

**DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD
(DARAB) AND PROVINCIAL AGRARIAN REFORM ADJUDICATOR FE
ARCHE-MANALANG, DEPARTMENT OF AGRARIAN REFORM (DAR),
PETITIONERS, VS. COURT ...**

G.R. Nos. 113220-21. January 21, 1997

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

In this petition for review under Rule 45 of the Rules of Court, petitioners Department of Agrarian Reform Adjudication Board (DARAB) and Fe Arche-Manalang, Provincial Agrarian Reform Adjudicator (PARAD) for the Province of Rizal, seek to set aside, in part, the 23 September 1993 Decision [1] of the Court of Appeals (former Special Third Division) in the consolidated cases CA-G.R. SP No. 30474 and CA-G.R. SP No. 31179, and its 27 December 1993 Resolution [2] denying their partial motion for reconsideration of the said decision. The private respondents herein were the petitioners below.

The Court of Appeals aptly summarized the material facts leading to the instant petition in this wise:

These cases were consolidated in view of the fact that they involve the same petitioners and the same issue concerning the right of BSB Construction and Agricultural Development Corp. (hereafter BSB Construction) to develop a parcel of land into a housing subdivision, against the claim of private respondents that they are tenant-farmers entitled to the benefits of the Comprehensive Agrarian Reform Law of 1988 (Rep. Act No. 6657).

Background of CA-G.R. SP NO. 30474

On March 10, 1993 private respondents Salvador O. Abogne, Artemio Catamora and Raul Ordan filed a complaint with the Provincial Agrarian Reform Adjudicator (PARAD) at Teresa, Rizal, praying that they be maintained in the peaceful possession and cultivation of a portion, consisting of 12 hectares, of the land in question. The land, which has a total area of 45 hectares, is located at Barangay San Isidro, Antipolo, Rizal. In their complaint docketed as PARAD Case No. IV-0075-93, private respondents alleged that they are farmworkers and occupant-tillers of the land in question; that the land is an [sic] agricultural land; that they had invested efforts and money in cultivating and planting it with various fruit trees and root crops; that on March 4, 1993 the portion of the land they were cultivating had been bulldozed at the instance of Federico Balanon and other individuals acting in behalf of the petitioner BSB Construction, as a result of which the improvements made by them on the land were destroyed. For this reason private respondents asked the PARAD for an order restraining the herein petitioners from further bulldozing the property and maintain them in the peaceful possession of the land.

On the same date (March 10, 1993) the complaint was filed, the Provincial Adjudicator, Fe Arche-Manalang, issued an order enjoining the BSB Construction and all persons representing it “to cease and desist from undertaking any further bulldozing and development activities on the property under litigation or from committing such other acts tending to disturb the status quo.”

On March 12, 1993 petitioners filed a complaint with the Department of Agrarian Reform Adjudication Board (DARAB) at Diliman, Quezon City, in which they sought the nullification of the restraining order issued by the PARAD. They alleged that the land in question is not an agricultural, but residential, land and that the petitioners before the PARAD, who are the herein respondents Abogne, Catamora, and Ordan are not tenant-farmers but mere squatters; that through Atty. Eduardo Inlayo, who is chief legal counsel of the Department of Agrarian Reform, private respondents had filed a criminal case for illegal conversion of agricultural land against Federico Balanon, president of BSB Construction; and that Atty. Inlayo and PARAD Fe Arche-Manalang, who are officials of the DAR, had conspired with each other and acted maliciously in issuing the restraining order without regard to its consequences, without first hearing the herein petitioners.

Without waiting for any action on their complaint before the DARAB, the petitioners, on March 19, 1993, filed the present petition for certiorari, substantially alleging the same matters and praying for the annulment of the restraining order issued by the PARAD, on the ground that the order was issued capriciously, whimsically, and in excess of the jurisdiction of the PARAD.

