

ARTURO MEJIA, PETITIONER, VS. FILOMENA GABAYAN, ALBIN RUEME, ERNESTO MEJIA, CARLOS RAMOS, JOSEFINA LACADIN AND PEDRO GAVINO, RESPONDENTS.

G.R. NO. 149765. April 12, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Arturo Mejia is the registered owner of a parcel of land located in Sinamar, San Mateo, Isabela, with an area of 10.400 hectares covered by Transfer Certificate of Title (TCT) No. 75164 which was issued by the Register of Deeds of Isabela on July 3, 1974. The lot was a portion of a large tract of land covered by a homestead patent granted by the President of the Philippines to Dalmacio Mejia on December 11, 1936, on the basis of which Original Certificate of Title (OCT) No. T-4184 was issued by the Register of Deeds of Isabela.[1]

On August 13, 1978, the President of the Philippines, through the Secretary of Agrarian Reform, issued Certificates of Land Transfer (CLT) over portions of the property covered by TCT No. 75164 to the following beneficiaries:

Beneficiary

CLT. No.

Area

Carlos P. Ramos

0011133

0.700 hectare

Danceso T. Gavino

011121

0.5800 hectare

Francisca Rueme

011134

2.500 hectares

Pedro Gavino

011125

0.3700 hectare

The certificates were filed with the Office of the Register of Deeds.[2] Upon learning of the issuance of the said certificates, Mejia filed a petition with the Department of Agrarian Reform (DAR) in 1983 for their cancellation. However, no action was taken on the said petition.[3]

In the meantime, the Court's decision in *Alita v. Court of Appeals*[4] was promulgated, wherein it was held that properties covered by homestead patents were not covered by Presidential Decree (PD) No. 27.

On May 10, 1993, Mejia filed a petition with the DAR, for the exclusion of the property from PD No. 27. The case was docketed as Administrative Case No. A-0204-0001. On August 26, 1993, the Provincial Agrarian Reform Officer (PARO) issued an Order recommending the denial of the petition.[5] Mejia appealed the Order to the DAR Regional Director.

Instead of pursuing his appeal in Administrative Case No. A-0204-0001, Mejia opted to take advantage of the ruling of this Court in *Alita v. Court of Appeals*[6] and filed a complaint on June 20, 1994 in the Regional Trial Court (RTC) of Isabela against the respondents Filomena Gabayan, Albin Rueme, Ernesto Mejia, Carlos Ramos, Josefina Lacadin and Pedro Gavino, for declaratory relief, and for the recovery of the possession of the property covered by TCT No. 75164 with damages and plea for injunctive relief. It was docketed as Civil Case No. 768.

Mejia alleged, inter alia, that the parcel of land was originally owned by his father, Dalmacio K. Mejia to whom a homestead patent was granted by the President of the Philippines; on the basis of said patent, OCT No. T-4184 was issued by the Register of Deeds; the respondents were agricultural tenants on the property; the land was not covered by PD No. 27 as held by this Court in *Alita v. Court of Appeals*;^[7] and demands to vacate the property were made on the respondents, who refused to do so on the claim that they enjoyed security of tenure as agricultural tenants therein.

Mejia prayed that the trial court declare the property as not covered by PD No. 27 and other related laws; that he be declared entitled to the possession thereof; and the respondents be evicted therefrom. His plea for injunctive relief was denied by the trial court.

In their answer to the complaint, the respondents averred, inter alia, that there was a pending petition with the DAR filed by Mejia for the exclusion of the property from the coverage of PD No. 27; the action was beyond the jurisdiction of the court because the dispute between the parties is agrarian, and as such, within the original exclusive jurisdiction of the Department of Agrarian Reform and Adjudication Board (DARAB); and as evidenced by the certificates of land transfer issued in their favor, they were beneficiaries of the land reform laws.^[8] The respondents prayed for the dismissal of the complaint. They appended to their answer a copy of the petition for exclusion filed by Mejia with the DAR and the CLTs issued by the DAR in favor of the beneficiaries.

During the pre-trial, the parties agreed that there were no factual issues and that accordingly, the trial court may render summary judgment. In their Memorandum, the respondents alleged that they had acquired all the rights and privileges enjoyed under PD No. 27 and could not be deprived thereof by Republic Act No. 6657. Moreover, the respondents averred that Mejia's action was barred by the pendency of his petition with the DAR; the court had no jurisdiction over the action; and Mejia was guilty of forum shopping.

On January 25, 1995, the trial court rendered a summary judgment in favor of Mejia and against the respondents. The fallo of the decision reads:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff Arturo Mejia and against the defendants Filomena Gabayan, Albin Rueme, Ernesto Mejia, Carlos Ramos, Josefina Lacadin and Pedro Gavino: (1) declaring that the plaintiff has a better right than the defendants Filomena Gabayan, Albin Rueme, Ernesto Mejia, Carlos Ramos, Josefina Lacadin and Pedro Gavino to the possession and cultivation of the land covered

by TCT No. T-75164; (2) ordering the defendants Filomena Gabayan, Albin Rueme, Ernesto Mejia, Carlos Ramos, Josefina Lacadin and Pedro Gavino who are in possession and cultivation of the land covered by TCT No. T-75164, to vacate the same and deliver the possession thereof to the plaintiff.

