



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RAQUEL G. DY BUNCIO,
Petitioner,

G.R. No. 206120

Present:
PERLAS-BERNABE, S.A.J.,*
HERNANDO,
*Acting Chairperson,***
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

- versus -

LEONTINA SARMENTA
RAMOS and FERNANDO
RAMOS,
Respondents.

Promulgated:

MAR 23 2022

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DECISION

HERNANDO, J.:

The instant Petition for Review on *Certiorari*¹ assails the September 30, 2011 Resolution² of the Court of Appeals (CA) in CA-GR CV No. 120922, which denied the Petition for *Certiorari*³ filed by petitioner Raquel G. Dy Buncio (Buncio) on the ground that she availed of the improper remedy.

* On official leave.

** Per Special Order No. 2882 dated March 17, 2022.

¹ *Rollo*, pp. 38-62.

² *Id.* at 66-69. Penned by Associate Justice Jane Aurora C. Lantion and concurred in by Associate Justices Japar B. Dimaampao (now a Member of the Court) and Danton Q. Bueser.

In the Court of Appeals, the case was entitled *Raquel G. Dy Buncio v. HON. VIRGILIO G. CABALLERO, in his capacity as Presiding Judge of the Regional Trial Court of Cabanatuan City, Branch 30, DEPARTMENT OF AGRARIAN REFORM (DAR), LEONTINA SARMENTA RAMOS and FERNANDO RAMOS*. As per the Court's January 15, 2014 Notice, this Court resolved to drop the Department of Agrarian Reform as party respondent in the instant case. See *rollo*, p. 559.

³ *CA rollo*, pp. 3-30.

Also questioned in the instant Petition is the CA's March 6, 2013 Resolution⁴ denying Buncio's Motion for Reconsideration⁵ of the assailed CA Decision.

The Antecedents:

The instant case stemmed from a complaint for *Accion Reinvidicatoria* and Damages filed by Buncio on January 8, 2007 with the Regional Trial Court (RTC) of Cabanatuan City, docketed as Civil Case No. 5302.⁶

Buncio claimed that she is a registered co-owner, together with nine others, of a parcel of land with an area of 37,302 square meters, located at San Josef Sur, Cabanatuan City, Nueva Ecija, and covered by Transfer Certificate of Title (TCT) No. T-50156 of the Registry of Deeds of Cabanatuan City. She further alleged that respondents Leontina Sarmenta Ramos (Leontina) and Fernando Ramos (collectively, respondents) are the unlawful and unauthorized possessors of the land who should be directed to vacate the same.⁷

On the other hand, respondents asserted that the RTC had no jurisdiction over the subject matter of the case because there existed a leasehold agreement between the late Luis de Guzman and Erlina Santos de Guzman (who are the parents of the registered owners of the subject property), with Leontina and her late husband, Hilario Ramos (Hilario).⁸

Prior to the pre-trial conference, the RTC heard the respective sides of the parties for a preliminary determination of the existence of tenancy. In its January 30, 2008 Order,⁹ the RTC initially held that it had jurisdiction over the case since respondents failed to prove the existence of all elements of agricultural tenancy relationship. The relevant portion of the January 30, 2008 Order reads:

From the evidence submitted by the Defendants to prove tenancy, almost all of the requirements set forth by law are present except that defendant Leontina Ramos and the deceased Hilario Ramos had alleged under oath that they were hired helpers in the land of plaintiff, and this overturned all such proof of tenancy being presented by defendant.

X X X X

⁴ Rollo, pp. 71-72.

⁵ Id. at 71.

⁶ Id. at 11-12.

⁷ Id. at 12.

⁸ Id.

⁹ Id. at 256-260.

Defendant Leontina Ramos is estopped from questioning now the authenticity of the allegation in the Joint Sworn Statement (Annex “6-B” of the Special Affirmative Defenses) that they are mere hired farm helpers of Luis de Guzman and not tenants in the landholding.

x x x x

Defendants failed to prove tenancy in this case.

WHEREFORE, premises considered, for lack of merit, the Special Affirmative Defenses incorporated in the Answer is (*sic*) DENIED and DISMISSED.

x x x x .¹⁰

Pre-trial then ensued on February 20, 2008. During the proceedings, or on November 19, 2009, the RTC *motu proprio* conducted an ocular inspection of the subject property.¹¹

Subsequently, on May 31, 2010, Buncio filed her formal offer of documentary evidence to which respondents objected.¹² Furthermore, respondents filed a motion with the RTC and reiterated their claim to refer the case to DAR, asserting that they are tenants-lessees of the subject land.¹³

In its assailed October 28, 2010 Resolution, the RTC referred the case to the DAR, citing Section 50-A of Republic Act No. (RA) 6657,¹⁴ as amended by RA 9700,¹⁵ which provides:

Section 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 x x x .¹⁶

¹⁰ Id. at 14-15 and 259-260.

¹¹ Id. at 16-17.

¹² Id. at 16.

¹³ Id.

¹⁴ Entitled “AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION AND FOR OTHER PURPOSES.” Approved: June 10, 1988.

¹⁵ Entitled “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: August 7, 2009.

¹⁶ Id.

The RTC held that based on the ocular inspection and proceedings conducted by the court, it found that the entire area of 3.7302 hectares is devoted to palay production and traversed by a cemented City Road of Cabanatuan City.¹⁷ Thus, the trial court referred the case to the Department of Agrarian Reform Adjudication Board (DARAB) since there was an allegation of landowner-tenant relationship between the parties. The RTC pointed out that the foregoing provision has granted the Department of Agrarian Reform (DAR) special and original authority to hear and adjudicate cases involving agrarian disputes.¹⁸

On December 2, 2010, Buncio filed an Omnibus Motion for Reconsideration¹⁹ of the RTC's October 28, 2010 Resolution which the trial court denied in its June 6, 2011 Order, the relevant portion of which reads:

For resolution is the Omnibus Motion for Reconsideration of the Resolution dated October 28, 2010, For Suspension of Transmittal of Records to DARAB x x x filed by plaintiff x x x.