Background of CA-G.R. SP NO. 31179

In turn, after the filing of the petition in CA-G.R. SP No. 30474 with this Court, another group, claiming the same right to the cultivation of the land in question, filed a complaint with the DARAB against the petitioner BSB Construction, represented by its president, Federico Balanon. The complainants, who are the herein private respondents Lourdes Bea, Benjamin Enriquez, and Natividad Enriquez, alleged that they too are farmworkers and occupant-tillers of the same portion being cultivated by the private respondents in CA-G.R. SP No. 30474. In substantially the same way, they alleged that they had invested money and effort to develop the portion of the land into a “compact agricultural undertaking,” planting it with various fruit trees and root crops; that on March 4, 1993 petitioner BSB Construction bulldozed the portion of the land cultivated by Salvador Abogne, Artemio Catamora and Raul Ordan (private respondents in CA-G.R. SP No. 30474) and were determined to bulldoze the entire land with the result that they would be ejected therefrom. Private respondents asked for a temporary restraining order because of what they feared would be great and irreparable damage to them and their source of livelihood.

On the same day (May 6, 1993), the DARAB issued a “status quo order”, the dispositive portion of which states:

WHEREFORE, premises considered, Order is hereby given to:

1. The Respondents BSB Construction and Agricultural Development Corporation represented by Federico Balanon and any individual or group of individuals acting pursuant to or under their command, not to bulldoze and scrape the fruit-bearing trees and root crops thereon, harass and disturb the peaceful possession of Petitioners over the landholding in question pendente lite under pain of contempt by this Board;
2. The DARAB Provincial Sheriff for the Province of Rizal, the Municipal Agrarian, Reform Officer for the Municipality of Antipolo, Rizal, the Provincial Agrarian Reform Officer for the Province of Rizal and the Philippine National Police unit in the Municipality of Antipolo, Rizal to see to it that Petitioners are not harassed, disturbed and that peaceful possession of their tillage over the landholding in question is maintained pendente lite and to submit [a] compliance report of this Order within five (5) days from receipt hereof.

SO ORDERED.

The DARAB justified its order as necessary “to protect the interests of both parties pendente lite, not to preempt the decision of the Hon. Adjudicator for the province of Rizal in Region Case No. IV-RI-0075-93 and not to make a mockery of our democratic processes.”

BSB Construction and Carol Baucan, who is one of the registered owners of the land in question, then filed the

petition for certiorari [under Rule 65] in this case (CA-G.R. SP No. 31179), contending that the land is not covered by the Comprehensive Agrarian Reform Law and, therefore, the complaint filed in the DARAB is not within the latter's jurisdiction.

PARAD Case No. IV-RI-0075-93, subject of CA-G.R. SP No. 30474, shall hereafter be referred to as the ABOGNE Case.

The aforementioned DARAB case subject of CA-G.R. SP. No. 31179 was docketed as DARAB Case No. 0100-93 (Reg. Case No. IV-RI-0075) and shall hereafter be referred to as the BEA Case.

Before the Court of Appeals, private respondents BSB Construction and Agricultural Development Corporation and Carol Baucan sought to annul the temporary restraining order issued by PARAD (hereafter PARAD TRO) in PARAD Case No. IV-RI-0075-93 and the Status Quo order issued by DARAB (hereafter DARAB SQO) in DARAB Case No. 0100-93 (Reg. Case No. IV-0075) contending that: (1) the land subject of the proceedings was not agricultural land, it having been declared by former Minister Conrado Estrella to be outside the scope of P.D. No. 27 as far back as 1983 and converted into a residential area before the effectivity of R.A. No. 6657, [3] as evidenced by the issuance of the appropriate Development Permits by the Human Settlements Regulatory Commission; (2) the private respondents below were mere squatters; (3) the complaint in the ABOGNE Case failed to show prima facie entitlement to injunctive relief; (4) the Secretary of Justice issued an opinion to the effect that R.A. No. 6657 did not cover land previously classified as residential in town plans and zoning ordinances approved by the Housing and Land Use Regulatory Board; and (5) the DARAB SQO, having been issued after the Court of Appeals had given due course to their petition in CA-G.R. SP No. 30474, "betray[ed] disrespect to the Court and the rule of law."

In its challenged Decision, the respondent Court disposed as follows:

WHEREFORE, the petition for certiorari and motion for contempt in CA-G.R. SP No. 30474 are DISMISSED.

