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Republic of the Philippines
Supreme Court
Manila

**FIRST DIVISION**

# N O T I C E

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated* **February 15, 2022** *which reads as follows:*

**"G.R. No. 251135 (*Efren Agramon, Ernesto Jumabong, Ronnie Besonia, Oscar Labiang, Wilfredo Lara, et al. v. Jose P. Amora, Oscar Perez, Tereso Pastolero, Nemia Catequista, Virgilio Misterio, et al.).*** — Efren Agramon, et al. (Agramon, et al.) are agrarian reform beneficiaries of 867,971-square meters of agricultural land situated in Barangay Rumagayray, San Enrique, Iloilo, under a collective Certificate of Land Ownership Award (CLOA) No. 00788368 and registered as Transfer Certificate of Title No. CLOA T-15694.[1] Meantime, Barangay Captain Jose Jamora conducted a field survey and thereafter registered Jose P. Amora, et al. (Amora, et al.) as beneficiaries who then occupied and cultivated the land.[2] Aggrieved, Agramon, et al. filed a consolidated petition with the Department of Agrarian Reform (DAR) Regional Office No. 6 for the disqualification of Amora, et al. as additional farmer-beneficiaries, with prayer for the increase in their respective area of tillage up to the three-hectare award ceiling.[3]

On October 12, 2010, the DAR Regional Director granted the petition for disqualification and further directed the Municipal Agrarian Reform Officer (MARO) to grant Agramon, et al.'s claim for the increase of their respective area of tillage. The Regional Director explained that a barangay captain cannot install additional beneficiaries of landholdings because it is the MARO or the Agrarian Reform Program Technologists, with the participation of the Barangay Agrarian Reform Committee, who screens and selects the

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1 Rollo, pp. 158-166.
2 Id. at 170.
3 Id. at 140.

qualified agrarian reform beneficiaries pursuant to Administrative Order No. 07, series of 2003. Since Amora, et al. were merely registered by the barangay captain as additional beneficiaries, they are considered squatters who are guilty of committing prohibited acts and are disqualified from being beneficiaries.[4]

Unsuccessful at a reconsideration, Amora, et al. filed a notice of appeal but was dismissed for late filing. The order of dismissal lapsed into finality[5] and the corresponding Writ of Execution was issued.[6] Notwithstanding, Amora, et al. refused to vacate the landholding. Hence, Agramon, et al. filed an ejectment case against Amora, et al. before the Provincial Agrarian Reform Adjudicator (PARAD). In their answer, Amora, et al. claimed that they are not guilty of unlawful detainer or forcible entry and that they are on equal footing with Agramon, et al. who have not yet been installed to the landholding. Further, Amora, et al. sought their inclusion as additional farmer-beneficiaries of the subject landholding but only of that uncultivated portion devoted to sugarcane, consisting of around 60 hectares. Amora, et al. asserted that the CLOA only covers the 30-hectare rice field that was actually being tenanted and cultivated by Agramon, et al.[7]

On July 30, 2013,[8] the PARAD dismissed the complaint for lack of cause of action because the ejectment suit was prematurely filed. The PARAD explained that Agramon, et al. have not yet been installed in the premises and no segregation has yet been made to delineate their respective areas of tillage under the CLOA. The PARAD noted that Agramon, et al.'s premature invocation of a court's intervention is fatal to its cause of action as it constitutes a violation of the doctrine of exhaustion of administrative remedies. Dissatisfied, Agramon, et al. appealed to the Department of Agrarian Reform Adjudication Board (DARAB).[9]

On October 13, 2014,[10] the DARAB reversed the PARAD's findings and held that Agramon, et al.'s filing of an ejectment case was not premature. The DARAB ruled that delay in securing a writ of execution and/or installation order or a segregation survey does not

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4 Id. at 167-174.
5 Id. at 176-179.
6 Id. at 180-185.
7 Id. at 115.
8 Id. at 140-144.
9 Rollo, p. 130.
10 Id. at 109-129.

invalidate the judgment of a quasi-judicial body – in this case, the Disqualification Order – which has already become final and executory, thus:

