ZOSIMO OCTAVIO AND JESUS ALBONA (SUBSTITUTED BY HIS WIFE, VIOLETA ALBONA), PETITIONERS, VS. ENRICO R. PEROVANO, RESPONDENT.

G.R. No. 172400. June 23, 2009

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us is the appeal of petitioners Zosimo Octavio and Jesus Albona (deceased and substituted by his wife Violeta Albona) from the Decision[1] dated January 18, 2006 of the Court of Appeals, Cebu City, Eighteenth Division, in CA-G.R. SP No. 78843. The Court of Appeals affirmed the Decision[2] dated April 14, 2003 and Resolution[3] dated July 3, 2003 of the Regional Trial Court (RTC) of Bacolod City, Branch 46 in Civil Case No. 01-11392 which affirmed in toto the Decision[4] of the Municipal Trial Court in Cities (MTCC) of Talisay City, Negros Occidental in Civil Case No. 671 ordering petitioners to vacate a parcel of land registered in the name of respondent Enrico Perovano.

The facts, as culled from the records, are as follows:

On March 9, 1999, respondent Enrico Perovano (Enrico) filed a Complaint[5] for Forcible Entry with Damages and Prayer for Immediate Issuance of Temporary Restraining Order or Writ of Preliminary Injunction against Zosimo Octavio (Zosimo), Jesus Albona (Jesus), and Municipal Agrarian Reform Officer (MARO) Dolores Gulmatico (Dolores) before the MTCC. The complaint was docketed as Civil Case No. 671.

In his complaint, Enrico alleged he is the lawful and registered owner of Lot No. 412 situated at the City of Talisay, Negros Occidental, comprising an area of 48,693 square meters, more or less, and covered by TCT No. T-179767.[6] He averred that on or before the first week of January 1999, Zosimo and Jesus, upon the instruction and direction, and in connivance and conspiracy with Dolores, by threat, intimidation, strategy and stealth, entered the land, plowed it and started planting sugarcane plants inspite of the efforts of Myrna Ayudante, Enrico's Attorney-in-Fact, to prohibit them from trespassing on the property.

In their Answer with Affirmative Defenses and Motion to Dismiss,[7] Zosimo, Jesus and Dolores denied Enrico's allegations and argued that the land was voluntarily offered for sale by Estefania Perovano, Enrico's mother, to the Department of Agrarian Reform (DAR) in 1992. By reason of the Voluntary Offer to Sell (VOS), the landowner (Estefania) placed the land under the coverage of Republic Act No. 6657,[8] otherwise known as the "Comprehensive Agrarian Reform Law of 1998." They further alleged that immediately thereafter, the processing of the VOS Claim Folder was initiated by the DAR Municipal Office of Talisay, Negros Occidental; identification and registration of qualified farmer-beneficiaries pursuant to Section 22[9] of Rep. Act No. 6657 was conducted by the DAR Municipal Office of Talisay; and Zosimo and Jesus were among those identified and qualified as farmer-beneficiaries of the land. The VOS Claim Folder was elevated to the DAR Municipal Office for review and evaluation and when the processing of the Claim Folder was completed, the latter was forwarded to the Land Bank of the Philippines for valuation. Afterwards, payment to the landowner was made. Certificates of Land

Ownership Award (CLOAs) were then generated in favor of the farmer-beneficiaries. Accordingly, petitioners argue that Estefania ceased to be the owner of the land and it is not true that Enrico is still the lawful and registered owner of the landholding.[10] Petitioners add that a Memorandum of Agreement[11] was executed between Estefania Perovano and the farmer-beneficiaries wherein they agreed that the farmer-beneficiaries are free to take possession and cultivate the landholding after payment was made to the landowner by the Land Bank of the Philippines.[12] They posit that there is no iota of doubt that the landholding is within the coverage of the Comprehensive Agrarian Reform Program (CARP) and it is only the Provincial Agrarian Reform Adjudication Board which has original and exclusive jurisdiction to entertain any action as per Section 50,[13] Rep. Act No. 6657.[14] They argue that regular courts were already divested of their general jurisdiction to try agrarian reform matters,[15] and the filing of the case is pure and simple harassment with the purpose of preventing or obstructing the implementation of the CARP.[16]

On December 29, 2000, the MTCC of Talisay City rendered a Decision in favor of Enrico and ordered petitioners Zosimo and Jesus to vacate the premises. The dispositive portion of the Decision states:

