

JAIME SANCHEZ, JR., PETITIONER, VS. ZENaida F. MARIN, JESUS NICASIO F. MARIN, JOSE DAVID F. MARIN, MARIA BERNADETTE F. MARIN, PAUL PETER F. MARIN AND PHILIP LUIS F. MARIN, RESPO...

G.R. No. 171346. October 19, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is a Petition for Review on Certiorari under Rule 45 of the 1997 Revised Rules of Civil Procedure seeking to reverse and set aside (1) the Decision[1] of the Court of Appeals in CA-G.R. SP No. 61955, dated 23 May 2005, which granted in part the petition filed before it by herein respondents and thereby annulled and set aside the Decision[2] rendered by the Department of Agrarian Reform Adjudication Board (DARAB) dated 25 September 2000 in DARAB Cases No. 3799 (Reg. Case No. IV-QI-0175-91) and No. 3800 (Reg. Case No. IV-QI-0167-91); and (2) the Resolution[3] of the appellate court, dated 25 January 2006, which denied herein petitioner's Motion for Reconsideration.

Herein petitioner Jaime Sanchez, Jr. is an agricultural tenant of a 10-hectare fishpond sited at Barangay Talao-Talao, Lucena City, which was previously owned by David Felix, the ascendant of herein respondents. Herein respondent Zenaida F. Marin is the civil law lessee of the subject fishpond and the mother of respondents Jesus Nicasio, Jose David, Maria Bernadette, Paul Peter and Philip Luis, all surnamed Marin, who are now the registered owners[4] of the said fishpond.

The controversy in this case arose from the following facts:

In 1977, the petitioner was instituted as a tenant of the subject fishpond by its previous registered owner David Felix. The sharing agreement was on a 50/50 basis after deducting the expenses from the gross harvest. A few years thereafter, David Felix sold and transferred ownership of the subject fishpond to respondents Jesus Nicasio, Jose David, Maria Bernadette, Paul Peter and Philip Luis, all surnamed Marin, to whom a Transfer Certificate of Title (TCT) No. T-43289,[5] covering the subject fishpond, was issued. The aforesaid respondents, as the new owners of the fishpond, entered into a civil law lease agreement dated 24 June 1985 with their mother and co-respondent Zenaida F. Marin, which was renewable yearly.

Subsequently, Zenaida F. Marin, as a lessee of the subject fishpond, made an arrangement with the petitioner wherein the latter would receive a regular salary and a 20% share in the net profit of the fishpond from January 1985 to June 1986. The reason why the agreement was with a period was to be consistent with the lease agreement entered into between respondent Zenaida F. Marin and her children, herein respondents Jesus Nicasio, Jose David, Maria Bernadette, Paul Peter and Philip Luis, all surnamed Marin.[6] However, after the expiration of the first lease agreement between respondent Zenaida F. Marin and her children, and before a new lease agreement could be made, the petitioner was ordered by Zenaida F. Marin to vacate the premises but he refused to do so. He asserted that he was a tenant of the fishpond and not a mere contractual worker; hence, he had the right to its peaceful possession and security of tenure.

On 21 July 1986, the petitioner filed a Complaint before the Regional Trial Court (RTC) of Lucena City, Branch 53, which was docketed as Agrarian Case No. 86-8, in which he asked the court to declare him as a tenant of the subject fishpond. On 20 July 1987, the RTC of Lucena City rendered a Decision[7] in favor of the petitioner, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered declaring the [herein petitioner] as the agricultural tenant, not a hired contractual worker on the [subject fishpond], and therefore, entitled to the security of tenure under Section 7[8] of Republic Act No. 1199[9] and to continue possession of the premises and shall enjoy the rights and privileges accorded by law.[10] (Emphasis supplied.)

Dissatisfied, the aforesaid Decision was appealed by respondent Zenaida F. Marin to the appellate court, in which it was docketed as CA-G.R. SP (CAR) No. 14421. In a Decision[11] dated 11 September 1989, the appellate court affirmed in toto the Decision of the RTC of Lucena City. No other recourse being taken therefrom, the said Decision of the Court of Appeals later became final and executory.

