

**DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD
(DARAB) OF THE DEPARTMENT OF AGRARIAN REFORM (DAR),
REPRESENTED BY DAR SECRETARY ROBERTO M. PAGDANGANAN,
PETITIONER, VS. JOSEFIN...**

G.R. NO. 159145. April 29, 2005

Ponente: TINGA, J.

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TINGA, J.:

Before this Court is an appeal by certiorari under Rule 45 of the 1997 Rules of Civil Procedure, seeking the reversal of the Decision[1] of the Court of Appeals in CA-G.R. SP No. 66710 granting herein respondent's petition for prohibition and its Resolution[2] denying herein petitioner's motion for reconsideration.

This Court adopts the appellate court's narration of facts.

On August 4, 2000, Federico Suntay, now deceased, filed a petition for fixing and payment of just compensation under Presidential Decree No. 27 against the Department of Agrarian Reform ("DAR"), the DAR Regional Director for Region IV and the Land Bank of the Philippines ("Land Bank").[3] Docketed as DARAB Case No. V-0405-0001-00, the case was filed before the Office of the Regional Agrarian Reform Adjudicator ("RARAD") and raffled to Adjudicator Conchita Miñas. Subject of the case was Suntay's landholdings covering a total area of 948.1911 hectares situated in Sablayan, Occidental Mindoro and embraced under Transfer Certificate of Title T-31. The DAR and Land Bank determined its value at Four Million Two Hundred Fifty-One Thousand One Hundred Forty-One Pesos and 68/100 (P4,251,141.68) or Four Thousand Four Hundred Ninety-Seven Pesos and 50/100 (P4,497.50) per hectare, which valuation according to Suntay, was unconscionably low and tantamount to taking of property without due process of law.[4]

After summary administrative proceedings, the RARAD rendered a Decision[5] on January 24, 2001 in favor of Suntay, ordering Land Bank to pay the former the amount of One Hundred Fifty-Seven Million Five Hundred Forty-One Thousand Nine Hundred Fifty-One Pesos & 30/100 (P157,541,951.30) as just compensation for the taking of a total of 948.1911 hectares of Suntay's properties. Land Bank sought reconsideration of the RARAD decision for not being supported by clear and convincing evidence and for its conclusions which are contrary to law. However, in an Order[6] dated March 14, 2001, the RARAD denied Land Bank's motion. Land Bank received a copy of the order of denial on March 26, 2001.[7]

On April 20, 2001, Land Bank filed a petition for just compensation[8] with the Regional Trial Court (RTC) of San Jose, Occidental Mindoro against Suntay, DAR, and RARAD. The petition, docketed as Agrarian Case No. R-1241, prayed that just compensation for the taking of Suntay's landholdings be declared in the amount of Four Million Two Hundred Fifty One Thousand, One Hundred Forty-One Pesos (P4,251,141.00). Suntay moved to dismiss the petition on the grounds of lack of capacity to sue, lack of cause of action, and *res judicata*. After Land Bank filed its comment on Suntay's motion to dismiss, the RTC, sitting as a special agrarian court, dismissed on August 6, 2001 Land Bank's petition for failure to pay the docket fees within the reglementary period.[9] The

special agrarian court also denied Land Bank's Motion for Reconsideration for being pro-forma.[10] Thereafter, Land Bank appealed the order of dismissal to the Court of Appeals by filing a Notice of Appeal with the special agrarian court.[11]

While the petition for just compensation was pending with the special agrarian court, upon motion of Suntay, the RARAD issued an Order[12] on May 22, 2001, declaring its January 24, 2001 Decision as final and executory after noting that Land Bank's petition for just compensation with the special agrarian court was filed beyond the fifteen-day reglementary period in violation of Section 11, Rule XIII of the DARAB Rules of Procedure.[13] In its July 10, 2001 Order,[14] the RARAD denied LBP's motion for reconsideration of the order of finality. On July 18, 2001, the RARAD issued a Writ of Execution,[15] directing the Regional Sheriff of DARAB-Region IV to implement its January 24, 2001 Decision. Thus, Land Bank filed a Petition for Certiorari with Prayer for the Issuance of Temporary Restraining Order/Preliminary Injunction[16] before the DARAB on September 12, 2001 against Suntay and RARAD. The petition, docketed as DSCA No. 0252, prayed for the nullification of the following issuances of the RARAD: [1] the January 24, 2001 Decision directing Land Bank to pay Suntay just compensation in the amount of P157,541,951.30; [2] the Order dated May 22, 2001 declaring the finality of the aforesaid Decision; [3] the July 10, 2001 Order denying Land Bank's motion for reconsideration; and [4] the Writ of Execution dated July 18, 2001. On September 12, 2001, the DARAB issued an Order[17] enjoining the RARAD from momentarily implementing its January 24, 2001 Decision and directing the parties to attend the hearing for the purpose of determining the propriety of issuing a preliminary/permanent injunction.