> WHEREFORE, in view of the foregoing, judgment is hereby rendered in favor of the plaintiff. Defendants herein are ordered:
>
> 1. To vacate Lot 412, Talisay Cadastre, subject of the instant case, remove all improvements introduced thereon and stop further cultivation of the land and to return possession of the same to the plaintiff;
>
> 2. Defendants Zosimo Octavio and Jesus Alb[o]na are ordered to pay solidarily herein plaintiff Enrico Perovano the amount of thirty two thousand pesos (P32,000.00) as yearly rental of the land from the time of the filing of the complaint until plaintiff is restored to the possession of the lot subject of this case.
>
> 3. Defendants herein Zosimo Octavio, Jesus Alb[o]na and Dolores Gulmatico are ordered to pay or reimburse solidarily plaintiff the amount of ten thousand pesos (P10,000.00) for attorney's fees as well as P500.00 per court appearance.
>
> To pay the cost of the suit.
>
> SO ORDERED.[17]

Petitioners appealed to the RTC of Negros Occidental, Branch 46, which, in a Decision dated April 14, 2003, affirmed the MTCC Decision in toto. The dispositive portion of the RTC Decision reads:

> WHEREFORE, in view of the foregoing considerations, this Court finds the Decision of the Municipal Trial Court in Cities, Talisay City, Negros Occidental, dated December 29, 2000 to be supported by law and evidence, and finding no cogent reason to disturb, modify, revise or reverse the same, said Decision is hereby AFFIRMED in toto. With costs against the defendants-appellants.
>
> SO ORDERED.[18]

The Court of Appeals, in a Decision promulgated on January 18, 2006, affirmed the RTC Decision, as follows:

> WHEREFORE, premises considered, the petition is DENIED. Accordingly, the Decision dated April 14, 2003 and the Resolution dated July 3, 2003 of the respondent Regional Trial Court of Negros Occidental are AFFIRMED in toto.
>
> SO ORDERED.[19]

Hence, this petition for review on certiorari.

Petitioners raise the following issues for our resolution:

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I.

WHETHER OR NOT THE SUBJECT LANDHOLDING LOT 412 IS COVERED BY THE COMPREHENSIVE AGRARIAN REFORM PROGRAM, THUS THE CONVEYANCE OF THE SUBJECT LOT 412 BY ESTEFANIA [PEROVANO] TO HER SON [ENRICO R. PEROVANO]; THE EXECUTION OF A LEASE CONTRACT BY ENRICO [PEROVANO] IN FAVOR OF CARMELA VALLEY CORPORATION; AND OTHER SUBSEQUENT TRANSACTIONS ARE VOID.

II.

WHETHER OR NOT THE CASE FILED BY THE RESPONDENT AGAINST THE HEREIN PETITIONERS IS TANTAMOUNT TO A CASE OF DISQUALIFICATION OF THE LATTER AS DULY INSTALLED FARMER BENEFICIARIES OF THE SUBJECT LOT 412, HENCE AGRARIAN IN CHARACTER.

III.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS, CEBU CITY GRAVELY ERRED IN DENYING THE PETITION FILED BY THE PETITIONERS AND IN AFFIRMING THE DECISION DATED APRIL 14, 2003 AND THE RESOLUTION DATED JULY 3, 2003 OF THE HONORABLE REGIONAL TRIAL COURT, BRANCH 46, BACOLOD CITY FOR THE INSTANT CASE INVOLVES THE IMPLEMENTATION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), WHICH IS AN AGRARIAN MATTER, THEREBY DIVESTING THE REGULAR COURT OF ITS JURISDICTION.[20]

The issue boils down to whether or not the case is an ejectment suit within the exclusive jurisdiction of the trial court or an agrarian dispute within the exclusive jurisdiction of the DAR.

Petitioners in their Memorandum[21] argue that the subject Lot No. 412 of the Talisay Cadastre was subjected to a voluntary offer to sell by no other than the previous owner, Estefania Perovano, on June 18, 1992; that on September 8, 1992, a Memorandum of Agreement was executed between Estefania and the farmer-beneficiaries which included Zosimo and Jesus; the DAR generated a CLOA and the previous title in the name of the previous owner was canceled and thereafter the farmer-beneficiaries took possession of the same; the former landowner had already received payment for the land from the Republic of the Philippines through the Land Bank of the Philippines. Petitioners clarified that since farmer-beneficiaries Arsenio Bene, Ricardo Orocio and Myrna Ayudante who were CLOA holders of the subject Lot No. 412 abandoned the subject property after selling their rights to the landowner, which acts are gross violations of Rep. Act No. 6657, they were recommended for disqualification. In their stead, Zosimo and Jesus were installed as farmer-beneficiaries. They point out that Regional Director Elmo A. Bañares of DAR Region VI, in an Order[22] dated March 11, 1997, denied the protest filed by Enrico Perovano against coverage of Lot No. 412. On January 19, 1998, Regional Director Dominador Andres, DAR, Iloilo City, issued an order granting the exemption of the subject Lot No. 412 from coverage of Rep. Act No. 6657, but said order was reversed on February 3, 2006, by DAR Secretary Nasser C. Pangandaman.

