

**RUFINA VDA. DE TANGUB, PETITIONER, VS. COURT OF APPEALS,
PRESIDING JUDGE OF THE (CAR) RTC, BRANCH 4, ILIGAN CITY, AND
SPOUSES DOMINGO EUGENIA MARTIL, RESPONDENTS.**

UDK No. 9864. December 03, 1990

Ponente: NARVASA, J.

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NARVASA, J.:

The jurisdiction of the Regional Trial Court, acting as a special agrarian court, in the light of Executive Orders Numbered 129-A and 229 and Republic Act No. 6657, is what is at issue in the proceeding at bar.

Rufina Tangub and her husband, Andres, now deceased, filed with the Regional Trial Court of Lanao del Norte in March, 1988, "an agrarian case for damages by reason of the(ir) unlawful dispossession * * as tenants from the landholding" owned by the Spouses Domingo and Eugenia Martil.[1] Several persons were also impleaded as defendants, including the Philippine National Bank, it being alleged by the plaintiff spouses that said bank, holder of a mortgage on the land involved, had caused foreclosure thereof, resulting in the acquisition of the property by the bank as the highest bidder at the foreclosure sale, and in the sale by the latter, some time later, of portions of the land to the other persons named as its co-defendants (all employees of the National Steel Corporation), and it being prayed that that mortgage and the transactions thereafter made in relation thereto be annulled and voided.[2]

In an Order rendered on August 24, 1988, respondent Judge Felipe G. Javier, Jr. dismissed the complaint.[3] He opined that by virtue of Executive Order No. 229 -- "providing the mechanisms for the implementation of the Comprehensive Agrarian Reform Program at approved on July 24, 1987" -- and Executive No. 129-A, approved on July 26, 1987, as well as the Rules of the Adjudication Board of the Department of Agrarian Reform, jurisdiction of the Regional Trial Court over agrarian cases had been transferred to the Department of Agrarian Reform.

The Tangub Spouses filed a petition for certiorari with this Court, docketed as UDK-8867, assigned to the Second Division. Discerning however no special and important reason for taking cognizance of the action, this Court referred the same to the Court of Appeals, that tribunal having concurrent jurisdiction to act thereon.

The Court of Appeals, by Decision promulgated on October 23, 1989,[4] dismissed the petition, finding that the jurisdictional question had been correctly resolved by the Trial Court. The Court of Appeals, adverted to a case earlier decided by it, on August 30, 1989, Estanislao Casinillo v. Hon. Felipe G. Javier, Jr., et al., in which it was "emphatically ruled that agrarian cases no longer fall under the jurisdiction of Regional Trial Courts but rather under the jurisdiction of the DAR Adjudication Board." [5] The ruling was grounded on the provisions of Executive Orders Numbered 229, approved on July 22, 1987, and 129-A, issued on July 26, 1987, in relation to Republic Act No. 6657, effective on June 15, 1988. Said executive orders, it was pointed out, were issued by President Corazon C. Aquino undoubtedly in the exercise of her revolutionary powers in accordance with Section 6, Article XVIII (Transitory Provisions) of the 1986 Constitution providing that the "incumbent President shall continue to exercise legislative powers until the first Congress is convened."

The petitioner Rufina Vda. de Tangub, now widowed, is once again before this Court, contending that the Trial Court's "order of dismissal of August 26, 1988, and the decision of the Honorable Court of Appeals affirming it, are patently illegal and unconstitutional" because they deprive "a poor tenant access to courts and directly violate R.A. 6657, PD 946, and Batas Bilang 129."

The petition is without merit.

Section 1 of Executive Order No. 229 sets out the scope of the Comprehensive Agrarian Reform Program (CARP). It states that the program –

" * * shall cover, regardless of tenurial arrangement and commodity produce, all public and private agricultural land as provided in Proclamation No. 131 dated July 22, 1987, including whenever applicable in accordance with law, other lands of the public domain suitable to agriculture."

Section 17 thereof

- 1) vested the Department of Agrarian Reform with "quasi-judicial powers to determine and adjudicate agrarian reform matters," and
- 2) granted it "jurisdiction over all matters involving implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the DENR and the Department of Agriculture (DA), as well as "powers to punish for contempt and to issue subpoena, subpoena duces tecum and writs to enforce its orders or decisions."

