EN BANC

G.R. No. 201631 – ANGELINA DAYRIT, represented by JULIE DAYRIT, *petitioner,* ***versus*** **JOSE I. NORQUILLAS, ROGELIO I. NORQUILLAS, ROMIE I. NORQUILLAS, HERDANNY I. NORQUILLAS, DANILO M. NORQUILLAS, ANTHONY APUS, TECLO P. MUGOT, ALLAN A. OMPOC, JONI CLARIN, CANDELARIA MEJORADA, LILIA O. TAGANAS, SYLVIA SABAYANON, ARSENIO CATIIL, VERONICO MAESTRE, and MARIO TAGAYLO,** *respondents.*

Promulgated:

December 7, 2021

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CONCURRING OPINION

CAGUIOA, *J.*:

This petition for review on *certiorari* (Petition) stems from a complaint for forcible entry (Complaint) filed by petitioner Angelina Dayrit against herein named respondents before the Municipal Circuit Trial Court (MCTC) of Opol and El Salvador, Misamis Oriental. It assails the January 27, 2012 Decision and March 28, 2012 Resolution of the Court of Appeals (CA) in CA-G.R. SP No. 03121 which ordered the dismissal of the Complaint for lack of jurisdiction.

The *ponencia* resolves to deny the Petition based on the finding that the present case for forcible entry is an agrarian dispute cognizable by the Department of Agrarian Reform (DAR), through its adjudicatory arm, the Department of Agrarian Reform Adjudication Board (DARAB).[1]

I concur.

I submit this opinion only to further clarify the interplay between the jurisdiction of the first level courts over summary actions for ejectment as conferred by the Judiciary Reorganization Act of 1980[2] (Batas Pambansa

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1 *Ponencia*, p. 16.

2 AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES, otherwise known as "THE JUDICIARY REORGANIZATION ACT OF 1980," approved on August 14, 1981, as amended by Republic Act No. 11576, AN ACT FURTHER EXPANDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, approved on July 30, 2021.

Blg. [BP] 129), and the jurisdiction of the DAR over agrarian disputes, vested by Republic Act No. (RA) 6657,[3] as amended by RA 9700.[4]

Subject matter jurisdiction over possessory actions involving land

As emphasized by the *ponencia*, jurisdiction is the power and authority of a court or a tribunal to hear, try and decide a case before it. Jurisdiction over the subject matter is conferred by law and determined by the allegations in the complaint, including the character of the reliefs prayed for.[5] Hence, as a starting point, reference to the statutes governing jurisdiction over summary actions for ejectment on the one hand, and agrarian disputes on the other, is proper.

Section 33 of BP 129, passed in 1980, states in part:

> SEC. 33. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases.* — Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:
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> x x x x
>
> (2) **Exclusive original jurisdiction over cases of forcible entry and unlawful detainer**: *Provided*, That when, in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession[.]
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> x x x x (Emphasis supplied)

Subsequently, RA 6657, otherwise known as the Comprehensive Agrarian Reform Law, was passed in 1988. RA 6657 vested DAR with primary jurisdiction over agrarian reform matters and exclusive original jurisdiction involving the implementation of agrarian reform, subject to certain exceptions, thus:

> SEC. 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,**

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3 AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES, otherwise known as the "COMPREHENSIVE AGRARIAN REFORM LAW OF 1988," approved on June 10, 1988.

4 AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), EXTENDING THE ACQUISITION AND DISTRIBUTION OF ALL AGRICULTURAL LANDS, INSTITUTING NECESSARY REFORMS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR, approved on August 7, 2009.

5 *Ponencia*, p. 8.

> **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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> **It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner**, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of every action or proceeding before it.
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> It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue *subpoena*, and *subpoena duces tecum* and to enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.
>
> Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the DAR: *Provided, however*, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.
>
> Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory. (Emphasis supplied)

In sum, Section 50 vests the DAR with original jurisdiction over agrarian disputes. "Agrarian dispute" is defined under the same statute as follows:

> (d) Agrarian Dispute refers to **any controversy relating to tenurial arrangements**, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements.
>
> It includes **any controversy relating to compensation of lands acquired under this Act and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries**, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.[6] (Emphasis supplied)

The mandatory referral mechanism under Section 50-A of RA 6657

As pointed out by Associate Justice Amy C. Lazaro-Javier, Section 50 was later amended by RA 9700 which was passed in 2009. As its title

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[6] RA 6657, Sec. 3(d).

implies, RA 9700 was passed to strengthen the State's comprehensive agrarian reform program.[7]

Among the amendments implemented through RA 9700 are those which relate to the afore-quoted Section 50 of RA 6657.

Foremost, Section 18 of RA 9700 amended the last paragraph of Section 50 of RA 6657 by carving out an exception to the immediately executory nature of DAR decisions, thus:

> SEC. 18. Section 50 of Republic Act No. 6657, as amended, is hereby further amended to read as follows:
>
> "SEC. 50. *Quasi-Judicial Powers of the DAR.* — x x x
>
> x x x x
>
> "Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory except a decision or a portion thereof involving solely the issue of just compensation."

