

STA. LUCIA REALTY & DEV., INC., PETITIONER, VS. ANTONIO EVANGELISTA IN HIS CAPACITY AS THE REGIONAL DIRECTOR OF THE DEPARTMENT OF AGRARIAN REFORM, REGION IV, MUNICIPAL AGRARIAN ...

Ponente: CRUZ, J.

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CRUZ, J.:

THE CASE

This is a Petition for Certiorari under Rule 65 of the Rules of Court assailing the Order dated November 11, 2009 as well as the Resolution dated February 8, 2011 issued by the Department of Agrarian Reform (DAR) Region IV-A in Case No. A-0400-0236-09, the dispositive portion of which reads, as follows:

(a) Order[1] dated November 11, 2009

X X X

"WHEREFORE, premises considered, Sta. Lucia Realty and Development Corporation as well as anyone who purports to act in their behalf are hereby DIRECTED TO CEASE AND DESIST from developing the subject properties, and to explain within ten (10) days from receipt of the CDO why a penalty should not be imposed for violation of laws and the existing rules and regulations on agrarian reform.

"The DAR reserves the right to withdraw or cancel this Order for misrepresentation of facts material to its issuance."

X X X

(b) Resolution[2] dated February 8, 2011

X X X

"WHEREFORE, premises considered, the instant motion for reconsideration is hereby DENIED for lack of merit and the Orders dated November 11, 2009 and September 15, 2010 are hereby AFFIRMED."

X X X

THE ANTECEDENTS

At the center of this controversy is the Piedad Estate, a former friar estate which, in 1912, was decreed and titled in the name of the Insular Government of the Philippine Islands through Decree No. 6667 and in whose favor Original Certificate of Title (OCT) No. 614 was issued accordingly.

Petitioner Sta. Lucia Realty & Development, Inc. (Sta. Lucia) claim that it purchased, together with DBH Development, Inc. (DBH), the subject property sometime in 1989 from Bonifacio C. Regalado, a well-known realty developer, who in turn, acquired the same in the early 1960s from the former owners, the Reyeses and the Yulos. It was formerly a rawland with vegetative growth, like atis trees, and was used as a pasture for horses, until Regalado started to develop the property from 1962 onwards.

At the time of the sale of the subject property to Sta. Lucia and DBH, Bonifacio Regalado was the bearer of the following titles, as duly reconstituted, covering the said property and registered under his name, to wit:

- a) TCT Nos. (286983) [reconstituted as TCT No. RT-35891 (286983) (PR-5386)];
- b) TCT No. 135846 [reconstituted as TCT No. RT-35892 (135846)(PR-5583)];
- c) TCT No. 137688 [reconstituted as TCT No. RT-35893 (137688) (PR-5384)];
- d) TCT No. 153940 [reconstituted as TCT No. (153940) PR-5385-T-60522].

As a consequence of the sale of the subject property to Sta. Lucia and DBH, new certificates of title were issued by the Register of Deeds of Quezon City, to wit: TCT No. 45176, 45177, 45178 and TCT No. 60523, all in the name of Sta. Lucia and DBH.

It appears that a certain Amelia Caballero was also claiming ownership of the same land by virtue of the Decision dated December 17, 1990 rendered by the RTC of Quezon City, Branch 80, in LRC Case No. Q-392(85) which was an application for original Torrens registration of realty described as Lot 3-B, Psd-0400081, containing an area of 91,875 square meters.

In September 1991, Sta. Lucia and DBH filed a complaint for quieting of title against Amelia Caballero and other claimants, i.e., Editha Lumalag, Redemita L. Cutillar, Imelda Bolo and Natividad Beringuela, docketed as Civil Case No. Q-91-10084 in the RTC of Quezon City, Branch 96. Three groups of intervenors appeared, one of which was Constancio Supilanas who petitioner claimed to have submitted to the RTC a list of intervenors who are members of Private Respondent Tanglaw Lot Owners Association, Inc. and in which listing included Private Respondent Spiritual Catholic Church, represented by Fr. Arnel Flores and now by Private Respondent Ruben A. Benedicto. The intervenors claimed to be purchasers of portions of the subject property from the defendants. The intervenors filed their respective answers in the said case, primarily to set up cross claims against the defendants.

