

MIGUEL CALBAY, PETITIONER, VS. ROLANDO SAN PEDRO, RESPONDENT.

Ponente: SADANG, J.

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SADANG, J.:

Before us is a Petition for Review[2] seeking to set aside the Decision,[3] dated December 16, 2010, of the Regional Trial Court, Branch 88, Sto. Domingo, Nueva Ecija in Civil Case No. SD (10)-776.

The RTC affirmed the Decision[4] of the Municipal Trial Court of Talavera, Nueva Ecija in Civil Case No. 2073 dismissing petitioner Miguel Calbay's complaint for forcible entry and damages.

Antecedents of the Petition

In his Complaint[5] for forcible entry and damages against respondent Rolando San Pedro (hereafter, respondent), petitioner Miguel Calbay alleged that: he is the registered co-owner of a 16-hectare land located in Poblacion Sur, Talavera, Nueva Ecija, covered by Transfer Certificate of Title (TCT) No. NT-56640 and TCT No. NT-41431; on December 30, 2009, he was told that respondent and his men were doing quarrying activities on the land; he reported the incident to the police and confronted respondent several times but respondent did not stop his activities; as a result of the quarrying, his land and the nearby body of water were damaged; respondent and his men entered the land through stealth and without his knowledge; he filed a letter-complaint with the barangay but his complaint was not acted upon, hence, he filed the ejectment case.

Respondent filed an Answer[6] alleging that: he is legally authorized to quarry under a Special Permit from the Office of the Provincial Governor of Nueva Ecija; petitioner has no cause of action for forcible entry because he (respondent) did not violate his rights; the quarried materials are legally sourced from the banks of a river that passes through the seven parcels of land titled in the names of Gertrudes Santiago Alejandro (TCT No. CLOA-VOS-5371/CLOA No. 00841386), Pepito Santiago (TCT No. CLOA-VOS-5372/CLOA No. 00841387), Randy Santiago (TCT No. CLOA-VOS-5373/CLOA No. 00841388 and TCT No. CLOA-VOS-5374/CLOA No. 00841334), Reynaldo Santiago (TCT No. CLOA-VOS-5394/CLOA No. 00851101 and TCT No. CLOA-VOS-5393/CLOA No. 00881100), and Jacinto Santiago (TCT No. CLOA-VOS-5375/CLOA No. 00841335) (hereafter, Santiagos).

In his Position Paper,[7] petitioner countered that: respondent never showed proof of his permit to quarry; the parcels of land have long been the subject of dispute between petitioner and the Santiagos; the parcels of land covered by his titles are the same properties which respondent claims as registered in the names of the Santiagos; and the issuance of the Certificates of Land Ownership Award (CLOA) by the Department of Agrarian Reform (DAR) to the Santiagos is highly suspicious and in violation of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL); the subject land only measures 16 hectares, thus, it is a wonder why it was subjected to CARL; the Santiagos never cultivated or possessed the land; when the Santiagos authorized respondent to do quarrying on the land, they violated RA 6657 which requires the beneficiaries to continuously cultivate the land; and the survey plan shows that the parcels of land were damaged by the appearance of a river in the middle thereof.

Respondent, in his Position Paper,[8] reiterated his position. He added that he has a verbal agreement with the Santiagos wherein he was allowed to use their lands as passageways for his quarrying operation.

On May 18, 2010, the MTC dismissed the complaint for lack of cause of action. The MTC observed that TCT Nos. NT-56640 and NT-41431 were already cancelled thereby solidifying the allegation of respondent that the parcels of land are already registered in the names of the Santiagos as CARL beneficiaries, hence, petitioner can no longer invoke his right to possess the properties. The MTC also ruled that, pursuant to RA 6657, the DAR is vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and the exclusive original jurisdiction in cases involving the implementation of agrarian reform.[9]

Petitioner appealed the May 18, 2010 MTC Decision to the RTC.

On December 16, 2010, the RTC rendered its Decision[10] dismissing petitioner's appeal and affirming the May 18, 2010 MTC Decision in toto.

His motion for reconsideration having been denied,[11] petitioner brought this petition,[12] raising these issues:

WHETHER OR NOT THE APPELLATE REGIONAL TRIAL COURT OF STO. DOMINGO, BALOC, NUEVA ECIJA, BRANCH 88 COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT DISMISSED THE APPEAL FILED BY THE PETITIONER WHEN IT IS VERY PATENT THAT PETITIONER OWNS THE LAND SUBJECT MATTER OF THE CASE.

WHETHER OR NOT THE APPELLATE REGIONAL TRIAL COURT OF STO. DOMINGO, BALOC, NUEVA ECIJA, BRANCH 88 COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT FAILED TO RULE ON QUESTION OF OWNERSHIP DESPITE THE CLEAR PROVISION OF SECTION 16, RULE 70 OF THE RULES OF COURT OR IN THE ALTERNATIVE, TO HOLD THE PROCEEDINGS CASE IN ABEYANCE IN VIEW OF CASE INVOLVING QUESTION OF OWNERSHIP PENDING AT THE DEPARTMENT OF AGRARIAN REFORM IN REGION 3, PAMPANGA.

