

JULIAN FERNANDEZ, PETITIONER, VS. RUFINO D. FULGUERAS, RESPONDENT.

G.R. No. 178575. June 29, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

This is a petition for review on certiorari of the Decision[1] of the Court of Appeals (CA) dated February 25, 2007 and its Resolution[2] dated June 8, 2007.

Petitioner Julian Fernandez filed with the Department of Agrarian Reform Adjudication Board (DARAB) a complaint for nullification of Emancipation Patent (EP) and reconveyance against respondent Rufino D. Fulgueras over a parcel of land situated in Barangay Nanguma, Mabitac,

Laguna, with an area of 1.7 hectares. Petitioner averred that he holds a Certificate of Land Transfer over the said landholding. He claimed that, since 1982, he allowed his cousin, respondent Rufino Fulgueras, to till the land and, in return, the latter shared the harvest with him. He related that the sharing of harvest, however, stopped sometime in 1996, and from then on, respondent failed and refused to deliver his share of the harvest. Petitioner avowed that, in August 1999, he learned that the property has been registered in the name of respondent under Transfer Certificate of Title No. TEP-436.

In a decision dated July 5, 2000, the Provincial Adjudicator declared respondent's title valid, and dismissed the complaint for lack of cause of action.[3] Petitioner moved for reconsideration. The Provincial Adjudicator denied the motion for lack of merit in an Order dated August 8, 2000.[4]

Thereafter, petitioner filed a petition for relief from judgment[5] under Section 4, Rule IX of the DARAB New Rules of Procedure. In said petition, petitioner's counsel explained that he was not able to file an appeal because he suffered from serious anxieties and deep worries for his wife who was hospitalized due to continuous bleeding.

On August 6, 2002, the Provincial Adjudicator dismissed the petition, stating that the grounds relied upon by petitioner were not extrinsic in nature. The dispositive portion of the resolution states:

WHEREFORE, the Petition [for] Relief from Judgment is ordered DISMISSED.

Accordingly, all Orders issued relative to and in connection with the instant petition and inconsistent with the final and executory decision rendered are hereby set aside and declared without force and effect.

SO ORDERED.[6]

Petitioner filed a notice of appeal but it was denied due course by the Provincial Adjudicator in an Order dated October 15, 2002 on the ground that an ordinary appeal was not the proper remedy.[7]

Petitioner then filed a petition for certiorari with the DARAB, praying that it set aside the August 6, 2002 resolution and October 15, 2002 Order, declare respondent's EP as void, and order the issuance of a new EP to petitioner.[8]

On March 30, 2005, the DARAB rendered a decision, finding that the Provincial Adjudicator gravely abused his discretion when he dismissed the complaint based on conclusions not supported by the record. The dispositive portion of its decision reads:

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered SETTING ASIDE the decision of the Hon. Adjudicator a quo and entering a new one as follows:

- 1) Declaring the Emancipation Patent No. 409333 issued to private respondent Rufino Fulgueras as null and void;
- 2) Ordering the cancellation of the said Emancipation [P]atent issued in favor of respondent, and that a new one be generated and issued in favor of Petitioner, being the legitimate farmer beneficiary of the subject land.

SO ORDERED.[9]

In a resolution[10] dated August 3, 2005, the DARAB denied respondent's motion for reconsideration.

Respondent elevated that case to the CA again, through a petition for certiorari, which was treated by the CA as a petition for review under Rule 43 of the Rules of Court.

On February 25, 2007, the CA rendered a Decision in respondent's favor, thus:

WHEREFORE, premises considered, the instant petition is hereby GRANTED. The challenged Decision is REVERSED and SET ASIDE. The PARAD Decision in Reg. Case No. R-0403-0081-99 STANDS.

SO ORDERED.[11]

On June 8, 2007, the CA denied petitioner's motion for reconsideration;[12] hence, this petition.

The petition is without merit. The CA correctly set aside the DARAB decision, granting the petition for certiorari, which is void for having been issued without jurisdiction.

Jurisdiction over a subject matter is conferred by the Constitution or the law, and rules of procedure yield to substantive law. Otherwise stated, jurisdiction must exist as a matter of law.[13] Only a statute can confer jurisdiction on courts and administrative agencies; rules of procedure cannot.[14]

The DARAB assumed jurisdiction over the petition for certiorari by virtue of Section 3,[15] Rule VIII of the DARAB New Rules of Procedure, which allows the filing of such petition to assail an interlocutory order of the Provincial Adjudicator. However, a month after the DARAB rendered its decision, the Court, in *DARAB v. Lubrica*,^[16] declared that such apparent grant of authority to issue a writ of certiorari is not founded on any law. It declared that neither the DARAB's quasi-judicial authority nor its rule-making power justifies the self-conferment of authority.[17] Thus, the Court concluded that the DARAB has no certiorari jurisdiction:

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. 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.[18]

As intimated in *Lubrica*, petitioner should have filed the petition for certiorari with the regular courts, and not with the DARAB. In the absence of a specific statutory grant of jurisdiction, the DARAB, as a quasi-judicial body with limited jurisdiction, cannot exercise jurisdiction over the petition for certiorari.

WHEREFORE, the petition is DENIED. The Court of Appeals Decision dated February 25, 2007 and Resolution dated June 8, 2007 are AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

[1] Penned by Associate Justice Myrna Dimaranan Vidal, with Associate Justices Jose L. Sabio, Jr. and Jose C. Reyes, Jr., concurring; rollo, pp. 99-113.

[2] Id. at 119.

[3] Rollo, p. 29.

[4] Id. at 43.

[5] Id. at 45-49.

[6] Id. at 53-54.

[7] Id. at 57.

[8] Id. at 76.

[9] Id. at 95.

[10] Id. at 97-98.

[11] Id. at 112.

[12] Id. at 119.

[13] *Padunan v. DARAB*, 444 Phil. 213, 223 (2003).

[14] *Republic of the Philippines v. CA*, 331 Phil. 1070, 1076 (1996).

[15] SECTION 3. Totality of Case Assigned. When a case is assigned to an Adjudicator, any or all incidents thereto shall be considered assigned to him, and the same shall be disposed of in the same proceedings to avoid multiplicity of suits or proceedings.

The Order or resolution of the Adjudicator on any issue, question, matter or incident raised before them shall be valid and effective until the hearing shall have been terminated and the case is decided on the merits, unless modified and reversed by the Board upon a verified petition for certiorari which cannot be entertained without filing a motion for reconsideration with the Adjudicator a quo within five (5) days from receipt of the order, subject of the petition. Such interlocutory order shall not be subject of an appeal.

[16] G.R. No. 159145, April 29, 2005, 457 SCRA 800.

[17] Id. at 811.

[18] Id. (Emphasis supplied.)

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