

**NARCISO GUIANG, PETITIONER, VS. COURT OF APPEALS,
AUSTRIA-MARTINEZ, FERNANDO T. DULAY, HEIRS OF CARLITO
DULAY, REPRESENTED BY CHRISTOPHER S. DULAY, AND HEIRS OF
ANDRES DULAY, REP...**

G.R. NO. 169372. December 06, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., 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. 89214 and its Resolution[2] denying the motion for reconsideration of the said decision.

The Antecedents

Narciso Guiang was the owner of a four-hectare parcel of agricultural land situated at Cebu, San Isidro, Santiago, Isabela. The lot is covered by Original Certificate of Title (OCT) No. P-9504 of the Registry of Deeds of Isabela. The title was based on Homestead Patent No. V-63014 which was approved on February 6, 1956.[3]

In September 1982, Guiang and Andres Dulay executed a contract of lease over the property. As annual rental over the landholding, Dulay obliged himself to deliver to Guiang 48 cavans of palay (50 kilos per cavan). The parties agreed that the lease would continue until revoked, or until their contractual relationship was terminated by law.[4]

Meantime, on September 22, 1987, the President, through the Secretary of Agrarian Reform, issued emancipation patents over portions of the property. Consequently, the following titles were issued in favor of Andres Dulay and his two sons:

Patentee Emancipation TCT No. Area

Patent No.

1. Carlito T. Dulay A-120418 026619 7,080 sq m
2. Carlito T. Dulay A-120422 026623 156 sq m
3. Fernando T. Dulay A-120417 026618 8,825 sq m
4. Fernando T. Dulay A-120421 026622 162 sq m
5. Andres R. Dulay A-120419 026620 11,716 sq m

However, the patentees continued delivery to Guiang his share of the produce on the property.

Andres Dulay passed away on April 15, 1998. He was survived by his wife, Beatriz Dulay, and their children, Carlito, Ben and Fernando.

Guiang filed a Complaint for "Declaratory Relief, Recovery of Ownership and Possession of Real Property Plus Damages" against the heirs of Andres Dulay before the Regional Trial Court (RTC) of Santiago City. He alleged the following:

- That plaintiff, his spouse and children are desirous of personally cultivating these parcels of land and made previous demands for the defendants to vacate the same but said defendants refused to vacate, relying on the provisions of PD 27 and RA 6657 and pertinent regulations issued by the Department of Agrarian Reform;
- That, likewise, said defendants, since 1998, refused to pay the agreed lease rentals of 48 cavans of palay at 50 kilos per cavan, relying on the same provisions of PD 27 and RA 6657 and pertinent regulations issued by the Department of Agrarian Reform;
- Plaintiff is of the contention, however, that said PD 27 and RA 6657 and pertinent regulations issued by the Department of Agrarian Reform to implement the said statutes are inapplicable to the lands in question which were acquired by the plaintiff by virtue of a Homestead Patent, relying on the pronouncement of the Supreme Court in the cases of *Patricio v. Bayog*, 112 SCRA 45; and in *Alita v. Court of Appeals, et al.*, G.R. No. 78517, February 27, 1989 wherein x x x:

x x x x

- That Plaintiff is now constrained to come to court and in the process engaged the services of counsel for an agreed professional fee of P25,000.00 plus an appearance fee of P1,000.00 per hearing.[5]

Guiang prayed that, after due proceedings, judgment be rendered in his favor, thus:

WHEREFORE, it is respectfully prayed of this Honorable Court that, after due notice and hearing, judgment be rendered:

- declaring the right of the plaintiff to have a better or superior right than defendants to take possession and cultivation over the land in question, consequently, ordering the said defendants to turn over the possession and cultivation thereof to the plaintiff;
- ordering the defendants to pay the plaintiff actual damages of 48 cavans of palay at 50 kilos per cavan for every cropping (at 2 croppings per year) since 1998 up to the time that said defendants shall surrender the possession and cultivation of the land in question to the plaintiff.
- ordering the defendants to pay plaintiff attorney's fees in the amount of P25,000.00 plus appearance fee of counsel in the amount of P1,000.00 for every hearing;
- ordering the defendants to pay the cost of this suit.[6]

In their Answer, the Dulays alleged that in the 1998 harvest season, they had informed Guiang that his share of the produce was ready for delivery. However, Guiang refused to accept his share because he wanted the property vacated. The Dulays were then impelled to deposit the rentals with the Land Bank of the Philippines. They further insisted that in 1999 and 2000, Guiang received rentals over the property and signed receipts therefor.