On February 10, 1999, the RTC rendered a Decision[3] in favor of Sta. Lucia and DBH, declaring that the property covered by TCT Nos. 45176, 45177, 45178 and 60523, all in the names of Sta. Lucia and DBH, are owned by the latter. The dispositive portion of the said Decision reads as follows, to wit:

x x x

"WHEREFORE, in view of the foregoing considerations, judgment is rendered:

1. Declaring and holding plaintiffs STA. LUCIA REALTY & DEVELOPMENT, INC. and DBH DEVELOPMENT CORPORATION as the exclusive and absolute owners of the parcels of lands already registered, covered and technically described in Transfer Certificates of Title Nos. 45176, 45177, 45178 and 60523, and their respective certificates, if any;
2. Finding and decreeing that the defendants and the intervenors have and hold no rights of ownership or possession whatsoever to the parcels of land covered and technically described in their Transfer Certificates of Title Nos. 45176, 45177, 45178 and 60523, and their derivative certificates, if any in derogation of or adverse to the plaintiff rights;
3. Ordering the defendants and all other persons claiming rights under them, including the intervenors immediately to remove their improvements and other constructions and to vacate the parcels of land covered and technically described in their Transfer Certificates of Title Nos. 45176, 45177, 45178 and 60523 and their derivative certificates;
4. Making the injunction enjoining the defendants and all persons claiming under them to cease and desist from constructing any fence or wall or making any other improvements on the parcels of land covered and

technically described in their Transfer Certificates of Title Nos. 45176, 45177, 45178 and 60523 permanent;

5. Sentencing defendants AMELIA D. CABALLERO, EDITHA M. LUMALAG, REDEMTITA L. CUTILLAR, IMELDA A. BOLO and NATIVIDAD BERINGUELA, jointly and severally, to pay to the plaintiffs, as follows: -

x x x

6. Ordering defendants AMELIA D. CABALLERO, EDITHA M. LUMALAG, REDEMTITA L. CUTILLAR, IMELDA A. BOLO and NATIVIDAD BERINGUELA, jointly and severally, to reimburse to all the intervenors and their other purchasers similarly situated the total amounts paid by the latter to the former.

"The counterclaim of the defendants is dismissed for lack of merit.

"SO ORDERED."

x x x

With regard to the intervenors, the RTC stated in its Decision that:

x x x

"As far as it quiets and settles the ownership of the property, this adjudication binds the intervenors as much as the defendants, for, verily, the intervenors' rights vis-à-vis the property of the plaintiffs cannot rise higher than or be treated differently from the rights of the defendants. As vendees and transferees, the intervenors acquired no rights better or stronger than those of their vendors.

"The intervenors are not liable, however, for monetary damages herein awarded to the plaintiffs. The intervenors bought their respective lots upon the honest belief held in good faith that the defendants were the owners of the property. Such belief immunized them from personal liability. Consequently, only the defendants, who knew of the total absence of any rights to the property, should bear the full brunt of responsibility for such damages.

"As far as the cross-claims of the intervenors are concerned, it is but legal and proper to find in favor of the intervenors and other purchasers of the defendants similarly situated and to decree herein, accordingly, that they should be refunded all the amounts of their payments to the defendants."

x x x

Upon appeal, We affirmed the decision of the RTC through Our Decisioniv dated February 16, 2004 in CA-G.R. CV No. 63785. We denied, through Our Resolution[5] dated May 25, 2004, the motions for reconsideration and new trial thereto for being filed out of time. Intervenors-defendants therein filed a Petition for Review on Certiorari before the Supreme Court but it was summarily denied for failure to conform with Section 4, Rule 7 of the Rules of Court.[6] Defendants therein also filed a defective motion for extension to file Petition for Certiorari with the Supreme Court, leading to its denial and consequently, to the dismissal of their belatedly filed Petition for Certiorari through the Supreme Court Resolution dated November 21, 2005.[7] Consequently, the Decision dated February 10, 1999 rendered by the RTC of Quezon City, Branch 96, in Civil Case No. Q-91-10084 became final and executory.