On September 20, 2001, Josefina Lubrica, the successor-in-interest of Suntay, filed with the Court of Appeals a Petition for Prohibition,[18] docketed as CA-G.R. SP No. 66710. The petition, impleading DARAB and Land Bank as respondents, sought to enjoin DARAB from further proceeding with DSCA No. 0252, mainly on the theory that Republic Act (R.A.) No. 6657, which confers adjudicatory functions upon the DAR, does not grant DAR jurisdiction over special civil actions for certiorari. On the same day, the Court of Appeals granted Lubrica's prayer for a temporary restraining order.[19] This notwithstanding, DARAB issued a Writ of Preliminary Injunction[20] on October 3, 2001, directing RARAD not to implement its January 24, 2001 Decision and the other orders in relation thereto, including the Writ of Execution. On October 8, 2001, DARAB filed a Comment[21] in CA-G.R. SP No. 66710, arguing that the writ of certiorari/injunction was issued under its power of supervision over its subordinates/delegates like the PARADs and RARADs to restrain the execution of a decision which had not yet attained finality. In an omnibus motion filed on October 10, 2001, Lubrica sought to nullify the Writ of Preliminary Injunction issued by DARAB in DSCA No. 0252 and to cite the DARAB for contempt.[22] Land Bank also filed its Comment[23] on October 15, 2001, raising the prematurity of Lubrica's petition for prohibition. It contended that the issue of whether or not DARAB can take cognizance of Land Bank's petition for certiorari may be elevated to the Office of the DAR Secretary, in accordance with the doctrine of exhaustion of administrative remedies. Land Bank also questioned Lubrica's personality to file the petition for prohibition considering that she never intervened in the proceedings before the RARAD.

The Court of Appeals rendered the assailed Decision[24] on August 22, 2002. The appellate court ruled that petitioner DARAB had no personality to file a comment on Lubrica's petition for prohibition filed with the Court of Appeals because DARAB was a mere formal party and could file a comment only when specifically and expressly directed to do so. The appellate court also ruled that DARAB's exercise of jurisdiction over the petition for certiorari had no constitutional or statutory basis. It rejected DARAB's contention that the issuance of the writ of certiorari arose from its power of direct and functional supervision over the RARAD. In sum, the Court of Appeals declared that DARAB was without jurisdiction to take cognizance of DSCA No. 0252 and issued a Writ of Prohibition, perpetually enjoining DARAB from proceeding with DSCA No. 0252 and ordering its dismissal.

Hence, the instant petition, in which DARAB assigns the following errors to the Court of Appeals:

The Honorable Court of Appeals erred when it ruled:

1. THAT THE PETITIONER (DARAB), BEING A FORMAL PARTY, SHOULD NOT HAVE FILED COMMENT TO THE PETITION AND INSTEAD, IT SHOULD HAVE BEEN CO-RESPONDENT LAND BANK, THE FINANCIAL INTERMEDIARY OF CARP;
2. THAT PETITIONER HAS NO JURISDICTION OVER DSCA 0252 WHICH IS A PETITION FOR CERTIORARI; AND
3. THAT WRIT OF PRELIMINARY INJUNCTION ISSUED BY DARAB IN DSCA 0252 WAS NULL AND VOID FOR HAVING BEEN ISSUED IN VIOLATION OF THE TEMPORARY RESTRAINING ORDER IT ISSUED.[25]

This Court affirms the ruling of the Court of Appeals that the DARAB does not have jurisdiction over Land Bank's petition for certiorari.

