

HEIRS OF CANDIDO DEL ROSARIO AND HEIRS OF GIL DEL ROSARIO, PETITIONERS, VS. MONICA DEL ROSARIO, RESPONDENT.

G.R. No. 181548. June 20, 2012

Ponente: REYES, J.

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REYES, J.:

Nature of the Petition

This is a petition for review on certiorari under Rule 45 of the Rules of Court filed by the Heirs of Candido Del Rosario and the Heirs of Gil Del Rosario (petitioners), assailing the Decision[1] dated January 21, 2008 issued by the Court of Appeals (CA) in CA-G.R. SP No. 85483.

The Antecedent Facts

This involves a parcel of land with an area of 9,536 square meters situated in Barangay Caingin, Bocaue, Bulacan. The subject land was formerly owned by Pedro G. Lazaro and tenanted by the spouses Jose Del Rosario and Florentina De Guzman (Spouses Del Rosario).

Spouses Del Rosario had three children: Monica Del Rosario (Monica), Candido Del Rosario (Candido) and Gil Del Rosario (Gil). The petitioners claimed that when Spouses Del Rosario died, only they continued to tenant and actually till the subject land.

Sometime in February 1991, Monica and Gil agreed that the latter would facilitate the application for an Emancipation Patent over the subject land in the name of the former. In exchange, Monica agreed to cede to Gil one-third of the said land after the Emancipation Patent had been issued to her.

On May 29, 1998, the Department of Agrarian Reform (DAR) issued to Monica Emancipation Patent No. 00733146 over the land. Subsequently, on October 22, 1998, the Registry of Deeds for the Province of Bulacan issued Transfer Certificate of Title (TCT) No. EP-257-M in the name of Monica.

The petitioners claimed that Monica, despite repeated demands, refused to cede to Gil the one-third portion of the subject land pursuant to their agreement. Thus, on April 17, 2000, the petitioners filed with the Office of the Provincial Agrarian Reform Adjudicator (PARAD) in Malolos, Bulacan a complaint against Monica for amendment of TCT No. EP-257-M and partition of the subject land.

For her part, Monica claimed that their father entrusted to her the cultivation of the subject land after the latter became ill and incapacitated sometime in 1950. Gil and Candido, in turn, were entrusted with the cultivation of other parcels of land tenanted by Spouses Del Rosario. Further, after Presidential Decree No. 27 (P.D. No. 27) took effect, Monica claimed that she was the one listed in the files of the DAR as the tenant-beneficiary of the subject land and that she was the one who was paying the amortizations over the same.

The PARAD's Decision

On May 22, 2002, PARAD Provincial Adjudicator Toribio E. Ilao, Jr. (PA Ilao) rendered a Decision[2] the decretal portion of which, in part, reads:

WHEREFORE, premises considered, judgment is hereby rendered in the following manner:

- 1). Ordering the Register of Deeds of Bulacan to cancel TCT/EP No. 257(M)/00733146 containing an area of 9,536 square meters, more or less, issued to Monica del Rosario and partitioned (sic) the covered lot among the heirs of the late spouses Jose del Rosario and Florentina de Guzman;
- 2). Ordering the respondent to cede the ONE THIRD (1/3) portion of the 9,536 square meters, equivalent to 3,178 square meters of the subject agricultural land in favor of the heirs of the late Gil Del Rosario in compliance with their agreement;
- 3). Ordering the remaining portion of 6,358 square meters to be subdivided into four (4) equal shares: to the surviving heirs of the late spouses Jose del Rosario and Florentina de Guzman as follows, to wit:
 - a. Respondent Monica del Rosario – 1,589 square meters;
 - b. Heirs of Candido del Rosario represented by his children – 1,589 square meters;
 - c. Heirs of Gil del Rosario represented by his children – 1,589 square meters; and
 - d. Consolacion del Rosario – 1,589 square meters.
- 4). Directing the PARO of Bulacan thru the Operations Division and all DAR personnel concerned to generate and issue EPs/titles in the name of the parties concerned with the corresponding area of tillage as indicated above, in accordance with the DAR existing rules and regulations, and cause the registration of the new EPs/titles with the Registry of Deeds of Bulacan.[3]

PA Ilao found that Monica was not the bona fide tenant-farmer of the subject land and that she had continuously failed to cultivate or develop the same.