As a consequence of the finality of the said Decision, on June 27, 2008, Sta. Lucia, together with the sheriff of Branch 96 of RTC Quezon City and aided by armed civilians, entered the said premises using backhoe and heavy equipment and totally demolished private respondents' church, caretakers' house and backyard improvements erected over the subject property as well as the fruit bearing plants planted thereon. This occurrence spawned a number of cases between the private respondents and the petitioner before different agencies of the government, to wit: Department of Environment and Natural Resources (DENR), Civil Service Commission (CSC),

Ombudsman, Philippine National Police (PNP), Office of the President (OP), Office of the President-Anti-Graft Commission, DENR-Land Management Bureau (LMB), Office of the Building Official LGU Quezon City, the Commission on Human Rights (CHR) and the Department of Agrarian Reform (DAR).

Proceedings before the DAR

The subject of this petition is DAR Case No. A-0400-0236-09 initiated through a complaint for illegal conversion and petition for issuance of cease and desist order filed by private respondents involving the subject land.

As summarized by the DAR in its Order dated November 11, 2009, private respondents alleged in their complaint the following:

1. The subject farm lands previously occupied by their religious grandparents and parents are covered by cadastral lots 812, 813 and 815, all located at Piedad Estate, now within Greater Fairview, Quezon City;
2. After World War II, Mr. Benedicto's father and his relatives continued their farming activities in the said properties;
3. After the death of their parents, they continued farming and food production activities, tilling and occupying the said tracts of land;
4. Sometime in 1991, Sta. Lucia together with their security guards and realty agents entered and claimed a portion of Piedad Estate claimed some portions thereof, thus a quieting of title was filed before the court;
5. Sometime in 2005, a group of Sta. Lucia security guards entered the subject properties including their church, church gardens, orchard, fruit bearing plants, ricefield at the back of the church;
6. The church farmers' claims and Sta. Lucia's claim are of different locations;
7. Sta. Lucia guards brought a tractor inside the premises and destroyed the plants and vegetables therein;
8. Disputes are due to the wrong claims and spurious land titles;
9. DENR-LMB Manila stated that according to their verification, it appears that their office has no record of Deeds of Conveyance regarding Lot Nos. 811, 812, 813, 814 and 815 of Piedad Friar Lands Estates, Quezon City;
10. On June 27, 2008, Sta. Lucia together with Sheriff Villanueva of Court Branch 96, Quezon City aided by armed civilians and others entered the said premises using backhoe and heavy equipment threatened and forcibly and totally demolished their church, caretakers' house, backyard improvements, fruit bearing plants and others;
11. Ruben Benedicto, et al. Request that an order be issued for a conduct of land verification and actual ground relocation survey and the issuance of Cease and Desist Order.

In support of their complaint and petition for the issuance of Cease and Desist Order, complainant submitted photographs to show that the subject landholdings were previously planted with agricultural crops and fruit-bearing trees before they were bulldozed.

On April 8, 2008, then DENR Secretary Jose L. Atienza, Jr. issued DENR Special Order No. 2008-234 launching "Operation 614" which aims to draft a department policy that will address all issues involving the Piedad Estate covered by OCT No. 614.

On July 30, 2008, a Certification was issued by Atty. Maria Liza G. Resurreccion, Head of Center of Land Use Policy and Planning Implementation (CLUPPI) Secretariat, that per records of CLUPPI, no record on file was

found under the name of Sta. Lucia and DBH regarding agricultural Cadastral Lots 811, 812, 813 and 815 of Piedad Estate under OCT No. 614.

