

VIRGILIO A. SINDICO WITH HIS WIFE VIRGINIA TORCUATOR SINDICO, PETITIONERS, VS. HON. GERARDO D. DIAZ, PRESIDING JUDGE, BRANCH 68, RTC, DUMANGAS, ILOILO; SPOUSES FELIPE AND ERLIND...

G.R. No. 147444. October 01, 2004

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The issue raised in the case at bar is one of jurisdiction – whether the Department of Agrarian Reform Adjudication Board (DARAB) has original and exclusive jurisdiction over cases involving agricultural lands irrespective of the presence of tenancy relationship.

In a complaint filed on November 9, 2000,[1] Virgilio A. Sindico, joined by his wife Virginia Torcuator Sindico, filed a civil case before the Regional Trial Court (RTC) of Iloilo City against his first cousin Felipe Sombrea, along with the latter's wife Erlinda Sombrea, for Accion Reinvidicatoria with Preliminary Mandatory Injunction. The complaint was docketed as 00-168.

In the complaint, the plaintiff Virgilio Sindico, who is the registered owner[2] of a parcel of land identified as Lot 1144 situated at Barangay Pandan, Dingle, Iloilo, alleged that after his acquisition of the lot in 1962, the defendant Felipe Sombrea's parents, the spouses Eulalio and Concordia Sombrea, requested him to allow them to cultivate the lot without him (the plaintiff Virgilio Sindico) sharing in the produce thereof as that would represent his "assistance in the education of his cousins" including the defendant Felipe Sombrea; that he granted the request but that he continued to pay taxes; that after the death of the father of the defendant Felipe Sombrea, the latter continued to cultivate the lot; that on June 20, 1993 he requested the defendant Erlinda Sombrea to return possession of the lot but the latter requested time to advise her husband-co-plaintiff Felipe Sombrea; and that despite repeated demands for the return or voluntary turn over of the possession of the lot, the same remained unheeded, hence, his filing of the complaint.

After the defendants received the summons, they filed a Motion to Dismiss[3] the complaint, alleging that the RTC has no jurisdiction over their person and that as the subject matter of the case is an agricultural land which is covered by the Comprehensive Agrarian Reform Program (CARP) of the government, the case is within the exclusive original jurisdiction of the DARAB in accordance with Section 50 of Republic Act 6657 (THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988) which reads:

Section 50. Quasi-Judicial Powers of the DAR – The DAR is hereby vested with 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),

and Rule 2, Section 1 of the DARAB Revised Rules of Procedure which reads:

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 227-A, Republic Act 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 extend over but not be limited to the following:

- Cases involving the rights and obligations of persons engaged in the cultivating and use of agricultural land covered by the Comprehensive Agrarian Reform Program (CARP) and other agrarian laws;

x x x (Underscoring supplied)

To the Motion to Dismiss, the plaintiffs filed an Opposition[4] alleging that the case does not involve an agrarian dispute, there being no tenancy relationship or leasehold agreement with the defendants.

By Order of January 2, 2004,[5] Branch 68 of the RTC of Iloilo granted the Motion to Dismiss, it holding that as the issue involved the right to possession of an agricultural lot which is under the coverage of the CARP of the government, it falls within the exclusive jurisdiction of the DARAB. Accordingly, the trial court dismissed the complaint.

As their Motion for Reconsideration[6] was denied by the trial court,[7] the plaintiffs, herein petitioners, lodged the present Petition for Review on Certiorari[8] proffering as the only issue whether it is the RTC or the DARAB which has exclusive original jurisdiction of the case. Petitioners posit that it is the RTC which has.

The Court finds for petitioners.

Jurisdiction over the subject matter is determined by the allegations of the complaint. It is not affected by the pleas set up by the defendant in his answer or in a motion to dismiss, otherwise, jurisdiction would be dependent on his whims.

The allegations in petitioners' complaint show that the action is one for recovery of possession, not one which involves an agrarian dispute.

Section 3(d) of RA 6657 or the CARP Law defines "agrarian dispute" over which the DARAB has exclusive original jurisdiction as:

(d) . . . refer[ing] 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

including

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.

Since petitioners' action is one for recovery of possession and does not involve an agrarian dispute, the RTC has jurisdiction over it.[9]

That respondents' only basis in assailing the jurisdiction of the trial court is that the subject matter of the case is an agricultural land and that they do not deny at all the allegation of the complaint of petitioners that there is no

tenancy or leasehold agreement between them unmistakably show that there is no agrarian dispute to speak of over which the DARAB has exclusive original jurisdiction.

WHEREFORE, the petition is hereby GRANTED. The assailed Order of Branch 68 of the RTC of Iloilo City granting private respondents' Motion to Dismiss Civil Case No. 00-168 is hereby SET ASIDE.

Let the record of the case be returned to Branch 68 of the RTC of Iloilo City which is hereby directed to reinstate Civil Case No. 00-168 to its docket and to take appropriate action thereon with dispatch.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, and Corona, JJ., concur.

[1] Record at 2.

[2] Vide TCT No. T-36543, Id. at 7.

[3] Id. at 14-19.

[4] Id. at 25-26.

[5] Id. at 27-29.

[6] Id. at 30-33.

[7] Id. at 43.

[8] Rollo at 4-40.

[9] *Arzaga v. Copias*, 400 SCRA 148 (2003).

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