More relevantly, RA 9700 also added a new provision, identified as Section 50-A of RA 6657. The provision reads:

> SEC. 50-A. *Exclusive Jurisdiction on Agrarian Dispute.* — No court or prosecutor's office shall take cognizance of cases pertaining to the implementation of the [Comprehensive Agrarian Reform Program (CARP)] except those provided under Section 57[8] of Republic Act No. 6657, as amended. **If there is an allegation from any of the parties that the case is agrarian in nature and one of the parties is a farmer, farmworker, or tenant, the case shall be automatically referred by the judge or the prosecutor to the DAR which shall determine and certify within fifteen (15) days from referral whether an agrarian dispute exists**: *Provided,* That from the determination of the DAR, an aggrieved party shall have judicial recourse. In cases referred by the municipal trial court and the prosecutor's office, the appeal shall be with the proper regional trial court, and in cases referred by the regional trial court, the appeal shall be to the Court of Appeals.
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> In cases where regular courts or quasi-judicial bodies have competent jurisdiction, agrarian reform beneficiaries or identified beneficiaries and/or their associations shall have legal standing and interest to intervene concerning their individual or collective rights and/or interests under the CARP.
>
> The fact of non-registration of such associations with the Securities and Exchange Commission, or Cooperative Development Authority, or any concerned government agency shall not be used against them to deny

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7 Supra note 4.

8 Section 57 of RA 6657 prescribes the original and exclusive jurisdiction of Special Agrarian Courts over all petitions for the determination of just compensation, and all criminal offenses punishable thereunder.

> the existence of their legal standing and interest in a case filed before such courts and quasi-judicial bodies. (Emphasis supplied)

Section 50-A reinforces the primary jurisdiction of DAR "to determine and adjudicate agrarian reform matters" and its "exclusive original jurisdiction over all matters involving the implementation of agrarian reform" by creating a mandatory referral mechanism for cases which, on their face, present agrarian reform issues.

Thus, under Section 50-A, referral to the DAR shall be mandatory when: (i) there is an allegation from any of the parties that the case is agrarian in nature; and (ii) one of the parties is a farmer, farmworker, or tenant. Notably, the conditions that trigger the mandatory referral mechanism mirror the elements of an agrarian dispute as reflected in its statutory definition under RA 6657, that is, **any controversy relating to tenurial arrangements**, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture. **Through this mechanism, DAR is given the opportunity to make a preliminary determination on the nature of the case so referred precisely to avert situations where cases involving agrarian disputes are resolved by the first level courts, resulting in null and void decisions rendered without jurisdiction.**

Nevertheless, it should be stressed that the preliminary determination of the DAR that a case is *not* an agrarian dispute does *not* preclude the courts from later dismissing the case in question for lack of jurisdiction if it later becomes apparent during trial that the case is, in fact, agrarian in nature which must be resolved by the DAR at the first instance. Conversely, a preliminary determination by the DAR that the case *is* an agrarian dispute does not preclude it from referring the case back to the regular courts if its preliminary determination is later negated by the matters that come to fore during its own proceedings. To stress, jurisdiction is conferred by law and determined by the allegations in the complaint, including the character of the reliefs prayed for. Thus, if further proceedings reveal that the nature of the case differs from how it had been initially characterized, it becomes incumbent upon the adjudicative body concerned to dismiss the case, as any decision rendered without jurisdiction shall be null and void.

Hence, lest there be any confusion, it should be clarified that the mandatory referral mechanism does not limit the jurisdiction of the referring court or DARAB, as the case may be, to subsequently take cognizance of cases properly falling within their respective jurisdictions when the preliminary determination made pursuant to the mandatory referral mechanism is later found to be erroneous. To be sure, a contrary interpretation would effectively defeat the jurisdiction vested by law upon the adjudicative body concerned.

Reconciling David and Chailese

After the passage of RA 6657 and the subsequent amendments set forth in RA 9700, confusion ensued as to whether subject matter jurisdiction over actions for ejectment involving agricultural lands placed under the CARP remained with the first level courts. This confusion appears to stem from an erroneous interpretation of the Court's ruling in *David v. Cordova*[9] (*David*) and the seemingly contrary ruling in *Chailese Development Co., Inc. v. Dizon*[10] (*Chailese*). While these cases are often viewed to be at odds, a cursory reading of these decisions show that they can, in fact, be reconciled.

In *David,* the Court was called upon to determine whether the MCTC may take cognizance of an action for forcible entry involving public agricultural land. There, petitioner Leonardo David (Leonardo) filed a complaint for forcible entry against respondents Nelson and Danny Cordova (collectively, the Cordovas). The complaint alleged that Leonardo is co-owner of a certain parcel of land denominated as Lot 774. Sometime in 1997, Leonardo purportedly discovered that the Cordovas had forcibly entered Lot 774 and had begun constructing improvements thereon. Subsequently, Leonardo demanded that the Cordovas vacate and cease construction to no avail. Thus, Leonardo filed said complaint before the MCTC.