Section 4 of Executive Order No. 129-A made the Department of Agrarian Reform "responsible for implementing the Comprehensive Agrarian Reform Program, and, for such purpose," authorized it, among others, to -

"(g) Provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure problems; * * (and)

(j) Approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses: * * ."

And Section 5 of the same Executive Order No. 129-A specified the powers and functions of the Department of Agrarian Reform, including the following:

"(b) Implement all agrarian laws, and for this purpose, punish for contempt and issue subpoena, subpoena duces tecum, writ of execution of its decision, and other legal processes to ensure successful and expeditious program implementation; the decisions of the Department may in proper cases, be appealed to the Regional Trial Courts but shall be immediately executory notwithstanding such appeal;

(h) Provide free legal service to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure related problems as may be provided for by laws;

(i) Have exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, industrial, and other land uses as may be provided * * *."

The jurisdiction thus conferred on the Department of Agrarian Reform, i.e.:

- (a) adjudication of all matters involving implementation of agrarian reform;
- (b) resolution of agrarian conflicts and land tenure related problems; and

(c) approval or disapproval of the conversion, restructuring or readjustment of agricultural lands into residential, commercial, industrial, and other non-agricultural uses,

is evidently quite as extensive as that theretofore vested in the Regional Trial Court by Presidential Decree No. 946, which extended to the rights and obligations of persons in the cultivation and use of agricultural land, and other matters affecting tenant-farmers, agricultural lessees, settlers, owner-cultivators, farms' cooperatives or organizations under laws, Presidential Decrees, Orders, instructions, Rules and Regulations in relation to the agrarian reform program.[6] Clearly, the latter must be deemed to have been eliminated by its being subsumed in the broad jurisdiction conferred on the Department of Agrarian Reform. The intention evidently was to transfer original jurisdiction to the Department of Agrarian Reform, a proposition stressed by the rules formulated and promulgated by the Department for the implementation of the executive orders just quoted.[7] The rules included the creation of the Agrarian Reform Adjudication Board designed to exercise the adjudicatory functions of the Department, and the allocation to it of -

" * * original and exclusive jurisdiction over the subject matter vested upon it by law, and all cases, disputes, controversies and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Executive Order No. 229, Executive Order No. 129-A, Republic Act No. 3844, as amended by Republic Act No. 6289, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations."

The implementing rules also declare that "(s)pecifically, such jurisdiction shall extend over but not be limited to * * (that theretofore vested in the Regional Trial Courts, i.e.) (c)ases involving the rights and obligations of persons engaged in the cultivation and use of agricultural land covered by the Comprehensive Agrarian Reform Program (CARP) and other agrarian laws **."

The matter has since been further and definitively clarified by Republic Act No. 6657, which was signed into law by President Aquino on June 10, 1988 and became effective immediately after its "publication in two (2) national newspapers of general circulation" on June 15, 1988. The Act makes references to and explicitly recognizes the effectivity and applicability of Presidential Decree No. 229.[8] More particularly, the Act echoes the provisions of Section 17 of Presidential Decree No. 229, *supra*, investing the Department of Agrarian Reform with original jurisdiction, generally, over all cases involving agrarian laws, although, as shall shortly be pointed out, it restores to the Regional Trial Court, limited jurisdiction over two groups of cases. Section 50 reads as follows:

"SEC. 50. Quasi-Judicial Powers of the DAR.--The DAR is hereby vested with 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 of 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 to 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.

Notwithstanding an appeal to the court of appeals, the decision of the DAR shall be immediately executory."[9]

The Regional Trial Courts have not, however, been completely divested of jurisdiction over agrarian reform matters. Section 56 of RA 6657, on the other hand, confers "special jurisdiction" on "Special Agrarian Courts," which are Regional Trial Courts designated by the Supreme Court -- at least one (1) branch within each province -- to act as such. These Regional Trial Courts qua Special Agrarian Courts have, according to Section 57 of the same law, original and exclusive jurisdiction over:

- 1) "all petitions for the determination of just compensation to land-owners," and
- 2) "the prosecution of all criminal offenses under ** (the) Act."

In these cases, "(t)he Rules of Court shall apply ** unless modified by ** (the) Act."

