

HEIRS OF THE LATE HERMAN REY SANTOS REPRESENTED BY HIS WIDOW ARSENIA GARCIA VDA. DE SANTOS, PETITIONERS, VS. THE COURT OF APPEALS, HON. JOSE REYES, IN HIS CAPACITY AS PROVINCIAL...

G.R. No. 109992. March 07, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Before this Court is a petition for review on certiorari assailing the decision[1] of the Court of Appeals in CA-G.R. SP No. 29709 which affirmed the two orders of the Department of Agrarian Reform Adjudication Board (DARAB) dated April 3, 1992[2] and November 18, 1992.[3]

The subject of the controversy is a parcel of land in Parulan, Plaridel, Bulacan which was levied on execution by the Municipal Trial Court of Plaridel, Bulacan on October 24, 1989. In accordance with said levy on execution, the subject land was sold at public auction on September 20, 1990 with Herman Rey Santos, now substituted by his heirs represented by his widow Arsenia Garcia Vda. de Santos, as the sole bidder for P34,532.50.

Santos registered the Deed of Sale with the Register of Deeds of Bulacan on October 15, 1990, after private respondent Exequiel Garcia failed to exercise his right of redemption within the reglementary period. As a result, Ex-Officio Sheriff Carmelita Itapo executed a Final Deed of Sale dated October 18, 1991 in favor of Santos which was registered with the Registry of Deeds of Bulacan on November 7, 1991.

On April 1, 1992, private respondent filed a Petition for Injunction and Damages with an application for the issuance of a preliminary injunction with the Department of Agrarian Reform Adjudication Board (DARAB), docketed as DARAB Case No. 369-BUL '92, praying that petitioner be enjoined from preventing private respondent from gathering the mango fruits lest they "over-mature and become useless." [4]

The Provincial Adjudicator Erasmo SP. Cruz of the DARAB issued an order on April 3, 1992, allowing the gathering of the mango fruits and directing that the proceeds thereof be deposited with the Adjudication Board.

Subsequently, on April 27, 1992, private respondent filed a Petition for Consignation before the Regional Trial Court of Bulacan, in an apparent attempt to redeem his land. This petition was dismissed.

Meanwhile, one Pantaleon Antonio filed on May 18, 1992 a motion to intervene[5] with the DARAB claiming that "he is affected in his rights and interests as the party who tended and had the mango trees bear fruits this season."

On May 7, 1992, private respondent filed a complaint for Annulment/Cancellation of Sale and Document, Redemption with Damages and Preliminary Writ of Injunction against Herman Rey Santos, the Deputy Sheriff of Bulacan and the Register of Deeds of Bulacan.[6]

Thereafter, on July 1, 1992, the Adjudication Board suspended the hearing on Pantaleon Antonio's motion for

intervention pending the resolution of the ownership issue raised in the above-mentioned complaint.[7]

On July 8, 1992, intervenor Pantaleon Antonio filed with the DARAB a Motion to Withdraw Intervenor's deposited share.[8] The motion was granted and intervenor Pantaleon Antonio was allowed to withdraw P87,300.00 out of P174,600.00 harvest proceeds in an Order dated November 18, 1992.[9] Corollarily, the DARAB recognized Pantaleon Antonio as the duly constituted agricultural tenant of the subject land.

As adverted to above, the Court of Appeals affirmed the April 3, 1992 Order of the DARAB ordering the gathering of the mango fruits and depositing with the Board the proceeds thereof, and the November 18, 1992 Order allowing the withdrawal of intervenor's share in the proceeds and recognizing him as the duly constituted agricultural tenant.

Hence, the instant petition where petitioner submits that the Court of Appeals erred:

1. In ruling that the PARAD has jurisdiction over the ancillary matter/s raised by intervenor in DARAB Case No. 369-BUL '92 despite the fact that the PARAD itself has admitted involvement of question of ownership between the original parties and has indefinitely suspended the principal/main case pending the outcome of the issue of ownership at the Regional Trial Court of Malolos; and
2. In affirming and/or sustaining the order dated November 18, 1992 of the PARAD allowing the release of 50% of the proceeds of the sale of the harvested fruits in favor of intervenor without due process, during the supposed indefinite suspension, and worse, without requiring said purported intervenor to post a bond that will answer for damages that may be sustained by herein petitioners.

Petitioner alleges that since private respondent's ownership of the subject land is in issue before the lower court, his right to harvest the mango fruits is still questionable.