Having been declared as an agricultural tenant on the subject fishpond, the petitioner, on 15 March 1991, filed before the Provincial Agrarian Reform Adjudicator (PARAD) Region IV a Petition for the fixing of the leasehold rentals for his use of the subject fishpond at P30,000.00 per annum, docketed as DARAB Case No. IV-QI-0175-91. It was alleged therein by the petitioner that under Section 12 of Republic Act No. 6657[12] and Department of Agrarian Reform (DAR) Administrative Order No. 4, Series of 1989, he had the option to convert his status as share-crop tenant into an agricultural lessee by paying a fixed lease rental on the fishpond. He further claimed that the respondents posited no objection to the amount of P30,000.00 as a yearly lease rental. Yet, in an Answer filed by the respondents, they insisted that fishponds, like the subject matter of this case, were not yet within the purview of the law on leasehold. They likewise refuted the fact that they agreed to fix the lease rental at P30,000.00 per annum. Although they admitted that the petitioner was indeed declared as an agricultural tenant of the fishpond, they, however, argued that the petitioner should already be ejected therefrom for his failure to pay the rent.

Thus, on 17 April 1991, respondent Zenaida F. Marin filed a Complaint before the PARAD Region IV, docketed as DARAB Case No. IV-QI-0167-91, primarily to eject the petitioner from the fishpond because of the latter's failure to pay the rent and to make an accounting, in violation of Sections 17 and 50 of Republic Act No. 1199. She also sought to compel the petitioner to pay the total amount of P650,000.00 representing the lease rentals from 1 July 1985 to 30 June 1991 and to make an accounting of the total production or income of the subject fishpond from 1 August 1987 to 25 October 1991.

The petitioner denied having any liability to respondent Zenaida F. Marin in the amount of P650,000.00 as rental arrears. He stressed that he failed to pay the lease rentals from July 1987 to July 1989 because he failed to harvest anything from the fishpond during the said period due to respondent Zenaida F. Marin's refusal to defray the expenses of production. Accordingly, he cannot be evicted on the basis of non-payment of rent because his obligation to pay the same merely depends on the actual harvest made. Similarly, the petitioner emphasized that from March 1989 to September 1990, he deposited the rent due respondent Zenaida F. Marin in Philippine National Bank (PNB) Account No. 66375[13] under the name of the Deputy Sheriff of the RTC of Lucena City, Branch 53, and respondent Zenaida F. Marin withdrew the said amount.

Considering that the two cases involved the same parties and the same subject matter, the Provincial Adjudicator consolidated the same. On 2 March 1993, he rendered a Decision[14] in favor of the petitioner. Its dispositive portion reads:

WHEREFORE, premises considered, judgment is hereby rendered:

x x x x

3. Ordering that [petitioner] be maintained in the peaceful possession of subject farm-holding.[15]

Respondents moved for the reconsideration of the aforementioned Decision but the same was denied in a Joint Order,[16] dated 15 May 1995, rendered by the Regional Agrarian Reform Adjudicator (RARAD).

Aggrieved, respondents appealed the PARAD Decision dated 2 March 1993 to the DARAB, reiterating their position that the fishpond was excluded from the coverage of the Comprehensive Agrarian Reform Program (CARP) of the government. The cases before the DARAB were docketed as DARAB Cases No. 3799 (Reg. Case No. IV-QI-0175-91) and No. 3800 (Reg. Case No. IV-QI-0167-91).

On 25 September 2000, the DARAB rendered a Decision affirming in toto the Decision of the Provincial Adjudicator dated 2 March 1993.

Still refusing to admit defeat, respondents filed with the Court of Appeals a Petition for Review of the aforesaid DARAB Decision maintaining that the DARAB grossly erred in not finding that substantial evidence exists to warrant the dispossession of the petitioner from the subject fishpond.