For their part, the Cordovas averred that Leonardo is not a co-owner of Lot 774, as said lot is owned by the government. They added that Lot 774 forms part of the Dinalupihan Landed Estate which had been placed under the administration of the DAR. On this score, the Cordovas argued that the complaint falls under the jurisdiction of the DAR as Lot 774 had been earmarked for distribution to qualified beneficiaries.

The MCTC and RTC were one in finding that Leonardo's complaint falls within the jurisdiction of the regular courts. However, the CA reversed, noting that Lot 774 was subject of a pending "application for purchase" filed by respondent Danny with the DAR. Leonardo thus filed a Rule 45 petition before the Court assailing the CA's Decision.

The Court ruled in favor of Leonardo and reversed the Decision of the CA. On the issue of jurisdiction, the Court held:

> Next, the point that the property in dispute is public land. The matter is of no moment and does not operate to divest the lower court of its jurisdiction over actions for forcible entry involving such property. **Indeed, the public character of the land does not preclude inferior courts from exercising jurisdiction over forcible entry cases.** We have ruled in the case of *Robles v. Zambales Chromite Mining Co., et al.*, that the land spoken of in Section 1, Rule 70 of the Rules of Court includes all

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9 502 Phil. 626 (2005).

10 826 Phil. 51 (2018).

kinds of land, whether agricultural or mineral. It is a well[-]known maxim in statutory construction that where the law does not distinguish, we should not distinguish.

Moreover, ejectment proceedings are summary proceedings only intended to provide an expeditious means of protecting actual possession or right to possession of property. Title is not involved. The sole issue to be resolved is the question as to who is entitled to the physical or material possession of the premises or possession de facto. Our ruling in *Pajuyo v. Court of Appeals* illustrates this point, thus:

> The only question that the courts must resolve in ejectment proceedings is — who is entitled to the physical possession of the premises, that is, to the possession *de facto* and not to the possession *de jure*. **It does not even matter if a party's title to the property is questionable, or when both parties intruded into public land and their applications to own the land have yet to be approved by the proper government agency. Regardless of the actual condition of the title to the property, the party in peaceable quiet possession shall not be thrown out by a strong hand, violence or terror.** Neither is the unlawful withholding of property allowed. Courts will always uphold respect for prior possession.
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> Thus, a party who can prove prior possession can recover such possession even against the owner himself. Whatever may be the character of his possession, if he has in his favor prior possession in time, he has the security that entitles him to remain on the property until a person with a better right lawfully ejects him. To repeat, the only issue that the court has to settle in an ejectment suit is the right to physical possession.

Also worth noting is the case of *Pitargue v. [Sorilla]*, wherein, as in this case, the government owned the land in dispute. The government did not authorize either the plaintiff or the defendant in the forcible entry case to occupy the land. Both parties were in effect squatting on government property. Yet we upheld the court's jurisdiction to resolve the issue of possession even if title remained with the government.

Courts must not abdicate their jurisdiction to resolve the issue of physical possession because of the public need to preserve the basic policy behind the summary actions of forcible entry and unlawful detainer. The underlying philosophy behind ejectment suits is to prevent breach of peace and criminal disorder and to compel the party out of possession to respect and resort to the law alone to obtain what he claims is his. The party deprived of possession must not take the law into his own hands. Ejectment proceedings are summary in nature so the authorities can settle speedily actions to recover possession because of the overriding need to quell social disturbances.

Thus, the better rule is that even while the power of administration and disposition of public or private agricultural lands belongs to DAR, courts retain jurisdiction over actions for forcible entry involving such lands. To restate this, courts have jurisdiction over possessory actions involving public or private agricultural lands

> **to determine the issue of physical possession as this issue is independent of the question of disposition and alienation of such lands which should be threshed out in DAR.**
>
> **In addition, the instant case does not involve the adjudication of an agrarian reform matter nor an agrarian dispute falling within the jurisdiction of DAR.** As such, possessory actions involving the land in dispute rightfully falls within the jurisdiction of the [MCTC].[11] (Emphasis and underscoring supplied)

Thus, in *David,* the Court held that the MCTC correctly took cognizance of Leonardo's action for forcible entry. In so ruling, the Court emphasized that in ejectment proceedings involving the issue of physical possession, the need to prevent breach of peace and criminal disorder must be considered. These proceedings are purposely summary in nature so the authorities can settle speedily actions to recover possession because of the overriding need to quell social disturbances. **More importantly, the Court ruled that Leonardo's action falls within the jurisdiction of the MCTC because it neither involved the adjudication of an agrarian reform matter nor qualified as an agrarian dispute.**

On the other hand, in *Chailese,* Chailese Development Co., Inc. (CDCI) filed a complaint for recovery of possession and damages with the Regional Trial Court (RTC) concerning 10 parcels of land registered in its name. The complaint was filed against 51 defendants. In its complaint, CDCI alleged that the defendants therein were illegally occupying the disputed lots. Eight of these defendants stood as respondents in *Chailese.*

Respondents filed their answer claiming that the case fell under the jurisdiction of the DAR. Respondents claimed that they were tenants of the disputed lots. However, without their knowledge and consent, the disputed lots were transferred to CDCI in order to avoid compulsory distribution under RA 6657. After a series of motions, the case was eventually set for pre-trial. Meanwhile, RA 9700 took effect which, as discussed, amended RA 6657.

