

ANTONIO T. TIONGSON, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, TENTH DIVISION, HON. JUANITO M. CAGAMPAN, IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT, FIRST JU...*G.R. Nos. 85403-06. September 23, 1992*

Ponente: DAVIDE, Jr., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-85403-06/>

DAVIDE, Jr., J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court, with a prayer for the issuance of a preliminary mandatory injunction, to modify the 25 May 1988 Decision[1] of the Court of Appeals in C.A.-G. R. SP Nos. 11090-93 which nullified the order of Branch 46 of the Regional Trial Court[2] (RTC) of Pangasinan in CAR Cases Nos. 760-802 and 806-810 dated 29 October 1985. The order adverted to dismissed the said cases for lack of jurisdiction and advised the parties to file the same before the Ministry of Agrarian Reform.

In issue then is the jurisdiction of the Regional Trial Courts over agrarian cases.

The antecedent facts, as gathered from the pleadings, are as follows:

In June of 1972, twenty-seven (27) complaints were filed by the private respondents or their predecessors-in-interest against petitioner Antonio Tiongson with the defunct Court of Agrarian Relations in Urdaneta, Pangasinan; these cases were docketed as CAR Cases Nos. 1842-TP'72 to 1875-TP'72.[3] The complaints sought (a) a change from share tenancy to the leasehold system, (b) the fixing of legal rentals, and (c) the award of damages. Complainants claimed to be the tenants in the petitioner's landholding in Pinmaludpod, Urdaneta, Pangasinan, and alleged that with the declaration of the area where the said landholding is located as a land reform area, their tenancy relationship with the petitioner automatically became one governed by the leasehold system. In his Answer, petitioner denied the material allegations in the complaints; asserted as special and affirmative defenses that based on the milling contract, the subject landholding is primarily devoted to sugarcane and that the private respondents are not tenants but mere seasonal or hired laborers working thereon who have no right to demand a shift to the leasehold system; and set up counterclaims for damages and attorney's fees.[4]

Pre-trial then ensued and was terminated on 15 December 1972. The initial joint hearing on the merits set for 11 and 12 May 1973 was postponed and reset for 4 June 1973 because of the possibility of an amicable settlement. During the next two (2) hearings scheduled after the postponement, however, the private respondents failed to appear despite due notice. This prompted the court to dismiss the complaints without prejudice for failure to prosecute, but allowed the petitioner to present his evidence ex-parte in support of his counterclaims.[5] Following an urgent ex-parte motion filed by the petitioner to prohibit private respondents from entering his landholding, the court, in an order dated 7 November 1973, commanded the private respondents to refrain from entering the landholding in question and to stop molesting and disturbing the petitioner's possession and cultivation thereof.[6] On 10 June 1974, the Court of Agrarian Relations promulgated a decision ordering private

respondents to pay the petitioner P200.00 as attorney's fees; dismissing all other claims and/or counterclaims of the petitioner; and making permanent the interlocutory order dated 7 November 1973.[7] Private respondents appealed this decision to the Court of Appeals which docketed the same as C.A.-G.R. Nos. SP 03165-91. On 1 April 1976, the said court promulgated its decision declaring the lower court's order of 7 November 1973 as temporary in nature until after the issue of tenancy shall have been resolved and holding that the private respondents may refile their complaints within a reasonable time.[8]

Consequently, in June of 1978, the private respondents filed, against the petitioner, new cases before Branch 46 of the RTC of Pangasinan for the change of share tenancy to the leasehold system and for the fixing of rentals. The cases were docketed as CAR Cases Nos. 760-802-UP'78 and 806-810-UP'78. After the answers with counterclaims were filed, the private respondents moved for the withdrawal of the complaints and/or their referral to the then Ministry of Agrarian Reform (MAR) pursuant to Presidential Decree (P.D.) No. 946. After hearing the opposition thereto, the court resolved to deny the motion. Again, the private respondents moved to dismiss their counterclaim and/or refer the same -- together with the petitioner's opposition thereto, the motion for liquidation and the amendment and supplement to the latter -- to the MAR. Acting thereon, the trial court, then presided over by respondent Judge Juanito Cagampang, issued on 29 October 1985 an order[9] the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing considerations, the above-entitled cases are hereby dismissed for lack of jurisdiction thus consequently the counterclaim of the defendant as well as its motion for liquidation become of no consequence. The parties are hereby advised to file their causes of action before the Ministry of Agrarian Reform, the proper forum.