On 23 May 2005, the appellate court rendered its assailed Decision wherein it granted in part the Petition of the respondents by annulling and setting aside the DARAB Decision dated 25 September 2000 on the ground of lack of jurisdiction. The appellate court ruled that Section 2 of Republic Act No. 7881,[17] amending Section 10 of Republic Act No. 6657, excluded private lands actually, directly and exclusively used for prawn farms and fishponds from the coverage of the Comprehensive Agrarian Reform Law (CARL); clearly then, the operation of a fishpond is no longer considered an agricultural activity, and a parcel of land devoted to fishpond operation is not anymore an agricultural land. Additionally, the appellate court declared that under Section 1, Rule II of the 2003 DARAB Rules of Procedure, governing proceedings before the DARAB and its different regional and provincial adjudicators, the DARAB et al.'s jurisdictions were limited only to agrarian disputes or controversies and matters or incidents involving the implementation of Republic Act No. 6657, Republic Act No. 3844 and other agrarian laws. Consequently, the disputes involved in DARAB Cases No. 3799 and No. 3800 were not agrarian disputes, and since the DARAB, et al. then acted without jurisdiction when they heard and adjudicated the aforesaid cases, their decisions and orders therein were null and void. There is, however, no obstacle for the opposing parties to institute the proper action before the regular courts. Lastly, the appellate court held that the petitioner cannot avail himself of the protection under Section 2(b) of Republic Act No. 7881, which protects vested rights of those who have already been issued a CLOA, for the reason that the petitioner had not shown that he had been issued a CLOA to the subject fishpond as an agrarian reform beneficiary.

Petitioner moved for the reconsideration of the aforesaid Decision, but it was denied in a Resolution dated 25 January 2006.

Hence, this Petition.

Petitioner presents the following issues for this Court's resolution:

- Whether the burden of proof to show that a fishpond is not an agricultural land rests on the agricultural lessor.
- Whether this burden was sufficiently discharged by the respondents.
- Whether the Office of the Secretary of the Department of Agrarian Reform should first determine the exclusion of a fishpond from the coverage of CARP before it could be finally said that it is indeed excluded therefrom.

- Whether the subject fishpond is covered by the [CARL].
- Assuming that the fishpond is not covered by the CARL, whether the [DARAB] has jurisdiction over the case.

Petitioner maintains his contention that Section 10 of Republic Act No. 6657, as amended by Republic Act No. 7881, which was the basis of the appellate court in declaring that the subject fishpond was not an agricultural land, does not mention any presumption as regards the exemption of prawn farms and fishponds from the coverage of the CARL. According to him, before a fishpond can be considered exempted from the coverage of Republic Act No. 6657, two things must concur, to wit: (1) the fishpond has not been distributed; and (2) a CLOA has been issued to the agrarian reform beneficiaries under the CARP. And the burden of proof to establish the existence of the aforesaid elements falls upon the agricultural lessor. Absent any of these two elements, the fishpond will remain within the coverage of Republic Act No. 6657. He also argues that Section 10 of Republic Act No. 6657, as amended by Republic Act No. 7881, cannot be given retroactive effect. Neither can it prevail over a right which has already been vested in him by virtue of the final and executory Decision dated 11 September 1989 of the Court of Appeals, affirming the Decision dated 20 July 1987 of the Lucena City RTC, which declared him as an agricultural tenant of the subject fishpond and therefore entitled to security of tenure. Similarly, petitioner contends that respondents' unsubstantiated claim that no CLOA had been issued to him was not enough to discharge their burden of proving that the subject fishpond was already exempted from the coverage of the CARL.

Petitioner further avers that although Section 10 of Republic Act No. 6657 already provides that prawn farms and fishponds are exempted from the coverage of the CARL, the said provision of law still has to be construed in relation to Section 3, Rule II of the 2003 DARAB Rules of Procedure, which requires an application for exemption to be filed before the Office of the Secretary of the DAR to determine if prawn farms and fishponds are indeed excluded from the coverage of the CARL. And considering that the respondents failed to file the said application for exemption, petitioner then alleges that the subject fishpond cannot be considered excluded from the coverage of the CARL.

Finally, petitioner argues that granting *arguendo* that the subject fishpond was excluded from the coverage of the CARL, still, the DARAB had jurisdiction over his case. Petitioner asserts that his status as an agricultural tenant of the subject fishpond has long been settled. And being a tenant, he has various rights which are recognized and protected under the law, among which is his right to security of tenure. Thus, when the respondents filed a Complaint before DARAB Region IV to eject him from the fishpond, in violation of his rights, it cannot be denied that an agrarian dispute arose between him and the respondents and the same properly fell within the jurisdiction of the DARAB. And so, even though the fishpond was excluded from the coverage of the CARL, the petitioner asserts that it does not necessarily follow that no tenancy relation existed between him and the respondents and it cannot be used as basis to deprive the DARAB of its jurisdiction over the present case.

