RODRIGO ALMUETE AND ANA ALMUETE, PETITIONERS, VS. MARCELO ANDRES AND THE COURT OF APPEALS, RESPONDENTS.

G.R. No. 122276. November 20, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

The subject of this controversy is a parcel of agricultural land identified as Lot 8449 Pls-967, located at San Vicente, Angadanan, Isabela, measuring approximately 72,587 square meters. Way back on March 25, 1957, this parcel was awarded by the then National Resettlement and Rehabilitation Administration (NARRA) to petitioner Rodrigo Almuete. Since then, Rodrigo Almuete exercised exclusive possession of the property, cultivating it and planting thereon narra, fruit trees, rice, corn and legumes. For some twenty-two (22) years, Rodrigo Almuete and his family farmed the subject property peacefully and exclusively.

However, unknown to Rodrigo Almuete, on August 17, 1979, an Agrarian Reform Technologist by the name of Leticia Gragasin filed a field investigation and inspection report stating, among others, that the whereabouts of the original awardee of the subject property, Rodrigo Almuete, was unknown and that he had "waived all his rights as a NARRA settler due to his poor health beyond his control and financial hardship." Gragasin also stated therein that "the actual occupant of the land is Marcelo Andres since April 1967 to date." She recommended to the Director of the Ministry of Agrarian Reform (MAR) in Tuguegarao, Cagayan that the award in favor of Rodrigo Almuete be cancelled and that the land be awarded to respondent Marcelo Andres. Consequently, Marcelo Andres was allowed to file his homestead application. To further support his application, Marcelo Andres represented to the MAR (now DAR) officials that sometime in 1965, Rodrigo Almuete sold the subject property to one Victor Masiglat, who gave the former a radiophono set as consideration therefor. Since Victor Masiglat was disqualified from acquiring the subject property owing to his also being a NARRA awardee, he transferred the said property to Marcelo Andres in exchange for one (1) carabao and the sum of Six Hundred Pesos (P600.00). These successive transfers were not covered by written contracts between the parties.

On the strength of the MAR Regional Director's recommendation and Marcelo Andres' representations, the latter was granted and issued a homestead patent.

In the meantime, unaware that the NARRA award in his favor had been cancelled and that a homestead patent had been issued to Marcelo Andres, Rodrigo Almuete and his family, particularly his daughter Ana Almuete, continued to cultivate and farm the subject property. In 1982, Rodrigo Almuete built a house in Barangay Fortune, Alicia, Isabela, where he resided while working as a driver for a rice mill. From time to time, he would visit the farm to deliver supplies and pay wages to the laborers who worked therein.

In 1988, the DAR Regional Director recommended the transfer of ownership over the subject property to Marcelo Andres. On July 7, 1988, the DAR issued Original Certificate of Title (OCT) No. P-52521 in the name of Marcelo Andres, which certificate was registered in the Registry of Deeds of Isabela on January 26, 1989.

Shortly thereafter, Marcelo Andres, accompanied by ten (10) other persons armed with bolos and other bladed

implements, entered the subject property, claiming exclusive right of ownership and possession. They felled the narra trees, converting the same to lumber, and destroyed the mongos planted by the Almuetes. Marcelo Andres gained control, and took possession, of approximately half of the subject property.

Rodrigo Almuete wasted no time in complaining to the DAR authorities of Marcelo Andres' encroachment into and occupation of the subject property. It was only then that he learned that the subject property had been titled in the name of Marcelo Andres and that the award in his favor had been cancelled because he had allegedly abandoned the subject property. Upon Rodrigo Almuete's inquiry, the records of the local office of the Department of Environment and Natural Resources (DENR) showed that he was still the listed owner of the subject property.

Consequently, Rodrigo Almuete and his daughter, Ana Almuete, filed an action for reconveyance and recovery of possession against Marcelo Andres with the Regional Trial Court of Cauayan, Isabela, Branch 20, docketed as Civil Case No. Br-20-530.