The complaint against the defendants who are in possession and cultivation of the one (1) hectare land covered by TCT No. T-75160 in the name of Manuela Mejia is dismissed.[9]

The trial court ruled that based on the allegations of the complaint, it had jurisdiction over Mejia's action for declaratory relief, despite the respondents' claim that they were tenants on the property and could not be ejected therefrom because of security of tenure under the agrarian reform laws.[10] It also held that the property was not covered by PD No. 27 in light of the ruling of this Court in *Alita v. Court of Appeals*,[11] and Rep. Act No. 6657.

The respondents appealed the decision to the Court of Appeals (CA) which docketed the appeal as CA-G.R. CV No. 50364.

In the meantime, on May 23, 1995, the DAR Regional Director issued an Order granting the petition of Mejia exempting his property from the Comprehensive Agrarian Reform Program (CARP), but ordering him to allow the respondents-tenants to remain in possession of the property and to execute Leasehold Contracts in their favor in accordance with Rep. Act No. 3844. The dispositive portion of the Order reads:

WHEREFORE, Order is hereby issued:

- Exempting the land covered by TCT No. T-75164 from Operation Land Transfer pursuant to P.D. No. 27;
- Recalling/cancelling CLTs/Eps issued/generated in the name of tenants therein, if any;
- Directing the petitioner to maintain the tenants therein the peaceful possession and cultivation of their respective farmlots and to execute with them Leasehold Contracts in accordance with R.A. No. 3844, as amended; and
- Authorizing the petitioner to withdraw from the Land Bank of the Philippines any amortization payment deposited by the tenants therein and be considered as lease rentals of their respective farmlots.

This Order shall become final and executory if no appeal is filed fifteen (15) days from receipt hereof.[12]

Mejia appealed the said Order to the Secretary of Agrarian Reform.

In the meantime, on May 17, 1996 the CA issued a Resolution dismissing the respondents' appeal in CA-G.R. No. 50364 (CV) for their failure to file their appellants' brief within the period therefor.[13] Entry of judgment was issued on July 10, 1996.[14] The CA, thereafter, then remanded the records to the RTC for the execution of the latter's decision.

In a parallel development, the Secretary of Agrarian Reform issued an Order dated December 27, 1996 in Administrative Case No. A-0204-0001 affirming the Resolution of the Regional Director with modifications, thus:

WHEREFORE, premises considered, Order is hereby issued MODIFYING the Order of the Regional Director of Region II dated May 23, 1995, thus:

- Only that portion of TCT No. T-75164 which petitioner is personally cultivating (3.6691 hectares) shall be exempt from P.D. No. 27 and R.A. No. 6657, thus constituting as part of his retained area;
- The petitioner may choose from the tenanted portion as an addition to compromise his aggregate area of retention which should not exceed five (5) hectares; and

- CLTs/Eps recalled or cancelled by the previous Order shall be re-issued (however this time as CLOAs since the subject landholding is a homestead land not covered by P.D. No. 27), except those within the landowner is retained area which shall be under the leasehold system.

SO ORDERED.[15]

The DAR Secretary ruled that the RTC had no jurisdiction over the action of Mejia.

Mejia then filed a petition for certiorari with this Court, docketed as G.R. No. 128021, assailing the December 27, 1996 Order of the DAR Secretary. However, on March 17, 1997, the Court resolved to dismiss the petition on the ground that the appropriate remedy was to file a petition for review with the CA. The Resolution of the Court became final and executory on April 23, 1997.[16]

Despite the fact that the December 27, 1996 Order of the DAR Secretary had become final and executory, Mejia filed a motion, in Civil Case No. 768, for the issuance of a writ of execution. The trial court issued a writ of execution, as prayed for, on May 7, 1997.[17] The sheriff, in the company of policemen, placed bamboo poles with red flags on the four (4) corners of the property. One Ambot Rueme, son of respondent Balbino Rueme, removed the bamboo poles, upon which the sheriff placed bamboo poles anew on the four corners of the property.[18] Mejia, however, failed to take actual possession of the property.

In view of the conflicting rulings of the RTC and the DAR Secretary, the Chief of the Legal Division of the DAR issued a status quo order and requested the Philippine National Police to implement the same.[19]

Mejia filed, in Civil Case No. 768, a petition for contempt against Ambot Rueme. In his Memorandum, Mejia alleged that he filed, by registered mail, a letter containing his petition for exemption of his property from PD No. 27, and that the latter gave a copy thereof to Jose G. Andres, the Secretary General of the DAR Regional Office.[20] The latter, through the DAR, opposed the petition invoking the Order of the DAR Secretary on December 27, 1996, a copy of which he appended to his opposition.[21] On December 12, 1997, the RTC issued an Order finding Ambot Rueme guilty of indirect contempt and fined him P3,000.00.[22] The sheriff placed Mejia in actual possession of the property.[23]

However, the respondents' counsel ordered them to re-enter the property, on his claim that the decision of the RTC was null and void. Mejia then filed a verified petition for contempt against the respondents and their counsel.[24] The latter opposed the verified petition of Mejia. On motion of Mejia, the court issued a temporary restraining order enjoining the respondents from harvesting palay from the property.[25]