In sum, the issues in this case may be summarized as follows:

- Whether the subject fishpond is exempted/excluded from the coverage of the Comprehensive Agrarian Reform Program of the government by virtue of the amendments introduced by R.A. No. 7881 to R.A. No. 6657.
- Granting that the subject fishpond is exempted/excluded from the coverage of the CARL, whether the DARAB has jurisdiction over the case.

The Petition is meritorious.

The Court of Appeals grounded its Decision on this Court's pronouncements in *Romero v. Tan*.^[18] In the said case, this Court traced the classification of fishponds for agrarian reform purposes. Section 166(1) of Republic Act No. 3844^[19] defined an agricultural land as land devoted to any growth, including but not limited to crop lands, salt beds, fish ponds, idle land and abandoned land. Thus, it is beyond cavil that under this law, fishponds were considered agricultural lands. Even when Republic Act No. 6657 entitled, "Comprehensive Agrarian Reform Law of 1988," took effect on 15 June 1988, fishponds were still considered as agricultural land. However, when Republic Act No. 7881 was passed by Congress on 20 February 1995, it amended several provisions of Republic Act No. 6657. Section 2 of Republic Act No. 7881 amended Section 10 of Republic Act No. 6657 by expressly exempting/excluding private lands actually, directly and exclusively used for prawn farms and fishponds from the coverage of the CARL. Section 3(c) of Republic Act No. 6657, as amended, now defines agricultural land as land devoted to agricultural activity and not otherwise classified as mineral, forest, residential, commercial or industrial land. As to what constitutes an agricultural activity is defined by Section 3(b) of Republic Act No. 6657, as amended, as the cultivation of the soil, planting of crops, growing of fruit trees, including the harvesting of such farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical. By virtue of the foregoing amendments, the operation of fishponds is no longer considered an agricultural activity, and a parcel of land devoted to fishpond operation is no longer an agricultural land.^[20]

Section 10 of Republic Act No. 6657, as amended by Republic Act No. 7881, explicitly provides:

SEC. 10. Exemptions and Exclusions. –

x x x x.

b) Private lands actually, directly and exclusively used for prawn farms and fishponds shall be exempt from the coverage of this Act: Provided, That said prawn farms and fishponds have not been distributed and Certificate of Land Ownership Award (CLOA) issued to agrarian reform beneficiaries under the Comprehensive Agrarian Reform Program.

In cases where the fishponds or prawn farms have been subjected to the Comprehensive Agrarian Reform Law, by voluntary offer to sell, or commercial farms deferment or notices of compulsory acquisition, a simple and absolute majority of the actual regular workers or tenants must consent to the exemption within one (1) year from the effectivity of this Act. When the workers or tenants do not agree to this exemption, the fishponds or prawn farms shall be distributed collectively to the workers-beneficiaries or tenants who shall form a cooperative or association to manage the same

In cases where the fishponds or prawn farms have not been subjected to the Comprehensive Agrarian Reform Law, the consent of the farm workers shall no longer be necessary; however, the provision of Section 32-A hereof on incentives shall apply. (Emphasis supplied.)

From the afore-quoted provision, it is crystal clear that fishponds are excluded/exempted from the coverage of the CARL. This Court affirmed such exemption/exclusion in *Atlas Fertilizer Corp. v. Secretary, Department of Agrarian Reform*.^[21] In view of the foregoing, it is beyond doubt that the subject fishpond is indeed now exempted/excluded from the coverage of the CARL. Thus, the contention of the petitioner that the subject fishpond cannot be exempted/excluded from CARL coverage because respondents failed to prove that the fishpond has not yet been distributed and a CLOA has been issued to the beneficiary of the agrarian reform, as required by Section 10 of Republic Act No. 6657, as amended by Republic Act No. 7881, is now unavailing. Moreover, this Court notes that the DARAB already made a finding in its Decision that no CLOA had been issued to the petitioner as a beneficiary of the fishpond. Neither was the fishpond voluntarily offered for sale to the petitioner. Section 54 of Republic Act No. 6657, as amended, expressly states that the findings of fact of the