The Municipal Agrarian Reform Officer (MARO) of National Capital Region (NCR), Region IV-A conducted an inspection/investigation on the subject landholdings and gathered some information, facts and observations, to wit:

1. The landholdings subject of the complaint are portions of Cadastral Lots 812, 813 & 815 if Piedad Estate with an area of 9.7645 hectares, more or less;
2. The registered owners of the properties covered by TCT Nos. 45176, 45177 & 45178 are CBH Development Corporation and Sta. Lucia;
3. There are several on-going cases involving the subject properties before the courts and government offices involving different causes of action;
4. It was observed that the landholdings are no longer utilized for agricultural purposes;
5. There are heavy equipment in the area and on-going development activities like bulldozing, scraping and fencing being undertaken as shown in the pictures taken on the subject properties;
6. The MARO believes that premature/illegal conversion has been committed and found the request for Cease and Desist Order meritorious.

In finding the petition for the issuance of a cease and desist order meritorious, the DAR OIC-Regional Director found that:

x x x

"After study and evaluation of the case at hand this office finds the same meritorious.

"Records show that the subject landholdings were previously planted with agricultural crops and fruit bearing trees.

"Records reveal that there is no order of conversion under the name of Sta. Lucia Realty and DBH Development Corporation, Inc., et al. as per Certification issued by Atty. Maria Liza Resurreccion, DARCO, CLUPPI, Head Secretariat.

"There is an illegal conversion when the nature of the property was changed from agricultural into other use without order of conversion from DAR. The development of the subject property into non-agricultural use/housing project without first securing the required conversion order from DAR warrants the issuance of Cease and Desist Order.

"Any act of changing the current use of a landholding is tantamount to conversion which requires a conversion order/clearance from DAR.

"Furthermore, the conversion by the landowner of the subject landholdings resulted in the dislocation of the herein complainants/occupants therein.

"Section 73, RA No. 6657 provides that any conversion by any landowner of his agricultural land into non-agricultural use with intent to avoid the application of this Act to his landholdings and to dispossess his tenant of the land tilled by them are prohibited acts."

x x x

Sta Lucia filed a motion to lift the cease and desist order based on the following grounds, to wit:

- a) The DAR lacks jurisdiction over the subject properties of Sta. Lucia for the reason that the said properties had been classified as residential since 1981, and therefore not agricultural;
- b) The legal ownership and possession over the subject properties have been judicially adjudicated by the RTC, the CA and the SC in favor of Sta. Lucia and DBH and the said Decision is now final and executory;
- c) All cases filed by Benedicto, et al. in court had been dismissed for lack of merit;
- d) Benedicto, et al. had been engaged in forum shopping;
- e) The said properties had been classified and declared to be residential as shown by the Tax Declaration issued by the City Assessor of the Quezon City Government and the Zoning Regulations under Order No. 81-01 issued by the Metro Manila Commission.

The DAR Region IV-A denied Sta. Lucia's motion for lack of merit through its Resolution[8] dated September 15, 2010 finding that Sta. Lucia failed to adduce other evidence to support the said motion. It reiterated its findings that there was no order of conversion under the name of Sta. Lucia and DBH and emphasized:

x x x

"Be it noted that any act of changing the current use of a landholding is tantamount to conversion which requires a conversion order/clearance from DAR.

DAR Opinion No. 25, Series of 2003 provides:

- Conversion or exemption is not automatic. It must be on the merits after proper and thorough determination pursuant to the requirements and provisions of existing law and guidelines on conversion and/or exemption, as the case may be.
- Thus, an application for and order of conversion or exemption is still required."

x x x

Still undaunted, Sta. Lucia filed a motion for reconsideration of the said Order denying their motion to lift cease and desist order, raising the following points, to wit:

- a) The properties involved have been declared as residential since 1981, long before the enactment of R.A. No. 6657;
- b) The tax declarations begin with the year 1979 and 1983, long before the enactment of R.A. No. 6657;
- c) There is no need to secure a DAR Exemption, much less apply for a DAR Conversion Clearance prior to its development.

The DAR clarified in its Resolution dated February 8, 2011, that based on DAR Opinion No. 03, Series of 2003:

"A conversion order is no longer necessary for properties already reclassified as non-agricultural prior to June 15, 1988 or before the effectivity of CARP. However, an exemption clearance is required."