By way of special and affirmative defenses, the Dulays alleged the following:

- That while it is true that defendants acquired title on their respective parcel of land, the same is not controlling because they never enforce their right thereto as owner and can be shown in their acts of giving the necessary rental to the actual owner which is the plaintiff;
- That defendants' act of bringing the matter for mediation at the Office of the Municipal Agrarian Reform Officer (MARO) and admitting therein to be tenants of these parcel of land and not as owners clearly indicates that they were not repudiating the right of the plaintiff but only to enforce their right as tenants and nothing

else;

- That to eject these defendants who are poor farmers from their actual cultivation on the said parcel of land without giving them the usual "DISTURBANCE COMPENSATION" is tantamount to giving them the penalty of death.[7]

The Dulays failed to allege that they had already acquired ownership over the property as early as 1987, based on the emancipation patents approved by the President and the subsequent issuance of the TCTs in their favor. A copy of the lease contract was appended to the Answer as Annex "A." However, copies of the titles issued in favor of defendants were not appended to the Answer.

The Dulays prayed that, after due proceedings, judgment be rendered in their favor, thus:

WHEREFORE, in view of all the foregoing, it is most respectfully prayed unto this Honorable Court that, after due notice and hearing, judgment be rendered:

- declaring the defendants to be the tenants of the plaintiff and to recognize the "LEASE AGREEMENT" to be valid and enforceable;
- declaring the defendants' stay on the land to be lawful and in accordance with the existing laws and in case of ejectment to order the plaintiff to pay the necessary disturbance compensation provided to tenant-tillers.

Such other relief which is just and equitable under the premises is likewise prayed for.[8]

During the pre-trial, the parties stipulated on the following matters:

- The identity, location and area of the land in question, which is particularly described as Lot I, H-185146 with an area of 34,235 square meters and located in barrios Cabulay and Salvador, municipalities of Echague and Santiago which is now San Isidro, Isabela. That this parcel of land is covered under OCT No. P-9504 and registered in the name of plaintiff Narciso Guiang;
- The capacity of the parties to sue and to be sued, and that the plaintiff Narciso Guiang acquired this piece of land by virtue of homestead patent, as indicated in OCT No. P-9504;
- That this land is an agricultural land and actually planted with rice and that the source of irrigation is provided by the NIA; and that said land is capable of being cultivated twice a year;
- That the average gross production per hectare per cropping is 100 cavans with 50 kilos per cavan;
- That the late father of the defendant Andres Dulay, who is substituted by his heirs was the tenant of Narciso Guiang, as evidenced by a document entitled "Tulag Ti Pinagabang Iti Talon"; and
- That after the death of defendant Andres Dulay on April 15, 1998, his heirs are now succeeding in the cultivation of the land in issue up to this time.[9]

The parties likewise agreed to litigate the following issues:

- Who between the parties are better entitled to possess and cultivate the land in question?
- Who is entitled to the award of damages and attorney's fees? and
- As a side issue, whether or not the defendants were tenants of the plaintiff?[10]

Guiang filed a motion for summary judgment. He contended that as gleaned from the parties' pleadings and what was stipulated upon, no genuine issue had been raised.