Unperturbed, Monica appealed from the foregoing disposition of PA Ilao to the Department of Agrarian Reform Adjudication Board (DARAB).

The DARAB's Decision

On January 8, 2004, the DARAB rendered a Decision,[4] which reversed and set aside the Decision dated May 22, 2002 of PA Ilao. The DARAB held that:

[Monica] and her siblings are not co-heirs to the landholding in question. The said land was not a part of the inheritance of their late parents. This conclusion is based on the simple reason that tenants are not the owners of the landholding they cultivate. Under the law, inheritance includes all the property, rights and obligations of a person which are not extinguished by his death x x x. In the case of a tenant, what he may transfer to his successor upon his death is merely the right to cultivate the landholding. Such transfer of right to cultivate, however, cannot be applied in the instant case. The right to cultivate the subject landholding was being exercised by [Monica's] father until he became incapacitated (due to high blood pressure) to till the land, at which time, he passed the responsibility of cultivation to his eldest child, [Monica]. x x x The records show that the parents of [Monica] gave her the right to till the property of Pedro Lazaro. This is corroborated by the fact that Pedro Lazaro has recognized [Monica] as the only registered tenant of the subject property as evidenced by their "Kasunduan Sa Pamumuwisán" dated 25 September 1973 x x x.[5]

Further, the DARAB ruled that the agreement between Monica and Gil that one-third of the subject land would be ceded to the latter after the same had been registered under Monica's name is contrary to law as P.D. No. 27 prohibits the transfer of parcels of land given to qualified farmer-beneficiaries other than by hereditary succession or to the government.

The petitioners sought a reconsideration of the Decision dated January 8, 2004, but it was denied by the DARAB in its Resolution[6] dated July 8, 2004.

Subsequently, the petitioners filed a petition for review[7] with the CA alleging that the DARAB erred in ruling

that they and Monica are not co-owners of the subject land.

The CA's Decision

On January 21, 2008, the CA rendered the herein assailed decision denying the petition for review filed by the petitioners. The CA held that the PARAD and the DARAB had no jurisdiction to take cognizance of the petitioners' complaint for amendment of the Emancipation Patent and partition of the subject land, there being no agrarian dispute or tenancy relations between the parties. Thus:

While it is true that the DARAB has primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP), which include those involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority, however, for the DARAB to have jurisdiction over a case, there must exist a tenancy relationship between the parties, which does not obtain in the petition at bench.

The jurisdiction of a tribunal or quasi-judicial body over the subject matter is determined by the averments of the complaint/petition and the law extant at the time of the commencement of the suit/complaint/petition. All proceedings before a tribunal or quasi-judicial agency bereft of jurisdiction over the subject matter of the action are null and void.[8] (Citations omitted)

Nevertheless, the CA also held that the petitioners are bound by the decision of the DARAB declaring Monica as the bona fide holder of TCT No. EP-257-M since they participated in the proceedings before the PARAD and the DARAB without raising any objection thereto.

Issues

In the instant petition, the petitioners submit the following issues for this Court's resolution:

[I]

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT DENIED THE PETITION FOR REVIEW ON GROUND OF LACK OF JURISDICTION ON [THE] PART OF THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB).

[II]

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT HELD THAT PETITIONERS ARE BOUND BY THE DECISION OF THE DARAB DECLARING MONICA DEL ROSARIO AS BONA FIDE TCT/EP HOLDER, THAT THEY ARE NOT CO-HEIRS TO THE SUBJECT LANDHOLDING, THAT THE AGREEMENT THAT ONE THIRD (1/3) OF THE SUBJECT LANDHOLDING SHALL BE GIVEN TO GIL DEL ROSARIO IS NULL AND VOID FOR BEING CONTRARY [TO] AGRARIAN LAWS AND ORDERING THEM NOT TO INTERFERE WITH MONICA DEL ROSARIO'S CULTIVATION OF SUBJECT LANDHOLDING.[9]

Simply put, the issues for this Court's resolution are the following: first, whether the PARAD and the DARAB have jurisdiction to take cognizance of the petitioners' complaint for amendment and partition; and second, if the PARAD and the DARAB have no jurisdiction over the complaint for amendment and partition, whether the petitioners are bound by their respective dispositions.