The motion for reconsideration of Sta. Lucia was accordingly denied in the same Resolution.

Alleging that purely questions of law are involved in the present controversy, and that there is urgency as well as violation of due process, petitioner invoked exemption from complying with the doctrine of exhaustion of administrative remedies and instead filed the present Petition for Certiorari.

THE ISSUE BEFORE US

Petitioner Sta. Lucia now raises the following question for the issuance of a Writ of Certiorari, to wit:

WHETHER OR NOT THE DAR COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT ORDERS ORDER DATED NOVEMBER 11, 2009 AND THE RESOLUTION DATED FEBRUARY 8, 2011.

Specifically, petitioner argued that:

- a) Public respondent DAR lacks jurisdiction over the subject properties of Sta. Lucia Realty for the reason that said properties had been classified as residential since 1981 and, are, therefore, not agricultural;
- b) The legal ownership and possession over the subject properties have been judicially adjudicated by the Regional Trial Court, the Court of Appeals, and the Supreme Court in favor of Sta. Lucia Realty and DBH Development, Inc. and said Decision is now final and executory;
- c) Affected are the following properties covered by Transfer Certificate of Title Nos. 45176, 45177, 45178 and 60523, all in the names of Sta. Lucia Realty and DBH Development Corp.; and
- d) The said properties had been classified and declared as residential as shown by the tax declarations issued by the City Assessor of the Quezon City and the Zoning Regulations under Order No. 81-01 issued by the Metro Manila Commission.

OUR RULING

The petition should be dismissed.

Where appeal is available to the aggrieved party, the action for certiorari will not be entertained. Remedies of appeal (including petitions for review) and certiorari are mutually exclusive, not alternative or successive.[9] One of the requisites of certiorari is that there be no available appeal or any plain, speedy and adequate remedy.[10] Where an appeal is available, certiorari will not prosper, even if the ground therefor is grave abuse of discretion.

The Order and Resolution being assailed herein were issued by the DAR OIC-Regional Director. The doctrine of exhaustion of administrative remedies dictates that the orders of the DAR Regional Director should first be questioned before the DAR Secretary and then to the Office of the President before resorting to the courts for relief.

The doctrine of exhaustion of administrative remedies allows, indeed requires, an administrative decision to first be appealed to the administrative superiors up to the highest level before it may be elevated to a court of justice for review. Thus, if a remedy within the administrative machinery can still be had by giving the administrative officer concerned every opportunity to decide on the matter that comes within his jurisdiction, then such remedy should be priorly exhausted before the court's judicial power is invoked.[11]

The thrust of the rule on exhaustion of administrative remedies is that the courts must allow the administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence.[12] It is presumed that an administrative agency, if afforded an opportunity to pass upon a matter, will decide the same correctly, or correct any previous error committed in its forum.[13] Furthermore, reasons of law, comity and convenience prevent the courts from entertaining cases proper for determination by administrative agencies.[14]

Instead of filing an appeal to the Secretary of DAR and then subsequently to the Office of President, petitioner went straight to Us via the present Petition for Certiorari to question the act of DAR OIC-Regional Director, invoking exemption from compliance with the doctrine of exhaustion of administrative remedies because the petition:

- a) involves purely questions of law;

b) is urgent; and

c) due process was violated.

Indeed, the doctrine is a relative one and its flexibility is conditioned on the peculiar circumstances of a case.[15] There are a number of instances when the doctrine has been held to be inapplicable, among which is when the question raised is purely legal and when there is urgent need for judicial intervention.[16] However, We do not agree that the present petition raises only purely questions of law, nor is there need for urgency in the resolution of the issues at hand.

