

**DR. ROSALINA G. HILARIO, PETITIONER, VS. MODESTO PRUDENTE,
CRISANTO PRUDENTE AND REMEDIOS PRUDENTE-PUNO,
RESPONDENTS.**

G.R. No. 150635. September 11, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

This is a petition for review on certiorari of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 53348, affirming the Decision[2] of the Regional Trial Court (RTC), Fourth Judicial Region, Branch 80, Morong, Rizal, which ruled that the Municipal Trial Court (MTC), Tanay, Rizal did not have jurisdiction over the case.

The facts are as follows:

Dr. Rosalina G. Hilario is the registered owner of an agricultural land with an area of 10.2048 hectares situated in Barangay Sampaloc, Tanay, Rizal, covered by Transfer Certificate of Title No. M-5757. By virtue of a Notice of Coverage dated September 1, 1997, the Municipal Agrarian Reform Office (MARO) of Sampaloc, Tanay, Rizal declared 5.2048 hectares of said parcel of land under the Comprehensive Agrarian Reform Program (CARP) of the government. Herein respondents Modesto Prudente, Crisanto Prudente and Remedios Prudente-Puno, together with Benito Prudente, were identified as potential farmer-beneficiaries on the basis of their actual and physical possession/tillage of the subject property.

Petitioner filed a protest to oppose the inclusion of her land in the CARP and the identification of the respondents and Benito Prudente as farmer-beneficiaries, averring that they were neither tenants nor occupant-tillers of the subject property. The protest was denied by the Provincial Agrarian Reform Officer (PARO) in an Order dated February 3, 1998.

On May 28, 1998, the petitioner filed an action for forcible entry with prayer for preliminary injunction with the MTC, alleging that the respondents entered the land and committed depredations thereon by cutting ipil-ipil and bamboo trees and built a house without the knowledge and consent of the petitioner and over the vigorous objection of her caretaker.[3]

On January 11, 1999, the MTC ruled in favor of the petitioner.[4] The decretal portion of the Decision reads as follows:

WHEREFORE, judgment is hereby rendered -

(1) Ordering defendants to vacate the subject property and to peacefully surrender possession thereof to the plaintiff;

(2) Ordering the defendants, jointly and severally, to pay plaintiff the following:

(a) P2,000.00 as reasonable monthly rental for the use and occupation of the subject property commencing February 1998 until defendants shall have vacated the property;

(b) P10,000.00 as attorney's fees plus P1,000.00 for every court appearance;

(c) Costs of suit.[5]

On appeal, the RTC however found that "from the facts, it is clear that there exists an agrarian dispute between the parties. Consequently, pursuant to Section 50 of Republic Act No. 6557, which reiterates Section 17 of Executive Order No. 229, the Department of Agrarian Reform shall have exclusive and original jurisdiction over all matters involving the implementation of agrarian reform." [6] Thus, the RTC declared:

WHEREFORE, the decision of the Municipal Trial Court is reversed for lack of jurisdiction, and the case [instead be] forwarded to the Department of Agrarian Reform for proper disposition.[7]

A petition for review was filed with the CA which was denied.[8] Petitioner now comes to this Court contending that:

THE HONORABLE COURT OF APPEALS COMMITTED GRAVE AND REVERSIBLE ERROR IN AFFIRMING THE DECISION OF THE REGIONAL TRIAL COURT, BRANCH 80, MORONG, RIZAL, WHICH RULED THAT THE MUNICIPAL TRIAL COURT DID NOT HAVE JURISDICTION OVER THE FORCIBLE ENTRY CASE FILED BY THE PETITIONER AGAINST THE RESPONDENTS.

Petitioner maintains that the inferior court had jurisdiction over the case considering that there was no evidence adduced to prove that there is a tenancy relationship between the parties.

Petitioner's contention is untenable.

The finding of the RTC, which was affirmed by the CA, was that the controversy between the parties pertains to or arises from an agrarian relationship and/or the implementing law thereof. The subject landholding was placed under the CARP pursuant to a notice of coverage and raised therein was the issue of identification of the respondents as farmer-beneficiaries of said landholding. Petitioner protested the identification of the respondents as farmer-beneficiaries made by the MARO which was denied by the PARO. After the denial of her protest, petitioner filed the ejectment case with the MTC. Given these undisputed facts, petitioner cannot now impugn the jurisdiction of the DAR or the DARAB over the controversy considering the doctrine of primary jurisdiction. We take the occasion to reiterate what has been explained in *Bautista v. Mag-isa Vda. de Villena*: [9]

The doctrine of primary jurisdiction precludes the courts from resolving a controversy over which jurisdiction has initially been lodged with an administrative body of special competence. For agrarian reform cases, jurisdiction is vested in the Department of Agrarian Reform (DAR); more specifically, in the Department of Agrarian Reform Adjudication Board (DARAB).

Executive Order 229 vested the DAR with (1) quasi-judicial powers to determine and adjudicate agrarian reform matters; and (2) jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the Department of Agriculture and the Department of Environment and Natural Resources. This law divested the regional trial courts of their general jurisdiction to try agrarian reform matters.

Under Republic Act 6657, the DAR retains jurisdiction over all agrarian reform matters. The pertinent provision reads:

Section 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 and the Department of Environment and Natural Resources.

It is of no moment whether a tenancy relationship existed between the parties or whether proof thereof was

adduced by the parties. The case filed with the MTC clearly concerned an agrarian dispute involving the implementation of the CARP which the petitioner was fully aware of. It was obvious that the petitioner filed the ejectment suit with the MTC in order to thwart the unfavorable ruling she obtained from the PARO. Such legal maneuvering cannot be countenanced. We agree with the CA when it ratiocinated:

Although the case before the agrarian office involves an issue of ownership and the cause of action subject of this appeal is one of possession, a judgment in the latter would render the declaration made in the former inutile. The respondents, as potential farm beneficiaries of the CARP would be owners of agricultural land to which they cannot exercise acts of ownership because the decision by the municipal trial court would effectively bar them from possession thereof. This absurd situation would make a mockery of the judicial system by utilizing it to circumvent and evade the policy of the State to promote social justice for the welfare of the farmers and farm workers, pursuant to the provisions of the Comprehensive Agrarian Reform Program (CARP). This Court can not allow itself to be an instrument of the petitioner in her adoption of smart, and perhaps, shrewd, legal maneuvering to defeat and escape the agrarian reform law that was enacted to alleviate the predicament of the landless farmers.[10]

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals in CA-G.R. SP No. 53348 is AFFIRMED.

SO ORDERED.

Tinga[*], Chico-Nazario, Velasco, Jr.[*], and Reyes, JJ., concur.

[*] Designated additional members in lieu of Associate Justices Consuelo Ynares-Santiago and Ma. Alicia Austria-Martinez per Special Order No. 517 dated August 27, 2008.

[1] Penned by Associate Justice Teodoro P. Regino, with Associate Justices Delilah Vidallon-Magtolis and Josefina Guevara-Salonga, concurring; rollo, pp. 53-58.

[2] Penned by Judge Reynaldo G. Ros, id. at 44-45.

[3] Rollo, pp. 21-25.

[4] Id. at 34-35.

[5] Id. at 35.

[6] Id. at 45.

[7] Id.

[8] Id. at 57.

[9] G.R. No. 152564, September 13, 2004, 438 SCRA 259, 262-263.

[10] Rollo, p. 55.

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