On March 2, 1998, the respondents filed a petition against Mejia with the DAR to enjoin him from entering the property, and for the DAR to implement the DAR Order dated December 27, 1996.[26] The case was docketed as DARAB Case No. II-1405-ISA 298. Meantime, on June 2, 1998, the RTC issued an Order declaring the respondents and their counsel in contempt of court and fined each of them P5,000.00.[27] The respondents and their counsel filed a motion for a reconsideration of the Order. They also filed a petition with the CA for the nullification of the decision of the RTC in Civil Case No. 768, on the ground that it had no jurisdiction over the action, the dispute between the parties therein being an "agrarian dispute." However, on August 25, 1998, the CA dismissed the petition because their appeal from the decision of the RTC in Civil Case No. 768 has previously been dismissed due to their failure to file their brief as appellants.[28] The respondents' motion for reconsideration of the Resolution was likewise denied by the CA. They failed to appeal the resolutions to the Court. Entry of judgment was issued on December 4, 1998.[29]

In the meantime, the sheriff again placed bamboo poles on the four (4) corners of the subject property and placed Mejia in possession of the property. The respondents, however, drove Mejia away from the property. Thus, on

July 12, 1998, Mejia filed a petition for contempt against the respondents.

On October 22, 1998, the Provincial Agrarian Reform Adjudicator (PARAD) rendered a decision in DARAB Case No. II-1405-ISA 298 dismissing the petition for the implementation of the December 27, 1996 Order^[30] of the DAR Secretary. The PARAD ruled that the Order of the DAR Secretary was null and void.

On December 15, 1998, Mejia filed an Omnibus Motion with the RTC praying -

- (a) - that the Sheriff be ordered to implement the decision under the provisions of Sec. 14, Rule 39 of the Rules of Civil Procedure;
- (b) - the Sheriff implements the order of the court finding the defendants in contempt of court;
- (c) - that the defendants be ousted from the land and plaintiff be placed in the peaceful occupation of the land is (sic) dispute.^[31]

In a parallel development, the Director of the DAR Legal Assistance Office issued an Order of Finality of the DAR Order dated December 27, 1996.^[32]

Mejia filed, on March 31, 1999, an Urgent Motion to Implement Writ of Execution and All Orders of the Court. Mejia prayed that he be placed in possession of the property and the Order of the court, citing the respondents in contempt of court, be enforced.^[33]

On June 30, 1999, the Municipal Agrarian Reform Officer wrote Mejia inviting him to attend a field investigation to implement the December 27, 1996 Order of the DAR Secretary. He emphasized that:

... During the investigation, you may choose or pinpoint your retained area in accordance with Section 6 of RA 6657, which area should be more or less contiguous. Failure to attend said meeting or choose your retained area will mean that you are leaving to us the identification of the same.

Please bring your Statement of Production and Net Income on the said landholding to be used as input in the determination of the land value.

Under Executive Order No. 403, dated 14 June 1990, we shall request the Land Bank of the Philippines (LBP) to determine the land value of the said property being acquired pursuant to Section 17 of RA 6657. As soon as we receive the Memorandum of Valuation from the LBP, we shall advise you of the computed land value of the property.^[34]

In a complete volte face, the RTC issued an Order on March 6, 2001 holding in abeyance the resolution of Mejia's pending motions. The decretal portion reads:

WHEREFORE, premises considered, the resolution of the Motion to Execute the order of this Court dated June 2, 1998 and the Omnibus Motion of the plaintiff are held in abeyance pending the determination of the boundaries of the five (5) hectare retention of plaintiff. For the same reason, the hearing of the second motion for contempt of court is also held in abeyance.

SO ORDERED.^[35]

The trial court ruled that the December 27, 1996 Order of the DAR Secretary must be respected, and that its Decision, vis-à-vis the Order of the DAR Secretary which was issued after the said decision had become executory, could not be fully implemented.^[36]

Mejia filed a motion for the reconsideration of the Order dated March 6, 2001, but the court denied the motion in a Resolution dated September 5, 2001.^[37]

Mejia, now the petitioner, filed a petition for review on certiorari of the March 6, 2001 and September 5, 2001 Orders of the trial court, and raised the following issues for resolution:

- WHETHER THE COURT A QUO CAN MOTU PROPRIO AMEND OR MODIFY ITS JANUARY 25, 1995 DECISION AFTER THE SAME HAD ALREADY BEEN DULY EXECUTED?
- WHETHER THE COURT A QUO CAN HOLD IN ABEYANCE THE EXECUTION OF ITS JUNE 2, 1998 ORDER HOLDING CERTAIN CONTEMNERS IN CONTEMPT OF COURT, WHICH HAS LONG BECOME FINAL AND EXECUTORY?
- WHETHER THE COURT A QUO CAN HOLD IN ABEYANCE THE ACCOUNTING BY RESPONDENTS (DEFENDANTS) OF THE PALAY THEY HARVESTED ON THE PROPERTY IN LITIGATION?[38]

The petitioner avers that the January 25, 1995 Decision of the trial court had long become final and executory and can no longer be modified or set aside. The petitioner posits that the trial court was duty-bound to implement its decision. He asserts that the December 27, 1996 Order of the DAR Secretary is not a supervening event barring the enforcement of the trial court's final and executory decision, considering that the respondents had appealed the trial court's decision to the CA on the ground that the RTC had no jurisdiction over the complaint, which was dismissed by the appellate court.

