

**FRANCISCO BERNARTE, BENEDICTO DANAN, BIENVENIDO BELLEZA,
ROBERTO MALLARI, FELICIANO MALLARI, PESCASIO DIMARUCUT,
REYNALDO TIMBANG, ALFREDO SANTOS, FEDERICO SANTOS,
LAMBERTO DANA...**

G.R. No. 107741. October 18, 1996

Ponente: ROMERO, J.

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ROMERO, J.:

This is a petition for review of the decision[1] dated November 19, 1992 of the Court of Appeals in CA-G.R. SP No. 29284 dismissing for lack of merit the petition for habeas corpus of petitioners.

The records show that on October 5, 1989, Estrella Arastia, in her own behalf and as attorney-in-fact of the heirs of Teodorica Reinales Arastia, Letecia Arastia-Montenegro and Juanita Arastia, filed a complaint for violation of Section 73 (b) of Republic Act No. 6657 (Comprehensive Agrarian Reform Law of 1988) before the Regional Trial Court of San Fernando, Pampanga, Branch 48 in its capacity as a Special Agrarian Court.

Docketed as Agrarian Case No. 2000, the complaint[2] alleged that after the EDSA Revolution, herein petitioners, who organized themselves into the Anibang Manggagawa sa Agricultura (A.M.A.), illegally intruded into the land located at Lubao, Pampanga (with an aggregate area of around 210 hectares) of the plaintiffs, burned the existing sugarcane plants and started to cultivate small portions thereof. As a result, the land was abandoned by Rustico Coronal, the civil lessee, and taken over by plaintiff-owners. Alleging further that there had been "definite findings and rulings by the Department of Agrarian Reform" that "no tenancy relationship" existed between the parties, petitioners herein continued to forcibly enter, intrude into and molest the possession of the plaintiffs over the land in question in violation of Section 73 (b) of Republic Act No. 6657. The complaint prayed for the issuance of a temporary restraining order to enjoin petitioners from entering into the land and intruding in the possession thereof and, after hearing, the issuance of a writ of preliminary injunction which should be made permanent after a full-blown trial.

In their answer,[3] petitioners averred that they had been in continuous and peaceful possession of their respective tillages since 1950 when the late Teodorica Arastia was still the administratrix of the landholding in question. They moved for the dismissal of the complaint on the ground that the trial court had no jurisdiction as it was the Department of Agrarian Reform (DAR), through the Department of Agrarian Reform Adjudication Board (DARAB), pursuant to Section 50 of Republic Act No. 6657, that had jurisdiction over the case. Moreover, petitioners asserted that due to the malicious and evil intentions of plaintiffs in harassing and ejecting them from the land, they suffered actual, as well as moral damages, for their failure to harvest their standing crops.

Inasmuch as the complaint was very specific as regards petitioners' commission of acts prohibited by Section 73 (b) of Republic Act No. 6657 and pursuant to Section 57 thereof,[4] the lower court denied the motion to dismiss on November 2, 1989. It issued a writ of preliminary injunction ordering petitioners "and/or any other person acting in their command and/or their behalf to desist and refrain from occupying their respective portions they are

allegedly cultivating pending the termination of this litigation, and/or unless a contrary order is issued by this Court." [5]

Petitioners' motion for reconsideration praying that the writ of preliminary injunction be set aside and that the case be dismissed for lack of merit was denied by the lower court on April 25, 1990. It reiterated the writ of preliminary injunction in the Order of July 31, 1991 which deputized members of the Philippine National Police (PNP) based in Lubao and Guagua, Pampanga, to enforce the said writ. On April 23, 1992, the complaint was amended to reflect the names of the "John Does" originally impleaded therein and who had been identified.

Subsequently, on July 17, 1991, petitioners filed before this court a petition for certiorari, docketed as G.R. No. 100663 and entitled "Jesus Bernal, et al. v. Estrella Arastia, et al.," assailing the jurisdiction of the lower court over Agrarian Case No. 2000. On July 31, 1991, this Court dismissed the petition for failure to comply with Circular No. 1-88, specifically No. 4 thereof, requiring a "verified statement of the date when notice of the judgment, order or resolution subject of the petition was received, when a motion for reconsideration was filed and when notice of the denial thereof was received." [6]

Meanwhile, on November 29, 1989, petitioners filed before the DARAB a complaint [7] against Estrella Arastia. Docketed as DARAB Case No. 161-P'89, the complaint alleged that on September 25, 1989, through the use and employ of armed men, Estrella Arastia forcibly evicted and drove them out of their landholdings, harvested and appropriated their standing rice crops, destroyed their vegetable crops, took their deep well and set fire on their houses. As a consequence thereof, they suffered damages in the total amount of P3,300,000.00 for which Estrella Arastia should be held liable. They prayed for the issuance of a writ of preliminary injunction or restraining order to enjoin defendant therein from preventing their re-entry and re-occupation of the landholdings pending the resolution of the case.