SO ORDERED."

Petitioner challenged this order in a petition for certiorari and mandamus which he filed with the public respondent Court of Appeals and which was docketed therein as C.A.-G.R. SP Nos. 11090-93. The principal issue raised therein was whether or not the trial court acted with grave abuse of discretion in dismissing the cases and in denying the petitioner's motion for accounting and liquidation.

On 25 May 1988, public respondent promulgated its decision,[10] the dispositive portion of which reads:

"IN VIEW OF THE FOREGOING, the petition is hereby granted; accordingly, the questioned Order dated October 29, 1985, is declared null and void, and the lower court is directed to assume jurisdiction over the cases before it insofar as the defendant's motion for liquidation is concerned, after which, the proceedings shall be suspended to allow the Ministry (now Department) of Agrarian Reform to certify whether or not the cases are proper for trial.

SO ORDERED."[11]

It supported this disposition with the following disquisitions:

"Nowhere in the entire body of agrarian reform laws or its implementing rules and regulations is there a provision sustaining the lower court's Order in question.

Notably, Section 12 of P.D. No. 946, a portion of which is quoted by the lower court in its Order, is a general provision on the jurisdiction, original and exclusive, of the Court of Agrarian Relations over the subject matter of agrarian disputes. The portion quoted in the questioned Order admits a (sic) proviso wherein matters involving the administrative implementation of the transfer of land, etc. is cognizable by the Secretary of Agrarian Reform (emphasis supplied).

The case at bar does not involve the administrative implementation of the transfer of land. Rather, the issues

raised are whether or not the plaintiffs are the tenants of the landholding and whether or not the subject lands are primarily devoted to corn or sugarcane. We believe that the jurisdiction to determine these issues properly belongs to the lower court.

However, since the instant case involves the issue of tenancy wherein the defendant as landowner denies the existence and further claims that the land is not primarily devoted to corn but to sugarcane which could result in ejectment, referral to the Ministry of Agrarian Reform is mandatory, in which case suspension of the proceedings is proper.

As provided in the penultimate paragraph of Section 12, P.D. No. 946:

'SEC. 12. [penultimate par.]. No judge of the Courts of Agrarian Relations, Courts of First Instance, municipal or city courts, or any other tribunal or fiscal shall take cognizance of any ejectment case or any other case designed to harass or remove a tenant of an agricultural land primarily devoted to rice and/or corn, unless certified by the Secretary of Agrarian Reform as a proper case for trial or hearing by a Court or Judge or other officer of competent jurisdiction, and if any such case is filed, the case shall first be referred to the Secretary of Agrarian Reform or his authorized representative in the locality for a preliminary determination of the relationship between the contending parties. If the Secretary of Agrarian Reform or his authorized representative in the locality finds the case is (sic) a proper case for the Court or Judge or other hearing officer to hear, he shall so certify and such Court, Judge or other hearing officer may assume jurisdiction over the dispute or controversy.'

x x x

This brings Us to the issue of liquidation of the harvest during the referral period or when the jurisdiction of the court is temporarily suspended.

A leading authority on agrarian laws, retired Justice Milagros A. German (now Special Consultant of the Department of Agrarian Reform) is of the opinion as inscribed in her book: *The Agrarian Law in the New Society*, U.P. Law Center Publication 1980 edition, that:

The foregoing case illustrates that, although the jurisdiction of the Court is temporarily suspended, where an interlocutory order must be issued to determine temporarily to whom the harvest shall go or shall belong during the pendency of the referral, the Court on motion of either of the parties can virtually reassume jurisdiction on account of the fact that the DAR Team Office does not have the power to issue an interlocutory order, much less enforce one if ever at all it has dated to do so.

