

**RODOLFO EVANGELISTA, PLAINTIFF-APPELLEE, VS. HEIRS OF
ROLANDO MORALES, EVANGELINE MORALES, ARSENIO MORALES
&PASTOR ARCHIMEDES P. MORALES, REP. BY THEIR
ATTORNEY-IN-FACT, ATTY. P...**

Ponente: GARCIA, R.R. J.

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GARCIA, R.R. J.:

On appeal is the Order[1] dated February 20, 2012 of the Regional Trial Court (RTC), Branch 86, Cabanatuan City dismissing for lack of jurisdiction Civil Case No. 6204 for Annulment of Title with Damages and Urgent Prayer for the Issuance of TRO and/or Writ of Preliminary Injunction filed by herein plaintiff-appellee against defendants-appellants, the dispositive portion of which reads:

Wherefore, premises considered, for lack of jurisdiction, this case is hereby ordered DISMISSED.

x x x

SO ORDERED.[2]

THE FACTS

The land subject matter of the instant case is a 3.3-hectare portion of the entire landholding with an area of 36.1526 hectares situated at Soledad, Sta. Rosa, Nueva Ecija covered by Transfer Certificate of Title (TCT) No. NT-26519[3] in the name of the spouses Cecilio and Severina Ortiz. After the death of Cecilio Ortiz, his wife Severina Ortiz mortgaged the 36.1526 hectares landholding in favor of Rolando Morales, Heraclides Morales, Dario Morales and Raymunda Morales as shown by the deeds of mortgage executed on February 24, 1971 and June 2, 1971. Thereafter, on August 11, 1976, Severina Ortiz entered into a compromise agreement[4] with her tenant-farmers who are occupying and cultivating the 22.0600-hectare portion of the entire landholding. The said compromise agreement was actually a direct-payment scheme under the operation land transfer of Presidential Decree (P.D.) No. 27 or the Land Reform Program of the Government. One of Severina Ortiz' tenant-farmers was Aurelio Untalan who was cultivating the subject 3.3-hectare portion of the land.

For failure of Severina Ortiz to pay her loan obligation, an extrajudicial foreclosure was effected covering a portion with an area of 20.2355 hectares only. The mortgage contract on the remaining portion of the landholding was earlier annulled by the courts on the ground that the same covers the portion belonging to Ortiz' children as compulsory heirs of their father Cecilio. Consequently, the foreclosed portion was sold to the mortgagees at a public auction held on January 22, 1979. Sometime in 1980, Severina Ortiz filed a complaint before the RTC assailing the extrajudicial foreclosure of the portion of her land which was tenanted. The RTC therein dismissed her complaint on the ground of estoppel. On appeal, the Court of Appeals, in a Decision[5] dated October 4, 1985, affirmed the decision of the RTC as to the validity of the extrajudicial foreclosure of the mortgaged properties but held that the same does not affect the rights of the tenant-beneficiaries of the landholding. The petition for review on certiorari filed by Ortiz was denied by the Supreme Court in a Resolution dated November 17, 1986. The

decision became final and executory and an entry of judgment was subsequently issued.

Meanwhile, on June 20, 1996, Aurelio Untalan, one of Ortiz' tenant-farmers, executed a waiver of rights[6] in favor of plaintiff-appellee Rodolfo S. Evangelista. Since then, appellee Evangelista claimed to have paid all the amortizations due on the land for which he was issued an amortization receipt for such payment.

On February 12, 1999, the Register of Deeds of the Province of Nueva Ecija partially canceled TCT No. NT-26519 and issued TCT No. NT-241603[7] in favor of the mortgagees Rolando Morales, Heraclides Morales, Dario Morales and Raymunda Morales. On April 15, 2003, herein defendants-appellants heirs of Rolando Morales namely: Evangeline Morales, Arsenio Morales & Pastor Archimedes P. Morales, represented by their Attorney-in-Fact Atty. Pastor Archimedes P. Morales, filed Civil Case No. 1899 for ejectment against appellee Evangelista. In a Decision[8] dated July 25, 2006, the MTC of Sta. Rosa, Nueva Ecija ordered therein the ejectment of appellee Evangelista from the subject property. The decision became final and executory with the denial of the appeal filed by appellee Evangelista. A Writ of Execution[9] dated December 13, 2010 was then issued by the MTC of Sta. Rosa, Nueva Ecija ordering appellee Evangelista to vacate the subject premises.

