

CESAR MATEO, CANDIDO MATEO, DOMINGO A. SANTOS, DANILO RIVERA VIRGINIA JARDIN GUPIT, ZENAIDA ARANDA, ET AL., PETITIONERS, VS. COURT OF APPEALS AND CASIMIRO DEVELOPMENT CORPORATIO...

G.R. NO. 128392. April 29, 2005

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is a petition for review on certiorari assailing the Decision[1] dated January 25, 1996 of the Court of Appeals in CA–G.R. SP No. 34039, which reversed and set aside the decision of the Regional Trial Court which, in a petition for certiorari and prohibition with preliminary injunction and restraining order, declared the decision of the Metropolitan Trial Court null and void.

In contest in this case is a parcel of registered land situated at Pulang Lupa I, Las Piñas, Metro Manila. Private respondent Casimiro Development Corporation (CDC) alleged that it was the owner of the land in question since it acquired the same from the previous owner, China Banking Corporation. After the sale CDC advised the petitioners that it was the new owner of the land and that they had failed to pay the rentals due to it and to its predecessor-in-interest. After demands were made of the petitioners to settle their obligations and after they failed to pay, CDC gave them notice to vacate the premises. The petitioners refused. This prompted CDC to file a complaint for Unlawful Detainer against the petitioners before the Metropolitan Trial Court of Las Piñas.

In an Answer with Counterclaim, petitioners denied the allegations in the complaint and maintained that the Metropolitan Trial Court has no jurisdiction over the case since the land was classified as agricultural and that it is the Department of Agrarian Reform Adjudication Board (DARAB) that had jurisdiction over the case. They further claimed that they were in continuous and open possession of the land even before World War II and presumed themselves entitled to a government grant. Petitioners also questioned the validity of the title held by CDC, arguing that the land was registered before it was declared alienable.

The Metropolitan Trial Court of Las Piñas decided in favor of CDC and reasoned out as follows:

The Court, after careful consideration of the facts and the laws applicable to this case[,] hereby resolves:

- On the issue of jurisdiction.

The defendants alleged that the land in question is an agricultural land by presenting a Tax Declaration Certificate classifying the land as “FISHPOND.” The classification of the land in a tax declaration certificate as a “fishpond” merely refers to the use of the land in question for the purpose of real property taxation. This alone would not be sufficient to bring the land in question under the operation of the Comprehensive Agrarian Reform Law.

- On the issue of open and adverse possession by the defendants.

It should be noted that the subject land is covered by a Transfer Certificate of Title in the name of plaintiffs' predecessor-in-interest China Banking Corporation. Certificates of Title under the Torrens System is indefeasible and imprescriptible. As between two persons claiming possession, one having a [T]orrens title and the other has none, the former has a better right.

- On the issue of the nullity of the Certificate of Title.

The defense of the defendants that the subject property was a forest land when the same was originally registered in 1967 and hence, the registration is void[,] is not for this Court to decide[,] for lack of jurisdiction. The certificate of title over the property must be respected by this Court until it has been nullified by a competent Court.

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiff[,] ordering the defendants

- [sic] and all persons claiming right[s] under it to vacate the subject premises located at Pulang Lupa I, Las Piñas, Metro Manila and surrender the possession of the same to herein plaintiff;

- to pay the plaintiff reasonable compensation for the use and occupation of the subject premises hereby fixed at (P100.00) one hundred pesos a month starting November 22, 1990 (the time when the demand letter to vacate was given) until defendants actually vacate the property;

No pronouncement as to costs and attorney's fees.

SO ORDERED.[2]

The petitioners raised the Metropolitan Trial Court's decision to the Regional Trial Court (RTC) through a petition for certiorari and prohibition with a prayer for a restraining order/preliminary injunction. The petitioners contended that: (1) The respondent judge had no jurisdiction to try and decide the case because the controversy is an agrarian dispute; and (2) the controversy necessarily puts in issue the ownership of the property and is therefore beyond the allowable scope of unlawful detainer.[3]

The RTC issued a Writ of Preliminary Injunction to maintain the status quo. Subsequently, the RTC rendered a judgment in favor of the petitioners, reversing the Metropolitan Trial Court. The RTC reasoned thus:

Since the land is a fishpond, the same is agricultural as defined under Sec. 3 (b) and (c), RA 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988. As an agricultural land, it is covered under Sec. 4 thereof which provides: "Sec. 4. Scope. The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture."