The exponent substantiates her opinion by citing the case of *Santos v. Santos*, CAR Case No. 1404-P (1974), wherein the court, on motion for the supervision or temporary division of harvest to protect the interest of the parties without waiting for the MAR certification, reassumed jurisdiction and issued an order for the temporary liquidation of the palay harvest."^[12]

Petitioner submits the following assignment of errors:

"I

x x x

RESPONDENT COURT OF APPEALS ERRED IN ORDERING THAT CAR CASES NOS. 780-802-UP'78 AND 806-810-UP'78 BE REFERRED TO THE DEPARTMENT OF AGRARIAN REFORM TO CERTIFY WHETHER OR NOT SAID CASES ARE PROPER FOR TRIAL;

II

x x x

AND RESPONDENTS (sic) COURT OF APPEALS ERRED IN NOT ISSUING A PRELIMINARY MANDATORY INJUNCTION THAT (sic) DURING THE PENDENCY OF CAR CASES NOS. 780-802-UP'78 AND 806-810-UP'78, COMMANDING PRIVATE RESPONDENTS TO VACATE THE LAND IN QUESTION AND TO DELIVER THE PEACEFUL POSSESSION AND CULTIVATION THEREOF IN FAVOR OF PETITIONER, PURSUANT TO THE DECISION DATED APRIL 1, 1976 ISSUED BY THE HONORABLE COURT OF APPEALS (ANNEX "C"), WITHOUT PREJUDICE TO THE PROPER ACCOUNTING AND LIQUIDATION OR DIVISION OF THE PREVIOUS HARVESTS, OR IN THE ALTERNATIVE, A PRELIMINARY MANDATORY INJUNCTION BE ISSUED, COMMANDING PRIVATE RESPONDENTS TO DELIVER AT LEAST ½ OF THE NET HARVESTS BEGINNING IN DECEMBER, 1986 TO PETITIONER, AFTER DEDUCTING THE SEEDS AND HARVESTING EXPENSES AND ORDERING PRIVATE RESPONDENTS TO NOTIFY PETITIONER OR HIS REPRESENTATIVE IN WRITING AT LEAST THREE (3) DAYS BEFORE THE REAPING AND THRESHING OF THE PALAY CROPS AND HARVESTING OF COTTON, MONGO, TOMATOE (sic), EGGPLANT AND OTHER CROPS, WITHOUT PREJUDICE TO THE PROPER ACCOUNTING, LIQUIDATION OR DIVISIONS OF THE HARVESTS PREVIOUS TO DECEMBER, 1986."

The rule is settled that the jurisdiction of a court is determined by the statute in force at the time of the commencement of the action.[13]

There can be no question that at the time the complaints in CAR Cases Nos. 760-802-UP'78 and 806-810-UP'78 were filed, the RTC of Pangasinan had no jurisdiction over them pursuant to Section 12 (a) and (b) of P.D. No. 946 which invested the then Courts of Agrarian Relations with original exclusive jurisdiction over cases involving rights granted and obligations imposed by presidential issuances promulgated in relation to the agrarian reform program. However, when Batas Pambansa Blg. 129, otherwise known as the Judiciary Reorganization Act of 1980, took effect, the Courts of Agrarian Relations were integrated into the Regional Trial Courts and the jurisdiction of the former was vested in the latter courts.[14]

It can thus be seen that at the time Branch 46 of the RTC of Pangasinan dismissed the agrarian cases on 29 October 1985, Regional Trial Courts already had jurisdiction over agrarian disputes. The issue that logically crops up then is whether Batas Pambansa Blg. 129 automatically conferred upon the aforesaid Branch 46 jurisdiction over the subject agrarian cases considering that these cases were filed seven (7) years earlier at a time when only the Courts of Agrarian Relations had exclusive original jurisdiction over them. We rule that it did not, for such a defect is fatal. Besides, the grant of jurisdiction to the Regional Trial Courts over agrarian cases was not meant to have any retroactive effect. Batas Pambansa Blg. 129 does not provide for such retroactivity. The trial court did not then err in dismissing the cases. What puzzles Us, however, is the unreasonable delay that characterized the disposition of the cases. Be that as it may, it likewise appears that the parties themselves exerted no special efforts to expedite the determination of their respective rights. The conspiracy of inaction is simply astounding.