The Court's Ruling

The petition is partly meritorious.

First Issue: Jurisdiction of the PARAD and the DARAB

Contrary to the CA's disposition, the petitioners insist that the PARAD and the DARAB have the jurisdiction to take cognizance of their complaint for amendment of the Emancipation Patent and partition of the subject land notwithstanding the absence of tenancy relationship between them and Monica. They assert that the complaint below essentially involves a determination of the actual tenant and eventual rightful beneficiary of the subject land.

On the other hand, Monica asserts that the CA did not err in declaring that the PARAD and the DARAB have no jurisdiction over the said complaint for amendment and partition since there was simply no "tenancy relationship" alleged therein.

The jurisdiction of the PARAD and the DARAB is limited only to all agrarian disputes and matters or incidents involving the implementation of the CARP.

In the process of reorganizing the DAR, Executive Order (E.O.) No. 129-A created the DARAB to assume the powers and functions with respect to the adjudication of agrarian reform matters.[10]

At the time the complaint for amendment and partition was filed by the petitioners, the proceedings before the PARAD and the DARAB were governed by the DARAB New Rules of Procedures, which were adopted and promulgated on May 30, 1994, and came into effect on June 21, 1994 after publication (1994 DARAB Rules). The 1994 DARAB Rules identified the cases over which the DARAB shall have jurisdiction, to wit:

RULE II

JURISDICTION OF THE ADJUDICATION BOARD

SECTION 1. Primary and Exclusive Original and Appellate Jurisdiction. – The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

- a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws;
- b) The valuation of land, and the preliminary determination and payment of just compensation, fixing and collection of lease rentals, disturbance compensation, amortization payments, and similar disputes concerning the functions of the Land Bank of the Philippines (LBP);
- c) The annulment or cancellation of lease contracts or deeds of sale or their amendments involving lands under the administration and disposition of the DAR or LBP;
- d) Those case arising from, or connected with membership or representation in compact farms, farmers' cooperatives and other registered farmers' associations or organizations, related to lands covered by the CARP and other agrarian laws;
- e) Those involving the sale, alienation, mortgage, foreclosure, pre-emption and redemption of agricultural lands under the coverage of the CARP or other agrarian laws;
- f) Those involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;
- g) Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of Presidential No. 946, except sub-paragraph (Q) thereof and Presidential Decree

No. 815.

It is understood that the aforementioned cases, complaints or petitions were filed with the DARAB after August 29, 1987.

Matters involving strictly the administrative implementation of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARP) of 1988 and other agrarian laws as enunciated by pertinent rules shall be the exclusive prerogative of and cognizable by the Secretary of the DAR.

h) And such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.

SECTION 2. Jurisdiction of the Regional and Provincial Adjudicator. – The RARAD and the PARAD shall have concurrent original jurisdiction with the Board to hear, determine and adjudicate all agrarian cases and disputes, and incidents in connection therewith, arising within their assigned territorial jurisdiction. (Emphasis supplied.)

Specifically, the PARAD and the DARAB have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act (R.A.) No. 6657, as amended by R.A. No. 9700, E.O. Nos. 228, 229, and 129-A, R.A. No. 3844 as amended by R.A. No. 6389, P.D. No. 27 and other agrarian laws and their Implementing Rules and Regulations.[11]

Thus, the jurisdiction of the PARAD and the DARAB is only limited to cases involving agrarian disputes, including incidents arising from the implementation of agrarian laws. Section 3(d) of R.A. No. 6657 defines an agrarian dispute in this wise:

(d) 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 R.A. 6657 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.

The petitioners' complaint for amendment and partition is beyond the jurisdiction of the PARAD and the DARAB.