Because the land is within the scope of RA 6657, it is within the exclusive jurisdiction of the Department of Agrarian Reform (DAR) or the Department of Agrarian Reform Adjudication Board (DARAB) to determine whether petitioners as the occupants-tillers of the said land are qualified as beneficiaries under the Comprehensive Agrarian Reform Program. Under Sec. 17 of Executive Order No. 129-A which is a repetition of Sec. 50 of RA 6657, the DARAB is vested with quasi-judicial power to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over matters including implementation of Agrarian Reform.

Petitioners further contended that they can not be ejected from the land pursuant to General Order No. 53 issued on August 21, 1975 declaring [a] moratorium on the ejectment of tenants or lessees in agricultural and residential lands converted or to be converted into subdivisions or commercial centers and establishments and to RA 7279, otherwise known as the Urban Development and Housing Act of 1992, approved on March 24, 1992[,] which

under Sec. 44 thereof provides for a moratorium on the eviction of all program beneficiaries and on the demolition of their houses or dwelling units for a period of three years from the effectivity of the Act.

RA 7279 being the later law declaring a moratorium on eviction[, it] shall be deemed to have superseded General Order No. 53[.] Sec. 44 of said Act provides:

Sec. 44. Moratorium on Eviction and Demolition. There shall be a moratorium on the eviction of all program beneficiaries and on the demolition of their houses or dwelling units for a period of three (3) years from the effectivity of this Act: Provided, That the moratorium shall not apply to those persons who have constructed their structures after the effectivity of this Act and for cases enumerated in Section 28 hereof.

On the other hand, Sec. 28 thereof provides:

Sec. 28. Eviction and Demolition. – Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

- When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks roads, parks and playgrounds;
- When government infrastructure projects with available funding are about to be implemented; or
- When there is a court order for eviction and demolition.

Even assuming for the sake of argument that the land in question is not covered by RA 6657, this Court believes that the lower court cannot order their eviction pursuant to the aforesaid provisions of RA 7279. As long time occupants of the land, they appear to be qualified program beneficiaries under the law and do not fall under the exceptions provided therein. The court order for the eviction and demolition mentioned in Sec. 28 (c) refers to an order issued before the effectivity of the law and does not include the questioned judgment which was rendered on October 19, 1992.

In the light of all the foregoing considerations, the court finds that the respondent judge tried and decided Civil Case No. 3259 for unlawful detainer without jurisdiction and with grave abuse of discretion.

WHEREFORE, judgment is hereby rendered declaring null and void the decision promulgated on October 19, 1992 in Civil Case No. 3259 by respondent judge.

SO ORDERED.[4]

Respondent CDC appealed the RTC judgment to the Court of Appeals and made two assignments of error, to wit:

- I. THE REGIONAL TRIAL COURT ERRED IN HOLDING THAT THE METROPOLITAN TRIAL COURT HAS NO JURISDICTION TO TRY THE UNLAWFUL DETAINER CASE;
- II. THE REGIONAL TRIAL COURT ERRED IN THE APPLICATION OF R.A. 7279.[5]

The Court of Appeals found in favor of CDC and held:

On the first assigned error, appellant contends that jurisdiction is determined by the allegations in the complaint and cannot be made to depend upon the pleas or defenses in the answer. Accordingly, it argues that its complaint is one for unlawful detainer because it seeks to recover physical possession from the appellees and the action was filed within one year from November 22, 1990 when the last demand was made under Section 1, Rule 70 of the Rules of Court. Furthermore, it claims that there was no evidence presented that would prove that a tenancy relationship exists between the parties.