On the basis of the mandatory referral mechanism under Section 50-A, respondents filed a motion seeking to refer the case to the DAR. However, the RTC denied said motion for lack of merit. The CA reversed on *certiorari* and directed the referral of the case to DAR for proper disposition. CDCI thus filed a Rule 45 petition before the Court assailing such referral.

The Court ruled in favor of CDCI, reasoning as follows:

> It is a basic rule in procedure that the jurisdiction of the Court over the subject matter as well as the concomitant nature of an action is determined by law and the allegations of the complaint, and is unaffected

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[11] *David v. Cordova*, supra note 9, at 645-647. Citation omitted.

by the pleas or theories raised by the defendant in his answer or motion to dismiss.

The jurisdiction of the DAR is laid down in Section 50 of R.A. No. 6657, otherwise known as the CARL, which provides:

> **Section 50.** ***Quasi-Judicial Powers of the DAR.*** — The DAR is hereby vested with the 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.

By virtue of Executive Order No. 129-A, the DAR Adjudication Board (DARAB) was designated to assume the powers and functions of the DAR with respect to the adjudication of agrarian reform cases, and matters relating to the implementation of the CARP and other agrarian laws.

The exclusive jurisdiction of the DAR over agrarian cases was further amplified by the amendment introduced by Section 19 of R.A. 9700 to Section 50. The provision reads:

> **Section 19.** Section 50 of Republic Act No. 6657, as amended, is hereby further amended by adding Section 50-A to read as follows:
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> SEC. 50-A. *Exclusive Jurisdiction on Agrarian Dispute.* — No court or prosecutor's office shall take cognizance of cases pertaining to the implementation of the CARP except those provided under Section 57 of Republic Act No. 6657, as amended. If there is an allegation from any of the parties that the case is agrarian in nature and one of the parties is a farmer, farmworker, or tenant, the case shall be automatically referred by the judge or the prosecutor to the DAR which shall determine and certify within fifteen (15) days from referral whether an agrarian dispute exists: Provided, that from the determination of the DAR, an aggrieved party shall have judicial recourse. In cases referred by the municipal trial court and the prosecutor's office, the appeal shall be with the proper regional trial court, and in cases referred by the regional trial court, the appeal shall be to the Court of Appeals.
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> x x x x

In this regard, it must be said that there is no merit in the contention of petitioner that the amendment introduced by R.A. No. 9700 cannot be applied retroactively in the case at bar. Primarily, a cursory reading of the provision readily reveals that Section 19 of R.A. No. 9700 merely highlighted the exclusive jurisdiction of the DAR to rule on agrarian cases by adding a clause which mandates the automatic referral of cases upon the existence of the requisites therein stated. Simply, R.A. No. 9700 does not deviate but merely reinforced the jurisdiction of the DAR set forth under Section 50 of R.A. No. 6657. Moreover, in the absence of

any stipulation to the contrary, as the amendment is essentially procedural in nature it is deemed to apply to all actions pending and undetermined at the time of its passage.

Thence, having settled that Section 19 of R.A. No. 9700 is applicable in this controversy, the Court now proceeds with the examination of such amendment. Based on the said provision, the judge or prosecutor is obligated to automatically refer the cases pending before it to the DAR when the following requisites are present:

a. There is an allegation from any one or both of the parties that the case is agrarian in nature; and

b. One of the parties is a farmer, farmworker, or tenant.

In this case, the presence of the first requisite is satisfied by the allegations made by the respondents in their Answer with Counterclaim.

x x x x

Anent the second requisite, the Court finds that the respondents failed to prove that they are farmers, farmworkers, or are agricultural tenants.

Section 3 of R.A. No. 6657 defines farmers and farmworkers as follows:

> (f) Farmer refers to a natural person whose primary livelihood is cultivation of land or the production of agricultural crops, either by himself, or primarily with the assistance of his immediate farm household, whether the land is owned by him, or by another person under a leasehold or share tenancy agreement or arrangement with the owner thereof.
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> (g) Farmworker is a natural person who renders service for value as an employee or laborer in an agricultural enterprise or farm regardless of whether his compensation is paid on a daily, weekly, monthly or "*pakyaw*" basis. The term includes an individual whose work has ceased as a consequence of, or in connection with, a pending agrarian dispute and who has not obtained a substantially equivalent and regular farm employment.