Pursuant to Section 19 of Executive Order No. 229 and Section 47 of Republic Act No. 6657, the case was referred to the Barangay Agrarian Reform Committee (BARC) of barangays San Isidro, Santiago, San Rafael and Lourdes in Lubao, Pampanga for fact-finding and exploration of the possibility of an amicable settlement. After conducting the necessary proceedings, the BARCs found that petitioners had been in possession and cultivation of their respective farmholdings. This fact was contained in the report dated May 23, 1988 of Mr. Vicente Jimenez, CARPO/Officer-in-Charge, Provincial Office of Pampanga, to the Secretary of the Department of Agrarian Reform which was transmitted to the DARAB on September 18, 1989.

However, despite receipt of summons and the DARAB orders of June 5, 1990, September 19, 1990 and October 5, 1990, Estrella Arastia did not file an answer nor comply with said orders. DARAB construed this as her waiver and affirmation of what had been submitted by petitioners, and that she had no evidence to submit for its consideration.

On December 7, 1990, based on the findings of the BARCs, the DARAB issued an order [8] declaring the 300-hectare land as within the coverage of the Comprehensive Agrarian Reform Law of 1988; maintaining petitioners' "possession and cultivation of their respective landholdings" from where "they were forcibly ejected on September 29, 1989" and "restraining the respondent or any other persons acting in her behalf from entering, intruding, and disturbing the farming activities of the said petitioners in their respective farmholdings;" directing the MARO of Lubao, Pampanga and the DAR employees concerned "to process and take appropriate action on the petition for coverage under Republic Act 6657 of their respective farmholdings in accordance with the rules and regulations of the DAR," and dismissing for lack of merit the claims for damages. [9]

The petitioners, having filed a bond in the amount of five hundred thousand pesos (P500,000.00), on September 29, 1992, the DARAB issued the writ of preliminary injunction [10] they had prayed for. Consequently, with the

assistance of two (2) police officers assigned by the Chief of Police of Lubao, Sheriff Josesito B. Dollente served the writ on September 30, 1992, in the presence of some barangay officials and the CAFGU-CVO in charge. Since Estrella Arastia was not in her provincial address, a certain Primitivo Maninang received the writ for her.

On October 7, 1992, on the strength of the said writ of preliminary injunction in DARAB Case No. 161-'89, petitioners resumed occupation and cultivation of the subject land. Such actions resulted in the dispatch of several policemen to the area. They reminded petitioners of the writ of preliminary injunction issued earlier in Agrarian Case No. 2000 and ordered them to leave the land in dispute. Upon their refusal to leave, the policemen arrested them and subsequently charged them with resistance and/or disobedience to the lawful order of persons in authority before the Municipal Trial Court of Lubao. On the same day, however, they were released from police custody on the recognizance of Atty. Zenaida Ducut.

Insisting on their right to work on the land in accordance with the writ issued in DARAB Case No. 161-'89, the following day, October 8, 1992, petitioners again entered the land. Without a warrant of arrest, herein respondent police officers named Jesus Maninang, Carlos Guinto, Jesus Kabiling, Edgardo Lalic and Dominador Lacanlale arrested petitioners for having entered the landholding and for resisting and intimidating said police officers. Recovered from petitioners' possession were seven (7) assorted bolos used in cultivating the land.[11]

Petitioners were detained at the municipal jail of Lubao, Pampanga on October 8, 1992. On even date, they were charged with direct assault upon agents of a person in authority under Criminal Case No. 5999.

On October 14, 1992, the said municipal court ordered the transfer of petitioners to the provincial jail in San Fernando, Pampanga on the ground that the case fell within the jurisdiction of the Regional Trial Court and the fact that petitioners, having refused to receive copy of the complaint and the affidavits of the complainants, did not "intend to file counter-affidavit." On October 16, 1992, the municipal court also ordered that the records of the case be forwarded to the Office of the Provincial Prosecutor in San Fernando, Pampanga for appropriate action. On October 21, 1992, the Provincial Prosecutor filed an information for direct assault upon an agent of a person in authority which was docketed as Criminal Case No. 3171 before the Regional Trial Court of Guagua, Pampanga. Arraignment was set for December 1, 1992 at 9:00 o'clock in the morning.