The Dulays opposed the motion, contending

- That there is no truth that the above-entitled case has no genuine issue which necessitate the plaintiff to move for a summary judgment;
- That in the pre-trial conference, the plaintiff never admitted that the defendants were his tenants and since the plaintiff never admitted this fact, the issue should be resolved in a full blown trial;
- That if ever it will be considered by this Honorable Court that the defendants were the tenants of the plaintiff, the same could not be ejected from the land they till unless the plaintiff will pay them the allowable disturbance fee as provided by law or if the plaintiff could prove that the defendants violated any of the grounds for ejecting a tenant;
- That the act of the plaintiff in ejecting a tenant by way of filing a case against them is a clear violation of their tenancy right which is equally protected by our laws and to allow this theory will be a clear act of circumventing the law on the matter.[11]

On October 1, 2002, the trial court issued an Order granting the motion for summary judgment. The dispositive portion reads:

WHEREFORE, as a consequence of all the foregoing, the motion for summary judgment is hereby GRANTED.

Accordingly, the defendants are ordered to deliver possession and cultivation of the parcels of land covered by OCT No. P-9504; ordering them to pay rentals to the plaintiff since 1998 up to the present at the rate of 96 cavans of palay (48 cavans per cropping season) at 50 kilos per cavan of palay and lastly, ordering them to pay attorney's fees of Twenty-Eight Thousand (PhP28,000.00) Pesos.

SO ORDERED.[12]

The RTC ruled that the lot was not covered by the Comprehensive Agrarian Reform Law (CARL) or Presidential Decree (P.D.) No. 27 because it had been acquired under a homestead patent. The RTC cited the ruling of this Court in *Alita v. Court of Appeals*.^[13] The court likewise cited the retention limits of original homestead owners or their direct compulsory heirs under Section 6, Article XIII of the Constitution, and Section 6 of Republic Act (R.A.) No. 6657. According to the RTC, the Dulays, as tenants, were estopped from denying Guiang's title over the property.

The Dulays, through counsel, received a copy of the Order on October 9, 2002. On November 2, 2002, the Dulays filed a motion for reconsideration, while Guiang filed a motion to execute the October 1, 2002 Order.^[14] Guiang alleged that the trial court's Order had become final and executory since the appeal was filed beyond the reglementary period.

On November 25, 2002, the RTC issued an Order denying the motion on the ground that it was belatedly filed; Guiang's motion for a writ of execution was granted.^[15] A writ of execution was subsequently issued.^[16]

On May 15, 2003, the Dulays filed a Petition for Relief from Judgment^[17] before the RTC, on the ground that their failure to timely move for reconsideration of the October 1, 2002 Order was due to their counsel's excusable neglect. They explained that their counsel was suffering from sore eyes and double eye vision, and so was unable to prepare the necessary pleading.^[18] The Dulays averred that the ruling in *Paris v. Alfeche*^[19] had already abandoned the doctrine in the *Alita* and *Bayog* cases. They pointed out that in the *Paris* case, the Court allowed the tenants-tillers to stay and cultivate the land, and declared that unless there is a violation of the tenancy agreement, the tenants should not be ejected from the land.

The Dulays thus prayed that the RTC issue a writ of preliminary injunction to restrain Guiang from enforcing the order of execution.

Guiang filed an Opposition,[20] contending that the petition was filed beyond the periods provided under Section 3,[21] Rule 38 of the Revised Rules of Court. He, likewise, asserted that the petition was not accompanied by a medical certificate, and that there was no authentic proof that, indeed, the counsel was on official leave of absence due to illness as claimed by the Dulays.

On February 8, 2005, the RTC issued a Resolution[22] dated January 8, 2005 denying the petition for relief from judgment. The RTC ruled that the petition was belatedly filed since more than seven months had lapsed from the filing of the petition. Contrary to defendants' claim, the reckoning point of the reglementary period is the date of receipt of the Order – October 9, 2002. Moreover, the Dulays failed to show the existence of fraud, accident, mistake and excusable negligence, or that they had a good and substantial defense; at the very least, a medical certificate should have been attached to the petition.[23] The RTC also found that Guiang had been tilling the land since 1956. It pointed out that under Section 6 of R.A. No. 6657, the homestead grantee has the right to retain the property, and that lot is exempt from the CARL.[24]

Aggrieved, the Dulays filed a petition for certiorari[25] under Rule 65 of the Revised Rules of Court before the CA, alleging that:

A.

