

**SPOUSES ROMULO AND GUILLERMA CUBA, PETITIONERS, VS.
MANUEL V. CUENCO, JR., RESPONDENT.***G.R. NO. 154490. September 19, 2006*

Ponente: SANDOVAL-GUTIERREZ, J.

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For our resolution is the instant Petition for Review on Certiorari assailing the Decision[1] dated January 30, 2002 of the Court of Appeals in CA- G.R. SP No. 54695.

The facts are:

Manuel Cuenco, Jr., respondent, is the registered owner of several parcels of agricultural land located in Barangay Looc, Sibulan, Negros Oriental he inherited from his deceased parents, Manuel Cuenco, Sr. and Milagros Veloso Cuenco. They are Lots Nos. 3529, 3530, 3533, 3534, 3535, and 3576 consisting of five (5) hectares covered by Transfer Certificates of Title Nos. T-31768-A, T-31765-A, T-31770, T-31766, T-31768, and T1-31769, respectively. These lots are primarily planted to coconuts and bananas and have been tenanted since the 1960s. Rosendo Lastimoso was the original tenant. Before he died, respondent's mother, Milagros Cuenco, designated Guillerma Cuba and her husband Romulo Cuba, herein petitioners, as the new tenants. Petitioners then constructed their residential house on a portion of Lot No. 3533. After the death of his mother, respondent sent a letter to petitioners authorizing them to continue tending Lot No. 3533.

Later, however, the tenurial relationship between respondent and petitioners had been strained, prompting respondent to file with the Regional Agrarian Reform Adjudication Board, Department of Agrarian Reform (DAR), Cebu City a complaint for declaration of non-tenancy, ejectment, and accounting of farm income against petitioners, docketed as RARAD Case No. VII-39-NO-99. Respondent prayed that petitioners be ordered to vacate the landholding they are tilling.

Respondent also filed with the Municipal Trial Court (MTC), Sibulan, Negros Oriental a complaint for unlawful detainer against petitioners, docketed as Civil Case No. 431. Respondent alleged that he has allowed petitioners to construct their house on a portion of Lot No. 3533 on condition that they will peacefully vacate the area should he need the same; that at present he is in need of the land; and that despite his demands, petitioners refused to vacate the same, thus, he is constrained to file the complaint for illegal detainer against them. It is this case which led to the instant controversy.

In their answer to respondent's complaint, petitioners averred that they are legitimate tenants; that respondent filed the complaint because he wanted to designate spouses Joventino and Victoria Abo[2] to replace them; and that the MTC has no jurisdiction over Civil Case No. 431 as it involves an agrarian dispute.

In an Order[3] dated May 17, 1999, the MTC dismissed respondent's complaint for lack of jurisdiction, holding that it involves an agrarian controversy which falls within the jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB).

On appeal, the Regional Trial Court (RTC), Branch 44, Dumaguete City rendered its Decision[4] dated July 15, 1999 affirming the MTC Order.

Respondent then filed with the Court of Appeals a Petition for Review assailing the RTC Decision, docketed therein as CA-G.R. SP No. 54695.

Meanwhile, on September 10, 1999, the DARAB handed down its Decision in RARAD Case No. VII-39- NO-99 in favor of petitioners. It enjoined respondent from disturbing petitioners' peaceful possession of the land they have been cultivating.

Going back to the illegal detainer case, on January 30, 2002, the Court of Appeals rendered its Decision in CA-G.R. SP No. 54695 in favor of respondent, reversing the RTC Decision and holding that respondent's complaint does not involve an agrarian controversy, hence, the MTC has jurisdiction over it.

The Court of Appeals found that the disputed property is residential, not agricultural, as evidenced by these two documents: (1) a Certification dated August 12, 1999 issued by the Provincial Assessor of Negros Oriental stating that Lot No. 3533 has been classified as residential by the Municipal Assessor of Sibulan; and (2) a Certification dated June 4, 1999 issued by the Office of the Zoning Administrator, Housing and Land Use Regulatory Board stating that both the Sangguniang Bayan of Sibulan and the Sangguniang Panlalawigan of Negros Oriental approved the reclassification of Lot No. 3533 from agricultural to residential land.

Petitioners filed a motion for reconsideration but it was denied by the Court of Appeals in its Resolution[5] dated July 22, 2002.

Hence, the instant petition.

The sole issue here is whether or not respondent's complaint for illegal detainer against petitioners involving their home lot is an agrarian dispute.

The petition is meritorious.