Jurisdiction, or the legal power to hear and determine a cause or causes of action, must exist as a matter of law.[26] It is settled that the authority to issue writs of certiorari, prohibition, and mandamus involves the exercise of original jurisdiction which must be expressly conferred by the Constitution or by law.[27] It is never derived by implication. Indeed, while the power to issue the writ of certiorari is in some instance conferred on all courts by constitutional or statutory provisions, ordinarily, the particular courts which have such power are expressly designated.[28]

Pursuant to Section 17 of Executive Order (E.O.) No. 229 and Section 13 of E.O. No. 129-A, the DARAB was created to act as the quasi-judicial arm of the DAR. With the passage of R.A. No. 6657, the adjudicatory powers and functions of the DAR were further delineated when, under Section 50 thereof, it was vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture, Department of Environment and Natural Resources and the Special Agrarian Courts. The same provision granted the DAR the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena and subpoena duces tecum, and enforce its writs through sheriffs or other duly deputized officers, and the broad power to adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of cases before it.[29] Section 13 of E.O. No. 129-A also authorized the DAR to delegate its adjudicatory powers and functions to its regional offices.

To this end, the DARAB adopted its Rules of Procedure, where it delegated to the RARADs and PARADs the authority "to hear, determine and adjudicate all agrarian cases and disputes, and incidents in connection therewith, arising within their assigned territorial jurisdiction."[30] In the absence of a specific statutory grant of jurisdiction to issue the said extraordinary writ of certiorari, the DARAB, as a quasi-judicial body with only limited jurisdiction, cannot exercise jurisdiction over Land Bank's petition for certiorari. Neither the quasi-judicial authority of the DARAB nor its rule-making power justifies such self-conferment of authority.

In general, the quantum of judicial or quasi-judicial powers which an administrative agency may exercise is defined in the enabling act of such agency. In other words, the extent to which an administrative entity may exercise such powers depends largely, if not wholly, on the provisions of the statute creating or empowering such agency.[31] The grant of original jurisdiction on a quasi-judicial agency is not implied. There is no question that the legislative grant of adjudicatory powers upon the DAR, as in all other quasi-judicial agencies, bodies and

tribunals, is in the nature of a limited and special jurisdiction, that is, the authority to hear and determine a class of cases within the DAR's competence and field of expertise. In conferring adjudicatory powers and functions on the DAR, the legislature could not have intended to create a regular court of justice out of the DARAB, equipped with all the vast powers inherent in the exercise of its jurisdiction. The DARAB is only a quasi-judicial body, whose limited jurisdiction does not include authority over petitions for certiorari, in the absence of an express grant in R.A. No. 6657, E.O. No. 229 and E.O. No. 129-A.

In addition, Rule XIII, §11 of the DARAB Rules of Procedure allows a party who does not agree with the RARAD's preliminary valuation in land compensation cases fifteen (15) days from receipt of notice to bring the matter to the proper special agrarian court, thus:

SECTION 11. Land Valuation and Preliminary Determination and Payment of Just Compensation. The decision of the Adjudicator on land valuation and preliminary determination and payment of just compensation shall not be appealable to the Board but shall be brought directly to the Regional Trial Courts designated as Special Agrarian Courts within fifteen (15) days from receipt of the notice thereof. Any party shall be entitled to only one motion for reconsideration.

In *Philippine Veterans Bank vs. Court of Appeals*,^[32] this Court affirmed the dismissal of a landowner's petition for judicial determination of just compensation for its failure to file the petition within the fifteen-day reglementary period provided under Rule XIII, §11 of the DARAB Rules of Procedure.

In the instant case, Land Bank received a copy of the RARAD order denying its motion for reconsideration on March 26, 2001. Land Bank filed the petition for just compensation with the special agrarian court only on April 20, 2001, which is doubtlessly beyond the fifteen-day reglementary period. Thus, the RARAD Decision had already attained finality in accordance with the afore-quoted rule, notwithstanding Land Bank's recourse to the special agrarian court.

DARAB takes exception to the general rule that jurisdiction over special civil actions must be expressly conferred by law before a court or tribunal can take cognizance thereof. It believes that this principle is applicable only in cases where the officials/entities contemplated to be subject thereof are not within the administrative power/competence, or in any manner under the control or supervision, of the issuing authority.