There is a question of law when the doubt or difference arises as to what the law is on certain state of facts and which does not call for an existence of the probative value of the evidence presented by the parties-litigants. In a case involving a question of law, the resolution of the issue rests solely on what the law provides on the given set of circumstances. On the other hand, a question of fact exists when a doubt or difference arises as to the truth or falsity of alleged facts. If the query requires a reevaluation of the credibility of witnesses or the existence or relevance of surrounding circumstances and their relation to each other, the issue in that query is factual.[17]

The test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise, it is a question of fact.[18]

Aside from assailing the DAR order and resolution for lack of jurisdiction over the subject properties, petitioner also raised the question of fact of whether or not the subject properties were already classified and declared as residential, thus removing them from the domain of the DAR, and whether the RTC has already established the exact location of the properties covered by TCT Nos. 45176, 45177, 45178 and 60523.

Petitioner also invoked the urgency and lack of due process in the issuance of the assailed order and resolution but it failed to substantiate and expound on these allegations.

Since the circumstances do not exempt petitioner from compliance with the doctrine of exhaustion of administrative remedies, prior resort to the administrative superiors of the DAR Regional Director is available to petitioner as a remedy. There being other remedies available to it, a petition for certiorari may not be resorted to.

Basic is the rule that a petitioner must exhaust all other available remedies before resorting to certiorari. While this rule is also subject to certain exceptions such as any of the following: (1) the issues raised are purely legal in nature, (2) public interest is involved, (3) extreme urgency is obvious or (4) special circumstances warrant immediate or more direct action,[19] We have already ruled that these circumstances are not present in this case, hence, the general rule applies.

This ground alone warrants the outright dismissal of this petition.

We also note another technical flaw in the filing of the Petition for Certiorari, that petitioner failed to include among the annexes to its petition and/or amended petition, or to even subsequently submit to Us, a copy of Private Respondent Ruben Benedicto's complaint for illegal conversion and petition for the issuance of cease and desist order filed before the DAR, as well as petitioner's Motion to Lift the Cease and Desist Order where it first questioned the first assailed order. We have pored over the records submitted to Us and aside from the assailed order and resolution and DAR Order dated September 15, 2010, petitioner failed to attach other pleadings submitted in connection with the proceedings before the DAR in Case No. A-0400-0236-09.

Section 1, Rule 65 of the Rules of Court provides that:

x x x

"Section 1. Petition for certiorari. - When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

"The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46." (underscoring supplied)

x x x

Further, Section 3, Rule 46 of the Rules of Court requires that:

x x x

"Section 3. Contents and filing of petition; effect of non-compliance with requirements. - The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for.

"It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. x x x

x x x x x x

"The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition." (underscoring supplied)

x x x

The failure of petitioner to attach a copy of private respondent's complaint in Case No. A-0400-0236-09, the very pleading that triggered the actions of the Public Respondent DAR now being questioned, could only bring one result, which is the dismissal of its petition for certiorari, on two (2) grounds; first, based on the technicalities that it violated the requirements of the aforequoted provisions and second, the failure to attach the said complaint refrains Us from determining whether or not Public Respondent DAR indeed has jurisdiction over the case filed by private respondents before it.

There are two basic rules in determining jurisdiction: first, jurisdiction is conferred by law,[20] and second, the nature of the action and the issue of jurisdiction are shaped by the material averments of the complaint and the character of the relief sought.[21] The defenses resorted to in the answer or motion to dismiss are disregarded; otherwise, the question of jurisdiction would depend entirely upon the whim of the defendant.[22]

The pertinent law detailing the jurisdiction of Public Respondent DAR is Section 50 of Republic Act No. 6657, viz.:

x x x

"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. Toward 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. It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena duces tecum, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court. Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the DAR: Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings. Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory." (underscoring supplied)

x x x

However, the jurisdiction of a tribunal, including a quasi-judicial office 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." [23]

As earlier stated, there is no basis for Us to rule on whether Public Respondent DAR has jurisdiction over the complaint interposed by private respondent because the said complaint was not made a part of the records of this certiorari proceedings.

Based on the foregoing, a discussion of the other issues is no longer necessary.

WHEREFORE, premises considered, the petition is DISMISSED.

SO ORDERED.

Abdulwahid, (Chairperson), and Barza, JJ., concur.

[1] Rollo, pp. 32-35.

[2] Id., pp. 37-39.

[3] Id., pp. 240-264.

[4] Id., pp. 267-279.