In their comment on the petition, the respondents aver that the trial court is mandated to respect the December 27, 1996 Order of the DAR Secretary which had become final and executory. They point out that the Court dismissed the petition for certiorari filed by the petitioner in its Resolution dated March 17, 1997, and that the said resolution become final and executory on April 23, 1997. The respondents posit that the December 27, 1996 Order of the DAR is a special and exceptional circumstance warranting the suspension of the execution of the decision of the trial court in the higher interest of justice. The respondents assert that, through its assailed orders, the trial court merely harmonized its decision and the December 27, 1996 Order of the DAR Secretary. The respondents cited the rulings of this Court in *Lipana v. Development Bank of the Philippines*[39] and *Far East Realty Investment, Inc. v. CAR*[40] in support of their arguments.

In his Reply, the petitioner insists that the decision of the trial court should prevail over the DAR Secretary's Order, the latter being null and void, as gleaned from the decision of the PARAD dated October 22, 1998. In the said decision, the PARAD declared that under Rule II, Section 7 of the 1994 DARAB Rules of Procedure which took effect in May 1994, the DARAB, not the DAR Secretary, had jurisdiction over the issue concerning the legality of the CLTs.

The petition has no merit.

The general rule is that it is the ministerial duty of the court to order the execution of its final judgment.[41] However, Rule 135, Section 5(g) of the Rules of Court provides that the trial court may amend and control its process and orders so as to make them conformable to law and justice. It has the inherent power to control, in furtherance of justice, the conduct of its ministerial offices, and of all other persons in any manner connected with a case before it, in every manner appertaining thereto.[42] The inherent power of the court carries with it the right to determine every question of fact and law which may be involved in the execution.[43] The court may stay or suspend the execution of its judgment if warranted by the higher interest of justice.[44] It has the authority to cause a modification of the decision when it becomes imperative in the higher interest of justice or when supervening events warrant it.[45] The court is also vested with inherent power to stay the enforcement of its decision based on antecedent facts which show fraud in its rendition or want of jurisdiction of the trial court apparent on the record.[46] In another case, [47] the Court held that an execution will ordinarily be stayed

pending the termination of the proceedings connected with the principal case.

In this case, the RTC ruled that it did not amend its decision but merely harmonized it with the December 27, 1996 Order of the DAR Secretary and suspended its enforcement until after the said order shall have been implemented, with the following ratiocination:

The Court made the foregoing narration of antecedent facts because, with the decision of the Hon. Secretary Honesto Garilao, it feels that its decision cannot be fully implemented as the defendants are tenants of the land covered by TCT No. T-75164 with an area of 10.400 hectares. This is a fact that transpired after the decision of this Court which renders its execution unjust and impossible (Regalado, Remedial Law Compendium, 6[th] Ed., Vol. I, p. 401). No less than the plaintiff admits that defendants are his tenants when he filed his Petition for Exclusion From coverage of P.D. No. 27 in 1992, but deliberately made no mention of it in his complaint for declaratory relief and recovery of possession.

In the decision of Secretary Garilao, the plaintiff is given a portion of five (5) hectares of the 10.400 hectares land covered by TCT No. T-75164 as his area of retention. The Court, in order to harmonize its decision with the decision of the Hon. Secretary, believes that the defendants must vacate this 5 hectares retained by the plaintiff. However, it appears now that in so far as this 5-hectare retention by the plaintiff is concerned, its boundaries are not known by the Court. It believes that it is the DAR that has authority to do this. Until the DAR shall have delineated the boundaries of the 5-hectare retained by the plaintiff and evidence presented to identify who are the defendants in possession thereof, the Court, in all fairness to the parties, can not resolve the motion to execute the order of this Court dated June 2, 1998. Those defendants who are outside plaintiff's retained area are not liable for contempt of Court. With respect to the Omnibus Motion for the deposit of the harvest, the court holds in abeyance its resolution until the DAR shall have delineated and identified the boundaries of the five (5) hectares retained by the plaintiff. Outside the five (5) hectares, it is within the competence of the DAR, defendants being tenants thereof.[48]

The RTC denied the petitioner's motion for reconsideration of the order, holding that:

... To execute now the decision of this Court and eject the defendants tenants from their landholding is contrary to law and public policy. It is true that the Court issued the writ of execution and ejected the defendants when the writ was first asked. However, the defendants reentered the land, and upon careful consideration of the decision of the Hon. Secretary Ernesto Garilao, the Court refused to eject the defendants-tenants. If the Court committed any mistake then, it has the inherent power to amend and control its processes and orders so as to make them conformable to law and justice.

The plaintiff makes use of the decision of the Department of Agrarian Reform Adjudication Board Region 2, San Fermin, Cauayan, Isabela, dated October 22, 1998, through its Adjudicator, Gil B. Baclig, to the effect that the decision of the Hon. Ernesto Garilao, dated December 27, 1996 is null and void because it is issued beyond his jurisdiction. The Court believes that a mere Adjudicator of the DARAB cannot declare null and void the decision of the DAR Secretary which decision has become final and executory.

What would happen if the Court will enforce its decision and eject the defendants and then the defendants will enforce the decision of the Secretary of the DAR? It would seem in this case that plaintiff is bent on enforcing the decision of this Court, but remains silent as to the decision of the DAR Secretary for which he is bound.