DARAB shall be final and conclusive if based on substantial evidence. Since the issue as to whether a CLOA has been issued to the petitioner is a question of fact, and being convinced that the findings of the DARAB on such issue was not based on mere surmises or conjectures, this Court upholds the same. Similarly, in this case, the character of the land was never put in issue as it has long been settled that the 10-hectare lot was indeed used actually, directly and exclusively as fishponds. Hence, it is not necessary for the respondents to file an application for the exemption of the subject fishpond from the coverage of the CARL, contrary to the claim of the petitioner.

Even as we recognize that the fishpond is not covered by the CARL, pursuant to Section 10 of Republic Act No. 6657, as amended by Republic Act No. 7881, this Court, nonetheless, does not agree in the conclusion arrived at by the Court of Appeals that since the subject fishpond is no longer an agricultural land, it follows then that there can be no tenurial arrangement affecting the parties in this case. And in view of the fact that there is no agrarian dispute cognizable by the DARAB, then the DARAB had no jurisdiction to resolve petitioner's case.

It bears emphasis that the status of the petitioner as a tenant in the subject fishpond and his right to security of tenure were already previously settled in the Decision dated 20 July 1987 of the RTC of Lucena City in Agrarian Case No. 86-8, which was affirmed by the Court of Appeals in its Decision dated 11 September 1989. Having been declared as a tenant with the right to security of tenure as provided in Section 35[22] of Republic Act No. 3844 in relation to Section 7 of Republic Act No. 1199, the law enforced at the time of the filing of the Complaint before the RTC of Lucena City, the petitioner has acquired a vested right over the subject fishpond, which right or interest has become fixed and established and is no longer open to doubt or controversy.[23] Therefore, even if fishponds, like the subject matter of this case, were later excluded/exempted from the coverage of the CARL as expressly provided in Section 10 of Republic Act No. 6657, as amended by Republic Act No. 7881, and despite the fact that no CLOA has been issued to the petitioner, the same cannot defeat the aforesaid vested right already granted and acquired by the petitioner long before the passage of Republic Act No. 7881. And being in the nature of a substantive law, the amendments introduced by Republic Act No. 7881 to Republic Act No. 6657 in the year 1995 cannot be given a retroactive application as to deprive the petitioner of his rights under the previous agrarian legislation.[24]

Verily, DAR Administrative Order No. 3, Series of 1995, expressly respects and acknowledges the tenancy relationship that existed between the parties prior to the amendments made to Republic Act No. 6657 by Republic Act No. 7881, that is, before fishponds and prawn farms were exempted/excluded from the coverage of the CARL. The aforesaid DAR Administrative Order provides:

II.

POLICY STATEMENT

D.

Acts of harassment by landowners intended to eject or remove the workers or tenants or the loss of their rights, benefits and privileges to which they are entitled shall be sanctioned and dealt with under existing laws, rules and regulations.

E.

Fishpond or prawn farmworkers affected by exemption/exclusion have the option to remain as workers or become beneficiaries in other agricultural lands.

A worker who chooses to remain in the exempted area shall remain therein and shall be entitled to such rights, benefits and privileges granted to farmworkers under existing laws, decrees, and executive orders. (Emphasis supplied.)

Indubitably, despite the amendments to Section 10 of Republic Act No. 6657, the petitioner's right to tenancy and security of tenure over the subject fishpond must still be honored.