Doubtless, if Batas Pambansa Blg. 129 were to be accorded retroactive application and no subsequent law was enacted that would have affected the jurisdiction of the Regional Trial Court over agrarian cases, the challenged decision would be correct. But this is not the case.

On 22 July 1987, the President of the Republic of the Philippines promulgated Executive Order (E.O.) No. 229[15] providing for the mechanisms for the implementation of the Comprehensive Agrarian Reform Program instituted by Proclamation No. 131 dated 22 July 1987. Section 17 thereof provides:

"SEC. 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).

x x x

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

This provision not only repealed Section 12 (a) and (b) of P.D. No. 946,[16] it also divested the Regional Trial Court of its general jurisdiction over agrarian cases under Section 19 (7) of B.P. Blg. 129.

The abovequoted Section 17 of E.O. No. 229 was the governing law at the time the challenged decision was promulgated.

Then, too, Section 50 of R.A. No. 6657, the Comprehensive Agrarian Reform Law, substantially reiterates said Section 17 while Sections 56 and 57 provide for the designation by this Court of at least one (1) branch of the Regional Trial Court in each province to act as a special agrarian court which shall have exclusive original jurisdiction only over petitions for the determination of just compensation and the prosecution of criminal offenses under said Act.

In the case of Quismundo vs. Court of Appeals,[17] this Court, speaking thru Mr. Justice Florenz D. Regalado, declared:

"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 [83 O.G. (Supp. No. 30) 3422-0-36, July 27, 1987 issue], 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).'

x x x

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."

WHEREFORE, the decision of the Court of Appeals in C.A.-G.R. SP Nos. 11090-93 promulgated on 25 May 1988 is REVERSED and SET ASIDE. The Order of 29 October 1985 of Branch 46 of the Regional Trial Court of Pangasinan in CAR Case Nos. 760-802-UP'78 and 806-810-UP'78 is REINSTATED; however, in order to avoid further delay in the disposition thereof, said court is directed to forward said cases to the Department of Agrarian Reform for the latter's appropriate action as if the cases were originally filed before it.

No pronouncement as to costs.

SO ORDERED.

Bidin, Romero, and Melo, JJ., concur.

Gutierrez, Jr., J., (Chairman), on official leave.

[1] Rollo, 47; per Associate Justice Emeterio C. Cui, concurred in by Associate Justices Luis A. Javellana and Jesus M. Elbinias.

[2] First Judicial Region, Branch 46, Urdaneta, Pangasinan.

[3] Rollo, 31.

[4] Rollo, 31.

[5] Id.

[6] Id., 20-22.

[7] Id., 31-36.

[8] Rollo, 23-30. Per Associate Justice Andres Reyes, concurred in by Associate Justices Godofredo P. Ramos and B.S. De la Fuente.

[9] Id., 38-41.

[10] Rollo, 47-52.

[11] At 52.

[12] Rollo, 50-52.

[13] Municipality of Sogod vs. Rosal, 201 SCRA 632 [1991] and the cases therein cited.

[14] Section 19(7), B.P. No. 129; Romero vs. Court of Appeals, 147 SCRA 183 [1987]; Quismundo vs. Court of Appeals, 201 SCRA 609 [1991].

[15] Entitled "Providing the Mechanisms For The Implementation of the Comprehensive Agrarian Reform Program".

[16] Quismundo vs. Court of Appeals, *supra*.

[17] *Supra.*, at 614-615.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.