On November 26, 1993, the trial court rendered judgment as follows:

> WHEREFORE, judgment is hereby rendered in favor of the plaintiffs and against the defendant Marcelo Andres:
>
> (1) declaring plaintiff Rodrigo Almuete owner of the land in question, now covered by Original Certificate of Title No. P-52521 in the name of the defendant Marcelo Andres;
>
> (2) ordering the defendant Marcelo Andres and/or his representatives to vacate the land in question and deliver the peaceful possession thereof to the plaintiffs;
>
> (3) ordering the defendant Marcelo Andres to reconvey at his expense, the title, OCT No. P-52521, to the plaintiff Rodrigo Almuete; and
>
> (4) ordering the defendant Marcelo Andres to pay to the plaintiffs P13,000.00 by way of attorney's fees.
>
> Costs against the defendant.
>
> SO ORDERED.[1]

The trial court found that Marcelo Andres did not acquire any right over the subject property when he supposedly bought it from Victor Masiglat because the latter never acquired ownership from the original owner, Rodrigo Almuete. Besides, defendant Marcelo Andres could not present any valid document to prove his acquisition of the said property. It also found that Rodrigo Almuete did not abandon the subject property. Rather, Leticia Gragasin of the MAR made obviously false assertions in her report, knowingly misleading the Regional Director into cancelling the name of Rodrigo Almuete as an awardee and issuing the homestead patent in the name of Marcelo Andres. Hence, the cancellation of Rodrigo Almuete's award and the issuance of the homestead patent in favor of Marcelo Andres were perpetrated through fraud.

Marcelo Andres failed to appeal; thus, the trial court's decision became final and executory. On February 15, 1994, a writ of execution was issued. Marcelo Andres filed a motion to quash the writ of execution, but the trial court did not act on it on the ground that it had no more jurisdiction over the case.[2]

Marcelo Andres filed a petition for certiorari before the Court of Appeals, stating at the outset that his counsel had failed to file a timely motion for reconsideration of the decision or an appeal due to "sheer ignorance of the law."[3] In his petition, Andres assailed the trial court's jurisdiction over the nature as well as the subject matter of the case. He argued that since the subject property was agricultural land covered by a homestead patent, exclusive jurisdiction was with the Department of Agrarian Reform Adjudication Board (or DARAB), not with the regular

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courts. Respondent Andres also stressed that the original action was for ejectment, which was cognizable by the municipal trial courts, not by the Regional Trial Courts. Consequently, for want of jurisdiction, the trial court's decision was null and void; and cannot be enforced by writ of execution or any other legal means.

On August 9, 1995, the Court of Appeals rendered the impugned Decision, disposing as follows:

> WHEREFORE, finding the petition meritorious, the writ of certiorari prayed for is GRANTED. Judgment is rendered DISMISSING Civil Case No. Br. 20-530 of the Regional Trial Court, Branch 20, Cauayan, Isabela and declaring the decision rendered therein, the order granting the motion for execution and the writ of execution issued NULL and VOID. In the event the writ of execution has been carried out, respondent Court is ordered to restore petitioner in possession of the land, to cancel whatever new title may have been issued to private respondents, to reinstate petitioner's OCT P-52521, and the restitution of whatever sums collected from petitioner as expenses of reconveyance or attorney's fees. Respondent Court is ordered to restore the status quo before the complaint, the decision and the writ of execution.
>
> SO ORDERED.[4]

Petitioners moved for the reconsideration of the decision. On October 6, 1995, the Court of Appeals issued the assailed Resolution,[5] denying the motion for reconsideration.

Hence, the instant petition for review, ascribing to the Court of Appeals grave abuse of discretion amounting to lack or excess of jurisdiction when:

> - it gave due course to the Petition for Certiorari of the respondent Marcelo Andres, dated June 10, 1994, questioning the Decision of the Regional Trial Court, Branch 20, Cauayan, Isabela, dated November 26, 1993, clearly seven (7) months after the decision of the Regional Trial Court;
>
> - it did not consider and give weight to the contention of petitioners that this case is not as "Agrarian Dispute," hence, it does not fall within the exclusive jurisdiction of the Department of Agrarian Reform Adjudication Board, but to the Regional Trial Court;
>
> - it did not consider and give weight to the fact that private respondent Marcelo Andres entered into the land allocated to the petitioners by the National Resettlement and Rehabilitation Administration (NARRA), by the use of guns and boloes;
>
> - in not awarding, recognizing and honoring the vested interest of the petitioners on that parcel of land identified as Lot 8449, Pls-967-D (identical with Lot 196, Pls-81 of the NARRA) with an area of 72,587 square meters, awarded to them by the government thru the NARRA.[6]

The petition is impressed with merit.