In its Resolution dated March 6, 2001, this Court said:

"In the decision of Secretary Garilao, the plaintiff is given a portion of five (5) hectares of the 10,400 hectares land covered by TCT No. T-75164 as his area of retention. The Court, in order to harmonize its decision with the decision of the Hon. Secretary, believes that the defendants must vacate this 5 hectares retained by the plaintiff. However, it appears that in so far as this 5 hectare retention by the plaintiff is concerned, its boundaries are not known by the Court. It believes that it is the DAR that has authority to do this. Until the DAR shall have delineated the boundaries of the 5-hectare retained by the plaintiff and evidence presented to

identify who are the defendants in possession thereof, the Court, in all fairness to the parties, cannot resolve the motion to execute the order of this Court dated June 2, 1998. Those defendants who are outside plaintiff's retained area are not liable for contempt of Court. With respect to the Omnibus Motion for the deposit of the harvest, the Court holds in abeyance its resolution until the DAR shall have delineated and identified the boundaries of the five (5) hectares, it is within the competence of the DAR, defendants being tenants thereof."

In short, this Court resolved to hold in abeyance the resolution of the Motion to Execute Order dated June 2, 1998 and the Omnibus Motion for the Deposit of Harvest, until the DAR shall have delineated the boundaries of the five (5) hectares retention of the plaintiff. This is also true with respect to the petition for contempt.

In the letter of Edwin Respicio, Municipal Agrarian Reform Officer, he said:

Relative to your query (sic) as to the extent of DAR's action on the resolution of the Hon. Judge Henedino Eduarte particularly harmonizing the decision of the DAR Secretary dated December 27, 1996, and the decision of the Regional Trial Court dated January 25, 1995 particularly referring to Civil Case No. Br. 20-768, hereunder are the developments, to wit:

- The parties concerned were invited on July 11, 2001 for a dialogue and the result was;
- ON THE PART OF THE FARMER BENEFICIARIES
- The FB's agreed in principle that they are willing to cooperate with DAR actions especially in the delineation of the retention area of the landowner and should be indicated in a plan and be approved by Land Management Sector of the DENR.
- ON THE PART OF THE LANDOWNER
- Mr. Arturo Mejia cannot decide on the matter of the delineation survey of his retention because he didn't yet consult his Lawyer.
- Recommendations/Comments (sic):
- The scheduled meeting with the end to settle/agree on the issue when to conduct the delineation survey of the retention area of Mr. Arturo Mejia didn't materialized due to the comment of the landowner that "he cannot decide yet because he didn't yet consult his Lawyer." Hence, the survey schedule was deferred pending the final resolution or Order of the Court.

For your Information, reference and guidance."

Evidently, the DAR is taking steps to enforce its decision.[49]

The assailed Orders of the RTC are in accord with case law. We agree with the finding of the RTC that the petitioner deliberately concealed his petition, then pending with the DAR, for the exclusion of the subject property from the coverage of PD No. 27 in his petition for declaratory relief and recovery of possession in the RTC. But the RTC later became aware of the pendency of the said petition with the DAR during the proceedings in the RTC. The fact of the matter is that after the respondents filed their answer to the petitioner's complaint, the RTC already knew that the petitioner had filed a petition with the DAR as early as 1983 for the exemption of the subject property from the coverage of PD No. 27 because a copy of the said petition was appended to the answer of the respondents. The latter again specifically reiterated the pendency of the said petition in their pre-trial brief filed with the RTC. In their Memorandum before the RTC, the respondents alleged the following:

As to the second issue. It must be noted that plaintiff filed a Petition before the Department of Agrarian Reform, Provincial Agrarian Reform Office, Cauayan, Isabela, for exemption of the instant questioned land from the coverage of Operation Land Transfer and the cancellation of Certificate of Land Transfer issued to the Defendants which remain pending up to this time. Having first acquired jurisdiction over the parties and

subject matter, the Department of Agrarian Reform shall retain the same until its final disposition.[50]

The foregoing notwithstanding, the RTC turned a blind eye to the pleadings of the respondents. The RTC should have dismissed the complaint of the petitioner. The petitioner ought to exhaust all administrative remedies before seeking judicial recourse.[51] Based on case law, an action for declaratory relief is proper only if adequate relief is not available through other existing forms of actions or proceedings.[52] A petition for a declaratory relief cannot be made a substitute for all existing remedies and should be used with caution.[53] Relief by declaratory judgment is sui generis and not strictly legal or equitable yet its historical affinity is equitable.[54] The remedy is not designed to supplant existing remedies.[55]

It may be reiterated that the action for declaratory relief which originated in the classical Roman law, had been used in Scotland for four centuries and adopted in England and other European countries. The remedy is purely statutory in nature and origin.[56] The remedy is an extension of the ancient quia timet. [57] A declaratory judgment does not create or change substantial rights or modify any relationship or alter the character of controversies.[58]

Worse, the RTC rendered judgment ordering the respondents to vacate the property and restore possession thereof to the petitioner, notwithstanding case law that the petitioner is not entitled to any award other than a declaration of all his rights[59] under PD No. 27, as amended, in light of the ruling of the Court in *Alita v. Court of Appeals*.