An agricultural tenancy relation, on the other hand, is established by the concurrence of the following elements enunciated by this Court in the case of *Chico v. CA*,

> (1) that the parties are the landowner and the tenant or agricultural lessee; (2) that the subject matter of the relationship is an 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.

> Contrary to the CA's conclusion and as opposed to the first requisite, **mere allegation would not suffice to establish the existence of the second requirement. Proof must be adduced by the person making the allegation as to his or her status as a farmer, farmworker, or tenant.**
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> Further instructive is this Court's ruling in the previously cited case of *Chico*. Therein, the Court held that for the purpose of divesting regular courts of its jurisdiction in the proceedings lawfully began before it and in order for the DARAB to acquire jurisdiction, the elements of a tenancy relationship must be shown by adequate proof. It is not enough that the elements are alleged. Likewise, self-serving statements in the pleadings are inadequate.
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> Hence, **in light of the absence of evidence to show any tenancy agreement that would establish the relationship of the parties therein, the Court in Chico granted the petition and reinstated the proceedings before the RTC of Malolos, Bulacan.**[12] (Emphasis and underscoring supplied)

To be sure, *Chailese* did not overturn *David*. The Court's ruling in *Chailese* merely clarified what constitutes an agrarian dispute by breaking down its essential elements.

As clarified in *Chailese,* a dispute is agrarian in nature and thus falls within the jurisdiction of the DAR, when: (i) there is an allegation from any one or both of the parties that the case is agrarian in nature; **and** (ii) one of the parties is a farmer, farmworker, or agricultural tenant. Conversely, when either of these two elements is absent, the dispute is *not* agrarian in nature and thus remains under the jurisdiction of the regular courts. As explained, these are the very same elements that trigger the mandatory referral mechanism under Section 50-A of RA 6657.

A close reading of the circumstances in *David* and *Chailese* shows that the pronouncements therein are consistent with each other. **In both cases, the Court upheld the jurisdiction of the regular courts as the controversies involved therein were not agrarian disputes.**

In *Chailese,* the Court held that the controversy therein was not an agrarian dispute as respondents therein failed to present proof that they were farmers, farmworkers, or agricultural tenants. Hence the second requirement necessary to vest jurisdiction in the DAR was absent. Albeit not discussed in detail in the Decision, the controversy in *David* also did not qualify as an agrarian dispute as the Cordovas similarly failed to show that they were farmers, farmworkers, or agricultural tenants. As in *Chailese,* the second requirement necessary to vest jurisdiction in the DAR was also absent.

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[12] *Chailese Development Co., Inc. v. Dizon*, supra note 10, at 60-65.

The confusion appears to stem from the emphasis placed by *David* on the summary nature of ejectment proceedings. To quote:

> Courts must not abdicate their jurisdiction to resolve the issue of physical possession because of the public need to preserve the basic policy behind the summary actions of forcible entry and unlawful detainer. The underlying philosophy behind ejectment suits is to prevent breach of peace and criminal disorder and to compel the party out of possession to respect and resort to the law alone to obtain what he claims is his. The party deprived of possession must not take the law into his own hands. Ejectment proceedings are summary in nature so the authorities can settle speedily actions to recover possession because of the overriding need to quell social disturbances.
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> Thus, the better rule is that even while the power of administration and disposition of public or private agricultural lands belongs to DAR, courts retain jurisdiction over actions for forcible entry involving such lands. To restate this, courts have jurisdiction over possessory actions involving public or private agricultural lands to determine the issue of physical possession as this issue is independent of the question of disposition and alienation of such lands which should be threshed out in DAR.
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> x x x x
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> On this point, the following pronouncements we made in *Pitargue* are enlightening:
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> > The question that is before this Court is: Are courts without jurisdiction to take cognizance of possessory actions involving these public lands before final award is made by the Lands Department, and before title is given any of the conflicting claimants? It is one of utmost importance, as there are public lands everywhere and there are thousands of settlers, especially in newly opened regions. It also involves a matter of policy, as it requires the determination of the respective authorities and functions of two coordinate branches of the Government in connection with public land conflicts.
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> > Our problem is made simple by the fact that under the Civil Code, either in the old, which was in force in this country before the American occupation, or in the new, we have a possessory action, the aim and purpose of which is the recovery of the physical possession of real property, irrespective of the question as to who has the title thereto. Under the Spanish Civil Code we had the *accion interdictal*, a summary proceeding which could be brought within one year from dispossession (*Roman Catholic Bishop of Cebu vs. Mangaron*, 6 Phil. 286, 291); and as early as October 1, 1901, upon the enactment of the Code of Civil Procedure (Act No. 190 of the Philippine Commission) we implanted the common law action of forcible entry (Section 80 of Act No. 190), the object of which has been stated by this Court to be "to prevent breaches of the peace and criminal disorder which would