After the filing of the information for direct assault or on October 23, 1992, petitioners filed before this Court a petition for habeas corpus under G.R. No. 107399 questioning the legality of their arrest and detention. On October 28, 1992, this Court issued the writ returnable to the Acting Presiding Justice of the Court of Appeals. The return of the writ was filed on November 9, 1992. In due course, on November 19, 1992, the Court of Appeals dismissed the petition for lack of merit in the herein questioned Decision which held in part as follows:

"The petitioners' claim that they were exercising their rights when they were working and farming on the said land pursuant to the preliminary injunction issued in DARAB Case No. 161-P'89, and that the preliminary injunction issued by the RTC being enforced by the respondent PNP Team is unlawful for said RTC, Br. 48, San Fernando, Pampanga has no jurisdiction over Agrarian Case No. 2000, deserves scant consideration. As brought out by respondents and verified from the records of the Supreme Court, the petitioners had filed therewith a certiorari petition entitled 'Jesus Bernal, et al. v. Hon. Eli G.C. Natividad, et al.' (G.R. No. 100663) questioning the said Regional Trial Court's jurisdiction to issue the writ of preliminary injunction in Agrarian Case No. 2000. Said petition in G.R. No. 100663 was dismissed for non-compliance with Supreme Court Circular No. 1-88. Entry of final judgment thereon was made by the Supreme Court on October 10, 1991.

As matter (sic) now stands, the said RTC, Branch 48, San Fernando, Pampanga, has not been declared as without jurisdiction over Agrarian Case No. 2000 and therefore, the said writ of preliminary injunction it issued is in order.

In fine, since at the time the petitioners were arrested, the PNP team was enforcing a lawful order of the same RTC and in seriously resisting the same the appellants intimidated the PNP team committing the alleged crime of Direct Assault Upon An Agent of A Person In Authority, a warrant was not necessary for their arrest, as provided in Sec. 5(a), Rule 113, Rules on Criminal Procedure, to wit:

‘SEC. 5. Arrest without warrant; when lawful. -- A peace officer or private person may without a warrant, arrest a person;

(a) When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it;’

In the light of the foregoing, the issue regarding the validity of four warrants of arrest issued against the petitioners need not be taken up.

Let it also be stated that there is no explicit rule requiring a judge, after an accused has been arrested without a warrant for an offense cognizable by the regional trial court and later charged in a complaint or information conformably with the provisions of Rule 112, Section 7 of the 1985 Rules on Criminal Procedure to still issue a warrant of arrest or order of commitment for the said accused (Re: Petition for Habeas Corpus of Gloria Jopson Asuncion [G.R. L-No. 84907, Minute Resolution, First Division, November 3, 1988]). As explained by the Supreme Court, such rule is not provided since the accused is already under detention so that the issuance of a warrant for his arrest or an order for his commitment would be an absolute superfluity, considering that the need of a warrant of arrest arises only when the accused is at large as under Rule 113, Section 1 of the 1985 Rules of Criminal Procedure means ‘the taking of a person in custody in order that he may be bound to answer for the commission of an offense,’ and that the obvious purpose of the warrant is for the court to acquire jurisdiction over the person of the accused (Re: Petition of Habeas Corpus of Gloria Jopson Asuncion , supra)."

Petitioners received a copy of said Decision on November 20, 1992, a Friday. On November 23, 1992, they filed in this Court a motion for an extension of two (2) days within which to file a petition for review on certiorari. They followed the motion with another requesting an additional two (2) days within which to file said petition. They eventually filed the instant petition on November 27, 1992.

On December 22 and 29, 1992 and January 21, 1993, thirty (30) of the forty-five (45) petitioners posted bail in Criminal Case No. 5999 for direct assault.[12] As of May 18, 1993, only three (3) remained detained at the provincial jail.[13] In their Memorandum which was received by the Court on May 17, 1995, petitioners furnished the information that "most if not all of the petitioners were already released on bail and therefore cannot avail of the writ of habeas corpus for being moot and academic." [14] And yet, invoking *Soriano v. Heirs of Domingo Magali* (sic), [15] *Malabanan v. Hon. Ramento* [16] and *Salonga v. Pano* [17] where the Court considered the issues raised notwithstanding that certain events had supervened to render the case moot and academic, petitioners insist that dismissal of the case on such ground should not bar the resolution of this case on the merits.

