

**NINA M. QUISMUNDO, PETITIONER, VS. HON. COURT OF APPEALS,
HON. REYNALDO B. DAWAY, FELICISIMO OCAMPO, CATALINO
OCAMPO, PEDRO MARQUEZ, ROMEO ENRIQUEZ AND HERMINIO
YUSON, RESPONDENTS.**

G.R. No. 95664. September 13, 1991

Ponente: REGALADO, J.

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REGALADO, J.:

This petition for review on certiorari seeks the reversal of the decision and resolution of respondent Court of Appeals in CA-G.R. SP No. 16418,[1] dated November 29, 1989 and October 9, 1990, respectively, which upheld the jurisdiction of the Regional Trial Court of Angeles City, Branch 58, in AGRA. Case No. 5174.[2]

It appears that on February 19, 1988, private respondents, as tenants of petitioner, filed a complaint with the trial court praying that their relationship with petitioner be changed from share tenancy to a leasehold system, pursuant to Section 4 of Republic Act No. 3844, as amended, their request therefor having been denied by petitioner.[3]

On March 2, 1988, private respondents further filed a motion for the issuance of an order authorizing the supervision by the deputy sheriff of the court of the harvesting and liquidation of the 1987-1988 sugarcane crops, which motion was granted by the trial court in an order dated March 3, 1988.[4]

On March 16, 1988, petitioner filed a motion to dismiss on the ground of lack of cause of action since the law that should allegedly govern the relationship of the parties is Act No. 4115, as amended by Commonwealth Act No. 271, and not Republic Act No. 3844, as amended. The trial court denied the motion for lack of merit in an order dated June 2, 1988.[5]

On June 18, 1988, petitioner filed a motion for reconsideration of the denial order, invoking as an additional ground the lack of jurisdiction of the court over the case under the authority and by reason of the Comprehensive Agrarian Reform Program, specifically Executive Order No. 229 and Republic Act No. 6657.[6]

Pending the resolution of said motion for reconsideration, private respondents filed another motion dated November 9, 1988, for the supervision of harvesting. On December 6, 1988, the trial court granted the motion of private respondents and denied petitioner's motion for reconsideration.[7]

Petitioner then elevated the controversy to respondent court on a petition for certiorari but, as stated at the outset, said court upheld the jurisdiction of the court below, ruling that:

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"Second. The right of the private respondents to choose leasehold tenancy is governed by RA 3844. We find nothing in Proclamation No. 131, E.O. No. 229 and RA 6657 divesting the trial court of jurisdiction over the case. To be sure, RA 6657 was enacted on June 10, 1988 or later than the filing of the Complaint in AGRA Case No. 5174 on February 13, 1988. On the other hand, sec. 27 of E.O. 229 approved on July 22, 1987

provides that" . . . the provisions of RA 3844 and other agrarian laws not inconsistent with this order shall have suppletory effect." We see no inconsistency between RA 3844 and E.O. No. 229 with respect to the jurisdiction of the trial court over the cause of action of the private respondent who desires to adopt a leasehold system pursuant to RA 3844. E.O. No. 229 vests quasi-judicial powers on the DAR to determine and adjudicate 'agrarian reform matters' subject of Proclamation No. 229.[8] We hold that the right of private respondents to adopt a leasehold system under RA 3844 is distinct and separate and not affected by the enactment of E.O. No. 229 and, hence, may be enforced pursuant to the judicial mechanism provided for by RA 3844".[9]

Petitioner's motion for reconsideration was denied by respondent Court of Appeals in its resolution dated October 9, 1990.[10] Not satisfied therewith, petitioner is now before us raising the sole issue of jurisdiction.

It is the contention of petitioner that the Regional Trial Court of Angeles City has no jurisdiction to try the case at bar considering that the exclusive original jurisdiction to adjudicate agrarian cases has already been vested in the Department of Agrarian Reform (DAR) by Executive Order No. 229, as amended by Republic Act No. 6657.

We find said contention tenable.

Executive Order No. 229, which provides for the mechanism for the implementation of the Comprehensive Agrarian Reform Program instituted by Proclamation No. 131, dated July 22, 1987, vests in the Department of Agrarian Reform quasi-judicial powers to determine and adjudicate agrarian reform matters. The pertinent provision of said executive order reads as follows:

"SECTION 17. Quasi-Judicial Powers of the DAR. — The DAR is hereby vested with quasi-judicial powers to determine and adjudicate agrarian reform matters, and shall have exclusive original jurisdiction over all matters involving implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the DENR and the Department of Agriculture (DA).

"The DAR shall have powers to punish for contempt and to issue subpoena, subpoena duces tecum and writs to enforce its order or decisions.