It is relevant to mention in this connection that –

(1) appeals from decisions of the Special Agrarian Courts "may be taken by filing a petition for review with the Court of Appeals within fifteen (15) days from receipt or notice of the decision, ***"[10] and

(2) appeals from any "decision, order, award or ruling of the DAR on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform may be brought to the Court of Appeals by certiorari[11] except as otherwise provided ** within fifteen (15) days from receipt of a copy thereof," the "findings of fact of the DAR ** (being) final and conclusive if based on substantial evidence."[12]

The Regional Trial Court of Iligan City was therefore correct in dismissing Agrarian Case No. 1094. It being a case concerning the rights of the plaintiffs as tenants on agricultural land, not involving the "special jurisdiction" of said Trial Court acting as a Special Agrarian Court, it clearly came within the exclusive original jurisdiction of the Department of Agrarian Reform, or more particularly, the Agrarian Reform Adjudication Board, established precisely to wield the adjudicatory powers of the Department, *supra*.

The petitioner has not bothered to substantiate her contention that she has been denied access to the courts, which is just as well. The contention is on its face utterly without merit. It may profit her and her counsel to realize that apart from granting all concerned parties access to a quasi-judicial forum (the Adjudication Board of the Department of Agrarian Reform), the law strives to make resolution of controversies therein more expeditious and inexpensive, by providing not only that the Board "shall not be bound by technical rules of procedure and evidence," *supra*, but also that, as explicitly stated by the penultimate paragraph of Section 50 of the Act:

"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."

WHEREFORE, for lack of merit, the petition is DISMISSED, and the Decision of the Court of Appeals in CA-G.R. SP. No. 16725 dated October 23, 1989, AFFIRMED, without pronouncement as to costs.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] The case was docketed as Agrarian Case No. 1094, assigned to Branch 4 of the RTC at Iligan City, Lanao del Norte, presided over by Hon. Felipe G. Javier, Jr.

[2] Rollo, pp. 9-16

[3] Id., pp. 24-28

[4] In CA-G.R. SP. No. 16725, assigned to the Fifth Division, the ponente being Francisco, J., with whom concurred Martinez and Elbinias, JJ.

[5] Rollo, p. 38

[6] The "original and exclusive jurisdiction" of the CAR under SEC. 12, PD 946 extended to cases or questions involving rights and obligations in the cultivation and use of agricultural land or arising from laws, Presidential Decrees, Orders, instructions, Rules and Regulations in relation to the agrarian reform program; the collection of amortizations on payments for farm equipment, irrigation systems or water right grants, or rentals affecting tenant-farmers, agricultural lessees, settlers, owner-cultivators, farms' cooperatives or organizations; the annulment or rescission of lease contracts and sales pertaining to agricultural lands; boundary disputes; membership in the Samahang Nayon, etc.

[7] Rules of the DAR Adjudication Board, which took effect on March 8, 1988

[8] SEC. 4 states that the CARP covers, all agricultural lands, regardless of tenurial arrangement and commodity produced as provided in Proclamation No. 131 and Executive Order No. 229. SEC. 14 accords effect to the registration of landowners made pursuant to said EO 229. SEC. 47 enumerates the functions of the BARC (Barangay Agrarian Reform Committee) which shall be in addition to those provided in EO 229. SEC. 63 provides that the initial funding for the implementation of the Act shall be taken from the Agrarian Reform Fund created under Secs. 20 and 21 of EO 229. SEC. 75 declares that EO 229, together with RA 3844 as amended, PD Nos. 27 and 266 as amended, and EO 228 and other laws not inconsistent with the Act, "shall have supplementary effect."

[9] "Agrarian reform," according to SEC. 3 of RA 6657, "means redistribution of lands, regardless of crops or fruits produced, to farmers and regular farmworkers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of the beneficiaries and all other arrangements alternative to physical redistribution of lands, such as production or profit-sharing, labor administration, and the distribution of shares of stock, which will allow beneficiaries to receive a just share of the fruits of the lands they work." "Agrarian dispute," in the context of the DAR's power to "hear and decide all cases, disputes or controversies" set out in the second paragraph of SEC. 50, "refers," according to the same SEC. 3, "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,," including "any controversy relating to compensation of lands acquired under ** (the) Act and other terms and conditions of transfer of ownership from landowners to farm-workers 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."

[10] Sec. 60

[11] This mode of appeal is sui generis. It is the only instance when an appeal by certiorari may be taken to the Court of Appeals. Heretofore, appeals by certiorari were authorized only when taken to the Supreme Court.

[12] Sec. 54

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