The writ of habeas corpus under Rule 102 of the Rules of Court extends "to all cases of illegal confinement or detention by which any person is deprived of his liberty , or by which the rightful custody of any person is withheld from the person entitled thereto." The function of the special proceeding of habeas corpus is to inquire into the legality of one's detention.[18] In all petitions for habeas corpus, the court must inquire into every phase and aspect of petitioner's detention -- from the moment petitioner was taken into custody up to the moment the court passes upon the merits of the petition and "only after such a scrutiny can the court satisfy itself that the due process clause of our Constitution has been satisfied." [19]

However, once the person detained is duly charged in court, he may no longer question his detention by a petition for the issuance of a writ of habeas corpus. His remedy then is the quashal of the information and/or the warrant of arrest duly issued.[20] The reason for the issuance of the writ even becomes more unavailing when the person

detained files a bond for his temporary release. Thus, in *Velasco v. Court of Appeals*,^[21] the Court said:

"Even if the arrest of a person is illegal, supervening events may bar his release or discharge from custody. What is to be inquired into is the legality of his detention as of, at the earliest, the filing of the application for a writ of habeas corpus, for even if the detention is at its inception illegal, it may, by reason of some supervening events, such as the instances mentioned in Section 4 of the Rule 102, be no longer illegal at the time of the filing of the application. Among such supervening events is the issuance of judicial process preventing the discharge of the detained person. . . . Another is the filing of a complaint or information for the offense for which the accused is detained, as in the instant case. By then, the restraint of liberty is already by virtue of the complaint or information and, therefore, the writ of habeas corpus is no longer available. Section 4 of Rule 102 reads in part as follows; 'Nor shall anything in this rule be held to authorize the discharge of a person charged with . . . an offense in the Philippines.'

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It may also be said that by filing his motion for bail, Larkins admitted that he was under the custody of the court and voluntarily submitted his person to its jurisdiction. In *De Asis vs. Romero* (41 SCRA 235, 240 [1971]), this Court stated:

De Asis could have, right after his arrest, objected to the regularity of the issuance of the warrant of arrest in question. Instead he not only filed a petition for bail with the lower court, thereby accepting the court's jurisdiction over his person, but he also pleaded, on arraignment, to the information filed against him. (emphasis supplied)

The filing of a petition or motion for bail in cases where no bail is recommended has the same legal import and effect as the posting of bail in cases where bail is recommended. It is settled that the giving or posting of bail by the accused is tantamount to submission of his person to the jurisdiction of the court."

The instant petition for habeas corpus has thus been rendered moot and academic by the filing against petitioners of charges for direct assault on October 8, 1992 before the Municipal Trial Court of Lubao which, on being forwarded to the Regional Trial Court of Pampanga upon the filing of an information for direct assault on October 21, 1992 became Criminal Case No. 3171, even before the filing of the petition for habeas corpus docketed as G.R. No. 107399. Their subsequent filing of bailbonds to secure their provisional liberty sealed the mootness of the instant petition.

As stated above, under the circumstance, petitioners' remedy would have been the quashal of the information in case they have valid reason therefor. In any event, the Court shall consider the principal issues raised in the instant petition for habeas corpus in the interest of justice and if only to clarify certain procedural misconceptions which appear to confuse petitioners and their counsel.^[22]

Petitioners posits the view that resolution of the instant petition for habeas corpus is interrelated with the issue as to which of the two writs of preliminary injunction affecting them should prevail. They contend that the writ of preliminary injunction issued by the DARAB, not that earlier issued by the Regional Trial Court in Agrarian Case No. 2000, is the valid one because the regular court had no jurisdiction over said agrarian case. Therefore, petitioners aver, the invalidity of the writ being enforced by police authorities could only result in the invalidity of their arrest. They further assert that, even if their petition in G.R. No. 100663 questioning the validity of the issuance of the writ of preliminary injunction in Agrarian Case No. 2000 was dismissed, such dismissal "on a formal technicality does not amount to rendering as valid the otherwise void writ of preliminary injunction" issued in said case.^[23]