ensue from the withdrawal of the remedy, and the reasonable hope such withdrawal would create that some advantage must accrue to those persons who, believing themselves entitled to the possession of property, resort to force to gain possession rather than to some appropriate action in the courts to assert their claims." (*Supia and Batioco vs. Quintero and Ayala*, 59 Phil. 312, 314.) So before the enactment of the first Public Land Act (Act No. 926) the action of forcible entry was already available in the courts of the country. So the question to be resolved is, **Did the Legislature intend, when it vested the power and authority to alienate and dispose of the public lands in the Lands Department, to exclude the courts from entertaining the possessory action of forcible entry between rival claimants or occupants of any land before award thereof to any of the parties?** Did Congress intend that the lands applied for, or all public lands for that matter, be removed from the jurisdiction of the Judicial Branch of the Government, so that any troubles arising therefrom, or any breaches of the peace or disorders caused by rival claimants, could be inquired into only by the Lands Department to the exclusion of the courts? The answer to this question seems to us evident. **The Lands Department does not have the means to police public lands; neither does it have the means to prevent disorders arising therefrom, or contain breaches of the peace among settlers; or to pass promptly upon conflicts of possession.** Then its power is clearly limited to *disposition and alienation*, and while it may decide conflicts of possession in order to make proper award, the settlement of conflicts of possession which is recognized in the courts herein has another ultimate purpose, *i.e.*, the protection of actual possessors and occupants with a view to the prevention of breaches of the peace. The power to dispose and alienate could not have been intended to include the power to prevent or settle disorders or breaches of the peace among rival settlers or claimants prior to the final award. As to this, therefore, the corresponding branches of the Government must continue to exercise power and jurisdiction within the limits of their respective functions. **The vesting of the Lands Department with authority to administer, dispose, and alienate public lands, therefore, must not be understood as depriving the other branches of the Government of the exercise of their respective functions or powers thereon, such as the authority to stop disorders and quell breaches of the peace by the police, the authority on the part of the courts to take jurisdiction over possessory actions arising therefrom not involving, directly or indirectly, alienation and disposition.**

Our attention has been called to a principle enunciated in American courts to the effect that courts have no jurisdiction to determine the rights of claimants to public lands, and that until the disposition of the land has passed from the control of the Federal Government, the

> courts will not interfere with the administration of matters concerning the same. (50 C.J. 1093-1094.) We have no quarrel with this principle. The determination of the respective rights of rival claimants to public lands is different from the determination of who has the actual physical possession of occupation with a view to protecting the same and preventing disorder and breaches of the peace. A judgment of the court ordering restitution of the possession of a parcel of land to the actual occupant, who has been deprived thereof by another through the use of force or in any other illegal manner, can never be "prejudicial interference" with the disposition or alienation of public lands. On the other hand, if courts were deprived of jurisdiction of cases involving conflicts of possession, that threat of judicial action against breaches of the peace committed on public lands would be eliminated, and a state of lawlessness would probably be produced between applicants, occupants or squatters, where force or might, not right or justice, would rule.
>
> It must be borne in mind that the action that would be used to solve conflicts of possession between rivals or conflicting applicants or claimants would be no other than that of forcible entry. This action, both in England and the United States and in our jurisdiction, is a summary and expeditious remedy whereby one in peaceful and quiet possession may recover the possession of which he has been deprived by a stronger hand, by violence or terror; its ultimate object being to prevent breach of the peace and criminal disorder. (*Supia and Batioco vs. Quintero and Ayala*, 59 Phil. 312, 314.) The basis of the remedy is mere possession as *a fact*, of physical possession, not a legal possession. (*Mediran vs. Villanueva*, 37 Phil. 752.) The title or right to possession is never in issue in an action of forcible entry; as a matter of fact, evidence thereof is expressly banned, except to prove the nature of the possession. (Section 4, Rule 72, Rules of Court.) With this nature of the action in mind, by no stretch of the imagination can conclusion be arrived at the use of the remedy in the courts of justice would constitute an interference with the alienation, disposition, and control of public lands. To limit ourselves to the case at bar can it be pretended at all that its result would in any way interfere with the manner of the alienation or disposition of the land contested? On the contrary, it would facilitate adjudication, for the question of priority of possession having been decided in a final manner by the courts, said question need no longer waste the time of the land officers making the adjudication or award.[13] (Emphasis supplied; italics in the original)

Taken in isolation, this oft-quoted pronouncement in *David* appears to suggest that the regular courts retain jurisdiction over *all* summary cases of

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[13] *David v. Cordova*, supra note 9, at 646-650.

ejectment, regardless of whether the case involves an agrarian dispute or otherwise. **To my mind, this reading of what *David* holds fails to take into consideration a significant fact — that the dispute in *David* was not agrarian in nature as the respondents therein were not shown to be farmers, farmworkers, or agricultural tenants.** Hence, in *David,* the MCTC had jurisdiction over the case *not* because it involved a summary action for forcible entry, but because the dispute therein was not agrarian in nature.

