

**CESAR BALOTA, PETITIONER, VS. ALFREDO C. LANUZA,  
REPRESENTED BY HIS ATTORNEY-IN-FACT, FE C. LANUZA,  
RESPONDENT.**

Ponente: DE LOS SANTOS, J.

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**DE LOS SANTOS, J.:**

This Petition for Review originated from the complaint for ejectment (forcible entry) filed before the Municipal Trial Court (MTC) of Pagsanjan, Laguna by plaintiff Alfredo C. Lanuza, represented by his attorney-in-fact, Fe C. Lanuza.

The facts are as follows:

Alfredo C. Lanuza (plaintiff-respondent) claimed that he is the owner of a residential lot located at Brgy. Biñan, Pagsanjan, Laguna, as evidenced by Transfer Certificate of Title (TCT) No. T-193344 registered in his name. Sometime in May, 1999, Cesar Balota (defendant-petitioner), together with other persons, by means of force, intimidation, threat, strategy or stealth surreptitiously entered said parcel of land and started to cultivate it without the consent and permission of plaintiff-respondent. He, through his representative, Fe C. Lanuza, wrote a letter to the Brgy. Captain of said barangay requesting the latter to stop defendant-petitioner from cultivating the area.

On September 27, 1999, plaintiff-respondent filed a Complaint for Forcible Entry[1], with prayer for the issuance of Temporary Restraining Order.

Defendant-petitioner filed his Answer (with Special and Affirmative Defenses treated as a Motion to Dismiss)[2], alleging that the MTC has no jurisdiction over the nature of the action considering that the land subject matter of the case is an agricultural land and he is a legitimate agricultural leaseholder of the same, instituted as such by the title holder. He further asserted that as a leaseholder, he is protected by the security of tenure provisions under the agrarian law and the 1987 Constitution, and he has been religiously paying the rentals in accordance with their agreement. Thus, the real issue involved is an agrarian dispute.

In an Order[3] dated August 30, 2000, the MTC denied the motion to dismiss and issued a writ of preliminary injunction ordering the defendant-petitioner to cease and desist from entering the subject parcel of land.[4]

Defendant-petitioner's Motion for Reconsideration[5] was denied in an Order[6] dated November 13, 2000.

On appeal, the Regional Trial Court dismissed it for lack of merit.[7]

Hence, this Petition for Review.

The petitioner raises the following issues:

- The Municipal Trial Court has no jurisdiction to try, hear and adjudicate the complaint for forcible entry; and
- Assuming that it has jurisdiction, there was no forcible entry committed by the defendant.

We will deal with these issues in the order in which they are presented.

First. Petitioner-defendant opines that the MTC has no jurisdiction over the action because the subject land is an agrarian lot, hence, it involves an agrarian dispute covered by Republic Act No. 6657 or the Comprehensive Agrarian Reform Law. Hence, it is the Department of Agrarian Reform Adjudication Board (DARAB) that has jurisdiction.

We do not agree.

In the case of *Heirs of the Late Hernan Rey Santos vs. Court of Appeals*[8], the Supreme Court explained:

“‘Agrarian dispute’ is defined under Section 3 (d) of Republic Act No. 6657 (CARP Law), as:

‘(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, or lessor and lessee.

‘xxx xxx xxx’

“In the case of *Morta, Sr. vs. Occidental, et al.*, this Court held:

‘For DARAB to have jurisdiction over a case, there must exist a tenancy relationship between the parties. In order for a tenancy agreement to take hold over a dispute, it would be essential to establish all its indispensable elements to wit: 1) that the parties are the landowner and the tenant or agricultural lessee; 2) that the subject matter of the relationship is an agricultural land; 3) that there is consent between the parties to the relationship; 4) that the purpose of the relationship is to bring about agricultural production; 5) that there is personal cultivation on the part of the tenant or agricultural lessee; and 6) that the harvest is shared between the landowner and the tenant or agricultural lessee. Xxx.’

“xxx xxx xxx.”[9]

To summarize, for the DARAB to take cognizance of the case, the elements enumerated above must be present. In this case, majority of the elements is absent. Defendant-petitioner alleged in his answer that he is a legitimate agricultural leaseholder of the titleholder. But he did not mention the name of the titleholder. He did not even attach the leasehold agreement to prove his allegation. It is elementary in our rules of evidence that a party must prove the affirmative of his allegations.[10] Hence, the first element is not present.

The land, which is the subject matter in this case, may be considered an agricultural land because from the very definition itself, it refers to land devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land.[11] An agricultural activity means the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry or fish, including the harvesting of such farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by person whether natural or juridical.[12] Plaintiff-respondent declared, in his complaint, that defendant-petitioner entered the land to cultivate the same. As such, the land is agricultural because it is subject to cultivation.