Where a question of jurisdiction between the DARAB and the RTC is at the core of a dispute, basic jurisprudential tenets come into play. It is the rule that the jurisdiction of a tribunal, including a quasi-judicial office or government agency, over the nature and subject matter of a petition or complaint is determined by the material allegations therein and the character of the relief prayed for irrespective of whether the petitioner or complainant is entitled to any or all such reliefs.[12]

Accordingly, we turn to the petitioners' complaint for amendment and partition, wherein they alleged that:

2. The subject agricultural land identified as Lot No. C, Psd-03-091057 (AR) consisting of an area of 9,536 square meters more or less situated at Brgy. Caingin, Bocaue, Bulacan, was formerly owned by Pedro Lazaro and was tenanted by SPOUSES JOSE DEL ROSARIO AND FLORENTINA DE GUZMAN, the late grandparents of herein petitioners, as the registered tenant-farmers over the subject agricultural land devoted to planting of palay;

3. When the late grandparents of herein petitioners died, the children of the former, specifically, brothers CANDIDO DEL ROSARIO and GIL DEL ROSARIO, predecessors-in-interest of herein petitioners,

continued in the tillage of the subject agricultural land;

x x x x

6. The EP was issued by the DAR to the respondent with the help of her brother Gil Del Rosario who, aside from shouldering all expenses relative thereto, lodged the petition in Monica del Rosario's name for the issuance of EP over the subject agricultural land being tilled by them, including the co-tenant farmers that are adjacent and adjoining in that area;

7. The respondent, after receiving the EP over the subject agricultural land, refused to give the shares of her brothers (predecessors-in-interest of herein petitioners) and subdivide equally the subject land among them, they being surviving heirs of their late parents who first tilled the subject agricultural land despite persistent demand;

x x x x

10. An agreement was likewise entered into by the respondent and the other tenant farmers of the adjoining lots, with the late Gil del Rosario dated February 1991, committing themselves that after the issuance of their EPs by the DAR, the ONE THIRD (1/3) portion of their tillage will be segregated and given to her brother Gil del Rosario in consideration of the assistance of the latter, x x x;

x x x x

12. The petitioners are seeking the assistance of this Honorable Board to amend and partition the EP issued to the respondent and the subject agricultural land be divided equally among the respondent and the predecessors-in-interest of herein petitioners;[13] (Emphasis supplied)

Based on these allegations, the petitioners sought the following reliefs:

WHEREFORE, premises considered, it [is] most respectfully prayed of this Honorable Board that after due hearing, judgment be rendered in the above-entitled petition as follows:

- (a) Ordering respondent to partition or subdivide equally among the respondent and herein petitioners, in representation of their respective predecessors-in-interest, the subject agricultural land;
- (b) Ordering respondent to stop collecting lease rentals from the herein petitioners relative to their establishments and those erected by their predecessors-in-interest;
- (c) Ordering respondent to stop cutting [of] trees and other improvements thereon established by the herein petitioners and their predecessors-in-interest;
- (d) Ordering respondent to allow the petitioners to plant palay or vegetable plants (sic) over the agricultural land occupied by them;
- (e) Ordering respondent to pay attorney's fees of [P]50,000.00 to petitioners and costs of litigation.[14] (Emphasis supplied)

A perusal of the foregoing will readily show that the complaint essentially sought the following: first, the enforcement of the agreement entered into by and between Gil and Monica wherein the latter promised to cede to the former one-third portion of the subject land upon the issuance of the emancipation patent over the same; and second, the recovery of petitioners' purported hereditary share over the subject land, in representation of Gil and Candido.

Indubitably, the said complaint for amendment and partition does not involve any "agrarian dispute," nor does it involve any incident arising from the implementation of agrarian laws. The petitioners and Monica have no

tenurial, leasehold, or any agrarian relations whatsoever that will bring this controversy within the jurisdiction of the PARAD and the DARAB. Since the PARAD and the DARAB have no jurisdiction over the present controversy, they should not have taken cognizance of the petitioners' complaint for amendment of the Emancipation Patent and partition.

Further, the instant case does not involve an "incident arising from the implementation of agrarian laws" as would place it within the jurisdiction of the PARAD and the DARAB. Admittedly, the petitioners alleged that it was Gil and Candido who continued the tillage of the subject land after the death of Spouses Del Rosario. While the foregoing allegation seems to raise a challenge to Monica's qualification as a farmer-beneficiary of the subject land, we nevertheless find the same insufficient to clothe the PARAD and the DARAB with jurisdiction over the complaint.

While ostensibly assailing Monica's qualification as a farmer-beneficiary, the petitioners did not seek the nullification of the emancipation patent issued to Monica and the issuance of a new one in their names. Instead, the petitioners merely sought that the subject land be equally partitioned among the surviving heirs of Spouses Del Rosario, including Monica. Verily, by merely asking for the recovery of their alleged hereditary share in the subject land, the petitioners implicitly recognized the validity of the issuance of the emancipation patent over the subject land in favor of Monica.