> **WHEREFORE**, in view of all foregoing, the decision appealed from is hereby **REVERSED** and **SET ASIDE**. A new judgment is hereby rendered, as follows:
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> 1. **DECLARING** [Amora, et al.] to be plain intruders/squatters in the portion 60-hectare portion of subject landholding occupied by them;
>
> 2. **ORDERING** [Amora, et al.], their agents, representatives[,] and any and all those acting in [*sic*] their behalf to **VACATE** said portions unlawfully/illegally occupied/detained by them in subject landholding and turn over possession thereof to complainants; and
>
> 3. **DIRECTING** the present MARPO of San Enrique, Iloilo and the present PARPO of the Province of Iloilo to ensure that [Agramon, et al.] are maintained unmolested and secured in their respective awarded areas.
>
> **SO ORDERED.**

Undaunted, Amora, et al. elevated the case to the Court of Appeals (CA) docketed as CA-G.R. SP No. 09978. On February 26, 2018, the CA set aside the DARAB's ruling and dismissed Agramon, et al.'s ejectment suit for lack of jurisdiction. The CA ratiocinated that the DARAB cannot validly take cognizance of the complaint because the controversy is not an agrarian dispute where the parties must have a tenancy relationship. The mere fact that the case involves agricultural land does not automatically make the case an agrarian dispute. At most, the issue between the parties is a simple case of recovery of possession which is within the competence of regular courts.[11]

Hence, this Petition for Review on *Certiorari*.[12] Agramon, et al. argue that the DARAB's jurisdiction over the ejectment complaint cannot be restricted to disputes involving tenancy relationship and that the quasi-judicial body is empowered to adjudicate cases related to the implementation of agrarian laws. On the other hand, Amora, et al. invoked the absence of tenancy, leasehold, or any agrarian relations



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11 Id. at 61-74. Penned by Associate Justice Edgardo L. Delos Santos (a former Member of this Court), with concurrence of Associate Justices Edward B. Contreras and Louis P. Acosta

12 Id. at 4-58.

between the parties which would characterize the instant controversy as an agrarian dispute and place it within the jurisdiction of DARAB.[13]

The petition is unmeritorious.

The DAR is vested with primary and exclusive jurisdiction to determine and adjudicate agrarian reform matters, including all matters involving the implementation of the agrarian reform program, except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).[14] The Court expounded on the two-fold jurisdiction of the DAR, to wit: *"[t]he first is essentially executive and pertains to the enforcement and administration of the laws, carrying them into practical operation and enforcing their due observance, while the second is quasi-judicial and involves the determination of rights and obligations of the parties."*[15]

Anent the DAR's administrative function, the Regional Director has primary jurisdiction and the Secretary of Agrarian Reform has appellate jurisdiction over all matters involving the administrative implementation of Republic Act (RA) No. 6657,[16] pursuant to DAR Administrative Order (AO) No. 03, series of 2003.[17] Under Section 2.2 of AO No. 03, classification, identification, inclusion, exclusion, qualification, or disqualification of potential/actual farmer-beneficiaries fall under the jurisdiction of the Regional Director and, on appeal, with the Secretary of Agrarian Reform.

On the other hand, as regards the DAR's quasi-judicial function, the DARAB has primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under RA No. 6657, as amended by RA No. 9700, E.O. Nos. 228, 229, and 129-A, RA No. 3844 as amended by RA No. 6389, Presidential Decree No. 27, and other agrarian laws and their implementing rules and regulations.[18]

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13 Id. at 281-286.

14 SEC. 50 of Republic Act (RA) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, as amended by RA No. 9700.

15 *Sta. Rosa Realty Development Corporation v. Amante*, 493 Phil. 570, 606 (2005).

16 Entitled "The Comprehensive Agrarian Reform Law of 1988."

17 The complaint for ejectment was filed in 2012 during the effectivity of DAR Administrative Order No. 03, series of 2003 and the 2009 DARAB Rules of Procedure.

18 SEC. 1, Rule II of the 2009 DARAB Rules of Procedure.

It is settled that there must exist a tenancy relationship between the parties to qualify as an agrarian dispute and for DARAB to acquire jurisdiction over a case.[19] To establish a tenancy relationship, it must be shown that: (1) that the parties are the landowner and the tenant or agricultural lessee; (2) that the subject matter of the relationship is agricultural land; (3) that there is consent between the parties to the relationship; (4) that the purpose of the relationship is to bring about agricultural production; (5) that there is personal cultivation on the part of the tenant or agricultural lessee; and (6) that the harvest is shared between the landowner and the tenant or agricultural lessee.[20] Here, the fact that all the parties are claiming to be beneficiaries of the subject landholding negates the existence of any tenancy, leasehold, or agrarian relationship so as to bring this case within the ambit of agrarian laws and place it within the DARAB's jurisdiction.