It bears stressing that the December 27, 1996 Order of the DAR Secretary had become final and executory when this Court denied due course and dismissed the petition filed by the petitioner assailing the said order on the ground that the correct remedy was to file a petition for review in the CA. The RTC cannot enforce its decision and ignore the December 27, 1996 Order of the DAR Secretary, especially so in light of the ruling of this Court in *Paris v. Alfeche*,[60] to wit:

Petitioner contends that because the subject properties are covered by homestead patents, they are exempt from the operation of land reform. In support of her position, she cites the cases *Alita v. CA* and *Patricio v. Bayug*, in which the Court ruled that homesteaders had a superior right to cultivate their homesteads as against their tenants.

Petitioner's contention is without legal basis. Presidential Decree (PD) No. 27, under which the Emancipation Patents sought to be cancelled here were issued to respondents, "applies to all tenanted private agricultural lands primarily devoted to rice and corn under a system of share-crop or lease-tenancy, whether classified as landed estate or not." The law makes no exceptions whatsoever in its coverage. Nowhere therein does it appear that lots obtained by homestead patents are exempt from its operation.

The matter is made even clearer by Department Memorandum Circular No. 2, Series of 1978, which states: "Tenanted private agricultural lands primarily devoted to rice and/or corn which have been acquired under the provisions of Commonwealth Act 141, as amended, shall also be covered by Operation Land Transfer." Unquestionably, petitioner's parcels of land, through obtained by homestead patents under Commonwealth Act 141, are covered by land reform under PD 27.

Petitioner's claimed entitlement to retain seven (7) hectares is also untenable. PD 27, which provides the retention limit, states:

"In all cases, the landowner may retain an area of not more than seven (7) hectares if such landowner is cultivating such area or will now cultivate it."

Clearly, the right to retain an area of seven hectares is not absolute. It is premised on the condition that the landowner is cultivating the area sought to be retained or will actually cultivate it upon effectivity of the law.

In the case at bar, neither of the conditions for retention is present. As admitted by petitioner herself, the subject

parcels are fully tenanted; thus, she is clearly not cultivating them, nor will she personally cultivate any part thereof. Undoubtedly, therefore, she has no right to retain any portion of her landholdings.[61]

As gleaned from the pleadings of the parties, the respondents had been in actual possession of the property and cultivated the same as agricultural tenants long before the petitioner filed his complaint in the RTC. This Court ruled in *Paris v. Alfeche*[62] that, under the circumstances, the only right of the petitioner is to retain five (5) hectares of the subject property, in accordance with Section 6 of Rep. Act No. 6657:

Even under the current primary law on agrarian reform, Republic Act (RA) No. 6657, to which the application of PD 27 is supplementary, petitioner's lands are subject to land reform. The said Act lays down the rights of homestead grantees as follows:

"SEC. 6. Retention Limits. - Except as otherwise provided in this Act, no person may own or retain, directly or indirectly, any public or private agricultural land, the size of which shall vary according to factors governing a viable family-sized farm, such as commodity produced, terrain, infrastructure, and soil fertility as determined by the Presidential Agrarian Reform Council (PARC) created hereunder, but in no case shall retention by the landowner exceed five (5) hectares. Three (3) hectares may be awarded to each child of the landowner, subject to the following qualifications: (1) that he is at least fifteen (15) years of age; and (2) that he is actually tilling the land or directly managing the farm; Provided, That landowners whose lands have been covered by PD 27 shall be allowed to keep the area originally retained by them thereunder; Provided, further, That original homestead grantees or their direct compulsory heirs who still own the original homestead at the time of the approval of this Act shall retain the same areas as long as they continue to cultivate said homestead." (Italics supplied).

Indisputably, homestead grantees or their direct compulsory heirs can own and retain the original homesteads, only for "as long as they continue to cultivate" them. That parcels of land are covered by homestead patents will not automatically exempt them from the operation of land reform. It is the fact of continued cultivation by the original grantees or their direct compulsory heirs that shall exempt their lands from land reform coverage.

In the present case, as previously pointed out, neither petitioner nor her heirs are personally cultivating the subject homesteads. The DAR and the CA found that respondents were the ones who had been cultivating their respective portions of the disputed properties.

However, petitioner can retain five (5) hectares in accordance with Section 6 of RA 6657, which requires no qualifying condition for the landowner to be entitled to retain such area. This ruling is in line with *Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*, from which we quote:

"x x x. In any event, assuming that the petitioners have not yet exercised their retention rights, if any, under PD No. 27, the Court holds that they are entitled to the new retention rights provided for by RA No. 6657, which in fact are on the whole more liberal than those granted by the decree."

Petitioner's heirs, however, are not entitled to awards of three (3) hectares each, since they are not actually tilling the parcels or directly managing the farm.[63]

In the meantime, the respondents cannot be evicted from the property.

Petitioner submits that aside from cancelling the Emancipation Patents issued to respondents, the ejectment of the latter from the premises should be ordered by the Court, in accordance with the doctrine in *Patricio*.