[5] Id., Rollo, pp. 294-295.

[6] Id., p. 297.

[7] Id., pp. 298-299.

[8] Id., pp. 510-512.

[9] *Madrigal Transport Inc. v. Lapanday Holdings Corp.*, G.R. No. 156067, August 11, 2004, citing *Land Bank of the Philippines v. Court of Appeals*, *supra*; *Banco Filipino v. Court of Appeals*, 389 Phil. 644, 655, June 23, 2000; *Ligon v. Court of Appeals*, 355 Phil. 503, 516, August 7, 1998.

[10] Id., citing §1, Rule 65 of the Rules of Court.

- [11] Land Car Inc. v Bachelor Express Inc., G.R. No. 154377, December 8, 2003, citing Paat vs. Court of Appeals, 266 SCRA 167.
- [12] Gonzales v. Court of Appeals, G.R. No. 106028, May 9, 2001, citing Presidential Commission on Good Government vs. Pena, 159 SCRA 556 (1988), at p. 568.
- [13] Id., citing Diamanon vs. Department of Labor and Employment, G.R. No. 108951, March 7, 2000, at p. 8; citing Union Bank of the Philippines vs. Court of Appeals, 290 SCRA 198, 219 (1998), and, University of the Philippines vs. Catungal, Jr., 272 SCRA 221, 240 (1997).
- [14] Id., citing Factoran vs. Court of Appeals, 320 SCRA 530 (1999), at p. 539; Chua Huat vs. Court of Appeals, 199 SCRA 1 (1991), at p. 19.
- [15] Philippine Health Insurance Corp. v. Chinese General Hospital, G.R. No. 163123, April 15, 2005, citing Leonardo Paat v. Court of Appeals, 334 Phil. 146 (1997).
- [16] Id., citing Nachura, Outline/Reviewer in Political Law (2002), pp. 346-349; Corsiga v. Defensor, G.R. No. 139302, 28 October 2002, 391 SCRA 267; Aurillo, Jr. v. Rabi, G.R. 120014, 26 November 2002, 392 SCRA 595.
- [17] Cucueco v. Court of Appeals, G.R. No. 139278, October 25, 2004, 441 SCRA 290, 298.
- [18] Cucueco v. Court of Appeals, et al., supra., citing China Road and Bridge Corporation vs. Court of Appeals, G.R. No. 137898, December 15, 2000, 348 SCRA 401, 411.
- [19] Indiana Aerospace University v. CHED, G.R. No. 139371, April 4, 2001, citing Liberty Insurance Corp. v. Court of Appeals, 222 SCRA 37, 47, May 13, 1993; Alindao v. Joson, 264 SCRA 211, 220, November 14, 1996; Tan v. Court of Appeals, 275 SCRA 568, 574-575, July 17, 1997; and Tan Jr. v. Sandiganbayan, 292 SCRA 452, 457-458, July 10, 1998.
- [20] Department of Agrarian Reform v. Cuenca, et al., G.R. No. 154112, September 23, 2004, citing Alemar's (Sibal & Sons), Inc. v. CA, 350 SCRA 333, 339, January 26, 2001; Saura v. Saura Jr., 313 SCRA 465, 472, September 1, 1999; Salva v. CA, 364 Phil. 281, 303, March 11, 1999.
- [21] Id., citing Unilongo v. CA, 365 Phil. 105, 114, April 5, 1999; Abrin v. Campos, 203 SCRA 420, 423, November 12, 1991; Spouses De la Cruz v. Bautista, 186 SCRA 517, 525, June 14, 1990.
- [22] Id., citing Unilongo v. CA, supra; Garcia v. CA, 339 Phil. 433, 441-442, June 10, 1997.
- [23] DAR v. Paramount Holdings & Equities, Inc., et al., G.R. No. 176838, June 13, 2013, citing Del Monte Philippines, Inc. Employees Agrarian Reform Beneficiaries Cooperative (DEARBC) v. Sangunay, G.R. No. 180013, January 31, 2011, 641 SCRA 87, 96.

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