

**FAGEL TABIN AGRICULTURAL CORPORATION, FORMERLY THE
DAVAO INDUSTRIAL DEVELOPMENT CO., REPRESENTED BY ITS
MANAGER, ANTONIO FAGEL SR., PETITIONER, VS. THE HONORABLE
EMILIO A. JACIN...**

G.R. No. 55393. October 28, 1991

Ponente: BIDIN, J.

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BIDIN, J.:

This is a petition for certiorari and mandamus seeking to set aside or annul the September 4, 1980 Resolution of the Court of Agrarian Relations, 16th Regional District, Branch I, Davao City dismissing for lack of jurisdiction, petitioner's complaint for Declaration of Nullity of Certificates of Land Transfer in Court of Agrarian Relations Case No. 3384 (Davao-1980) entitled, Fagel Tabin Agricultural Corporation, etc. vs. Hon. Minister of Agrarian Reform, et al., as well as the Order dated October 15, 1980 denying petitioner's motion for reconsideration.

The pertinent facts of the case are as follows:

The petitioner Fagel Tabin Agricultural Corporation, formerly the Davao Industrial Development Co. is the owner of a 165-hectare parcel of agricultural land situated at Barrio Lizada, Toril District, Davao City, covered by Transfer Certificate of Title No. T-4089.

On or about March, 1973 or after the issuance of Presidential Decree No. 27, officials and employees of the Ministry of Agrarian Reform conducted parcellary map sketching of patches, pockets or portions of land areas cultivated to corn inside the 165-hectare land and placed the same under the coverage of Operation Land Transfer (OLT). Subsequently thereafter, the officials and employees of the Ministry of Agrarian Reform issued corresponding Certificates of Land Transfer (CLT numbered consecutively from 0368129 to 0368163 inclusive) dated June 8, 1977, or a total of 35 CLTs with an area coverage of 43.51 hectares out of the 165 hectares land.

On June 3, 1980, petitioner filed a complaint dated April 30, 1980, for "Declaration of Nullity of Certificates of Land Transfer issued Illegally and Unlawfully" against respondent "Hon. Minister Conrado F. Estrella, including all those claiming authority therefrom and acting as Regional Director,, Branch and/or Team Leader or agents of the Minister/Ministry and the alleged tenant-beneficiaries" in Branch I of the Court of Agrarian Relations, Davao City, docketed as CAR Case No. 3384.

Petitioner contends that the 165-hectare parcel of land was placed under the coverage of Operation Land Transfer (P.D. 27) in spite of contrary official findings shown in the official records of the Ministry of Agrarian Reform, particularly the Survey Map (Rollo, p. 23) of the land prepared and made by respondents public officials/employees in cooperation with then Bureau of Lands, allegedly classifying and establishing the landholding in question as primarily a coconut and rubber land; that the individual CLTs were issued illegally and unlawfully inasmuch as P.D. No. 27 was distinctly and expressly made applicable only to tenant-farmers of private agricultural lands PRIMARILY devoted to rice and corn; that they were issued not only in grave, and

gross abuse of authority and/or discretion amounting to utter lack of jurisdiction, but more importantly, illegally and contrary to the very law (P.D. No. 27) that authorized for the first time the issuance of CLTs, and therefore NULL and VOID.

On the other hand, respondents public officials and employees contended that the landholding in question is not totally primarily devoted to coconuts and rubber and that the entire 165 hectares was not placed under OLT but only such portions as are tenanted and devoted to the production of corn.

As affirmative and special defenses, respondents public officials and employees contended that the Court of Agrarian Relations has no jurisdiction in the case under the provision of P.D. 946 (Reorganizing the Courts of Agrarian Relations, Streamlining their Procedures, and for Other Purposes), Section 12[b] which explicitly provides that "matters involving the administrative implementation of the transfer of land to the tenant farmer under P.D. No. 27 and amendatory and related decrees, orders, instructions, rules and regulations, shall be exclusively cognizable by the Secretary of Agrarian Reform."

Further, respondents contended that the CLTs thus issued were all in accordance with law and by authority of Letter of Instruction No. 46 issued by the President of the Philippines directing the respondent Minister of Agrarian Reform to establish priorities in the implementation of the land reform program of the government pursuant to P.D. No. 27; that the complaint states no cause of action, plaintiff (herein petitioner) having failed to exhaust required administrative remedies afforded to it by law before resorting to the Court of Agrarian Relations.

In its reply to answer, petitioner contends that Section 12 [b] of P.D. No. 946 is very clear and it is precisely upon this authority that the complaint was filed before the Court of Agrarian Relations.