Petitioner's position is unfounded. As earlier explained, *Patricio* finds no application to the case at bar. Thus, there is no justification for ejecting respondents. Besides, Section 22 of RA 6657 expressly states that "actual tenant-tillers in the landholding shall not be ejected or removed therefrom." Furthermore, there is no reason for ejecting the tillers with respect to the area of five hectares, which petitioner may choose to retain. Section 6 of RA 6657 further states:

"The right to choose the area to be retained, which shall be compact or contiguous, shall pertain to the landowner; Provided, however, That in case the area selected for retention by the landowner is tenanted, the tenant shall have the option to choose whether to remain therein or be a beneficiary in the same or another agricultural land with similar or comparable features. In case the tenant chooses to remain in the retained area, he shall be considered a lease holder and shall lose his right to be a beneficiary under this Act. In case the tenant chooses to be a beneficiary in another agricultural land, he loses his right as a lease-holder to the land retained by the landowner. The tenant must exercise his option within a period of one (1) year from the time the landowner manifests his choice of the area for retention.

"In all cases, the security of tenure of the farmers or farm workers on the land prior to the approval of this Act shall be respected."

The current provision on retention removes the necessity, present under PD 27, of ejecting actual tillers. Under the current law, landowners who do not personally cultivate their lands are no longer required to do so in order to qualify for the retention of an area not exceeding five hectares. Instead, they are no required to maintain the actual tiller of the area retained should the latter choose to remain therein.[64]

The petitioner cannot find solace in the decision of the PARAD dated October 22, 1998 based on Rule II, Section 7 of the 1994 DARAB Rules of Procedure that the DARAB, not the DAR, had original and exclusive jurisdiction involving the issuance, correction and cancellation of Certificates of Land Ownership Award and Emancipation Patents registered with the Land Registration Authority, thus:

f) those involving the issuance, correction and cancellation of Certificates of Landownership award (CLOAs) and Emancipation Patents (Eps) which are registered with the Land Registration Authority.

First. The petitioner himself acknowledged the jurisdiction of the DAR over his petition for the exemption of the property from PD No. 27 and even prayed for the cancellation of the CLTs issued to respondents Aquino and Gavino. Indeed, he prayed for the DAR to cancel the CLTs and order the respondents to deliver possession of the landholding to him. The petitioner cannot invoke the authority of the DAR to grant him relief and at the same time disavow the same authority without running afoul of the doctrine of estoppel.

Second. The petition for exemption was filed by the petitioner in 1993 before the aforequoted Rule of the DARAB was promulgated.

Under PD No. 946, Section 12, as amended by Rep. Act No. 6657, matters involving administrative implementation of the transfer of the land to the tenant-farmer under PD No. 27 and amendatory decrees, orders, rules and regulations, shall be exclusively cognizable by the DAR Secretary, and that the decision of DAR Secretary may be appealed to the President of the Philippines, viz:

Provided, however, That matters involving the administrative implementation of the transfer of the land to the tenant-farmer under Presidential Decree No. 27 and amendatory and related decrees, orders, instructions, rules and regulations, shall be exclusively cognizable by the Secretary of Agrarian Reform, namely:

- (1) classification and identification of landholdings;
- (2) identification of tenant-farmers and landowners; and determination of their tenancy relationship;
- (3) parcellary mapping;
- (4) determination of the total production and value of the land to be transferred to the tenant-farmer;
- (5) issuance, recall or cancellation of certificates of land transfer in cases outside the purview of Presidential Decree No. 816.
- (6) right of retention of the landowner;
- (7) right of the tenant-farmer to a home lot;
- (8) disposition of the excess area in the tenant's farmholding;

- (9) change of crop from rice and/or corn to any other agricultural crop;
- (10) issuance of certification for the conversion of tenanted rice and/or corn land for residential, commercial, industrial, or other urban purposes, it being understood that the authority to issue certificates of conversion of other kinds of tenanted agricultural land for the same purpose remains vested in the Secretary of Agrarian Reform;
- (11) transfer, surrender or abandonment by the tenant-farmer of the farmholding and its disposition; and
- (12) increase of tillage area by a tenant-farmer.

In his complaint before the RTC, the petitioner sought the declaration of his right in light of the ruling of this Court in *Alita v. Court of Appeals*[65] - inclusive of the right of the petitioner of retention and of the right of the respondents to a home lot, as well as the consequent issuance, recall and cancellation of CLTs except in cases where the tenant-farmer failed to pay the amortization for the landholding. The matters raised by the petitioner and the reliefs prayed for by him were within the authority of the DAR Secretary to delve into and resolve.

The DARAB realized its error in its 1994 Rules of Procedure and rectified the law when it promulgated its 2003 DARAB Rules of Procedure on January 17, 2003 wherein it declared that the DAR Secretary has jurisdiction over matters alleged by the petitioner in his complaint with the RTC and his petition with the DAR. Section 3, Rule II thereof provides:

SECTION 3. Agrarian Law Implementation Cases.