Second Issue: Effect of the DARAB's Decision

Despite its finding that the PARAD and the DARAB lacked jurisdiction to take cognizance of the petitioners' complaint for amendment and partition, the CA nevertheless ruled that the petitioners were bound by the DARAB's Decision dated January 8, 2004. Thus:

However, considering that petitioners invoked the jurisdiction of the DARAB Provincial Adjudicator by opposing Monica's motion to dismiss the case on the ground that said Adjudicator has no jurisdiction over the case, they are, therefore, bound by the Decision of the DARAB declaring Monica as the bona fide TCT/EP holder; that they are not co-heirs to the subject landholding; and that the agreement that one third (1/3) of the subject landholding shall be given to Gil del Rosario is null and void for being contrary to agrarian laws; and ordering them not to interfere with Monica's cultivation of her landholding. Settled is the rule that participation by certain parties in the administrative proceedings without raising any objection thereto, bars them from any jurisdictional infirmity after an adverse decision is rendered against them.[15] (Citation omitted)

We do not agree with the foregoing ratiocination of the CA. The Decision dated January 8, 2004 of the DARAB is null and void and, thus, produced no effect whatsoever, the DARAB having no jurisdiction to take cognizance of the petitioners' complaint for amendment and partition.

On this point, our disquisition in *Spouses Atuel v. Spouses Valdez*[16] is instructive, thus:

Jurisdiction over the subject matter cannot be acquired through, or waived by, any act or omission of the parties. The active participation of the parties in the proceedings before the DARAB does not vest jurisdiction on the DARAB, as jurisdiction is conferred only by law. The courts or the parties cannot disregard the rule of non-waiver of jurisdiction. Likewise, estoppel does not apply to confer jurisdiction to a tribunal that has none over a cause of action. The failure of the parties to challenge the jurisdiction of the DARAB does not prevent this Court from addressing the issue, as the DARAB's lack of jurisdiction is apparent on the face of the complaint. Issues of jurisdiction are not subject to the whims of the parties.

In a long line of decisions, this Court has consistently held that an order or decision rendered by a tribunal or agency without jurisdiction is a total nullity. Accordingly, we rule that the decision of the DARAB in the instant case is null and void. Consequently, the decision of the Court of Appeals affirming the decision of the

DARAB is likewise invalid. This Court finds no compelling reason to rule on the other issues raised by the Spouses Atuel and the Spouses Galdiano.[17] (Citations omitted and emphases supplied)

WHEREFORE, in consideration of the foregoing disquisitions, the Decision dated January 21, 2008 of the Court of Appeals in CA-G.R. SP No. 85483 is hereby REVERSED and SET ASIDE. The Provincial Agrarian Reform Adjudicator's Decision dated May 22, 2002, and the Department of Agrarian Reform Adjudication Board's Decision dated January 8, 2004 and Resolution dated July 8, 2004, are declared NULL and VOID for lack of jurisdiction.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Sereno, JJ., concur.

[1] Penned by Associate Justice Marina L. Buzon, with Associate Justices Rosmari D. Carandang and Mariflor P. Punzalan-Castillo, concurring; rollo, pp. 31-44.

[2] Id. at 77-83.

[3] Id. at 82-83.

[4] Id. at 45-53.

[5] Id. at 50-51.

[6] Id. at 57-58.

[7] Id. at 84-107.

[8] Id. at 42-43.

[9] Id. at 15.

[10] Heirs of Florencio Adolfo v. Cabral, G.R. No. 164934, August 14, 2007, 530 SCRA 111, 118-119.

[11] 2009 DARAB Rules of Procedure, Rule II, Section 1.

[12] Del Monte Philippines, Inc. Employees Agrarian Reform Beneficiaries Cooperative (DEARBC) v. Sanguanay, G.R. No. 180013, January 31, 2011, 641 SCRA 87, 96. (Citation omitted)

[13] Rollo, pp. 67-69.

[14] Id. at 69-70.

[15] Id. at 43-44.

[16] 451 Phil. 631 (2003).

[17] Id. at 645-646.

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