THE PETITIONERS ARE THE TENANTS-BENEFICIARIES OF THE AGRICULTURAL LAND IN QUESTION AS THEY WERE ISSUED FIVE (5) TITLES OF OWNERSHIP BY THEN PRESIDENT CORAZON C. AQUINO THROUGH THE DEPARTMENT OF AGRARIAN REFORM ON SEPTEMBER 22, 1987 BY AUTHORITY OF THE PROVISIONS OF PRESIDENTIAL DECREE NO. 266 DATED AUGUST 4, 1973, ISSUED IN RELATION TO PRESIDENTIAL DECREE NO. 27 DATED OCTOBER 21, 1972; (SEE: ANNEXES "U," "V," "W," "X" AND "Y") ERGO, REPUBLIC ACT 6657 APPLIES AND JURISDICTION PERTAINS THEREFOR TO THE DARAB.

B.

THE PETITIONERS PRIOR TO THE ISSUANCE OF THE FIVE (5) EMANCIPATION PATENTS IN THEIR FAVOR ARE THE TENANTS OF THE PRIVATE RESPONDENT SINCE 1961. IN FACT, THEY EXECUTED AN AGRICULTURAL LEASEHOLD CONTRACT IN 1982. (See Annex "I-1")

C.

THE ALLEGATIONS OF THE AMENDED COMPLAINT (See: ANNEX "H-1") CLEARLY SHOW THE EXISTENCE OF TENANCY RELATIONSHIP BETWEEN THE PETITIONERS AND THE PRIVATE RESPONDENT. THIS BEING THE CASE, JURISDICTION PERTAINS THEREFORE TO THE DARAB UNDER SECTION 50 OF REPUBLIC ACT 6657.[26]

They alleged that since a tenancy relationship existed between the parties, it is the DAR Adjudication Board (DARAB), not the RTC, which had jurisdiction over the case. They pointed out that all the requisites of a tenancy relationship existed: Guiang is the owner of the agricultural lots; Guiang consented to the lease; the purpose of the leasehold contract was to bring about agricultural production; they actually cultivated the subject property; and there was sharing in the harvest.[27] Petitioners cited the case of *Paris v. Alfeche*[28] to support their contention that homesteads are not exempt from the operation of the Land Reform Law.[29]

In his Comment[30] on the petition, Guiang averred that the RTC validly assumed jurisdiction over the case. Under Rule 63 of the Revised Rules of Court, a petition for declaratory relief, recovery of ownership and possession and damages is within the jurisdiction of the RTC. Moreover, the land was acquired by virtue of a homestead patent, and thus exempt from the coverage of agrarian reform law, and outside the jurisdiction of the DARAB.[31]

On June 20, 2005, the CA rendered the assailed Decision[32] granting the petition. The fallo reads:

WHEREFORE, premises considered, the present petition is hereby GIVEN DUE COURSE and the writ prayed for accordingly GRANTED. The assailed Order dated October 1, 2002 and Resolution dated January 8, 2005 but issued on February 8, 2005 of the court a quo in Civil Case No. 36-2894 are hereby ANNULLED and SET ASIDE. A new judgment is hereby entered DISMISSING private respondent's complaint for lack of jurisdiction. Respondent Judge is hereby enjoined from further hearing the case or otherwise proceeding with the implementation of the aforesaid order and resolution.

No pronouncement as to costs.

SO ORDERED.[33]

The CA ruled that, while Guiang had the unqualified right to retain the landholding as the original homestead, it does not follow that the actual and legitimate tenant-tillers are no longer entitled to the protection of the law.[34] The very allegations of the complaint show that the controversy is essentially an agrarian dispute; thus, it is clearly the DARAB and not the RTC which has jurisdiction.[35]

The CA held that since the decision sought to be annulled was rendered by a court that had no jurisdiction, thus, a void judgment, the issue of the timeliness of the petition for relief from judgment is immaterial. The ruling of the RTC is a total nullity and can never become final; any writ of execution based on it is void.[36]

Guiang filed a motion for reconsideration, which the appellate court likewise denied in its Resolution[37] dated August 23, 2005.

Guiang, now petitioner, comes before the Court and alleges the following to support the instant petition:

I.