On the other hand, respondent, in his Memorandum,[23] argue that the existence or absence of an agrarian dispute is a question of fact which is not proper for review under Rule 45 of the Rules of Court. Respondent likewise maintains that petitioners herein are not CLOA holders and hence, they have no basis to state that they are farmer-beneficiaries. Further, no tenancy relationship exists between petitioners and respondent. Being an ejectment case, only the issue of possession is involved.

At the outset, let us be clear that jurisdiction over the subject matter of an action is determined by the material allegations of the complaint and the law at the time the action is commenced, irrespective of whether the plaintiff

is entitled to recover all or some of the claims or reliefs sought therein. It cannot be made to depend upon the defenses set up in the answer or upon a motion to dismiss; otherwise, the question of jurisdiction would depend almost entirely on the defendant.[24]

A scrutiny of the material allegations in respondent's complaint before the MTCC shows that it involves possession de facto, the only issue involved in ejectment proceedings. Enrico alleged he is the lawful and registered owner of Lot No. 412 and that on or before the first week of January 1999, petitioners Zosimo and Jesus, by threat, intimidation, strategy and stealth, entered the premises of the land, plowed it and started planting sugarcane.

Under Batas Pambansa Blg. 129,[25] as amended by Rep. Act No. 7691,[26] the MTC shall have exclusive original jurisdiction over cases of forcible entry and unlawful detainer. The Revised Rules on Summary Procedure[27] governs the remedial aspects of such suits.[28]

Under Section 50 of Rep. Act No. 6657, the DAR is 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."[29] An agrarian dispute refers to any controversy relating to, inter alia, tenancy over lands devoted to agriculture.[30] Under Section 3(d) of Rep. Act No. 6657, an 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 landowner 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. It refers to any controversy relating to, inter alia, tenancy over lands devoted to agriculture.[31]

Petitioners argue that the subject landholding is covered by the CARP and thus the conveyance of the lot by Estefania to her son Enrico after she voluntarily offered to sell her property to the DAR is void. There is no question that the land is covered by the CARP. Records show that DAR Secretary Nasser C. Pangandaman issued an Order on February 3, 2006 reversing the order of DAR Regional Director Dominador B. Andres granting Enrico's petition for exemption of the land.

However, whether or not petitioners are duly installed farmer-beneficiaries is a finding of fact. It is well-settled that in a petition for review on certiorari under Rule 45 of the Rules of Court, only questions of law may be raised. We have time and again ruled that the factual findings of fact by administrative agencies are generally accorded great respect, if not finality, by the courts because of the special knowledge and expertise of administrative departments over matters falling under their jurisdiction.[32] As held by this Court in Sta. Rosa Realty v. Court of Appeals, et al.,[33] the identification of farmer-beneficiaries is best left to the discretion of the Secretary of Agrarian Reform, through its authorized offices, as this is a matter involving strictly the administrative implementation of the CARP, and unless the Court finds that there was grave abuse of discretion committed by the agency involved, which the Court finds absent in this case, it will not substitute its judgment to that of the agency's.[34]

Records show that the Department of Agrarian Reform Adjudication Board (DARAB) promulgated on June 3, 2005 a Decision ruling that Zosimo and Jesus are not recognized farmer-beneficiaries. The DARAB ruled:

> It appears that complainants-appellants (which included Zosimo and Jesus) were not among those three (3) non-CLOA holders occupying portions of Lot Nos. 412 and 04 who were given one-hectare land each as

> disturbance compensation. Otherwise, they would have not filed this case on 23 February 1999. It must be remembered the 19 January 1998 Order was declared final on 19 October 1998 and the original complaint was filed on 23 February 1999.
>
> Thus, this Board is of the opinion that complainants-appellants were not recognized as farmer-beneficiaries of the subject landholding. Their continued possession thereof was through stealth. Even if they were not identified as farmer-beneficiaries and not awarded any CLOA, they arrogated unto themselves the portions of the subject landholding. As admitted by them in the hearing, they came into the land on the premise that they are farmer-beneficiaries. Without waiting for an award of any CLOA, complainants-appellants occupied the landholding. In the process, "expropriating" the property of the landowner without due process of law, prejudicing the rights of the landowner and the legitimate farmer-beneficiaries who were duly awarded with CLOA.
>
> The acts of the complainants-appellants are similar to that of land grabbing. The agrarian reform law is not enacted to give license to anybody to grab somebody else's land. Neither [is it] enacted to protect the land grabbers or the squatters.[35] (Emphasis supplied.)

Petitioners' argument that the case involves an agrarian matter divesting the regular courts of jurisdiction therefore has no merit. They are not farmer-beneficiaries but mere usurpers of the land.