This Court is not persuaded. The function of a writ of certiorari is to keep an inferior court within the bounds of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to excess of jurisdiction.^[33] In the instant case, the RARAD issued the order of finality and the writ of execution upon the belief that its decision had become final and executory, as authorized under Section 1, Rule XII of the DARAB Rules of Procedure. It is worth noting that in its petition, DARAB maintains that in preventing the RARAD from implementing its decision, it merely "exercised its residual power of supervision, to insure that the RARAD acted within the bounds of delegated authority and/or prevent/avoid her from committing grave and serious disservice to the Program."^[34] DARAB's action, therefore, is a rectification of what it perceived as an abuse of the RARAD's jurisdiction. By its own admission, DARAB took upon itself the power to correct errors of jurisdiction which is ordinarily lodged with the regular courts by virtue of express constitutional grant or legislative enactments.

This Court recognizes the supervisory authority of the DARAB over its delegates, namely, the RARADs and PARADs, but the same should be exercised within the context of administrative supervision and/or control. In the event that the RARADs or PARADs act beyond its adjudicatory functions, nothing prevents the aggrieved party from availing of the extraordinary remedy of certiorari, which is ordinarily within the jurisdiction of the regular courts.

That the statutes allowed the DARAB to adopt its own rules of procedure does not permit it with unbridled discretion to grant itself jurisdiction ordinarily conferred only by the Constitution or by law. Procedure, as distinguished from jurisdiction, is the means by which the power or authority of a court to hear and decide a class of cases is put into action. Rules of procedure are remedial in nature and not substantive. They cover only rules on pleadings and practice.[35]

While the Court of Appeals held that the DARAB should not have participated in the proceedings before said court by filing a comment in CA-G.R. SP No. 66710, this Court considers satisfactory the explanation of the DARAB that it has a peculiar interest in the final outcome of this case. As DARAB pointed out, while it is only an adjunct of, it is at the same time not totally independent from it. The DARAB is composed of the senior officials of the DAR, who are guided by the State's main policy in agrarian reform when resolving disputes before the DARAB. The DARAB's interest in the case is not purely legal but also a matter of governance; thus, it cannot be strictly considered as a nominal party which must refrain from taking an active part in the proceedings.

WHEREFORE, the instant petition is DENIED. No costs.

SO ORDERED.

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

[1] Penned by J. Hilarion L. Aquino, Chairman of the Sixteenth Division and concurred in by JJ. Edgardo P. Cruz and Regalado E. Maambong; Rollo, pp. 41-48.

[2] J. Edgardo P. Cruz, concurred in by JJ. Rebecca De Guia-Salvador and Regalado E. Maabong of the Special Former Sixteenth Division; Id. at 38.

[3] Before the case was elevated to the RARAD, Suntay had assigned his rights over the property to herein respondent Josefina Lubrica in full payment of certain loan obligations.

[4] CA Rollo, p. 35.

[5] DARAB Records, p. 38.

[6] Id. at 25.

[7] CA Decision, Rollo, p. 42.

[8] Id. at 170.

[9] DARAB Records, p. 138.

[10] RTC Order dated August 31, 2001; DARAB Records, p. 128.

[11] Notice of Appeal, Annex "Q," CA Rollo, pp. 115-116.

[12] DARAB Records, p. 211.

[13] Id. at 123.

[14] Id. at 118.

[15] Id. at 97.

[16] DARAB Records, p. 58.

[17] Id. at 240.

[18] CA Rollo, pp. 2-15.

[19] CA Rollo, pp. 128-129.

[20] DARAB Records, p. 282.

[21] CA Rollo, pp. 134-146.

[22] Id. at 147-149.

[23] Id. at 168-178.

[24] See note 1.

[25] Rollo, pp. 12-13.

[26] Garcia v. De Jesus, G.R. No. 88158, March 4, 1992, 206 SCRA 779, 786.

[27] Garcia, Jr. v. Sandiganbayan, G.R. No. 114135, October 7, 1994, 237 SCRA 552, 563.

[28] Supra note 26 at 786.

[29] SEC. 50. Quasi-Judicial Power 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).

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of every action or proceeding before it.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena duces tecum, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court. . . .

[30] Section 2, Rule II, The Department of Agrarian Reform Adjudication Board (DARAB) New Rules of Procedures.

[31] Antipolo Realty Corporation v. The National Housing Authority, et al., G.R. No. L-50444, August 31, 1987; 153 SCRA 399, 407 (1987).

[32] 379 Phil. 141 (2000).

[33] Supra note 26 at 788.

[34] Rollo, p. 30.

[35] Supra note 26 at 788.

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