The Adjudicator or the Board shall have no jurisdiction over matters involving the administrative implementation of RA No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988 and other agrarian laws as enunciated by pertinent rules and administrative orders, which shall be under the exclusive prerogative of and cognizable by the Office of the Secretary of the DAR in accordance with his issuances, to wit:

- 3.1 Classification and identification of landholdings for coverage under the agrarian reform program and the initial issuance of CLOAs and EPs, including protests or oppositions thereto and petitions for lifting of such coverage;
- 3.2 Classification, identification, inclusion, exclusion, qualification, or disqualification of potential/actual farmer-beneficiaries;
- 3.3 Subdivision surveys of land under CARP;
- 3.4 Recall, or cancellation of provisional lease rentals, Certificates of Land Transfers (CLTs) and CARP Beneficiary Certificates (CBCs) in cases outside the purview of Presidential Decree (PD) No. 816, including the issuance, recall, or cancellation of EPs or CLOAs not yet registered with the Register of Deeds;
- 3.5 Exercise of the right of retention by the landowner;
- 3.6 Application for exemption from coverage under Section 10 of RA 6657;
- 3.7 Application for exemption pursuant to Department of Justice (DOJ) Opinion No. 44 (1990);
- 3.8 Exclusion from CARP coverage of agricultural land used for livestock, swine, and poultry raising;
- 3.9 Cases of exemption /exclusion of fish pond and prawn farms from the coverage of CARP pursuant to RA 7881;
- 3.10 Issuance of Certificate of Exemption for land subject of Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) found unsuitable for agricultural purposes;
- 3.11 Application for conversion of agricultural land to residential, commercial, industrial, or other

non-agricultural uses and purposes including protests or oppositions thereto;

3.12 Determination of the rights of agrarian reform beneficiaries to homelots;

3.13 Disposition of excess area of the tenants/farmer-beneficiary's landholdings;

3.14 Increase in area of tillage of a tenant/farmer-beneficiary;

3.15 Conflict of claims in landed estates administered by DAR and its predecessors; or

3.16 Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

In fine, the RTC had no jurisdiction over the complaint of the petitioner for the declaration of his rights under Rep. Act No. 6657 and its precursors, inclusive of the issue of whether or not the petitioner is entitled to a retention area and, if so, how big an area is he entitled to. Such matters are within the exclusive jurisdiction of the DAR Secretary to delve into and resolve. Since the RTC had no jurisdiction on the action of the petitioner, its decision and the writs of execution issued by it are null and void.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED for lack of merit.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Records, pp. 6-7.

[2] Id. at 23-26.

[3] Id. at 100.

[4] G.R. No. 78517, 27 February 1989, 170 SCRA 706.

[5] Records, p. 144.

[6] Supra.

[7] Ibid.

[8] Records, pp. 18-26.

[9] Id. at 55.

[10] Id. at 53.

[11] Supra.

[12] Records, p. 233.

[13] Id. at 82.

[14] Id. at 83.

[15] Id. at 158.

[16] Id. at 160.

[17] Id. at 88.

- [18] Id. at 91.
- [19] Id. at 116, 124.
- [20] Id. at 136-143.
- [21] Id. at 109.
- [22] Id. at 163-165.
- [23] Id. at 169.
- [24] Id. at 174-179.
- [25] Id. at 182-183.
- [26] Id. at 203-207.
- [27] Id. at 208-210.
- [28] Id. at 266.
- [29] Id. at 295.
- [30] Rollo, pp. 36-38.
- [31] Id. at 279.
- [32] Id. at 320-322.
- [33] Id. at 290-291.
- [34] Id. at 323.
- [35] Id. at 400.
- [36] Id. at 397-400.
- [37] Id. at 419-420.
- [38] Id. at 8.
- [39] G.R. No. 73883, 24 September 1987, 154 SCRA 257.
- [40] G.R. No. L-37974, 15 April 1988, 160 SCRA 111.
- [41] Bustos v. Court of Appeals, G.R. Nos. 120784-85, January 24, 2001, 350 SCRA 155.
- [42] Rule 135, Section 5(d), Rules of Court.
- [43] Seavan Carrier, Inc. v. GTC Sportsville Corporation, G.R. No. 65953, July 16, 1985, 137 SCRA 580.
- [44] Avisedo v. Rumbana, G.R. No. 137306, March 12, 2001, 354 SCRA 245.
- [45] People v. Gallo, G.R. No. 124736, September 29, 1999, 315 SCRA 461.
- [46] 33 Corpus Juris Secundum, Execution, § 139, p. 312.
- [47] 85 Phil.164 (1949).
- [48] Rollo, pp. 19-20.

[49] Rollo, pp. 14-16.

[50] Records, p. 39.

[51] Province of Zamboanga del Norte v. Court of Appeals, G.R. No. 109853, 11 October 2000, 342 SCRA 549.

[52] Ollada v. Central Bank of the Philippines, G.R. No. L-11357, 31 May 1962, 5 SCRA 297.

[53] Liberty Martial Insurance Co., Inc. v. Jones, 125 ALR, 1149 (1939).

[54] Strype v. Lewis, 155 ALR 99 (1944).

[55] Trossman v. Trossman, 80 ALR 2d 933 (1960).

[56] Sheldon v. Powell, 128 So. 258.

[57] Humferez v. U.S. Fidelity & Guaranting Co., 38 Federal Supplement 224.

[58] 26 CJS, Declaratory Judgments, 67, pp. 59-60.

[59] See Commissioner of Customs v. Judge Cloribel, G.R. No. L-21036, 30 June 1977, 77 SCRA 459.

[60] 416 Phil. 473 (2001).

[61] Id. at 482-483.

[62] Supra.

[63] Id. at 483-484.

[64] Id. at 489-490.

[65] Supra.

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