

HILDA RALLA ALMINE, PETITIONER, VS. HONORABLE COURT OF APPEALS, MINISTRY OF AGRARIAN REFORM (MAR) AND SULPICIO BOMBALES, RESPONDENTS.

G.R. No. 80719. September 26, 1989

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

This case involves the issue of the power of review of the Court of Appeals over the administrative decision on the transfer of the land to the tenant-farmer under Presidential Decree No. 27 and the amendatory and related decrees.

The facts are few and simple. On December 25, 1975, petitioner filed a sworn application for retention of her riceland or for exemption thereof from the Operation Land Transfer Program with the then Ministry of Agrarian Reform (MAR), Regional Office in Tabaco, Albay. After due hearing, Atty. Cidarminda Arresgado of the said office filed an investigation report dated June 26, 1980 for the cancellation of the Certificate of Land Transfer (CLT) of private respondent who appears to be petitioner's tenant over her riceland. Upon failure of the Ministry to take the necessary action, petitioner reiterated her application sometime in 1979-1985 alleging that her tenant deliberately failed and refused to deliver her landowner's share from 1975 up to the time of the filing of the said application and that the latter had distributed his landholding to his children. A reinvestigation was conducted this time by Atty. Seth Evasco who on October 31, 1985 filed his report recommending the cancellation of private respondent's CLT. Said report was elevated to the MAR. In an endorsement dated November 25, 1985, Regional Director Salvador Pejo manifested his concurrence with the report of Atty. Evasco holding that the properties of the petitioner consist of 4.3589 hectares as evidenced by Transfer Certificates of Title Nos. 27167, 27168 and 27344 and hence not covered by the Operation Land Transfer Program. Juanita L. Lorena, the Officer-in-Charge of MAR likewise concurred therewith. However, in the order dated February 13, 1986, then Minister Conrado Estrella denied petitioner's application for retention.

On April 17, 1986, petitioner appealed to the then Intermediate Appellate Court (IAC). The case was entitled Hilda Ralla Almine vs. MAR and docketed as AC-G.R. SP No. 08550. Private respondent filed a motion to dismiss the appeal. However, it was denied in an order dated May 28, 1986. A motion for reconsideration thereof was likewise denied. After the parties filed their respective pleadings, the Court of Appeals rendered a decision dated June 29, 1987[1] dismissing the appeal on the ground of lack of jurisdiction holding that questions as to whether a landowner should or should not be allowed to retain his landholdings, if administratively decided by the Minister of Agrarian Reform, are appealable and could be reviewed only by the Court of Agrarian Relations and now by the Regional Trial Courts pursuant to Batas Pambansa Blg. 129, otherwise known as the Judiciary Reorganization Act of 1980.[2] Petitioner filed a motion for reconsideration but the same was denied in a resolution dated October 22, 1987.[3]

Hence, the present petition.

Petitioner's posture is that it is an error for the respondent appellate court to dismiss the appeal on the ground of lack of jurisdiction since under Section 9 of Batas Pambansa Blg. 129, said appellate court is vested with the exclusive appellate jurisdiction over all decisions, resolutions, or orders of quasi-judicial agencies except those falling within the appellate jurisdiction of the Supreme Court. Petitioner argues that since the appeal involves both calibration of the evidence and the determination of the laws applicable thereto, then an appeal to the Court of Appeals is the appropriate remedy and hence her appeal should not have been dismissed. Petitioner argues further that on the assumption that the Court of Appeals has no jurisdiction on the matter, still the appeal should not have been dismissed but should have been certified to the proper court citing Section 3 of Rule 50 of the Revised Rules of Court.

The Court of Agrarian Relations has original and exclusive jurisdiction as follows:

"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 Commission; Provided, That no case involving the determination of rentals over any kind of tenanted agricultural land shall be taken cognizance of by the Courts of Agrarian Relations unless there has been a prior fixing of provisional rental by the Department of Agrarian Reform, except that the tenant-farmer may directly bring the case for immediate determination by the Courts of Agrarian Relations;

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 the 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;

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Provided, further, That the decision of the Secretary of Agrarian Reform may be appealed to the President of the Philippines."^[4]

A perusal of the provision above cited reveals that questions as to whether a landowner should or should not be allowed to retain his landholdings are exclusively cognizable by the Minister (now Secretary) of Agrarian Reform whose decision may be appealed to the Office of the President and not to the Court of Agrarian Relations. These cases are thus excluded from those cognizable by the then CAR, now the Regional Trial Courts. There is no appeal from a decision of the President. However, the said decision may be reviewed by the courts through a special civil action for certiorari, prohibition or mandamus, as the case may be under Rule 65 of the Rules of Court.

Thus, the respondent appellate court erred in holding that it has no jurisdiction over the petition for review by way of certiorari brought before it of a decision of the Minister of Agrarian Reform allegedly made in grave abuse of his discretion and in holding that this is a matter within the competence of the Court of Agrarian Reform. The Court of Appeals has concurrent jurisdiction with this Court and the Regional Trial Court over petitions seeking the extraordinary remedy of certiorari, prohibition or mandamus.[5]

The failure to appeal to the Office of the President from the decision of the Minister of Agrarian Reform in this case is not a violation of the rule on exhaustion of administrative remedies as the latter is the alter ego of the President.[6]

WHEREFORE, the petition is GRANTED. The decision of the Court of Appeals dated June 29, 1987 and its resolution dated October 22, 1987, in CA-G.R. SP NO. 08550 are set aside and the records of the case are remanded to said appellate court for further proceedings. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Penned by Associate Justice Ricardo Pronove, Jr., and concurred in by Associate Justices Esteban Lising and Bonifacio A. Cacdac, Jr.

[2] Pages 14-16, Rollo.

[3] Page 17, Rollo.

[4] Section 12, P.D. No. 946, (Reorganizing the Courts of Agrarian Relations, Streamlining Their Procedures And For Other Purposes).

[5] Sections 9 (1) and 21(1), B.P. Blg. 129; Section 5 (1); Article VIII, 1987 Constitution.

[6] Tulawie vs. Provincial Agriculturist of Sulu, 11 SCRA 611 (1964); Santos vs. Secretary of Public Works and Communications, 19 SCRA 636 (1967); Gonzales vs. Hechanova, 9 SCRA 230 (1963).

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