After an assiduous study of the case, We find that the Metropolitan Trial Court of Las Piñas had jurisdiction

over the unlawful detainer case and not the DARAB. The appellees presented tax declarations (Exhs. “A” and “A-5”, pp. 51-56, Record; and photographs (“D-4” to “D-5”, pp. 123-124, Record) of the property to show that the subject land is a fishpond and hence an agricultural land within the jurisdiction of the DARAB. While We may concede that the property was, in the past[,] a fishpond, it was not anymore a fishpond at the time the complaint for unlawful detainer was filed. The tax declarations (Exhs. “A” to “A-5”) showing that the property is a fishpond [are] no longer true. It is worthy to note that tax declarations are not conclusive proof of the nature of the property (Vide, Patalinghug vs. Court of Appeals, 229 SCRA 554) and the photographs show that no form of fish life can survive in the alleged fishpond since it is polluted (Exhs. “3” to “3-C”, pp. 77-80). Significantly, the area where the subject property is located was declared as a low density residential zone (R-1) per MMZO 81-01 dated March 1981 (Exh. “6”, pp. 146-148).

Even assuming that the subject land is a fishpond, and therefore an agricultural land, still, it is error for the court a quo to declare void the decision of the Metropolitan Trial Court on this finding alone. In *Isidro vs. Court of Appeals*, 228 SCRA 503, the Honorable Supreme Court declared that the mere fact that a land is an agricultural land does not automatically make such case an agrarian dispute upon which the DARAB has jurisdiction. The disquisition in the *Isidro* case is enlightening, thus: “The MTC dismissed the unlawful detainer complaint primarily on the ground that the subject land is agricultural and therefore the question at issue is agrarian. In this connection, it is well to recall that Section 1, Rule II of the Revised Rules of Procedure provides that 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[,] Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations.

An 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 Republic Act No. 6657 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 lessees.

...

But a case involving an agricultural land does not automatically make such case an agrarian dispute, upon which the DARAB has jurisdiction. The mere fact that the land is agricultural does not ipso facto make the possessor an agricultural lessee [or] tenant. The law provides for conditions or requisites before he can qualify as one and the land being agricultural is only one of them. The law states that an agrarian dispute must be a controversy relating to a tenurial arrangement over lands devoted to agriculture. And as previously mentioned, such arrangement may be leasehold, tenancy or stewardship.

In the case before Us, the appellees have neither tenurial arrangement of any kind with the appellant nor with appellant’s predecessor-in-interest. Verily, there being no agrarian dispute between the parties, the DARAB has no jurisdiction over the case and the complaint for unlawful detainer was properly filed with the Metropolitan Trial Court of Las Piñas (see, *De Luna vs. Court of Appeals*, 221 SCRA 703).

On the second assigned error, appellant contends that it was error for the court a quo to nullify the decision of the Metropolitan Trial Court because the proper thing to do under RA 7279 is to hold in abeyance or suspend the execution of the decision as the law speaks of moratorium and the appellees are not program beneficiaries. Moreover, it argues that Section 28 (c) is an exception to Section 44, RA 7279.

We are of the view that RA 7279 does not preclude this court from rendering a decision affirming the judgment of

the Metropolitan Trial Court of Las Piñas. It is important to consider that Section 28 of RA 7279 merely discourages eviction or demolition but allows eviction or demolition under the following situations:

- When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads and parks, and playgrounds;
- When government infrastructure projects with available funding are about to be implemented; or
- When there is a court order for eviction or demolition.

Contrary to the court a quo's view, the aforecited provisions of Section 28 (c) which allows eviction or demolition when there is a court order does not require the court order to have been issued before the law's effectivity.

WHEREFORE, premises considered, the decision appealed from is hereby REVERSED and SET ASIDE and the decision of the Metropolitan Trial Court of Las Piñas in Civil Case No. 3259 is reinstated. No pronouncement as to costs.

SO ORDERED.[6]

In a Resolution dated February 21, 1997, the Court of Appeals denied the motion for reconsideration filed by petitioners, for lack of merit.[7]

vThe petitioners thus filed the present petition for review on certiorari to question the Decision and Resolution of the Court of Appeals. The sole issue raised is whether or not jurisdiction over the subject matter lies with the DARAB or with the Metropolitan Trial Court.

The jurisdiction of the DARAB is provided in Section 50 of Rep. Act No. 6657, which reads:

Sec. 50. Quasi Judicial Powers of the DAR. – The DAR is hereby vested with the 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 for every action or proceeding before it.