This Court likewise affirms that the DARAB correctly assumed jurisdiction over the case, contrary to the declaration made by the appellate court in its Decision. Notably, the present case was instituted as early as 1991 when the petitioner filed a Petition before the PARAD for the fixing of his lease rental on the subject fishpond. Respondents subsequently filed a countercharge against the petitioner for the accounting, collection of sums of money, and dispossession. At such point, the law applicable was Republic Act No. 6657, wherein fishponds and prawn farms were not yet exempted/excluded from the CARL coverage. Evidently, there was an agrarian dispute existing between the petitioner and the respondents, cognizable by the PARAD at the time it rendered its Decision on 2 March 1993 in favor of the petitioner. On 20 February 1995, however, Republic Act No. 7881 came into being which expressly exempted/excluded fishponds and prawn farms from the coverage of the CARL. In effect, cases involving fishponds and prawn farms are no longer considered agrarian disputes as to make the case fall within the jurisdiction of the DARAB or its Adjudicators. Nevertheless, considering that prior to the enactment of Republic Act No. 7881, this case was already pending appeal before the DARAB, the aforesaid amendments then cannot be made to apply as to divest the DARAB of its jurisdiction over the case. It is well-settled that once jurisdiction is acquired by the court, it remains with it until the full termination of the case.[25]

WHEREFORE, premises considered, the instant Petition is hereby GRANTED. The Decision and the Resolution of the Court of Appeals in CA-G.R. SP No. 61955, dated 23 May 2005 and 25 January 2006, respectively, which annulled and set aside the Decision of the DARAB, dated 25 September 2000, for lack of jurisdiction, are hereby REVERSED AND SET ASIDE. Thus, the said Decision of the DARAB dated 25 September 2000 is hereby REINSTATED and AFFIRMED. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Penned by Associate Justice Godardo A. Jacinto with Associate Justices Bienvenido L. Reyes and Rosalinda Asuncion-Vicente, concurring; rollo, pp. 46-58.

[2] Signed by Assistant Secretary Lorenzo R. Reyes as Vice-Chairman, Undersecretary Federico A. Poblete, Assistant Secretary Augusto P. Quijano, Assistant Secretary Edwin C. Sales and Assistant Secretary Wilfredo M. Peñaflor; rollo, pp. 33-44.

[3] Rollo, pp. 72-74.

[4] As per Transfer Certificate of Title No. T-43289; records, Volume II, pp. 205-206.

[5] Id.

[6] CA rollo, pp. 114-115.

[7] Penned by Judge Rodolfo G. Palattao, CA rollo, pp. 110-118.

[8] SEC. 7. Tenancy relationship; How Established; Security of Tenure. – Tenancy relationship may be established either verbally or in writing, expressly or impliedly. Once such relationship is established, the tenant shall be entitled to security of tenure as hereinafter provided (R.A. No. 1199).

[9] Otherwise known as "Agricultural Tenancy Act of the Philippines," which was enacted on 2 September 1954.

- [10] CA rollo, p. 118.
- [11] Penned by Associate Justice Asaali S. Isnani with Associate Justices Luis A. Javellana and Minerva P. Gonzaga-Reyes, concurring; records Vol. I, pp. 64-70.
- [12] Otherwise known as “Comprehensive Agrarian Reform Law of 1988,” which took effect on 15 June 1988.
- [13] Records Vol. I, pp. 78-79.
- [14] Penned by Provincial Adjudicator Claro M. Almogela, CA rollo, pp. 43-50.
- [15] CA rollo, pp. 49-50.
- [16] Penned by Regional Adjudicator Fe Arche-Manalang; id. at 89-92.
- [17] “An Act Amending Certain Provisions of Republic Act No. 6657, Entitled “An Act Instituting A Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and for Other Purposes,” which was enacted on 20 February 1995.
- [18] 468 Phil. 224 (2004).
- [19] Otherwise known as “The Agricultural Land Reform Code,” which was enacted on 8 August 1963.
- [20] *Romero v. Tan*, supra note 18 at 236.
- [21] G.R. No. 93100, 19 June 1997, 274 SCRA 30.
- [22] Section 35. Exemption from Leasehold of Other Kinds of Lands. – x x x, in the case of fishponds, x x x at the time of the approval of this Code, the consideration, as well as the tenancy system prevailing, shall be governed by the provisions of Republic Act Numbered Eleven Hundred and Ninety-Nine, as amended (R.A. No. 3844).
- [23] *Balboa v. Farrales*, 51 Phil. 498, 502 (1928).
- [24] *Sps. Tirona v. Alejo*, 419 Phil. 285, 301-302 (2001).
- [25] *Philrock, Inc. v. Construction Industry Arbitration Commission*, 412 Phil. 236, 242-243 (2001).

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