THE HONORABLE COURT OF APPEALS, WITH DUE RESPECT, ERRED IN GRANTING THE WRIT OF CERTIORARI IN CA-G.R. SP NO. 89214 AND IN ANNULING AND SETTING ASIDE THE DECISION OF THE LOWER COURT IN CIVIL CASE NO. 36-2894 AND IN DISMISSING THE COMPLAINT FOR LACK OF JURISDICTION, BECAUSE SAID DECISION OF THE HONORABLE COURT OF APPEALS IS CLEARLY NOT IN ACCORD WITH THE PROVISIONS OF SECTION 6, ART. XIII OF THE 1987 CONSTITUTION, AND SECTION 6, OF RA 6657, AND THE DOCTRINAL RULINGS IN THE CASE OF PATRICIO V. BAYOG, 112 SCRA 45, REITERATED IN ALITA V. COURT OF APPEALS, ET AL., G.R. NO. 78517, FEBRUARY 27, 1989, WHICH EXEMPT LANDS OBTAINED THROUGH HOMESTEAD PATENT FROM THE COVERAGE OF P.D. 27, AND R.A. 6657.

II.

THE HONORABLE COURT OF APPEALS LIKewise ERRED IN CONCLUDING THAT THE REGIONAL TRIAL COURT HAS NO JURISDICTION OVER THE SUBJECT MATTER, DESPITE THE GLARING FACT THAT LANDS OBTAINED THROUGH HOMESTEAD PATENT IS CONSTITUTIONALLY EXCLUDED FROM THE LAND OR AGRARIAN REFORM.

III.

THE HONORABLE COURT OF APPEALS THEN ERRED IN ITS CONCLUSION THAT THIS CASE IS AN "AGRARIAN DISPUTE" WHICH IS WITHIN THE JURISDICTION OF THE DAR ADJUDICATION BOARD (DARAB) DESPITE THE CONSTITUTIONAL EXEMPTION OF HOMESTEAD FROM THE COVERAGE OF LAND OR AGRARIAN REFORM.

IV.

THE HONORABLE COURT ALSO ERRED IN NOT DISMISSING THE PETITION FOR CERTIORARI DESPITE THE EVIDENT FACT THAT IT WAS FILED OUT OF TIME.

The threshold issue is whether the RTC had jurisdiction over the petition for declaratory relief, considering the factual circumstances of this case.

Petitioner maintains that the RTC had jurisdiction over the property subject of the action because it was acquired under the Homestead Law. He insists that the lot is exempt from the coverage of the Agrarian Reform Law. Under Section 6, Article XIII of the Constitution, the rights of tenants are subject to prior rights, including the homestead rights of small settlers.

Petitioner maintains that the ruling in *Paris v. Alfeche*[38] does not apply because he had informed respondents that he and his family wanted to cultivate the property themselves. He stresses that he and his family do not own any property. Pursuant to Section 6 of R.A. No. 6657, the landholding may be retained since it is less than 5 hectares. The dispute between the parties in the RTC involving such property is within the jurisdiction of the trial court, and not the DAR. He insists that the CA should have dismissed the petition outright for having been filed out of time.

In their comment on the petition, respondents averred that, based on the allegations of the amended complaint, the DARAB, not the RTC, has exclusive jurisdiction over petitioner's action below. They point out that a tenancy relationship existed between them and petitioner. Moreover, as shown by the transfer certificates of title which were, in turn, based on the emancipation patents issued in their names, they had already acquired title over the property under P.D. No. 27. Respondents insist that *Mejia v. Gabayan*[39] had overruled the Court's rulings in *Alita and Patricio*.

The Ruling of the Court

The ruling of the CA that the RTC had no jurisdiction over the action filed by petitioner is correct.