As clarified in *Chailese,* RA 6657 vests the DAR with exclusive jurisdiction over agrarian disputes. As explained, a dispute is agrarian in nature when: (i) there is an allegation from any one or both of the parties that the case is agrarian in nature; and (ii) one of the parties is a farmer, farmworker, or agricultural tenant. The jurisdiction of the DAR attaches only when these two elements concur.

Hence, the interplay between RA 6657 vis-à-vis the jurisdiction of the first level courts over ejectment cases can be laid out as follows — the first level courts have original jurisdiction over all ejectment cases, **except** those involving agrarian disputes. Pursuant to the specific provisions of RA 6657, said agrarian disputes fall under the exclusive jurisdiction of the DAR. The same principle applies with respect to subject matter jurisdiction over ordinary possessory actions. The regular courts have jurisdiction over ordinary possessory actions, **except** those involving agrarian disputes which fall under the exclusive jurisdiction of the DAR.

As aptly stressed by the *ponencia,* the controlling aspect which determines jurisdiction over ejectment cases is the *nature* of the dispute.[14] By explicit provision of Section 50-A of RA 6657, DAR is charged with the duty to make a preliminary determination on the nature of the dispute through the mandatory referral mechanism. **However, as earlier emphasized, this preliminary determination does not operate to preclude the referring court or DARAB, as the case may be, to subsequently take cognizance of cases properly falling within their respective jurisdictions when the preliminary determination made pursuant to the mandatory referral mechanism is later found to be erroneous.**

Contextualizing the Pitargue ruling

It is significant to note that the concerns expressed by the Court in *Pitargue v. Sorilla*[15] (*Pitargue*), which had been quoted by the Court extensively in *David,* were raised in 1952. At such time, the authority of what was known as the Lands Department was limited to the administration,

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[14] *Ponencia,* p. 13.
[15] 92 Phil. 5 (1952).

disposition, and alienation of public lands.[16] The Court's observations as to the Land Department's lack of authority to "stop disorders and quell breaches of the peace" were, at the time, well founded.[17]

However, it should be stressed that, at present, the 2021 DARAB Revised Rules of Procedure provide:

> **RULE X. Proceedings Before the [Regional Agrarian Reform Adjudicator (RARAD)] or [Provincial Agrarian Reform Adjudicator (PARAD)]**
>
> **SECTION 52. Nature of Proceedings.** — The proceedings before the RARAD or the PARAD shall be **summary and non-litigious in nature.** Subject to the requirements of due process, the technicalities of law and procedures under the Rules of Court shall not apply.
>
> x x x x
>
> **RULE XVIII. Direct and Indirect Contempt**
>
> **SECTION 98. Direct Contempt.** — The Board or any of its Members or RARAD/ PARAD may summarily adjudge in contempt any person guilty of misbehavior in the presence of, or so near the Board or any of its Member[s] or the RARAD or the PARAD, as to obstruct or interrupt the proceedings before the same, including disrespect to said officials, offensive acts towards others, or refusal to be sworn or to answer as a witness, or to subscribe to an affidavit or deposition when lawfully required to do so. The same shall be punished by a fine not exceeding Five Thousand Pesos (PhP 5,000.00), or in case of inability or refusal to pay the fine, an imprisonment of not exceeding three (3) days shall be imposed.
>
> The judgment of the Board, the RARAD, or the PARAD on direct contempt is immediately executory and not appealable.
>
> **SECTION 99. Indirect Contempt.** — In the exercise of its quasi-judicial power[s], and as provided by Section 50 of R.A. No. 6657, as amended, the Board or at least two (2) of its Members or the RARAD or the PARAD, may cite and punish any person for indirect contempt.
>
> Any person may be cited or punished for [i]ndirect [c]ontempt under any of the following grounds:
>
> a. Misbehavior of any officer or employees in the performance of his/her official duties or in his/her official transaction[s].
>
> b. Disobedience of or resistance to a lawful writ, order or decision, including the acts of a person after the judgment or process to re-enter or attempt or induces another to enter into or upon such real property in any manner which disturbs the possession given to the person adjudged to be entitled.
>
> c. Any abuse of, or any unlawful interference with the processes or proceedings not constituting direct contempt.

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[16] Id. at 11-12.
[17] See id. at 12.

d. Any improper conduct tending, directly or indirectly, to impede, obstruct or degrade the administration of justice.

e. Misrepresenting to be an attorney or a representative of a party without authority.

f. Failure to obey a subpoena duly served.

g. Other grounds analogous to the foregoing.

Proceedings for indirect contempt may be initiated *motu proprio* by the Board, the RARAD, or the PARAD against which the contempt was committed by order or any other formal charge requiring the Respondent to show cause why he should not be cited and punished for [i]ndirect [c]ontempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved, and upon full compliance with the requirements for filing initiatory pleadings [with] the Board, the RARAD, or the PARAD concerned. If the contempt charges arise out of or are related to a principal action pending before the Board, the RARAD, or the PARAD, the Petition for Contempt shall allege that fact, but the said Petition shall be docketed, heard, and decided separately.