Furthermore, it is provided in Section 1, Rule II of the DARAB Rules of Procedure of 1994 that:

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. . . .

The issue is not new. It was held in *Duremdes v. Duremdes*[8] that:

First. For the DARAB to have jurisdiction over the case, there must be a tenancy relationship between the

parties. In order for a tenancy agreement to take hold over a dispute, it is 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.

These requisites for the jurisdiction of DARAB have been reiterated by the Court in a number of cases.[9]

With regard to the first element, the petitioners have tried to prove that they are tenants or agricultural lessees of the respondent corporation, CDC, by showing that the land was originally owned by their grandfather, Isaias Lara, who gave them permission to work the land, and that CDC is merely a successor-in-interest of their grandfather. It must be noted that the petitioners failed to adequately prove their grandfather's ownership of the land. They merely showed six tax declarations. It has been held by this Court that, as against a transfer certificate of title, tax declarations or receipts are not adequate proofs of ownership.[10] Granting *arguendo* that the land was really owned by the petitioners' grandfather, petitioners did not even attempt to show how the land went from the patrimony of their grandfather to that of CDC. Furthermore, petitioners did not prove, but relied on mere allegation, that they indeed had an agreement with their grandfather to use the land.

As for the third element, there is apparently no consent between the parties. Petitioners were unable to show any proof of consent from CDC to work the land. For the sake of argument, if petitioners were able to prove that their grandfather owned the land, they nonetheless failed to show any proof of consent from their grandfather to work the land. Since the third element was not proven, the fourth element cannot be present since there can be no purpose to a relationship to which the parties have not consented.

For the sixth element, there was no proof adduced to show that the harvest was shared between the parties.

Regarding the classification of the land, covered by the second element, considering the absence of the first, third, fourth and sixth elements, the same is not necessary in determining jurisdiction.

With regard to the fifth element, the petitioners alleged and labored to prove that they have been personally cultivating the subject land. However, even if such personal cultivation occurred it is not relevant since there is no showing of consent between the parties.

Since there is no proof of tenancy relationship, and in view of absence of the necessary elements enumerated in *Duremdes v. Duremdes*,^[11] the DARAB does not have jurisdiction over the present case. The MTC, therefore, had jurisdiction over the subject matter and hence properly exercised jurisdiction over the case.

WHEREFORE, the petition is DENIED and the Court of Appeals' Decision and Resolution in CA- G.R. SP No. 34039, dated January 25, 1996 and February 21, 1997 respectively, are AFFIRMED. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, and Carpio, JJ., concur.
Ynares-Santiago, J., no part.

[1] Penned by Justice Arturo B. Buena and concurred in by Justices Consuelo Ynares-Santiago and Ruben T. Reyes.

[2] Rollo, pp. 51-52.

[3] Id. at 56-60.

[4] Id. at 69-71.

[5] Id. at 31.

[6] Id. at 31-34.

[7] Id. at 37-38.

[8] G.R. No. 138256, November 12, 2003, 415 SCRA 684, 697 citing *Morta v. Occidental*, G.R. No. 123417, June 10, 1999, 308 SCRA 167, and *Laguna Estates Development Corporation v. CA*, G.R. No. 119357, July 5, 2000, 335 SCRA 29.

[9] *Atuel v. Valdez*, G.R. No. 139561, June 10, 2003, 403 SCRA 517; *Arzaga v. Copias*, G.R. No. 152404, March 28, 2003, 400 SCRA 148; *Monsanto v. Zerna*, G.R. No. 142501, December 7, 2001, 371 SCRA 664; *Almuet v. Andres*, G.R. No. 122276, November 20, 2001, 369 SCRA 619; *Heirs of Santos v. CA*, G.R. No. 109992, March 7, 2000, 327 SCRA 293; *Benavidez v. CA*, G.R. No. 125848, September 6, 1999, 313 SCRA 714; *Isidro v. CA*, G.R. No. 105586, December 15, 1993, 228 SCRA 503.

[10] *Cureg v. IAC*, G.R. No. 73465, September 7, 1989, 177 SCRA 313 citing *Ferrer-Lopez v. CA*, G.R. No. L-50420, May 29, 1987, 150 SCRA 393.

[11] *Supra*, note 8.

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