The petition in G.R. No. 100663 was dismissed for noncompliance with Circular No. I-88. Contrary to petitioners' contention, however, such a dismissal through a minute resolution was one on the merits of the

petition. Thus, where a first petition for certiorari was dismissed for noncompliance with paragraph 4 of Circular No. I-88 and another petition, complying with said circular and basically reiterating the same issues raised in the first petition was filed a year later, the Court dismissed the second petition and severely censured counsel for petitioner for refiling the same petition. In a Resolution, the Court stated as follows:

" . . . (I)t is equally axiomatic that minute resolutions of this Court, denying due course to petitions, or dismissing cases summarily -- for failure to comply with the formal or substantial requirements laid down therefor by the law -- are actually dispositions on the merits (SEE *Smith Bell & Co. V. Court of Appeals*, 197 Phil. 201 [1991] citing: *Policarpio v. PVB*, 106 Phil. 125; *Commercial Union v. Lepanto*, 86 SCRA 79, *Novino v. Court of Appeals*, 83 SCRA 279), constituting *res judicata*." [24] (Underscoring supplied)

Hence, even though the Court did not explicitly resolve G.R. No. 100663 on the merits, its dismissal on the ground of noncompliance with Circular No. I-88 had the effect of resolving the issues raised therein. While it may be argued that said circular is merely a remedial measure which should not unduly affect the substantive aspects of a case, its force and effect must at all times be upheld for, after all, it was designed for the orderly administration of justice.

As regards the issue of jurisdiction over the dispute between them and the Arastias, petitioners should be reminded that the allegation in a complaint are determinative factors of said issue. On this matter, the Court declared:

"Jurisdiction over the subject-matter is determined upon the allegations made in the complaint, irrespective of whether the plaintiff is entitled or not entitled to recover upon the claim asserted therein -- a matter resolved only after and as a result of the trial. Neither can the jurisdiction of the court be made to depend upon the defenses made by the defendant in his answer or motion to dismiss. If such were the rule, the question of jurisdiction would depend almost entirely upon the defendant." [25]

In her complaint in Agrarian Case No. 2000, Estrella Arastia alleged that she and the rest of the plaintiffs therein were the registered owners of the parcels of land in question which herein petitioners illegally intruded into, damaged and cultivated under the status of holding "actual title over the properties;" that the definite findings and rulings of the DAR showed that "no tenancy relationship" existed between the parties and that petitioners were definitely not qualified beneficiaries of the rights and benefits under Republic Act No. 6657 as they were not in any way tenants and/or legitimate tillers of the subject land, and that the acts of petitioners violated Section 73 (b) of said law.

Petitioner's raising the issue of jurisdiction in their answer to the complaint did not automatically divest the lower court of jurisdiction over Agrarian Case No. 2000. The court had to continue exercising authority to hear the evidence for the purpose of determining whether or not it had jurisdiction over the case. In a plethora of cases, this Court has made the pronouncement that once jurisdiction is vested, the same is retained up to the end of the litigation.[26] After such hearing, if tenancy had in fact been shown to be the real issue, then the court should dismiss the case for lack of jurisdiction.[27]

It should be pointed out, moreover, that in filing Agrarian Case No. 2000, Estrella Arastia was merely ejecting petitioners from the land on the ground that no tenancy relationship existed between them. However, her invocation of Sec. 73 (b) of Republic Act No. 6657 which considers as a prohibited act "forcible entry or illegal detainer by persons who are not qualified beneficiaries under this Act to avail themselves of the rights and benefits of the Agrarian Reform Program," obviously led the court to docket the case as Agrarian Case No. 2000 and assume jurisdiction over it as a special agrarian court.[28]

Such actions were in consonance with Sections 56[29] and 57 of said law which at vest upon the Regional Trial

Court, acting as a Special Agrarian Court, with jurisdiction over two classes of agrarian-related cases: (1) "petitions for the determination of just compensation to landowners" and (2) "prosecution of all criminal offenses" under the same law. A criminal offender under Republic Act No. 6657 is, pursuant to Section 74 of the law, "(a)ny person who knowingly and willfully violates the provisions of this Act." [30] Thus, the lower court correctly assumed jurisdiction over Agrarian Case No. 2000.

It was within petitioners' rights to question the issuance of the writ before this Court through G.R. No. 100663. However, in filing the petition, they failed to comply with Circular No. 1-88. The consequent dismissal of the case for noncompliance with said circular deprived this Court with authority to look into the validity of the writ once again. To repeat, such dismissal constituted *res judicata* on the issue of validity of the writ of preliminary injunction.