The MTCC properly ruled that:

> x x x Defendants' [petitioners herein] claim of ownership [as] farmer-beneficiaries is not evidenced [by] any Certificate of Land Ownership Award (CLOA) for nothing is shown that they are CLOA holders. Likewise, it is clearly established that defendants herein Zosimo Octavio and Jesus Alb[o]na remained at plaintiff's [L]ot 414 and did not reside on Lot 412 for they were residents of Lot 414 for more than 20 years to date as declared by them in their Joint Affidavits executed on November 20, 2000 at Iloilo City.[36]

Clearly, therefore, the action is one for ejectment and the MTCC has jurisdiction over it.

WHEREFORE, the petition is DENIED. The Decision dated January 18, 2006 of the Court of Appeals, Cebu City, Eighteenth Division, in CA-G.R. SP No. 78843 is AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Ynares-Santiago[*], Chico-Nazario[**], Leonardo-De Castro[***], and Brion, JJ., concur.

[·] Spelled as Pirovano in some parts of the records.

[*] Designated member of the Second Division per Special Order No. 645 in place of Associate Justice Conchita Carpio Morales who is on official leave.

[**] Designated member of the Second Division per Special Order No. 658.

[***] Designated member of the Second Division per Special Order No. 635 in view of the retirement of Associate Justice Dante O. Tinga.

[1] Rollo, pp. 42-50. Penned by Associate Justice Arsenio J. Magpale, with Associate Justices Vicente L. Yap and Apolinario D. Bruselas, Jr. concurring.

[2] Id. at 74-90. Penned by Judge George S. Patriarca.

[3] Id. at 108-113. Penned by Judge George S. Patriarca.

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[4] Id. at 152-156. Dated December 29, 2000. Penned by Judge Antonio L. Jayobo.

[5] Id. at 1-4.

[6] Records, p. 210.

[7] Rollo, pp. 121-133.

[8] Done and adopted on December 26, 1998.

[9] SEC. 22. Qualified Beneficiaries. - The lands covered by the CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless residents of the same municipality in the following order of priority:

(a) agricultural lessees and share tenants;
(b) regular farmworkers;
(c) seasonal farmworkers;
(d) other farmworkers;
(e) actual tillers or occupants of public lands;
(f) collectives or cooperatives of the above beneficiaries; and
(g) others directly working on the land.

Provided, however, That the children of landowners who are qualified under Section 6 of this Act shall be given preference in the distribution of the land of their parents; And provided, further, That actual tenant -tillers in the landholding shall not be ejected or removed therefrom.

Beneficiaries under Presidential Decree No. 27 who have culpably sold, disposed of, or abandoned their land are disqualified to become beneficiaries under this Program.

A basic qualification of a beneficiary shall be his willingness, aptitude and ability to cultivate and make the land as productive as possible. The DAR shall adopt a system of monitoring the record or performance of each beneficiary, so that any beneficiary guilty of negligence or misuse of the land or any support extended to him shall forfeit his right to continue as such beneficiary. The DAR shall submit periodic reports on the performance of the beneficiaries to the PARC.

If, due to the landowner's retention rights or to the number of tenants, lessees, or workers on the land, there is not enough land to accommodate any or some of them, they may be granted ownership of other lands available for distribution under this Act, at the option of the beneficiaries.

Farmers already in place and those not accommodated in the distribution of privately-owned lands will be given preferential rights in the distribution of lands from the public domain.

[10] Rollo, pp. 122-123.

[11] Id. at 141-142.

[12] Id. at 124.

[13] 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).

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 to 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.

Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers or their organizations in any proceedings before the DAR; Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceeding.

Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory.

[14] Rollo, p. 127.

[15] Id. at 129.

[16] Id. at 130.

[17] Id. at 156.

[18] Id. at 89-90.

[19] Id. at 50.

[20] Id. at 287-288.

[21] Id. at 281-310.

[22] Id. at 197-203.

[23] Id. at 319-343.

[24] Rimasug v. Martin, G.R. No. 160118, November 22, 2005, 475 SCRA 703, 712.

[25] THE JUDICIARY REORGANIZATION ACT OF 1980, approved on August 14, 1981.

[26] AN ACT EXPANDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980", approved on March 25, 1994.

[27] Effective on November 15, 1991.

[28] Rivera v. Santiago, G.R. No. 146501, August 28, 2003, 410 SCRA 113, 120.

[29] Id. at 120-121.

[30] Id. at 122.

[31] Amurao v. Villalobos, G.R. No. 157491, June 20, 2006, 491 SCRA 464, 474.

[32] Pasong Bayabas Farmers Association, Inc. v. Court of Appeals, G.R. No. 142359, May 25, 2004, 429 SCRA 109, 130-131.

[33] G.R. Nos. 112526 & 118338, September 28, 2005, p. 1 (Unsigned Resolution).

[34] Id. at 3-4.

[35] Rollo, p. 231.

[36] Id. at 155.

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