Meanwhile, appellee Evangelista, together with the other tenants of the landholding, filed a petition for coverage under P.D. No. 27 before the Department of Agrarian Reform (DAR) to declare them as the legitimate beneficiaries of the landholding. In an Order[10] dated July 16, 2009, the Regional Director of the DAR declared the subject landholding to be under the coverage of the operation land transfer program of P.D. No. 27.

On May 4, 2011, appellee Evangelista filed the instant Civil Case No. 6204 for Annulment of Title with Damages and Urgent Prayer for the Issuance of TRO and/or Writ of Preliminary Injunction[11] before the Regional Trial Court, Branch 86, Cabanatuan City against appellants Heirs of Rolando Morales, Evangeline Morales, Arsenio Morales & Pastor Archimedes P. Morales, represented by their Attorney-in-Fact Atty. Pastor Archimedes P. Morales, Register of Deeds, Province of Nueva Ecija and Municipal Trial Court, Sta. Rosa, Nueva Ecija. Appellee Evangelista contends in his complaint that the issuance of TCT No. NT-241603 in the name of the mortgagees Rolando Morales, Heraclides Morales, Dario Morales and Raymunda Morales was illegal and in flagrant violation of P.D. No. 27. The said title was obtained through fraud because the mortgagees failed to submit a DAR clearance to the Register of Deeds to certify that the land is not tenanted. He also claimed that being a long-time tenant and occupant of the land, he is entitled to security of tenure under the mantle of P.D. No. 27.

In their traverse[12], appellants Heirs of Rolando Morales contended that the decision in Civil Case No. 1899 for ejectment had already become final and executory. The court has ruled therein that they are entitled to the possession of the subject lot and that appellee Evangelista should vacate the same. Any unjustified delay in the enforcement of the judgment would be an empty victory for the prevailing party.

The court a quo, in an Order[13] dated August 24, 2011, referred the case to the Provincial Agrarian Reform Office (PARO) of the DAR in accordance with Supreme Court OCA Circular No. 62-2010 and Section 50-A of R.A. No. 6657 for determination as to whether the case involves an agrarian dispute.

On January 24, 2012, Atty. Salvador P. Ramos, Chief-Legal Services Division of the DAR Provincial Office, submitted to the DAR-PARO its findings and recommendation.[14] According to him, the partial change of ownership of the landholding as a result of the extrajudicial foreclosure cannot subvert the land's coverage under P.D. No. 27 which was instituted way back on October 21, 1972. Upon the promulgation of P.D. No. 27, the tenant-farmers are deemed to be the owners of the land they are tilling. A scrutiny of TCT No. NT-241603 issued in the names of the mortgagees even showed in the technical description of the twelve (12) parcels of land covered thereby that the same are subject to the operation land transfer program of the government. Verily, under the mandate of P.D. No. 27, the state, through the DAR, is the owner of the landholding subject to distribution to

the rightful beneficiaries. Anent the existence of landowner-tenant relationship, Atty. Ramos contended that the tenancy of appellee Evangelista must be tacked with that of Aurelio Untalan, as the latter's successor. When appellee Evangelista assumed the tenancy of Aurelio Untalan, he paid a total of P158,800.00 to the heirs of Severina Ortiz to fully comply with the conditions of the direct payment scheme under P.D. No. 27. Verily, there exists an agrarian dispute between appellee Evangelista and appellants heirs of Rolando Morales and the same must be litigated before the Department of Agrarian Reform Adjudication Board (DARAB). There also exists an issue pertaining to the implementation of Agrarian Law and thus recommended that Civil Case No. 6204 be dismissed on the ground of lack of jurisdiction on the part of the court a quo.

