The respondents are not qualified and legitimate farmer beneficiaries under the agrarian reform law.

On August 15, 2002, the MCTC rendered its Decision, the decretal portion of which reads:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendants and all persons claiming rights under them ordering the latter the following:

1. To vacate the plaintiffs premises and immediately return the possession of the subject property to the plaintiff;
2. To pay attorney's fees in the amount of P10,000.00;
3. To pay the cost of suit.

SO ORDERED. (p. 38, rollo)

The petitioner appealed to the RTC which rendered the assailed Decision dated March 24, 2003 affirming in toto the Decision of the MCTC.

Hence, this petition for review with the petitioner assigning as the errors committed by the RTC the following:

I

THE REGIONAL TRIAL COURT, BRANCH 80, MORONG, RIZAL GRAVELY ERRED IN AFFIRMING IN TOTO THE DECISION OF THE MCTC OF TERESA-BARAS, RIZAL.

II

THE MCTC AND THE REGIONAL TRIAL COURT GRAVELY ERRED IN ASSUMING JURISDICTION OVER THE SUBJECT MATTER WHICH JURISDICTION PERTAINS TO THE DAR-ADJUDICATION BOARD. (p. 8, rollo)

We find merit in the petition.

The primal and encompassing issue of this petition is whether or not this case rather falls under the ambit of the exclusive jurisdiction of the DARAB.

The well-entrenched principle is that the jurisdiction of the court over the subject matter on the existence of the action is determined by the material allegations of the complaint and the law, irrespective of whether or not the plaintiff is entitled to recover all or some of the claims or reliefs sought therein (*Sumawang vs. De Guzman*, 437 SCRA 622). The jurisdiction of the court over the nature of the action and the subject matter thereof cannot be made to depend upon the defenses set up in the court or upon a motion to dismiss for, otherwise, the question of jurisdiction would depend almost entirely on the defendant (*Boyley vs. Villanueva*, 314 SCRA 364). The MCTC cannot lose its jurisdiction over an ejectment case by the simple expedient of a party raising the defense of his being an agricultural tenant in the property subject of the complaint.

However, the court has the duty to hear and receive evidence for the purpose of determining whether or not it possesses jurisdiction over the case, and if, upon such hearing, tenancy is shown to be the issue, the court should dismiss the case for lack of jurisdiction (*Bayog vs. Natino*, 258 SCRA 378).

In this case, it is evident from the pleadings of the parties and the attachments thereof that the issue of possession of the subject property is inextricably interwoven with the issue of the validity and efficacy of the CLOA issued by the DAR to the respondents. It is to be noted that the CLOA, upon which the respondents base their claim of ownership over the property, is sought to be cancelled in an earlier case filed by the petitioner's father before the DARAB. The evident and logical conclusion then is that any decision that may be rendered in the DARAB case regarding the question of possession over the disputed property will also resolve the question of possession in this case for ejectment.

Section 50 of RA 6657 confers jurisdiction on the DARAB over agrarian reform cases or controversies as follows:

Section 50. Quasi-Judicial Powers of the DAR. – The DAR is hereby vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes, or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Towards this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination for every action or proceeding before it.

Concomitant to this, the DAR adopted the DARAB New Rules of Procedure. Under Section 1, Rule II of the said Rules, the DARAB has primary and exclusive original jurisdiction over cases involving the issuance, correction and cancellation of Certificates of Land Ownership Awards. Verily, the doctrine of primary jurisdiction precludes the courts from resolving a controversy over which jurisdiction has initially been lodged with an administrative body of special competence (*Bautista vs. Mag-isa Vda. de Villena*, 438 SCRA 259). As an agrarian reform matter has not only been put to the forefront but is actually being litigated before a forum with primary jurisdiction, perforce the MCTC had no jurisdiction over the suit.

WHEREFORE, the petition is GRANTED and the decisions of the MCTC and the RTC are ANNULLED and SET ASIDE. The complaint is DISMISSED for lack of jurisdiction.

SO ORDERED.

Guariña, III and Tagle, JJ., concur.

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