On the other hand, the petition for certiorari in CA-G.R. SP No. 31179 is GRANTED and the order dated May 6, 1993 and all proceedings in DARAB Case No. 0100-93 (Reg. Case No. IV-RI-0075), including the order of arrest of July 15, 1993, are hereby declared NULL AND VOID.

The Provincial Agrarian Reform Adjudicator is ORDERED to resolve within ten (10) days from notice the application for a writ of preliminary injunction in PARAD Case No. IV-RI-0075-93. Pending resolution by the PARAD of the motion for injunction, the petitioners are ENJOINED from bulldozing or in any way disturbing the private respondents in their possession.

As to the ABOGNE Case (CA-G.R. SP No. 30474), it upheld the validity of the PARAD TRO, ruling that the allegations in the complaint in PARAD Case No. IV-RI-0075-93 clearly indicated the necessity for its issuance; the respondents' contentions were matters of defense; and that, in any event, the issue of the propriety of the issuance of the TRO was already mooted by the expiration of its 20-day lifetime. On other hand, it granted the petition in the BEA Case (CA-G.R. SP No. 31179) and, consequently, set aside the DARAB SQO and the warrant of arrest issued in the BEA Case as the DARAB had no jurisdiction over said the case and violated its Rules of Procedure. It justified the said disposition in this wise:

On the other hand, the "Status Quo Order" issued by the DARAB on May 6, 1993 is, in our view, nothing but an interference in a matter over which it has no jurisdiction. It is true that under the law the DAR is given "primary jurisdiction to determine and adjudicate agrarian reform matters and ... exclusive original jurisdiction over matters involving the implementation of agrarian reform" and to punish those guilty of contempt. (Rep. Act No. 6657, sec. 50) Under the Revised Rules of Procedure of the DAR, however, this power is delegated to Regional Agrarian Reform Adjudicators (RARADs) and to Provincial Agrarian Reform Adjudicators

(PARADs) with respect to matters arising within their respective territorial jurisdiction.

As already stated, the DARAB issued the “Status Quo Order” because of what it perceived to be an effort of the herein petitioners BSB Construction and its officers “to make a mockery of a [sic] democratic processes.” Apparently, the DARAB was referring to the complaint filed with it by petitioners and the petition for certiorari later filed with this Court in CA-G.R. SP No. 30474. That is the reason petitioners charge the DARAB with “disrespect” of this Court.

However, the DARAB should have left the correction of alleged abuse of legal process to this Court instead of issuing the order in question. In issuing the “Status Quo Order” of May 6, 1993, the DARAB only succeeded in ... acting on a matter over which it had no jurisdiction since the case was already pending before its PARAD. Certainly the interest of orderly procedure can not tolerate both the DARAB and the PARAD to act simultaneously or in tandem over the same case. That the complainants ... are different from the complainants before the PARAD cannot conceal the fact that the purpose of the complaint in the DARAB was the same as the purpose of the complaint in the PARAD, namely, for maintenance of peaceful possession. Indeed, in their complaint, Lourdes Bea, Benjamin Enriquez and Natividad plead the cause of the complainants in the PARAD ... They do not assert a cause of action of their own, except a generalized interest in stopping the development of the land into a housing subdivision.

The DARAB should have set the example of [f] observance of orderly procedure instead of issuing the order in question. As our disposition of the issue in CA-G.R. SP No. 30474 shows, the validity of the PARAD order is for this Court to resolve, not for the DARAB.

The DARAB seeks to justify its order on the ground that unless the petitioners were restrained, they would have proceeded with the bulldozing of the land and the destruction of private respondents’ crops. If that is so, it can only be because the 20-day life of the PARAD TRO expired without the latter having resolved the respondents’ application for injunction. The filing of the petition in CA-G.R. SP No. 30474 cannot be cited to justify the PARAD’s failure to resolve the injunctive incident. This Court, duly mindful of Republic Act No. 6657, sec. 55 has studiously avoided issuing a restraining order against the PARAD and the DARAB. There is simply no justification for the DARAB order of May 6, 1993. The least the PARAD could have done was to get the parties to agree to a temporary truce pending resolution of the motion for a writ of preliminary injunction.