The action filed by petitioners before the trial court was for recovery of possession and reconveyance of title. The issue to be resolved was who between petitioner Rodrigo Almuete and respondent Marcelo Andres has a better right to the subject property considering that both of them are awardees of the same property. It was thus a controversy relating to ownership of the farmland, which is beyond the ambit of the phrase "agrarian dispute." No juridical tie of landowner and tenant was alleged between petitioners and respondent, let alone that which would so characterize the relationship as an agrarian dispute.[7] In fact, petitioner and respondent were contending parties for the ownership of the same parcel of land.[8]

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

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> 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.

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

From the foregoing, it is clear that the jurisdiction of the DARAB is limited to cases involving a tenancy relationship between the parties. The following elements are indispensable to establish a tenancy relationship:

> (1) The parties are the landowner and the tenant or agricultural lessee;
>
> (2) The subject matter of the relationship is an agricultural land;
>
> (3) There is consent between the parties to the relationship;
>
> (4) The purpose of the relationship is to bring about agricultural production;
>
> (5) There is personal cultivation on the part of the tenant or agricultural lessee; and
>
> (6) The harvest is shared between the landowner and the tenant or agricultural lessee.[9]

The Court of Appeals, therefore, gravely erred when it granted the petition for certiorari and held that the trial court had no jurisdiction over the subject matter of the action between petitioners and respondent. The action filed by petitioners was cognizable by the regular courts. Consequently, the Regional Trial Court of Cauayan, Isabela was competent to try and decide Civil Case No. 20-530. Its decision was, thus, valid and can no longer be disturbed, after having attained finality. Nothing more can be done with the decision except to enforce it.

Respondent's contention that the action below was an ejectment suit is untenable. Basic is the rule that in actions for ejectment, the only issue is possession. This is not true as regards the case below, which principally involved the question of ownership, or more accurately, the validity of the homestead patent awarded to petitioner vis-à-vis that awarded to respondent.

It is true that the caption of the Amended Complaint includes ejectment in the description of the nature of the suit. However, it is not the caption of the pleading but the allegations therein that determine the nature of the action.[10] A close perusal of the Amended Complaint filed before the court a quo indubitably shows that petitioners, as plaintiffs therein, prayed for the cancellation of the certificate of title in the name of Marcelo Andres, and that they be declared the absolute owners of the land in dispute.[11]

On a final procedural note, the Court of Appeals erred in giving due course to the special civil action for certiorari. A basic requisite for such action to lie is that there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law. Certiorari is a remedy of last recourse and is a limited form of review. Its principal function is to keep inferior tribunals within their jurisdiction. Certiorari cannot be used as a substitute for the lost remedy of appeal. Respondent lost that remedy by his failure to appeal.[12]

WHEREFORE, in view of all the foregoing, the instant petition for review is GRANTED. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 34314 are REVERSED and SET ASIDE.

SO ORDERED.

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

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[1] Rollo, pp. 28-31.

[2] Order dated April 25, 1994.

[3] Rollo, p. 35.

[4] Ibid., p. 52.

[5] Id., p. 59.

[6] Id., p. 6.

[7] Chico v. Court of Appeals, 284 SCRA 33, 36 [1998].

[8] Heirs of the Late Herman Rey Santos v. Court of Appeals, 327 SCRA 293, 298 [2000].

[9] Heirs of the Late Herman Rey Santos v. Court of Appeals, supra; Benavidez v. Court of Appeals, 313 SCRA 714, 719 [1999]; Morta, Sr. v. Occidental, 308 SCRA 167, 172 [1999]; Chico v. Court of Appeals, supra.

[10] Lorbes v. Court of Appeals, G.R. No. 139884, February 15, 2001.

[11] Rollo, p. 22.

[12] Republic of the Philippines v. Court of Appeals, G.R. No. 95533, November 20, 2000; citations omitted.

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