Consequently, petitioners are treading on shaky ground in questioning the legality of their arrest in this petition for habeas corpus for the reason that the police officers were enforcing a writ of preliminary injunction illegally issued in Agrarian Case No. 2000 and, in the same breath, allege that they could use force or "legally resist and even intimidate another, be he a private individual or an agent of a person in authority, who interferes with the legitimate exercise of (his) rights" [31] as possessors and cultivators of the Arastia property.

If indeed petitioners are tenants of the Arastias under the law, [32] they are not without other legal recourse. Certainly, through their counsel, who appear to be zealous in protecting whatever rights petitioners believe they may have, they should pursue DARAB Case No. 161-P'89 and whatever actions are available for them under the Comprehensive Agrarian Reform Law of 1988.

Although it is well-accepted that a court should always strive to settle the controversy in a single proceeding, leaving no root or branch to bear the seeds of future litigation, [33] this rule cannot apply if the result would negate the rational application of the Rules of Court. Petitioners may not engage in procedural shortcuts to revive the settled issue of the validity of the writ of preliminary injunction issued in Agrarian Case No. 2000 allegedly on the ground of the existence of a tenancy relationship between the parties in the instant petition for habeas corpus arising from their arrest for having assaulted persons in authority.

WHEREFORE, the instant petition for review on certiorari is hereby DENIED. No cost.

SO ORDERED.

Regalado (Chairman), Puno, Mendoza, and Torres, Jr., JJ., concur.

[1] Penned by Associate Justice Gloria c. Paras.

[2] Annex 2-J of the Petition; Rollo, pp. 83-100.

[3] Annex 2-K of the Petition; *Ibid.*, pp. 101-105.

[4] "SEC. 57. Special Jurisdiction. -- The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act.

The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision."

[5] Annex 2-L of the Petition; *Ibid.*, pp. 106-107.

- [6] Rollo of G.R. No. 100663, p. 72.
- [7] Annex 2-M of the Petition; Ibid., pp. 108-116.
- [8] Signed by Regional Adjudicator Hermogenes S. Rena.
- [9] Rollo, p. 124.
- [10] Signed by Provincial Adjudicator Toribio E. Ilao, Jr.
- [11] Annex 2-G of Petition; Ibid. p. 90.
- [12] Rollo, p. 204.
- [13] Petitioners' Motion to Resolve Petition, p. 2; Rollo p. 171.
- [14] Rollo, p. 256.
- [15] L-15133, July 31, 1963, 8 SCRA 489. This is an incorrect citation. The ruling of the Decision of this Court cited in page 2 of Petitioners' Memorandum attributed to Soriano v. Heirs of Domingo Magali was actually lifted from Buencamino v. Hernandez (L-14883, July 31, 1963, 8 SCRA 483, 488).
- [16] 214 Phil. 319, 324 (1984).
- [17] G.R. No. 59524, February 18, 1985, 134 SCRA 438.
- [18] Ilagan v. Enrile, G.R. No. 70748, October 21, 1985, 139 SCRA 349, 364.
- [19] Morales, Jr. v. Enrile, G.R. Nos. 61016 & 61107, April 26, 1983, 121 SCRA 538, 563 reiterated in Umil v. Ramos, G.R. No. 81567, July 9, 1990, 187 SCRA 311.
- [20] Iligan v. Enrile, *supra*.
- [21] G.R. No. 118644, July 7, 1995 SCRA 677, 685-687.
- [22] In accordance with the Salonga v. Paño (*supra* at p. 464) holding that the Court has the "duty to formulate guiding and controlling constitutional principles, precepts, doctrines, or rules" and "the symbolic function of educating bench and bar on the extent of protection given by constitutional guarantees."
- [23] Petition, p. 17; Rollo, p. 35.
- [24] Minute Resolution of May 6, 1993 in G.R. No. 103712 (Venerando L. Agustin v. The Office of the President, Republic of the Philippines and The Secretary of Justice; In Re: Atty. Ira Carlota F. Chiong).
- [25] Isidro v. Court of Appeals, G.R. No. 105586, December 15, 1993, 228 SCRA 503, 508-509 citing Multinational Village Homeowners' Association, Inc. v. Court of Appeals, et al., G.R. No. 98023, October 17, 1991, 203 SCRA 104.
- [26] Vda. De Pamimtuan v. Tiglao, 53 Phil. 1; People v. Pegarum, 58 Phil. 715; Alejandro v. Judge, 70 Phil. 749; PLASLU v. CIR, 93 Phil. 747; Detective and Protective Bureau, Inc. v. Guevarra, 101 Phil. 1234; Lumpay v. Moscoso, 105 Phil. 968; Tuvera v. de Guzman, 13 SCRA 729; Rizal Surety and Ins. Co. v. Manila Railroad Co., 16 SCRA 908; Insurance Co. of North America v. U.S. Lines Co., 17 SCRA 101; Firemens's Insurance Co. v. Manila Port Service, 20 SCRA 1273; People v. Paderna, 22 SCRA 273; Republic v. Central Surety and Insurance Co., 25 SCRA 641; Denila v. Bellosillo, 64 SCRA 63; Lat v. PLDT, Co., 67 SCRA 425; People v. Nazareno, 70 SCRA 531; Abadilla v. Ramos, 106 SCRA 92; Dioquino v. Cruz, 116 SCRA 451; Jimenez v. Nazareno, 160 SCRA 1; Robles v. HRET, 181 SCRA 780; Odin Security Agency v. Dela Serna, 182 SCRA 472; People v. Vera,