On February 8, 2012, the DAR-PARO submitted to the court a quo a Certification^[15] that the relationship between the parties in Civil Case No. 6204 is agrarian in nature which is within the primary and exclusive jurisdiction of the DAR. It then recommended the dismissal of Civil Case No. 6204 on the ground of lack of jurisdiction.

The court a quo, in the assailed Order^[16] dated February 20, 2012, dismissed the instant complaint on the ground of lack of jurisdiction. The pertinent portions of the Order read:

Bearing in mind the above-cited provision of law, the doctrine of primary jurisdiction, and in furtherance of the Court's policy to expedite the resolution of cases involving agrarian disputes and the full implementation of the objectives of agrarian reform laws as mandated by OCA Circular No. 62-2010, this Court resolves to [adopt] the findings and recommendation of South Nueva Ecija Provincial Office, Department of Agrarian Reform, that this case is not proper for trial before this Court, but by the DARAB.

Wherefore, premises considered, for lack of jurisdiction, this case is hereby ordered DISMISSED.

x x x

SO ORDERED.^[17]

Hence, the instant appeal filed by appellants Heirs of Rolando Morales raising the lone assignment of error that:

THE HONORABLE REGIONAL TRIAL COURT ERRED IN DISMISSING PLAINTIFF-APPELLEE'S COMPLAINT ON THE GROUND OF LACK OF JURISDICTION BY ADOPTING THE FINDINGS OF ATTY. SALVADOR P. RAMOS (CHIEF-LSJ, SOUTH NUEVA ECIJA, PROVINCIAL OFFICE, DEPARTMENT OF AGRARIAN REFORM THAT THERE EXISTS AN AGRARIAN DISPUTE IN THE INSTANT CASE.^[18]

THE ISSUE

The pivotal issue is whether or not the court a quo erred in dismissing Civil Case No. 6204 on the ground of lack of jurisdiction.

THE COURT'S RULING

The appeal lacks merit.

The jurisdiction of a tribunal, including a quasi-judicial agency, over the subject matter of a complaint is determined by the allegations therein. Jurisdiction is determined by considering not only the status or relationship of the parties but also the nature of the issues or questions that is the subject of the controversy. Thus, if the issues between the parties are intertwined with the resolution of an issue within the exclusive jurisdiction of the DARAB, such dispute must be addressed and resolved by the DARAB.^[19]

Concomitantly, Section 50 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform

Law, grants to the DAR quasi-judicial powers to determine and adjudicate agrarian reform matters and those involving the implementation of agrarian reform, to wit:

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).

In *Vda. de Tangub v. Court of Appeals, et al.*,^[20] the Supreme Court held that the jurisdiction of the DAR concerns (1) the determination and adjudication of all matters involving implementation of agrarian reform; (2) the resolution of agrarian conflicts and land-tenure related problems; and (3) the approval or disapproval of the conversion, restructuring or readjustment of agricultural lands into residential, commercial, industrial, or other non-agricultural use. The DAR, in turn, exercises this jurisdiction through its adjudicating arm, the DARAB.

Accordingly, Section 1, Rule II of the DARAB Rules of Procedure provides the primary and exclusive jurisdiction of the DARAB, particularly:

Sec. 1. Primary and Exclusive Original and Appellate Jurisdiction. — The Board shall have primary exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws .

x x x

e) Those involving the sale, alienation, mortgage, foreclosure, pre-emption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws.

x x x

In the case of *Nuesa v. Court of Appeals*,^[21] the Supreme Court stressed that the DAR is vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have the exclusive jurisdiction over all matters involving the implementation of the agrarian reform program. The DARAB, on the other hand, has primary, original and appellate jurisdiction to determine and adjudicate all agrarian disputes or incidents involving the implementation of the Comprehensive Agrarian Reform Program under R.A. 6657, E.O. Nos. 229, 228 and 129-A, R.A. 3844, as amended by R.A. 6389, P.D. No. 27 and other agrarian laws and their implementing rules and regulations.