Given the nullity of the DARAB order of May 6, 1993 it follows that the DARAB was without power to order the arrest of the petitioner for violation of such order. On the other hand, we do not think that the DARAB committed any contempt of this Court in issuing its order since as already indicated this Court did not really issue any restraining order against the PARAD.

On 12 October 1993, the petitioners herein, as the private respondents below, filed a Partial Motion for Reconsideration of the Decision,[4] contending in the main that the 10-day period mandated by the Court of Appeals within which to resolve the application for preliminary injunction in CA-G.R. SP No. 30474 was too short, impractical and amounted to interference with quasi-judicial procedures governed by a separate and distinct set of rules; and that the DARAB had jurisdiction to issue the SQO, as its delegation of quasi-judicial power to the PARAD did not contemplate total abdication thereof, thus the PARAD’s authority over a case could be modified or withdrawn at any given time. As to the latter, the petitioners further argued that only the DARAB was directly conferred by law with quasi-judicial power, hence primary jurisdiction remained with it and no legal impediment prevented the DARAB from issuing interlocutory orders even in cases pending before the PARAD; the petitioners finally invoked the doctrines of exhaustion of administrative remedies and primary jurisdiction in claiming that judicial intervention in the proceedings was premature, as the DARAB should have been allowed to first pass upon the propriety of the 6 May 1993 Order.

In its resolution [5] of 27 December 1993, the Court of Appeals denied the Partial Motion for Reconsideration, holding that because the 10-day period fixed in the decision was derived from the court's supervisory power to issue the writ of certiorari; moreover, it was imposed:

[I]n view of the restraining order issued enjoining petitioners [private respondents herein] from ... disturbing the private respondents [below] in their possession. It would be unfair to hold the petitioners [private respondents herein] to an indefinite period of restraint without a corresponding limitation on the period within which the PARAD should act on the application for preliminary injunction. [6]

As to the challenge to its Decision in CA-G.R. SP No. 31179, the Court of Appeals ruled that the petitioners cited no authority for their stand and reiterated that to uphold the petitioners' arguments could only result in the subversion of orderly administration of justice.

The petitioners then filed the instant petition wherein they assert that the Court of Appeals committed grave abuse of discretion amounting to lack or excess of jurisdiction in: (a) directing in CA-G.R. SP No. 30474 that the pending incident (application for Writ of Preliminary Injunction) in the ABOGNE Case (PARAD Case No. IV-RI-0075-93) be resolved within a specific period of ten days from notice; and (b) declaring in CA-G.R. SP No. 31179 that all the proceedings in the BEA Case (DARAB Case No. 0100-93 [Reg. Case No. IV-RI-0075]), including the 15 July 1993 arrest order, were null and void.

As to the first, the petitioners argue that: (1) in a special civil action for certiorari, when a supervisory act is too specific (i.e., the 10-day period) that noncompliance therewith is proper for contempt proceedings, the said directive is relieved of the character of an incident of supervision and becomes a separate remedy in itself; (2) the restraining order issued by the Court of Appeals against the private respondents was not necessary as the SQO subsisted pending finality of the ordered nullification of the BEA Case; (3) the directive was premature and constituted undue interference with quasi-judicial proceedings governed by a distinct set of rules, especially in light of the doctrine of primary jurisdiction; (4) any delay in the resolution of the motion for preliminary injunction was attributable to the filing by the private respondents of CA-G.R. SP No. 30474; and (5) since no writ was issued in the ABOGNE Case, no occasion arose for the Court of Appeals to exercise its supervisory power.

With respect to CA-G.R. SP No. 31179, the petitioners rehashed their arguments concerning the DARAB's delegation of quasi-judicial powers to its PARADs or RARADs (Regional Agrarian Reform Adjudicators), then admitted that the two sets of complainants seeking to enjoin the private respondents were similarly situated. As such, the cases were proper for consolidation and the DARAB SQO ensured that PARAD Manalang's authority would not be pre-empted by merely referring to the case pending before the latter. Hence, the Court of Appeals' premise that the DARAB's issuance of the SQO interfered with the PARAD case was not accurate as, in effect, the said Order was issued in a case filed directly and pending with the DARAB.