RULING

There is no merit in the petition.

Petitioner contends that he has proved that he is the owner of the subject land as shown by the following: 1) he had earlier filed a case of ejectment against Bobby Fajardo, Mario Manabat and Norma Espiritu who claimed their possession from the Santiagos and the court rendered a decision evicting said defendants; 2) the Santiagos received money from several persons as consideration for their rights over the land and in their contracts with said persons there is a provision that the land belongs to petitioner; and 3) the CLOAs of the Santiagos are questionable because they never actually cultivated or possessed the land and the land could not have been the subject of CARL because it is only 16 hectares and he is entitled to retain five hectares for himself and three hectares for each of his six children, or a total of 23 hectares.

Petitioner argues that while it may be true that the DAR has exclusive jurisdiction regarding the validity of the CLOA, Section 16, Rule 70 mandates the court to address the question of ownership if only to decide who has a better right to physical possession.

On the other hand, respondent contends that the cancellation of petitioner's Torrens titles and the issuance of the CLOAs were admitted in petitioner's amended petition for review and the only issue is the propriety of the issuance of the CLOAs.

Contrary to the contention of petitioner, the MTC ruled on the issue of ownership. The MTC found that petitioner's Torrens titles show on their faces that they have already been cancelled. Thus, the MTC gave credence

to the allegation of respondent that CLOAs have already been issued to the farmer beneficiaries – the Santiagos. In fact, as found by the MTC, petitioner does not deny the issuance of the CLOAs to the Santiagos but insists that said titles are questionable because the Santiagos never actually cultivated or possessed the land. The MTC further noted that the Santiagos executed a Sinumpaang Salaysay wherein they confirmed having verbally allowed respondent to pass through their land.[13]

The RTC affirmed the findings of the MTC thus: “In this case, the properties subject of the quarrying operations were already registered in the name of the Santiagos as early as 2008[14] or long before the reported dispossession on 30 September 2009. As the owners of the said properties, they enjoy the right to possess and use the same, including the grant to the herein defendant of the right to pass through said properties.”[15]

Essentially, petitioner is questioning the validity of the CLOAs issued by the DAR to the Santiagos. Unfortunately, said issue is beyond the jurisdiction of the MTC and the RTC. Republic Act No. 9700 clearly mandates that “(a)ll cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR.”[16] In fact, petitioner alleges that there is now a pending case before the DAR concerning the validity of the CLOAs.

There is no merit in petitioner's argument that the RTC should have suspended the appeal before it in view of the pendency of the DAR case. In *Cayabyab et al v. De Aquino*[17] it was ruled that the pendency of a case in an administrative body (COSLAP), where the question of ownership over a property is raised, does not bar the filing of an independent summary case for ejectment in the MTC over the same property. The Supreme Court ruled that the doctrine of primary jurisdiction yields to the peculiar and special stature of a summary case for ejectment whose rationale is to provide for an expeditious means of protecting actual possession or the right to possession of the property involved. Thus, in this case, even if the DAR has primary jurisdiction over the validity of the CLOAs, we are of the considered view and so hold that the suspension of the ejectment case even at the appeal

stage would be contrary to the summary nature of said action. There is no legal basis to suspend the ejectment case just because petitioner had questioned the validity of the CLOAs before the DAR.

WHEREFORE, the petition is DENIED. The Decision dated December 16, 2010 of the Regional Trial Court, Branch 88, Sto. Domingo, Nueva Ecija in Civil Case No. SD (10)-776 is AFFIRMED.

SO ORDERED.

Librea-Leagogo, J., Chairperson, and [*]Hernando, JJ., concur.

[1] In the caption of the Rollo, Gertrudes Alejandro is included as as party respondent, however, she was not impleaded either in the complaint or the petition for review.

[*] Vice Associate Justice Amy C. Lazaro-Javier, per Office Order No. 51-15-RSF dated February 16, 2015.

[2] Amended Petition was later filed, Rollo, pp. 187-211

[3] Rollo, pp. 212-220.

[4] Id. at 303-312.

[5] Id. at 222-226.

[6] Id. at 237-241.

[7] Id. at 260-272.

[8] Id. at 290-300.

[9] Id. at 309-312.

[10] Id. at 217-220.

[11] Id. at 221.

[12] Id. at 197.

[13] MTC Decision, rollo, pp. 303-312, at 311

[14] Day and month are not clear in the copy of decision attached to rollo.

[15] RTC Decision, rollo, pp. 212-220, at 219

[16] Republic Act No. 9700 (An Act Strengthening the Comprehensive Agrarian Reform Program)

Section 9. Section 24 of Republic Act No. 6657, as amended, is hereby further amended to read as follows:

"All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR."

[17] G.R. No. 159974, September 5, 2007

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