We can also say that the third and fourth elements are wanting. Since the leasehold agreement was not established, then it is safe to assume that there was no consent to the agreement. In itself, there was no purpose to speak of.

While there was personal cultivation on the part of the defendant-petitioner, he failed to show that the harvest is shared between him and the landowner. True, he submitted receipts[13] as proof that he deposited cavans of palay at the Basa Rice Mill in the name of Cezar Lanuza, but these receipts did not prove that Cezar Lanuza and the plaintiff-respondent is one and the same person or they are related to each other. On that account, the land covered by any leasehold agreement between defendant-petitioner and Cezar Lanuza may be different from the land in dispute.

Defendant-petitioner and plaintiff-respondent have no tenurial or leasehold agreement whatsoever that could bring the controversy within the coverage of RA No. 6657. Therefore, MTC has jurisdiction over the action.

Second. Since MTC has jurisdiction, the question now boils down to whether or not the complaint for forcible entry will prosper.

The Supreme Court elucidated in the case of *Keppel Bank Philippines, Inc. vs. Philip Adao*: [14]

"xxx. In previous cases, this Court consistently held that the only issue for resolution in an ejectment case is physical or material possession of the property involved, independent of any claim of ownership by any of the party litigants. Ejectment cases are designed to summarily restore physical possession to one who has been illegally deprived of such possession, without prejudice to the settlement of the parties' opposing claims of juridical possession in appropriate proceedings. We also said that the question of ownership may be provisionally ruled upon for the sole purpose of determining who is entitled to possession de facto." [15]

In this case, plaintiff-respondent claimed that he is working in the United States and the land in question remains untenanted. On the other hand, defendant-petitioner was not able to prove that he is a leaseholder of the land in question, hence, he has no right to possess said property. Apparently, no one has the physical possession thereof. But "possession in the eyes of the law does not mean that a man has to have his feet on every square meter of the ground before it can be said that he is in possession. It is sufficient that petitioner was able to subject the property to the action of his will." [16] Plaintiff-respondent, as owner, has the control of the subject property even if he stays abroad. So when the defendant-petitioner entered said property without the consent and permission of the plaintiff-respondent, the latter was deprived of his possession.

As regards the means upon which the deprivation took effect, it is not necessary that the plaintiff-respondent must demonstrate that the taking was done with force, intimidation, threat, strategy or stealth. The Supreme Court, in *Bañes vs. Lutheran Church in the Philippines* [17], explained:

"In order to constitute force that would justify a forcible entry case, the trespasser does not have to institute a state of war. The act of going to the property and excluding the lawful possessor therefrom necessarily implies the exertion of force over the property which is all that is necessary and sufficient to show that the action is based on the provisions of Section 1, Rule 70 of the Rules of Court.

"As expressly stated in *David vs. Cordova*:

"The words 'by force, intimidation, threat, strategy or stealth' include every situation or condition under which one person can wrongfully enter upon the real property and exclude another, who has had prior possession therefrom. If a trespasser enters upon land in open daylight, under the very eyes of the person already clothed with lawful possession, but without the consent of the latter, and there plants himself and excludes such prior possessor from the property, the action of forcible entry and detainer can unquestionably be maintained, even though no force is used by the trespasser other than such as is necessarily implied from the mere acts of planting himself on the ground and excluding the other party." [18]

Hence, it was established that defendant-petitioner forcibly entered the property.

WHEREFORE, premises considered, the petition is hereby DENIED for lack of merit.

**SO ORDERED.**

Lampas Peralta and Dimaranan-Vidal, JJ., concur.

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- [1] Rollo, pp. 32-37 (Annex "C" of the Petition)
- [2] Id., at pp. 47-52 (Annex "D" of the Petition)
- [3] Id., at pp. 59-62 (Annex "E" of the Petition)
- [4] Id., at p. 62 (Dispositive portion of the Order)
- [5] Id., at pp. 63-66 (Annex "F" of the Petition)
- [6] Id., at p. 69 (Annex "G" of the Petition)
- [7] Id., at p. 22 (Annex "A" of the Petition)
- [8] 327 SCRA 293, G.R. No. 109992, March 7, 2000
- [9] Id., at pp. 298-299
- [10] People vs. Claudio, 326 SCRA 813, G.R. No. 133694, February 29, 2000
- [11] RA No. 6657, Section 3 ©
- [12] Id., at Section 3 (b)
- [13] Rollo, pp. 56-57
- [14] 473 SCRA 372, G.R. No. 158227, October 19, 2005
- [15] Id., pp. 378-379
- [16] Somodio vs. CA, 235 SCRA 307, G.R. No. 82680, August 15, 1994
- [17] 475 SCRA 13, G.R. No. 142308, November 15, 2005
- [18] Id., at pp. 34-35

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