182 SCRA 800; Guimoc v. Rosales, 201 SCRA 468; Condon v. Puno, 12 CA Rep. [2d] 670; Capay v. Villaluz, 16 CA Rep. [2d] 101.

[27] Isidro v. Court of Appeals, supra at p. 509.

[28] Section 73 states in full as follows:

"SEC. 73. Prohibited Acts and Omissions. -- The following are prohibited:

(a) The ownership or possession, for the purpose of circumventing the provisions of this Act, of agricultural lands in excess of the total retention limits or award ceilings by any person, natural or juridical, except those under collective ownership by farmer-beneficiaries.

(b) The forcible entry or illegal detainer by persons who are not qualified beneficiaries under this Act to avail themselves of the rights and benefits of the Agrarian Reform program.

(c) The conversion by any landowner of his agricultural land into any non-agricultural use with intent to avoid the application of this Act to his landholdings and to dispossess his tenant farmers of the land tilled by them.

(d) The willful prevention or obstruction by any person, association or entity of the implementation of the CARP.

(e) The sale, transfer, conveyance or change of the nature of lands outside of urban centers and city limits either in whole or in part after the effectivity of this Act. The date of the registration of the deed of conveyance in the Register of Deeds with respect to titled lands and the date of the issuance of the tax declarations to the transferee of the property with respect to unregistered lands, as the case may be, shall be conclusive for the purpose of the Act.

(f) The sale, transfer or conveyance by a beneficiary of the right to use or any other usufructuary right over the land he acquired by virtue of being a beneficiary, in order to circumvent the provisions of this Act."

[29] "SEC. 56. Special Agrarian Court. -- The Supreme Court shall designate at least one (1) branch of the Regional Trial Court (RTC) within each province to act as a Special Agrarian Court.

The Supreme Court may designate more branches to constitute such additional Special Agrarian Courts as may be necessary to cope with the number of agrarian cases in each province. In the designation, the Supreme Court shall give preference to the Regional Trial Courts which have been assigned to handle agrarian cases or whose presiding judges were former judges of the defunct Court of Agrarian Relations.

The Regional Trial Court (RTC) judges assigned to said courts shall exercise said special jurisdiction in addition to the regular jurisdiction of their respective courts.

The Special Agrarian Courts shall have the powers and prerogatives inherent in or belonging to the Regional Trial Courts."

[30] "SEC. 74. Penalties. -- Any person who knowingly and willfully violates the provisions of this Act shall be punished by imprisonment of not less than one (1) month to not more than three (3) years or a fine of not less than one thousand pesos (P1,000.00) and not more than fifteen thousand pesos (P15,000.00), or both, at the discretion of the court.

If the offender is a corporation or association, the officer responsible therefor shall be criminally liable."

[31] Petition, pp. 25-26.

[32] In Isidro v. Court of Appeals (supra), the Court said: "Tenancy is not a purely factual relationship dependent

on what the alleged tenant does not upon the land. It is also a legal relationship. The intent of the parties, the understanding when the farmer is installed, and their written agreements, provided these are complied with and are not contrary to law, are even more important."

[33] Galan Realty Co., Inc. v. Arranz, A.M. No. MTJ-93-878, October 27, 1994, 237 SCRA 770, 776.

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