It is axiomatic that the jurisdiction of a tribunal, including a quasi-judicial officer or government agency, over the nature and subject matter of a petition or complaint is determined by the material allegations therein, the character of the relief prayed for, and the law existing at the time of the filing of the complaint or petition.[40] Jurisdiction should be determined by considering not only the status on the relationship between the parties, but also the nature of the issues or questions subject of the controversy. If the issue between the parties is intertwined with an issue the resolution of which is within the exclusive jurisdiction of the DARAB, it must be resolved by the same body.[41] When the actual issues are evident from the records of the case, then jurisdiction over the subject matter need not depend upon the literal averments in the complaint, but on the law as applied to established facts.[42] As the Court held in *Ramos v. Stateland Investment Corporation*:[43]

x x x It is axiomatic that the nature of the action and the jurisdiction of the court is to be determined from the material allegations of the complaint as well as the character of the relief prayed for irrespective of whether or not the plaintiff is entitled to such relief. The jurisdiction of the court or tribunal over the subject matter of the action is determined exclusively by the Constitution and the law. Jurisdiction cannot be conferred by the voluntary act or agreement of the parties; it cannot be acquired through or waived, enlarged or diminished by their act or omission. Neither is it conferred by the acquiescence of the court. It is neither for the court nor the parties to violate or disregard the rule, this matter being legislative in character. Thus, the jurisdiction over the nature of an action and the subject matter thereof is not affected by the theories set up by the defendant in an answer or motion to dismiss.[44]

The powers and functions of the DAR are set forth in Section 50 of R.A. No. 6657. The provision 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).

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.

Section 3(d) of the same law defines "agrarian dispute" as "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.

For the DARAB to have jurisdiction over a case, there must be a tenancy relationship between the parties. It is essential to establish the following indispensable elements: (1) that the parties are the landowner and the tenant or agricultural lessee; (2) that the subject matter of the relationship is an agricultural land; (3) that there is consent between the parties to the relationship; (4) that the purpose of the relationship is to bring about agricultural production; (5) that there is personal cultivation on the part of the tenant or agricultural lessee; and (6) that the harvest is shared between the landowner and the tenant or agricultural lessee.[45] In *Vda. de Tangub v. Court of Appeals*,[46] the Court held that the jurisdiction of the DAR is limited to the following:

- a) adjudication of all matters involving implementation of agrarian reform;
- b) resolution of agrarian conflicts and land-tenure related problems; and
- c) approval or disapproval of the conversion, restructuring or readjustment of agricultural lands into residential, commercial, industrial, and other non-agricultural uses.[47]

Section 1(f), Rule II of the DARAB likewise provides that the DARAB has primary and exclusive jurisdiction over matters involving the issue, correction and cancellation of Certificates of Land Ownership Awards (CLOAs) and emancipation patents which are registered with the Land Registration Authority. And as the Court held in *Machete v. Court of Appeals*,[48] the failure of agricultural tenants to pay rentals pursuant to a leasehold contract is an issue which is exclusively cognizable by the DARAB and beyond the legal competence of the RTC.

Patently, petitioner's action in the RTC sought to have respondents evicted from the leaseholding, grounded as it was on respondents' failure to pay rentals since 1998 as provided in the leasehold agreement. In contrast, respondents claimed that in accordance with P.D. No. 27, R.A. No. 6657, and the DAR Rules and Regulations, they already owned the property. Thus, the dispute between the parties is "agrarian" in nature, within the context of Section 3(d) of R.A. No. 6657. The contentious issue as to whether petitioner is entitled to the retention of the property involves the application not only of Section 6, Article XIII of the Constitution and Commonwealth Act No. 141, but also of Section 6 of R.A. No. 6657. Under these laws, the original homestead grantees or their direct compulsory heirs who still own the original homestead at the time of the approval of P.D. No. 27 and R.A. No. 6657 shall retain the same areas as long as they continue to cultivate it. P.D. 27 and R.A. No. 6675 and DAR Memorandum Circular No. 2, Series of 1978, on the other hand, state that tenanted private agricultural lands

primarily devoted to rice and/or corn which have been acquired under the provisions of Commonwealth Act No. 141, as amended, shall also be covered by Operation Land Transfer.