We agree with the Court of Appeals that indeed the jurisdiction of a tribunal, including a quasi-judicial agency, over the subject matter of a complaint or petition is determined by the allegations therein. However, in determining jurisdiction, it is not only the nature of the issues or questions that is the subject of the controversy that should be determined, but also the status or relationship of the parties.[6] Thus, if the issues between the parties are intertwined with the resolution of an issue within the exclusive jurisdiction of the DARAB, such dispute must be addressed and resolved by the DARAB.[7] Section 50 of Republic Act No. 6657[8] provides:

SEC. 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).
(Underscoring supplied)

In *Vda. de Tangub v. Court of Appeals*,[9] we held that the jurisdiction of the DAR concerns the (1) determination and adjudication of all matters involving implementation of agrarian reform; (2) resolution of agrarian conflicts and land-tenure related problems; and (3) approval or disapproval of the conversion, restructuring or readjustment of agricultural lands into residential, commercial, industrial, and other non-agricultural uses. The DAR, in turn, exercises this jurisdiction through its adjudicating arm, the DARAB.[10]

Again, in *Monsanto v. Serna*,[11] we ruled that the DARAB exercises primary jurisdiction, both original and appellate, to determinate and adjudicate all agrarian disputes, controversies, matters or incidents involving the

implementation of agrarian laws and their implementing rules and regulations. Section 3 of Republic Act No. 6657 defines an "agrarian dispute" as follows:

(f) 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 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.

We hold that the Court of Appeals erred in holding that respondent's complaint for illegal detainer does not involve an agrarian dispute.

Records show that respondent does not deny the existence of a tenancy relationship between him and petitioners over Lot No. 3533. In fact, he invoked the jurisdiction of the DARAB in RARAD Case No. VII-39-NO-99. It bears reiterating that this case pertains to respondent's complaint for declaration of non-tenancy, ejectment, and accounting of farm income involving the subject property against petitioners filed with the RARAD in Cebu City. In this case, the DARAB declared petitioners as tenants and enjoined respondent from disturbing them in their peaceful occupation and cultivation of Lot No. 3533.

We note that respondent categorically states in his complaint that petitioners constructed a residential house on the disputed portion of Lot No. 3533. On this point, Section 22 (3) of Republic Act No. 1199,[12] as amended by Republic Act No. 2263, is relevant, thus:

x x x

(3) The tenant shall have the right to demand for a home lot suitable for dwelling with an area of not more than 3 percent of the area of his landholding provided that it does not exceed one thousand square meters and that it shall be located at a convenient and suitable place within the land of the landholder to be designated by the latter where the tenant shall construct his dwelling and may raise vegetables, poultry, pigs and other animals and engage in minor industries, the products of which shall accrue to the tenant exclusively. The tenant's dwelling shall not be removed from the lot already assigned to him by the landholder, except as provided in section twenty-six, unless there is a severance of the tenancy relationship between them as provided under section nine, or unless the tenant is ejected for cause and only after the expiration of forty-five days following such severance of relationship or dismissal for cause.

The grant of a home lot to an agricultural tenant is further provided for in Section 24 of Republic Act No. 3844,[13] as amended by Republic Act No. 6389, which states that "the agricultural lessee shall have the right to continue in the exclusive possession and enjoyment of any home lot he may have upon the effectivity of this Code, which shall be considered as included in the leasehold." Significantly, we have held that tenants are entitled to a home lot as an incident of their tenancy rights.[14]

Clearly, Civil Case No. 431 is an action by the landowner to oust his tenant from the latter's home lot. We thus rule that the dispute is agrarian in nature falling within the jurisdictional domain of the DARAB. This is in line with the doctrine of primary jurisdiction which precludes the regular courts from resolving a controversy over which jurisdiction has been lodged with an administrative body of special competence.[15]

WHEREFORE, we GRANT the instant petition. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 54695 are REVERSED. The Decision dated July 15, 1999 of the Regional Trial Court, Branch

44, Dumaguete City in Civil Case No. 12492 is REINSTATED. Costs against respondent.

SO ORDERED.

Puno, (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justice Conrado M. Vasquez, Jr., and Associate Justice Andres B. Reyes, Jr., Rollo, pp. 85-93.

[2] Another daughter of the late Rosendo Lastimoso and sister of Guillerma Cuba.

[3] Rollo, pp. 56-57.

[4] Id., pp. 80-83.

[5] Rollo, p. 133.

[6] Heirs of Julian Dela Cruz and Leonora Talaro v. Heirs of Alberto Cruz, G.R. No. 162890, November 23, 2005, 475 SCRA 743, citing Vesagas v. Court of Appeals, 371 SCRA 508 (2001).

[7] Heirs of Julian Dela Cruz and Leonora Talaro v. Heirs of Alberto Cruz, id., citing Monsanto v. Zerna, 371 SCRA 664 (2001).

[8] The Comprehensive Agrarian Reform Law.

[9] G.R. No. UDK-9854, December 3, 1990, 191 SCRA 885.

[10] Martillano v. Court of Appeals, G.R. No. 148277, June 29, 2004, 433 SCRA 195.

[11] G.R. No. 142501, December 7, 2001, 371 SCRA 664.

[12] The Agricultural Tenancy Act.

[13] The Agricultural Land Reform Code.

[14] Palele v. Court of Appeals, G.R. No. 138289, July 31, 2001, 362 SCRA 141, 150, citing Cruz v. Court of Appeals, 129 SCRA 223 (1984).

[15] Bautista v. Mag-isa Vda. de Villena, G.R. No. 152564, September 13, 2004, 438 SCRA 259.

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