In this regard, Section 3 of Republic Act No. 6657 defines agrarian dispute as 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 Republic Act No. 6657 and other terms and conditions of transfer of ownership from landowner 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. It refers to any controversy relating to, inter alia, tenancy over lands devoted to agriculture.^[22]

From the above premises, We find that the court a quo did not err in when it dismissed Civil Case No. 6204 on the ground of lack of jurisdiction. The allegations in the complaint, the issues raised and the reliefs sought undeniably show that the relationship between the parties is agrarian in nature.

A perusal of appellee Evangelista's complaint essentially reveals the following: (a) the subject landholding is covered by P.D. No. 27 or the Land Reform Program of the Government; (b) Severina Ortiz, the original owner of the entire landholding, has entered into a compromise agreement and direct payment scheme with her tenant-farmers in accordance with the operation land transfer program under P.D. No. 27; (c) appellee claims to be a tenant-beneficiary of the subject landholding who has paid amortizations due to the landowner Severina Ortiz; and, (d) appellants heirs of Rolando Morales, who have acquired title to the subject landholding and who merely stepped into the shoes of the original owner Severina Ortiz, must respect the coverage of the subject landholding under P.D. No. 27, as well as, the tenancy of the farmer-beneficiaries including appellee Evangelista.

Indubitably, the complaint involves matters arising from the implementation of agrarian reform laws in view of the allegations therein that the subject landholding is under the coverage of P.D. No. 27 and that any change of ownership of the land cannot subvert the said coverage. Further, there is clearly an agrarian dispute with the existence of a tenancy relationship between the parties based on the allegations that appellee Evangelista is a legitimate tenant of the subject landholding and has paid amortizations due to the original landowner Severina Ortiz in accordance with the direct payment scheme of the government. Appellants Heirs of Rolando Morales who now claim ownership of the subject landholding merely stepped into the shoes of the original landowner Severina Ortiz who had instituted appellee Evangelista as tenant-tiller.

Verily, the instant case is an action seeking the implementation of the operation land transfer under P.D. No. 27, as well as, an action by a tenant to have his security of tenure respected by the landowners as a tenant-beneficiary of the subject landholding. We thus rule that the dispute is agrarian in nature falling within the jurisdictional domain of the DARAB. This is in line with the doctrine of primary jurisdiction which precludes the regular courts from resolving a controversy over which jurisdiction has been lodged with an administrative body of special competence.

WHEREFORE, the instant appeal is hereby DENIED. The assailed Order dated February 20, 2012 of the Regional Trial Court, Branch 86, Cabanatuan City is AFFIRMED.

SO ORDERED.

De Guia-Salvador (Chairperson) and Bueser, JJ., concur.

[1] Penned by Presiding Judge Serafin C. Cruz, Records, pp. 378-379

[2] Records, p. 379

[3] Records, pp. 15-18

[4] Records, pp. 19-20

[5] Records, pp. 25-27

[6] Records, p. 12

[7] Records, pp. 22-23

[8] Records, pp. 49-63

[9] Records, pp. 64-65

[10] Records, pp. 39-44

[11] Vide: Annulment of Title (based on actual fraud) with Damages & with Urgent Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction, Records, pp. 2-10

[12] Answer dated May 20, 2011, Records, pp. 102-111

[13] Records, p. 134

[14] Recommendation dated January 24, 2012, Records, pp. 142-157

[15] Records, p. 158

[16] Supra at Note 1

[17] Records, p. 379

[18] Rollo, p. 28

[19] Salazar v. De Leon, G.R. No. 127965, January 20, 2009; DAR v. Abdulwahid, G.R. No. 163285, February 27, 2008

[20] UDK No. 9864, December 3, 1990

[21] G.R. No. 132048, March 6, 2002

[22] Nuesa v. Court of Appeals, supra.

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