

SPOUSES CARLOS GOCOTANO AND VISITACION GOCOTANO AND CLODUALDO GOCOTANO, PETITIONERS, VS. SPOUSES MARCELO GOCOTANO AND MARGARITA GOCOTANO, RESPONDENTS.

G.R. NO. 136814. September 02, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.

Assailed in this petition for review on certiorari are the Resolutions[1] of the Court of Appeals dated June 3, 1998 and November 23, 1998 in CA-G.R. SP No. 47732.

On November 14, 1997, spouses Carlos and Visitacion Gocotano and Clodualdo Gocotano, petitioners herein, filed with the Regional Trial Court (RTC), Branch 11, Cebu City, sitting as a Special Agrarian Court, a complaint[2] against spouses Marcelo Gocotano and Margarita Gocotano, respondents herein, for determination of just compensation of the land subject of this dispute, docketed as Civil Case No. CEB-21191. The complaint alleges inter alia that petitioners are the owners of a lot covered by Tax Declaration No. 12349, located at Tunga Basdiot, Moalboal, Cebu; that respondents, claiming as tenants of petitioners, filed with the Department of Agrarian Reform and Adjudication Board (DARAB), Region 07, Cebu an action for acquisition of the same lot pursuant to Republic Act No. 6657 (otherwise known as the Comprehensive Agrarian Reform Law of 1988), docketed as DARAB Case No. 2065; that the DARAB rendered judgment allowing the respondents to acquire the lot for a "measly sum of Eleven Thousand (P11,000.00) Pesos only" although its real value is Two Million (P2,000,000.00) Pesos based on the prevailing price in the place where the land is situated; and that the DARAB's valuation is "unconscionable, unreasonable and unconstitutional," not being the just compensation of their property. Petitioners thus prayed in their complaint that the RTC issue an order nullifying the DARAB valuation and fixing the just compensation of the lot pursuant to Section 16(f) of R.A. 6657, which provides:

"Section 16. Procedure for Acquisition of Private Lands. – For purposes of acquisition of private lands, the following procedures shall be followed:

x x x

f) Any party who disagrees with the decision (of the DAR) may bring the matter to the court of proper jurisdiction (referring to the Regional Trial Court sitting as Special Agrarian Court) for final determination of just compensation."

Respondents filed a motion to dismiss the complaint based on the following grounds: (1) res judicata; (2) lack of cause of action; (3) lack of jurisdiction; and (4) petitioners engaged in forum shopping.

Petitioners vehemently opposed the motion to dismiss.

In its Order dated December 29, 1997, the RTC dismissed Civil Case No. CEB-21191 for being barred by res judicata and for lack of jurisdiction.

Petitioners then filed a motion for reconsideration but this was denied by the RTC in its Order dated March 9, 1998.

Feeling aggrieved, petitioners filed with the Court of Appeals a petition for review assailing the twin Orders of the RTC, docketed as CA-G.R. SP No. 47732. However, the Appellate Court, in a minute Resolution[3] of June 3, 1998, dismissed the petition outright for being the wrong mode of appeal. It held that $\frac{1}{2}$ the Order dismissing Civil Case No. CEB-21191 is one that completely disposes of the case and should therefore be the subject of an ordinary appeal pursuant to Section 1, Rule 41 of the 1997 Rules of Civil Procedure. This petition for review is not the proper remedy under the circumstances."

Petitioners filed a motion for reconsideration, but this was likewise denied by the Court of Appeals in its Resolution[4] dated November 27, 1998.

Hence, the instant petition.

What is the mode of appeal from the order or decision of the RTC, sitting as a Special Agrarian Court, to the Court of Appeals?

In resolving the issue, it is significant to first consider how the RTC acquired jurisdiction over petitioners' complaint in Civil Case No. CEB-21191. It is an elementary rule of procedural law that the jurisdiction of the court over the subject matter of a complaint is determined by its allegations regardless of whether or not the plaintiff is entitled to his claims asserted therein.[5] Here, as can be gleaned from the allegations of their complaint, petitioners challenged the DARAB Decision fixing the price of the disputed lot at P11,000.00 only, instead of its prevailing market value. In other words, the complaint seeks a final determination by the RTC (sitting as a Special Agrarian Court) of the reasonable cost of the lot pursuant to Section 16(f) of R.A. 6657.

The proceedings, however, was stalled because the RTC, upon motion by respondents, dismissed the complaint on the grounds of res judicata and lack of jurisdiction.

The proper remedy from such dismissal is a petition for review, not an ordinary appeal, as erroneously held by the Court of Appeals. This is clear from Section 60 of R.A. 6657, thus:

"Section 60. Appeals. – An appeal may be taken from the decision of the Special Agrarian Courts by filing a petition for review with the Court of Appeals within fifteen (15) days from receipt of notice of the decision; otherwise, the decision shall become final.

An appeal from the decision of the Court of Appeals or from any order, ruling or decision of the DAR, as the case may be, shall be by a petition for review with the Supreme Court within a non-extendible period of fifteen (15) days from receipt of a copy of said decision."

In *Land Bank of the Philippines vs. De Leon*,[6] we held:

"A petition for review, not an ordinary appeal, is the proper procedure in effecting an appeal from decisions of the Regional Trial Courts acting as Special Agrarian Courts in cases involving the determination of just compensation to the landowners concerned. Section 60 of RA 6657 clearly and categorically states that the said mode of appeal should be adopted. There is no room for a contrary interpretation. Where the law is clear and categorical, there is no room for construction, but only application.

x x x

x x x. Section 60 is obviously a special procedure. x x x. As long as the said section provides for a particular process for the governance of the special court concerned, the provision is accurately classified as a special procedure. x x x. In fact, this Court exercises its constitutional power to promulgate special rules of procedure

by adopting Sections 60 and 61 of RA 6657 declaring a petition for review as the proper mode of appeal to the Court of Appeals."

Clearly, the Court of Appeals erred in dismissing the petition for review interposed by petitioners.

WHEREFORE, the instant petition is GRANTED and the assailed Resolutions of the Court of Appeals dated June 3, 1998 and November 23, 1998 in CA-G.R. SP No. 47732 are REVERSED. The petition for review in CA-G.R. SP No. 47732 is ordered REINSTATED. The Court of Appeals is directed to resolve the merits of the petition with dispatch.

SO ORDERED.

Artemio V. Panganiban(chairman), Renato C. Corona, Conchita Carpio Morales, Cancio C. Garcia JJ., concur.

[1] Per Associate Justice (later Presiding Justice) Salome A. Montoya (retired) and concurred in by Associate Justices Delilah Vidallon-Magtolis and Rodrigo V. Cosico.

[2] See CA Rollo at 19-25.

[3] Rollo at 71.

[4] Id. at 76.

[5] Ceroferr Realty Corporation vs. Court of Appeals, G.R. No. 139539, February 5, 2002; Santa Clara Homeowner's Association vs. Gaston, G.R. No. 141961, January 23, 2002; Herrera vs. Bollos, G.R. No. 138258, January 18, 2002; Sunny Motors Sales, Inc. vs. Court of Appeals, G.R. No. 119900, August 16, 2001; Sendoncillo vs. Benolirao, 297 SCRA 448 (1998); Magay vs. Estandian, L-28975, February 27, 1976.

[6] G.R. No. 143275, September 10, 2002 [388 SCRA 537] and March 20, 2003 [399 SCRA 376].

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