Agramon, et al. cited *Department of Agrarian Reform v. Robles*[21] and *Centeno v. Centeno*[22] to support their theory that the DARAB may take cognizance of controversy despite the absence of a tenancy relationship between the parties. Yet, Agramon, et al.'s reliance in these cases is misplaced. In *Robles,* the Court held that the jurisdiction of the DARAB is not confined to agrarian disputes where tenancy relationship exists between the parties but also extends to "other agrarian reform matters" which do not fall under the exclusive jurisdiction of the Office of the Secretary of Agrarian Reform, the DA, and the DENR. In so ruling, the Court spoke of Sections 1.13 and 1.15, Rule II of the 2003 DARAB Rules of Procedure such that the DARAB acquires jurisdiction over cases involving the sale of agricultural lands under the coverage of the CARL as well as agrarian reform matters referred to it by the Secretary of Agrarian Reform. These circumstances are not obtained in this case.

Meanwhile, in *Centeno*, the Court declared that the DAR continues to have jurisdiction over a complaint for "Maintenance of Peaceful Possession with Prayer for Restraining Order/Preliminary Injunction, Ejectment, and Damages" since it is related to and is a mere off-shoot of a previous case for cancellation of Certificates of Land Transfer (CLTs). The Court agreed with the appellate court that their complaint is an "*incident flowing from the earlier decision of the administrative agency involving the same parties and relating to the same lands.*" In the said earlier case, the Minister of Agrarian Reform



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19 *Bumagat v. Arribay*, 735 Phil. 595, 607 (2014).
20 *Deloso v. Spouses Marapao*, 511 Phil. 209, 217 (2005).
21 775 Phil. 133, 141 (2015).
22 397 Phil. 170, 175 (2000).

directed the recall and cancellation of the petitioners' CLTs which were obtained through fraud and misrepresentation, and ordered the issuance of new CLTs in favor of the respondent so as to cover portions of the landholding under the petitioners' cancelled CLT. Thereafter, the respondent filed the complaint for maintenance of possession of the premises with the DAR Regional Office alleging that despite the ruling in the cancellation case, the petitioners interfered and prevented her from exercising acts of possession over the landholdings earlier adjudicated to her and kept on harassing, molesting, and disturbing her peaceful possession as well as the enjoyment of the fruits thereof, to her great damage and prejudice. We note that *Centeno*, while seemingly a similar case, was decided on a different factual milieu. Prior to the filing of the petition for recall and cancellation in *Centeno*, the parties were CLT holders which entails that they all have the provisional title of ownership over the landholding.[23] Incidentally, the decision of the Minister of Agrarian Reform ordering the issuance of new CLT in the respondent's favor created a substantial change in the rights of the parties. It appears therefore that the respondent filed the complaint for maintenance of possession to exercise her right over the portion of the landholding covered by the cancelled CLT which was then being occupied by the petitioners. Indeed, said complaint renders an incident related to or connected with the earlier case for cancellation of CLTs.

In stark contrast, Agramon, et al. are CLOA awardees at the time of the filing of the petition for disqualification while Amora, et al. were regular farmworkers who entered and occupied the subject landholding upon the MARO's recommendation for their inclusion as additional beneficiaries. A CLOA refers to a document evidencing ownership of the land granted or awarded to the beneficiary by DAR, embodying the restrictions and conditions provided for in RA No. 6657 and other applicable laws.[24] As owners of the subject landholding, Agramon, et. al. are entitled to all attributes of ownership of property, including possession, even before the Regional Director rendered his decision in the petition for disqualification. Agramon, et al. need not even invoke that the case involves an agrarian dispute in order to protect their rights over the property. Indubitably, the instant



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23 "A Certificate of Land Transfer (CLT) is a document issued to a tenant-farmer, which proves inchoate ownership of an agricultural land primarily devoted to rice and corn production. It is issued in order for the tenant-farmer to acquire the land. This certificate prescribes the terms and conditions of ownership over said land and likewise describes the landholding — its area and its location. A CLT is the provisional title of ownership over the landholding while the lot owner is awaiting full payment of the land's value or for as long as the beneficiary is an "amortizing owner." *Del Castillo v. Orciga*, 532 Phil. 204, 214 (2006).