Thus, the issue of what case law applies (whether that in *Alita v. Court of Appeals*, or *Paris v. Alfeche*, or *Mejia v. Gabayan*[49]) is a matter within the exclusive competence of the DARAB to resolve, based on R.A. No. 6657 as well as other issuances of the DAR. Also, the issue of whether the emancipation patents and the torrens titles issued to respondents should be cancelled is a matter beyond the jurisdiction of the RTC. It should be resolved by the DARAB. Also to be taken into account is respondents' claim that, as late as 1999 and 2000, they continued paying rentals to petitioner despite the fact that emancipation patents and torrens titles over the lot had already been issued in their favor.

Considering that the decision sought to be annulled is a void judgment, the fact that the petition for relief from judgment was belatedly filed is irrelevant. As held in *Hilado v. Chavez*,[50] when the judgment on its face is void ab initio, the limited periods for relief from judgment under Rule 38 are inapplicable. This is so because a void judgment is vulnerable to attack in any way and at anytime, even when no appeal has been taken. When a court has no jurisdiction over the subject matter, any judgment in the proceedings is a nullity. And considering that a void judgment is in legal effect no judgment by which no rights are divested, from which no rights can be obtained, which neither binds nor bars anyone, and under which all acts performed and all claims flowing out of are void, and considering further that the decision for want of jurisdiction of the court is not a decision in contemplation of law and can never become executory, it follows that such a void judgment cannot constitute a bar to another case by reason of *res judicata*.^[51]

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

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

[1] Penned by Associate Justice Martin S. Villarama, Jr., with Associate Justices Lucas P. Bersamin and Lucenito N. Tagle, concurring; rollo, pp. 39-58.

[2] Rollo, p. 61.

[3] Id. at 39-40.

[4] CA rollo, p. 53.

[5] Id. at 81-84.

[6] Id. at 84-85.

[7] Id. at 88.

[8] Id.

[9] Id. at 94-95.

[10] Id. at 96.

[11] Id. at 99.

[12] Id. at 105-106.

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

[14] Rollo, pp. 107-108.

[15] Id. at 111-112.

[16] Id. at 113.

[17] Id. at 116-119.

[18] Id. at 116-117.

[19] 416 Phil. 473 (2001).

[20] CA rollo, pp. 121-126.

[21] Section 3. Time for filing petition; contents and verification. – A petition provided for in either of the preceding sections of this Rule must be verified, filed within sixty (60) days after the petitioner learns of the judgment, final order, or other proceeding to be set aside, and not more than six (6) months after such judgment or final order was entered, or such proceeding was taken, and must be accompanied with affidavits showing the fraud, accident, mistake, or excusable negligence relied upon, and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be.

[22] CA rollo, pp. 46-58.

[23] Id. at 55.

[24] Id. at 57.

[25] Id. at 2-45.

[26] Id. at 26.

[27] Id. at 36-37.

[28] Supra note 19, at 484.

[29] CA rollo, p. 40.

[30] Id. at 140-149.

[31] Id. at 143.

[32] Supra note 1.

[33] Rollo, p. 58.

[34] Id. at 55.

[35] Id. at 57.

[36] Id. at 57-58.

[37] CA rollo, p. 183.

[38] Supra note 19.

[39] G.R. No. 149765, April 12, 2005, 455 SCRA 499.

[40] Heirs of Dela Cruz v. Heirs of Cruz, G.R. No. 162890, November 22, 2005, 475 SCRA 743.

[41] Monsanto v. Zerna, 423 Phil. 150, 163 (2001).

[42] Allied Domecq Phil., Inc. v. Villon, G.R. No. 156264, September 30, 2004, 439 SCRA 667.

[43] G.R. No. 161973, November 11, 2005, 474 SCRA 726.

[44] Id. at 737-738.

[45] Morta, Sr. v. Occidental, G.R. No. 123417, June 10, 1999, 308 SCRA 167.

[46] G.R. No. UDK-9864, December 3, 1990, 191 SCRA 885.

[47] Supra, at 889.

[48] G.R. No. 109093, November 20, 1995, 250 SCRA 176.

[49] Supra note 39.

[50] G.R. No. 134742, September 22, 2004, 438 SCRA 623, 649.

[51] Hilado v. Chavez, supra, at 649, citing Arevalo v. Benedicto, 58 SCRA 186 (1974).

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