In both instances, the Contemnor shall be given a non-extendible period of ten (10) days to submit a verified Answer to the Charge or Petition.

x x x x

RULE XVII. Preliminary Injunction/Restraining Order/*Status Quo* Order

SECTION 94. Preliminary Injunction, When Granted. — A Writ of Preliminary Injunction, Restraining Order, or a *status quo order* may be granted by the Board or at least two (2) Members or by the RARAD or the PARAD, as the case may be, when it is established, on the basis of allegations in the sworn Complaint or Motion, which shall be duly supported by affidavits of merit, that the acts being complained of, if not enjoined, would cause some grave and irreparable damage or injury to any of the parties in interest so as to render ineffectual the decision which may be in favor of such party. If the Board, the RARAD, or the PARAD finds that it is necessary to post a bond, it shall fix the reasonable amount of the bond to be filed by the party applying for the injunction in favor of the party who might suffer after it is finally determined that the Complainant or Petitioner is not entitled. Upon the filing and approval of such Bond, a Writ of Injunction may be issued.

The Board, the RARAD, or the PARAD may also require the performance of a particular act/s, in which case, it shall be known as a preliminary mandatory injunction.

x x x x

SECTION 96. Temporary Restraining Order. — A Temporary Restraining Order issued *ex-parte*, shall be valid only for twenty (20) days

> from the date the same is received by the Respondent. During this period, the parties shall be required to present evidence to substantiate their respective positions on whether a preliminary injunction shall be granted. The period of twenty (20) days may be extended upon motion of the proper party on valid grounds, for another twenty (20) days from the expiration of the original period. Thereafter, no motion for further extension of the Temporary Restraining Order shall be allowed. After due notice and hearing, and before the lapse of the Temporary Restraining Order, the issue of preliminary injunction or *status quo* should be resolved. (Additional emphasis supplied)

Hence, the DARAB and its adjudicators are granted sufficient power and authority to prevent breaches of peace and order arising from opposing possessory claims in agrarian disputes. In this regard, I submit that the concerns raised in *Pitargue* are sufficiently addressed as the circumstances on which they were based no longer obtain at present.

To reiterate once more, a dispute is agrarian in nature when: (i) there is an allegation from any one or both of the parties that the case is agrarian in nature; and (ii) one of the parties is proven to be a farmer, farmworker, or agricultural tenant. The concurrence of these two elements places the dispute under the jurisdiction of the DAR.

The Complaint presents an agrarian dispute which falls under the jurisdiction of the DAR

Proceeding from the foregoing, it is clear that the CA correctly ordered the dismissal of the Complaint for lack of jurisdiction since the elements of an agrarian dispute unequivocally concur.

As to the first element, the *ponencia* aptly notes that respondents have consistently alleged that the issues herein stem from an agrarian dispute, inasmuch as they anchor their physical possession on their respective Certificates of Land Ownership Award (CLOAs). [18] Moreover, as emphasized by Senior Associate Justice Estela M. Perlas-Bernabe and Associate Justice Marvic M.V.F. Leonen during the deliberations, petitioner herself previously filed before the DARAB a Petition for Cancellation of the CLOAs issued in favor of respondents, as well as a Petition for CARP exemption involving the disputed lands. The CLOAs subject of these DARAB cases are the very same ones assailed by petitioner in the present case. The prior filing of the DARAB cases thus shows that petitioner herself recognizes that the issues involved herein are agrarian in nature.

As to the second element, I submit that the subsistence of the CLOAs in the names of respondents sufficiently serve as evidence of respondents'

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[18] *Ponencia*, p. 15.

status as tenants, farmers, or farmworkers. To note, Section 24 of RA 6657 specifies those who are qualified to stand as beneficiaries of the CARP, thus:

> SEC. 22. *Qualified Beneficiaries.* — The lands covered by the CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless residents of the same municipality in the following order of priority:
>
> (a) agricultural lessees and share tenants;
>
> (b) regular farmworkers;
>
> (c) seasonal farmworkers;
>
> (d) other farmworkers;
>
> (e) actual tillers or occupants of public lands;
>
> (f) collectives or cooperatives of the above beneficiaries; and
>
> (g) others directly working on the land.
>
> x x x x

In this connection, Section 24 of the same statute provides that the CLOA serves as evidence of ownership of the land awarded in favor of the qualified beneficiary tenant, farmer, or farmworker. The existence of a valid and subsisting CLOA therefore serves as a **continuing recognition** of the status of respondents as such.

Considering that the two elements of an agrarian dispute concur, I find the dismissal of the Complaint proper. Accordingly, I vote to **DENY** the Petition and **AFFIRM** the January 27, 2012 Decision and March 28, 2012 Resolution of the Court of Appeals.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

Certified True Copy
ANNA-LI R. PAPA-GOMEZ
Deputy Clerk of Court En Banc
OCC En Banc, Supreme Court