It is further contended by petitioner that it is not a matter involving the administrative implementation of P.D. No. 27 because what was covered and transferred in the instant case is not agricultural land primarily devoted to rice and corn, but rather a landholding primarily devoted to coconut, rubber, etc.

After a preliminary hearing, the Court of Agrarian Relations issued a Resolution dated September 4, 1980, dismissing the complaint for lack of jurisdiction.

Petitioner filed a Motion for Reconsideration which was denied in an Order dated October 15, 1980 for lack of merit.

Hence, this petition.

Petitioner raised two (2) legal issues, to wit:

I

DOES P. D. NO. 27 INCLUDE IN ITS COVERAGE PORTIONS OF LAND PRIMARILY DEVOTED TO COCONUT, RUBBER AND OTHER PERMANENT TREES?

II

THE "BURDEN OF PROOF" UNDER THE "REFERRAL PROVISIONS" AND/OR THE "PROVISO" OF THE 2ND PAR, OF P.D. NO. 946 - IS UPON THE RESPONDENTS; AND THAT THE "PROVISO" MUST BE STRICTLY CONSTRUED.

The main issue in this case is whether or not respondent judge erred in dismissing CAR Case No. 3384 for lack of jurisdiction.

The answer is in the negative. The law (PD 946) provides:

"SEC. 12. Jurisdiction Over Subject Matter. – The Courts of Agrarian Relations shall have original and exclusive jurisdiction over:

(a) Cases involving the rights and obligations of persons in the cultivation and use of agricultural land except those cognizable by the National Labor Relations;

X X X X X

(b) Questions involving rights granted and obligations imposed by laws. Presidential Decrees, Orders, Instructions, Rules and Regulations issued and promulgated in relation to the agrarian reform program;

Provided, however, That, matters involving the administrative implementation of the transfer of land to the tenant-farmer under Presidential Decree No. 27 and amendatory and related decrees, orders, instructions, rules and regulations, shall be exclusively cognizable by the Secretary of Agrarian Reform, namely:

- (1) classification and identification of landholdings;
- (2) identification of tenant-farmers and landowners, and determination of their tenancy relationship;
- (3) parcellary mapping;
- (4) determination of the total production and value of the land to be transferred to the tenant-farmer;
- (5) issuance, recall or cancellation of certificates of land transfer in cases outside the purview of Presidential Decree No. 816.
- (6) right of retention of the landowner;
- (7) right of the tenant-farmer to a home lot;
- (8) disposition of the excess area in tenant's farmholding;
- (9) change of crop from rice and/or corn to any other agricultural crop;

X X X

Provided, further, That the decision of the Secretary of Agrarian Reform may be appealed to the President of the Philippines." (P.D. No. 946).

It must be stated that the first and fundamental duty of courts is to apply the law and construction and interpretation come only after it has been demonstrated that application is impossible or inadequate without them (National Federation of Labor vs. Bisma, 127 SCRA 419, 425 [1984]). The aforequoted provision of PD 946 is clear and unambiguous. It provides, as an exception to the original and exclusive jurisdiction of the Courts of Agrarian Relations, the subject matters exclusively cognizable by the Secretary of Agrarian Reform among which are the classification and identification of land-holdings, the parcellary mapping in question and the issuance, recall or cancellation of CLTs. Accordingly, it should be taken to mean exactly what it says. It is elementary rule in statutory construction that when the words and phrases of a statute are clear and unequivocal, their meaning must be determined from the language employed and the statute must be taken to mean exactly what it says. (Insular Bank of Asia and America Employees Union (IBAAEU) vs. Inciong, 132 SCRA 663, 673 [1984]). Where the provision of the law is clear and unambiguous, so that there is no occasion for the court's seeking legislative intent, the law must be taken as it is, devoid of judicial addition or subtraction (Insular Lumber Co. vs. Court of Appeals, 104 SCRA 710, 719 [1981]). Hence, as aptly argued by respondents in the case at bar, if petitioner did not agree with the Ministry of Agrarian Reform in placing his landholding under Operation Land Transfer, then he should have filed his complaint with the Ministry instead of going to court by filing CAR Case

No. 3384, the matter being within the jurisdiction of the Minister of Agrarian Reform pursuant to the proviso of section 12(b), PD 946.

In any event, the case at bar has already become moot and academic because of the enactment of Republic Act No. 6657 (Comprehensive Agrarian Reform Law of 1988), which include in its coverage "all private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon" (Section 4-d). Otherwise stated, the Comprehensive Agrarian Reform Law now covers the landholding in question.

WHEREFORE, the instant petition is Dismissed for lack of merit and having been rendered moot and academic.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Davide, Jr. and Romero, concur.

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