In their Comment, the private respondents maintain that the Court of Appeals committed no reversible error in its challenged decision.

We resolved to give due course to the petition after the filing of the petitioners' Reply to the Comment of the private respondents, and the latter's Rejoinder thereto.

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The petitioners' first grievance is unfounded. Plainly, the Court of Appeals has certiorari jurisdiction over the PARAD TRO.[7] Such jurisdiction having been invoked with the parties given sufficient opportunity to argue for or against its propriety, the Court of Appeals could, as it did, direct the PARAD to resolve the application for a

writ of preliminary injunction within a specified period. The Court of Appeals must have taken into account the fact that the TRO had already expired, and as shown by the pleadings of the parties, there was an urgent need to resolve the issue. The petitioners ought to remember that under the DARAB Revised Rules of Procedure (hereafter DARAB Revised Rules), it is during the lifetime of the TRO that the parties may be required to present evidence to substantiate their respective positions on the incident and on the main issue or issues of the case. [8] As a matter of fact, in the PARAD TRO of 10 March 1993, PARAD Manalang already set the hearing on the application for a writ “on March 31 1993 at 1:00 p.m.” [9] Indisputably, the 10-day period fixed by the Court of Appeals, counted from PARAD Manalang’s receipt of a copy of the decision, can by no means be considered arbitrary or hasty.

The petitioners equally failed to realize that the Court of Appeals impliedly, yet effectively, extended the lapsed TRO by enjoining the petitioners in CA-G.R. SP No. 30474 and CA-G.R. SP No. 31179 (the respondents in the ABOGNE Case and the BEA Case) from bulldozing or in any way disturbing the complainants in the said cases in their possession. [10] As the petitioners did not question the propriety of the latter, they cannot now be allowed to be duplicitous.

We likewise wish to state that there was another, more persuasive reason why CA-G.R. SP No. 30474 should be dismissed, viz., the prematurity of the petition, which amounted to a lack of cause of action.

We note that the petition in CA-G.R. SP No. 30474 was filed on 19 March 1993, [11] shortly after the private respondents’ “complaint” [12] to nullify the PARAD’s TRO was filed with the DARAB on 12 March 1993. It is precisely for this reason that the petitioners herein, as the respondents in CA-G.R. SP No. 30474, asserted in their answer that exhaustion of administrative remedies was not had below, hence the petition “lacks a cause of action for being evidently premature.” [13] The “complaint,” however disguised, was in reality nothing but an appeal to the DARAB from the PARAD order granting the TRO on the ground of grave abuse of discretion. This was, therefore, a matter covered by §§1 and 2, Rule XIII of the DARAB Revised Rules. Among those matters which may be appealed is an “order or decision of the Regional or Provincial Adjudicator,” on the ground of “grave abuse of discretion on the part of the Regional or Provincial Adjudicator.” This appeal is, undoubtedly, an administrative remedy, which has not been shown to be inadequate. Not having yet fully exhausted the administrative remedies which they had already invoked, the private respondents cannot be permitted to abandon the same at their chosen time and leisure and invoke the jurisdiction of the regular courts.[14] Failure to exhaust administrative remedies is fatal to a party’s cause of action and a dismissal based on that ground is tantamount to a dismissal based on lack of cause of action.[15]

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Likewise, the Court of Appeals correctly set aside the DARAB SQO of 6 May 1993 and annulled all proceedings in DARAB Case No. 0100-93 (Reg. Case No. IV-RI-0075-93). Under the DARAB Revised Rules, the DARAB was without authority to initially take cognizance of the case.