"The decisions of the DAR may, in proper cases, be appealed to the Regional Trial Courts but shall be immediately executory notwithstanding such appeal."

The above quoted provision should be deemed to have repealed[11] Section 12 (a) and (b) of Presidential Decree No. 946 which invested the then courts of agrarian relations with original exclusive jurisdiction over cases and questions involving rights granted and obligations imposed by presidential issuances promulgated in relation to the agrarian reform program.

Formerly, under Presidential Decree No. 946, amending Chapter IX of Republic Act No. 3844, the courts of agrarian relations had original and exclusive jurisdiction over "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" and "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," except those matters involving the administrative implementation of the transfer of land to the tenant-farmer under Presidential Decree No. 27 and amendments thereto which shall be exclusively cognizable by the Secretary of Agrarian Reform. [12]

In 1980, upon the passage of Batas Pambansa Blg. 129, otherwise known as the Judiciary Reorganization Act, the courts of agrarian relations were integrated into the regional trial courts and the jurisdiction of the former was vested in the latter courts. [13]

However, with the enactment of Executive Order No. 229, which took effect on August 29, 1987, fifteen (15) days after its release for publication in the Official Gazette^[14], the regional trial courts were divested of their general jurisdiction to try agrarian reform matters. The said jurisdiction is now vested in the Department of Agrarian Reform.

Thus, in the case at bar, the Regional Trial Court of Angeles City, at the time private respondents filed their complaint, was already bereft of authority to act on the same. The allegation of private respondents that their complaint was filed on November 3, 1987, and not on February 13, 1988 as found by the Court of Appeals, is immaterial since as of either date Executive Order No. 229 was already in effect.

The foregoing holding is further sustained by the passage of Republic Act No. 6657, the Comprehensive Agrarian Reform Law, which took effect on June 15, 1988. The said law contains provisions which evince and support the intention of the legislature to vest in the Department of Agrarian Reform exclusive jurisdiction over all agrarian reform matters.

Section 50 of said Act substantially reiterates Section 17 of Executive Order No. 229 vesting in the Department of Agrarian Reform exclusive and original jurisdiction over all matters involving the implementation of agrarian reform, to wit:

"SECTION 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)."

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In addition, Sections 56 and 57 thereof provide for the designation by the Supreme Court of at least one (1) branch of the regional trial court within each province to act as a special agrarian court. The said special court shall have original and exclusive jurisdiction only over petitions for the determination of just compensation to landowners and the prosecution of criminal offenses under said Act. Said provisions thus delimit the jurisdiction of the regional trial courts in agrarian cases only to these two instances.

It is also worth noting at this juncture that the resolution of this case by the Department of Agrarian Reform is to the best advantage of private respondents since it is in a better position to resolve agrarian disputes, being the administrative agency possessing the necessary expertise on the matter. Further, the proceedings therein are summary in nature and the department is not bound by technical rules of procedure and evidence, to the end that agrarian reform disputes and other issues will be adjudicated in a just, expeditious and inexpensive action or proceeding.^[15]

WHEREFORE, the petition at bar is GRANTED. The decision of the Court of Appeals is REVERSED and another judgment is hereby rendered declaring NULL and VOID the orders of the lower court dated March 3, 1988, June 2, 1988 and December 6, 1988. The respondent judge, or whosoever now presides over the court a quo or to which the case is assigned, is ordered to cease and desist from further proceeding with AGRA. Case No. 5176 which is hereby dismissed for lack of jurisdiction, without prejudice, however, to the refiling of the same with the Department of Agrarian Reform.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, and Padilla, JJ., concur.
Sarmiento, J., on leave.

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- [1] Penned by Justice Reynato S. Puno, with the concurrence of Justices Jorge S. Imperial and Filemon H. Mendoza.
- [2] Judge Reynaldo B. Daway, presiding.
- [3] Rollo, 34.
- [4] Ibid., 40.
- [5] Ibid., 45.
- [6] Ibid., 46.
- [7] Ibid., 49.
- [8] This should read "Proclamation No. 131."
- [9] Ibid., 29-30.
- [10] Ibid., 32.
- [11] Sec. 30 of Executive Order No. 229 provides: "All laws, issuances, decrees, or any parts thereof inconsistent with the provisions of this Order are hereby repealed or amended accordingly."
- [12] Sec. 12(a) and (b), P.D. No. 946.
- [13] Romero, et al. vs. Court of Appeals, et al., 147 SCRA 183 (1987); Sec. 19(7), B.P. Blg. 129.
- [14] 83 O.G. (Supp. No. 30) 3422-0-36, July 27, 1987 issue.
- [15] Sec. 50, Republic Act No. 6657.

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