We find merit in the petition.

Rule II, Section 1 of the Revised Rules of Procedure of the DARAB, provides:

Section 1. Primary, Original and Appellate Jurisdiction. The Agrarian Reform Adjudication Board shall have primary jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive Order Nos. 229, 228 and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, P.D. No. 27 and other agrarian laws and their implementing rules and regulations. (*Italics supplied*)

"Agrarian dispute" is defined under Section 3(d) of Republic Act No. 6657 (CARP Law), as:

(d) Agrarian Dispute refers 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.

It includes any controversy relating to compensation of lands acquired under this Act and other terms and conditions of transfer of ownership from landowners 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.

Clearly, no agrarian dispute is involved in this case. In fact, both are contending parties for the ownership of the subject property.

In the case of *Morta v. Occidental, et al.*, [10] this Court held:

For DARAB to have jurisdiction over a case, there must exist a tenancy relationship between the parties. In order for a tenancy agreement to take hold over a dispute, it would be essential to establish all its indispensable elements to wit: 1) that the parties are the landowner and the tenant or agricultural lessee; 2) that the subject matter of the relationship is an agricultural land; 3) that there is consent between the parties to the relationship; 4) that the purpose of the relationship is to bring about agricultural production; 5) that there is personal cultivation on the part of the tenant or agricultural lessee; and 6) that the harvest is shared between the landowner and the tenant or agricultural lessee. In *Vda. de Tangub v. Court of Appeals* (191 SCRA 885), we held that the jurisdiction of the Department of Agrarian Reform is limited to the following: a) adjudication of all matters involving implementation of agrarian reform; b) resolution of agrarian conflicts and land tenure related problems; and c) approval and disapproval of the conversion, restructuring or readjustment of agricultural lands into residential, commercial, industrial, and other non-agricultural uses.

Petitioners and private respondent have no tenurial, leasehold, or any agrarian relations whatsoever that could have brought this controversy under the ambit of the agrarian reform laws. Consequently, the DARAB has no jurisdiction over the controversy and should not have taken cognizance of private respondent's petition for injunction in the first place.

Significantly, DARAB admitted that the issue before the Regional Trial Court was one of ownership. In fact, the issue of ownership had been recognized by the DARAB in its assailed order of April 3, 1992 when it held that:

A careful analysis of the records and attached documents revealed that the issue involved is question of ownership between the parties, although the attached Transfer Certificates of Title reflected the name of herein petitioner.

The next issue to be resolved is whether it was proper for DARAB to take cognizance of Pantaleon Antonio's motion for intervention considering that DARAB had no jurisdiction and the issue of ownership is involved.

This Court rules in the negative.

The issue of who can harvest the mangoes and when they can be harvested is an incident ancillary to the main petition for injunction. As such, it is dependent on the main case. Inasmuch as the DARAB has no jurisdiction to hear and decide the controversy between the parties, necessarily, the motion for intervention loses the leg on which it can stand. This issue, after all, can be resolved by the trial court, which has the jurisdiction to order the gathering of the mango fruits and depositing the proceeds with it, considering that an action has already been filed before it on the specific issue of ownership.

WHEREFORE, the petition is GRANTED. The assailed decision of the Court of Appeals in CA-G.R. SP No. 29709 which affirmed the April 3, 1992 and November 18, 1992 orders of the Department of Agrarian Reform Adjudication Board is REVERSED and SET ASIDE. Consequently, DARAB is permanently enjoined from hearing the motion for intervention of Pantaleon Antonio who is ordered to redeposit the amount of P87,300.00 with the Regional Trial Court. The DARAB is likewise ordered to transfer the remaining P87,300.00 on deposit with it to the Regional Trial Court. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, and Kapunan, JJ., concur.

Pardo, J., on official business abroad.

[1] Penned by Associate Justice Serafin V.C. Guingona and concurred in by Associate Justices Segundino G. Chua and Ramon Mabutas, Jr.

- [2] Annex "A", Records, p. 27.
- [3] Annex "B", Records, p. 29.
- [4] Annex "B", Records, p. 73.
- [5] Annex "H", Records, p. 101.
- [6] Annex "F", Records, p. 91.
- [7] Annex "K", Records, p. 106.
- [8] Annex "L", Records, p. 107.
- [9] Annex "P", Records, p. 118.
- [10] G.R. No. 123417, June 10, 1999.

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