In insisting that the DARAB had jurisdiction over the BEA Case (DARAB Case No. 0100-93 [Reg. Case No. IV-RI-0075]), the petitioners posit that the DAR/DARAB was vested by §50 of R.A. No. 6657 with primary jurisdiction to determine and adjudicate agrarian reform matters, and exclusive original jurisdiction over all matters involving the implementation of agrarian reform, subject to the exceptions therein provided. Further, the DAR/DARAB never abdicated, but merely delegated that authority to the RARADs and the PARADs under the DARAB Revised Rules; thus, the fact that a similar case was already pending with any of the PARADs (as it relates to provincial coverage) or RARADs (as to administrative regions of the DAR) did not, by itself, automatically divest the DARAB of its jurisdictional competence. The petitioners finally argue that since “the

function/authority/jurisdiction of the PARADs/RARADs, is only DELEGATED ... DAR/DARAB, cannot ... be said to have totally unloaded the power/responsibility conferred by statute, to the delegate.” As to the DARAB SQO, the petitioners claim that it was issued under the DARAB’s original jurisdiction or in aid of its appellate jurisdiction.

We find the petitioners’ theses extremely difficult to divine and their arguments a bit convoluted. There is an obvious effort to either fashion out a bizarre interpretation of or to suspend the DARAB Revised Rules to justify the DARAB’s assumption of jurisdiction over the BEA Case (DARAB Case No. 0199-93 [Reg. Case No. IV-RI-0100-93]).

It must be stressed that under §50 of R.A. No. 6657, it is the DAR which is vested with primary jurisdiction to determine and adjudicate agrarian reform matters, and exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive original jurisdiction of the Department of Agriculture and the Department of Environment and Natural Resources. Further exceptions to the DAR’s exclusive original jurisdiction are provided for in §§56 and 57 of the Act which vest in the trial courts (designated by the Supreme Court as Special Agrarian Courts) original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners and the prosecution of all criminal offenses under the Act.

In order “to achieve a just, expeditious and inexpensive determination of every action or proceeding before it,” the DAR is mandated “to adopt a uniform rule of procedure,” [16] which is, at present, the DARAB Revised Rules. Thereunder, the DAR’s exclusive original jurisdiction is exercised through hierarchially arranged agencies, namely, the DARAB, RARAD and PARAD. The latter two exercise “delegated authority,” while the first exercises appellate jurisdiction over resolutions, orders, decisions and other dispositions of the RARAD and the PARAD, and “functional supervision” over the RARAD and the PARAD. §§1 to 5, Rule II (Jurisdiction of the Adjudication Board) of the DARAB Revised Rules specifically provide as follows:

SECTION 1. Primary, original and appellate jurisdiction. -- The Agrarian Reform Adjudication Board shall have primary jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive order Nos. 229, 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.

x x x

Section 2. Delegated Jurisdiction. -- The Regional Agrarian Reform Adjudicators (RARAD) and the Provincial Agrarian Reform Adjudicators (PARAD) are empowered to receive, hear, determine and adjudicate all agrarian cases and disputes, and incidents in connection therewith, arising within their respective territorial jurisdiction.

Section 3. Functional Relationship. -- The Board shall exercise functional supervision over the RARADs; and the PARADs. For administrative purposes, however, the RARADs and the PARADs are deemed to form part of the DAR Regional Office where they are stationed, and as such, shall be given administrative support by their respective Regional and Provincial offices, in terms of office space, personnel services, equipment and supply, and other facilities.

Section 4. Role of the RARAD. -- The RARAD shall be the Executive Adjudicator in his region directly responsible to the Board. As such, he shall coordinate and monitor the work of the PARADs in his region and see to it that their dockets do not remain clogged. He shall receive, hear, and adjudicate the following cases:

- (a) cases that cannot be handled by the PARAD on account of inhibition or disqualification;
- (b) cases brought directly before him which for some cogent reason, cannot be properly handled by the PARAD concerned;
- (c) cases of such complexity and sensitivity that the decision thereof would constitute an important precedent affecting regional or national interests; and
- (d) such other cases which the Board may assign to him.

Section 5. Appellate Jurisdiction. -- The Board shall have exclusive appellate jurisdiction to review, reverse, modify, alter or affirm resolutions, orders, decisions, and other dispositions of its RARAD and PARAD.

While §§1, 2 and 3, Rule IV (Commencement of Actions, Venue and Cause of Action) of the DARAB Revised Rules read as follows:

Section 1. Complaint or Petition. -- An action before the Adjudication Board or its Adjudicators, shall be initiated by filing a complaint or petition with the Provincial Agrarian Reform Adjudicator (PARAD) of the Province where the land is located. ...