24 *Philcontrust Resources, Inc. v. Aquino*, G.R. No. 214714, October 7, 2020.

case cannot be treated as a mere incident flowing from the earlier decision of the administrative agency involving the same parties and relating to the same landholding, as what the Court ordained in *Centeno.*

The Court consistently ruled that what determines the nature of an action as well as which tribunal has jurisdiction over it are the allegations in the complaint and the character of the relief sought. Jurisdiction over the subject matter is determined by the allegations in the complaint, irrespective of whether the plaintiff is entitled to recover upon a claim asserted therein.[25] In their complaint, Agramon, et al. alleged, among others: (1) that they are agrarian reform beneficiaries of the subject landholding, for which they were issued Original Certificate of Title No. CLOA-15694; (2) that Amora, et al. illegally entered the subject landholding without the benefit of any legal title such as CLOA and without an Order of Installation; (3) that the DAR Regional Office found Amora, et al. disqualified to be farmer-beneficiaries of the subject landholding; (4) that despite the finality of the DAR Regional Office's ruling, Amora, et al. rejected its implementation and refused to vacate the property; (5) that Amora, et al. continue to possess the property up to the present; and (6) that Amora, et al.'s unlawful and continuous occupation of the landholding and obstinate refusal to vacate the same result in the deprivation of their land, including the fruits thereof. Agramon, et al. prayed that Amora, et al. be ordered to vacate and restore the possession of the subject landholding to them.[26]

These averments clearly show that the nature as well as the subject matter of Agramon, et al.'s case did not merely present action for forcible entry or unlawful detainer (*accion interdictal*) where the issue is the right of physical or material possession of the real property independent of any claim of ownership. Since Agramon, et al. alleged ownership over the subject landholding and sought recovery of its full possession, the action should be properly classified as an *accion reivindicatoria* or *accion de reivindicacion.*[27] No doubt, Agramon, et al.'s case is for recovery of possession as an element of ownership, jurisdiction over which belongs to regular courts. Accordingly, the action should be filed in the regular courts depending on the assessed value of the property in question.[28] All told, the CA committed no reversible error in ruling that the DARAB has no jurisdiction over Agramon, et al.'s complaint.

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25 *Sunny Motors Sales, Inc. v. Court of Appeals*, 415 Phil. 515, 520 (2001).
26 *Rollo*, pp. 25-27.
27 *Heirs of Yusingco v. Busilak*, 824 Phil. 454, 461 (2018).
28 *Heirs of Cullado v. Gutierrez*, G.R. No. 212938, July 30, 2019.

**FOR THESE REASONS,** the petition is **DENIED**. The Court of Appeals' Decision dated February 26, 2018 in CA-G.R. SP No. 09978 is **AFFIRMED**.

**SO ORDERED."**

**By authority of the Court:**

**LIBRADA C. BUENA**
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**
Deputy Division Clerk of Court
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TAGAMOLILA & MARGARICO
Counsel for Petitioners
3rd Floor, One Manuel Building
#422E Lopez Street, Brgy. Luna, Jaro
5000 Iloilo City

Court of Appeals
6000 Cebu City
(CA-G.R. SP No. 09978)

CANINDO BALLA DELFIN RAMOS & CORDERO LAW OFFICE
Counsel for Respondents
Room 212, Iloilo Casa Plaza
Gen. Luna Street, 5000 Iloilo City

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Supreme Court

DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB)
Annex Building, DAR Central Office Compound
Diliman, 1101 Quezon City
(DARAB Case No. 18185-18185-A-45)

DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB)
Provincial Agrarian Reform Adjudicator
Region VI
2nd Floor, Cristina Colonnade Building
cor. Rizal-Huervana Streets, La Paz
5000 Iloilo City
(DARAB Case Nos. VI-7284-IL-2012 to VI-7330-IL-2012)

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