Section 2. Venue. -- (a) All actions shall be brought before the PARAD of the province where the land or other property involved is located. ...

Section 3. One suit for a single cause of action. -- Multiple suits based on a single cause of action for the enforcement or protection of a right or prevention or redress of a wrong shall not be allowed. If a single cause of action is split and two (2) or more complaints or petitions are instituted for different parts thereof, the filing of the first complaint or petition may be pleaded as a ground for dismissal of the others, and a judgment on the merits in any one of them may be availed of as a bar to the others.

To avoid multiplicity of suits, §3, Rule VIII of the DARAB Revised Rules provides:

Section 3. Totality of Case Assigned. -- When a case is assigned to a RARAD or PARAD, 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.

It indisputably follows that all actions pursued under the exclusive original jurisdiction of the DAR, in accordance with §50 of R.A. No. 6657, must be commenced in the PARAD of the province where the property is located and that the DARAB only has appellate jurisdiction to review the PARAD's orders, decisions and other dispositions.

Consequently, the DARAB was not possessed of jurisdiction to take cognizance, in the first instance, of the BEA Case (DARAB Case No. 0100-93 [Reg. Case No. IV-RI-0075-93]). In fact, it was fully aware of the ABOGNE Case (PARAD Case No. IV-RI-0075-93), for which reason it indicated in parenthesis the latter's docket number after the original docket number of the case originally assigned to the BEA Case. The DARAB should have forthwith indorsed or referred the case to the PARAD of Rizal, which would then either treat it as a separate complaint to be consolidated with PARAD Case No. IV-RI-0075-93, or consider it a complaint in intervention in the latter. The aforementioned §3, Rule VIII of the DARAB Revised Rules dictated such a course of action on the part of the DARAB.

Neither may the DARAB now claim that it issued the SQO in aid of its appellate jurisdiction, since it recognized, as an original complaint, the BEA Case.

Needless to state, the DARAB was without authority to issue the SQO, much less the warrant of arrest. Its action was a clear violation of its DARAB Revised Rules. Any suggestion that it has unfettered discretion to suspend its

own rules is unacceptable. For one, DARAB “should have set the example or observance of orderly procedure,” as stated by the Court of Appeals; for another, it would render its own Revised Rules of Procedure uncertain and whose permanence would be dependent upon the instability of the whims and caprices of the DARAB.

WHEREFORE, the instant petition is hereby DENIED. The challenged Decision of 23 September 1993 and Resolution of 27 December 1993 of the Court of Appeals (former Special Third Division) in the consolidated cases CA-G.R. SP Nos. 30474 and 31779, are hereby AFFIRMED.

No pronouncements as to costs.
SO ORDERED.

Narvasa, C.J., (Chairman), Melo, Francisco, and Panganiban, JJ., concur.

[1] Original Record (OR), CA-G.R. SP Nos. 30474 and 31779, 139-149; Rollo, 27-37. Per Mendoza, J. (now Associate Justice of the Supreme Court), with Lagamon and Pardo, JJ., concurring.

[2] Id., 174-176; Id., 38-40.

[3] Entitled “An Act Instituting A Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation, and for Other Purposes.”

[4] OR, 150-165.

[5] Supra note 2.

[6] OR, 175; Rollo, 39.

[7] §1, Rule XIV, DARAB Revised Rules of Procedure; §54, R.A. No. 6657.

[8] §3, Rule X, DARAB Revised Rules of Procedure.

[9] OR, 18.

[10] Rollo, 37.

[11] OR, 1-11.

[12] Id., 67 et seq. This complaint is Annex “1” of the Answer therein.

[13] Id., 63, citing *Pestañas v. Dyogi*, 81 SCRA 574 [1978]; *Aboitiz and Co., Inc. v. Collector of Customs*, 83 SCRA 265 [1978].

[14] See *Teotico v. Agda*, 197 SCRA 675 [1991].

[15] See *Baguioro v. Basa*, 214 SCRA 437 [1992].

[16] Second paragraph, §50, R.A. No. 6657.

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