It could be recalled that plaintiff was given the opportunity to comment x x x to Refer the Case to DAR Under Sec. 19, R.A. 9700, with Implementing Rules. In fact, the plaintiff's Opposition was submitted to this Court on October 11, 2010.

The issues raised in the Omnibus Motion are mere reiteration of the issues alleged in their Comment/Opposition to the defendant's Motion to Refer said case to the DARAB prior to the Court's Resolution dated October 28, 2010. x x x

In the interest of justice and for the speedy disposition of the above captioned case and for lack of merit, the Omnibus Motion is hereby DENIED.

WHEREFORE, let the records of this case be forwarded to the DAR for the necessary determination and certification.

SO ORDERED.²⁰

Aggrieved with the RTC's ruling, Buncio filed a Petition for *Certiorari* with the CA assailing the RTC's October 28, 2010 Resolution and its June 6, 2011 Order denying the Motion for Reconsideration thereof.

In the meantime, the case was set for hearing on August 4, 2011 before the Provincial Adjudicator of DARAB, Region III. Buncio, through her counsel, entered a special appearance and manifested that she was not submitting herself

¹⁷ *Rollo*, p. 434.

¹⁸ *Id.*

¹⁹ *Id.* at 483.

²⁰ *Id.* at 483.

to the jurisdiction of the DARAB in view of her position that jurisdiction is with the trial court per the RTC's January 30, 2008 Order.²¹

Ruling of the Court of Appeals:

In its September 30, 2011 Resolution, the CA dismissed the petition. The relevant portion of its ruling reads:

In the instant case, petitioner was not without any plain, speedy, or adequate remedy as her cause could very well be adequately advanced before the DAR. And even assuming that the outcome of the case in [the] aforesaid department would be adverse to petitioner, she is not precluded from elevating the case on appeal before this Court, and even all the way up to the Supreme Court. As such, resort to a special civil action for certiorari under Rule 65 of the Rules at this stage is very much premature.

x x x x

IN VIEW OF THE FOREGOING, the petition is hereby **DISMISSED**.

SO ORDERED.²²

Buncio moved for reconsideration but it was denied by the CA in its March 6, 2013 Resolution.²³

Displeased, Buncio filed the instant Petition for Review on *Certiorari*.

Issue

The pivotal issue herein is whether or not the CA correctly dismissed Buncio's Petition for *Certiorari*.

Our Ruling

The instant Petition is devoid of merit.

The CA correctly dismissed Buncio's Petition for *Certiorari* for being a wrong remedy. Clearly, Buncio had other plain, speedy, or adequate remedy before the DAR.

²¹ Id. at 19-20.

²² Id. at 68-69.

²³ Id. at 71-72.

Section 50-A of RA 6557, as amended by RA 9700, expressly provides that “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.**” Hence, the proper recourse of Buncio upon the trial court’s referral of the case to await the DARAB’s resolution. Thereafter, Buncio can assail the determination of the DARAB by appeal to the CA. Plainly, her immediate recourse to the CA via a Petition for *Certiorari* was improper and thus, correctly struck down by the appellate court.

Buncio primarily argues that prior to the RTC’s assailed October 28, 2010 Resolution and June 6, 2011 Order, the trial court issued a January 30, 2008 Order ruling that it had jurisdiction over the case because respondents failed to prove the existence of all requisites of the existence of tenancy relationship which would divest it of its jurisdiction.²⁴ Thus, Buncio argues that she already acquired a vested right on said finding such that it may no longer be set aside by a subsequent ruling such as the RTC’s assailed October 28, 2010 Resolution.²⁵ Furthermore, she asserts that RA 9700 and DAR Administrative Order No. (AO) 04, Series of 2009 may not be given retroactive application by the trial court and impair the vested right she acquired by virtue of the RTC’s January 30, 2008 Order.²⁶

We disagree.

Rule 45 of the Rules of Court covers only questions of law.

At the outset, We point out that the instant petition asks for a factual review of the case, an issue beyond the purview of a petition for review on *certiorari* under Rule 45 of the Rules of Court, which covers only questions of law. The core issue of whether there was a tenancy relationship between the parties so as to divest the RTC of its jurisdiction in favor of the DAR is mainly factual in nature. In *Ligtas v. People*,²⁷ We underscored that “[t]o be precise, however, the existence of a tenancy relationship is a legal conclusion based on facts presented corresponding to the statutory elements of tenancy.” The instant petition has not demonstrated why this case falls among the exceptions as to warrant a review of the factual findings of the trial court.

²⁴ Id. at 13-14.

²⁵ Id. at 21.

²⁶ Id. at 20-21.

²⁷ 766 Phil. 750, 764 (2015).

Buncio did not acquire any vested right on the RTC's January 30, 2008 Order.

Settled is the rule that jurisdiction over the subject matter is “conferred only by the Constitution or the law. It cannot be acquired through a waiver or enlarged by the omission of the parties or conferred by the acquiescence of the court.”²⁸ Consequently, contrary to Buncio’s claim, We hold that she did not acquire any vested right from the January 30, 2008 Order, if subsequently during the trial court’s proceedings, it became apparent that the case should be properly referred to the DAR which has the jurisdiction over the subject matter or issues raised.

In *Mendoza v. Germino, Jr.*,²⁹ which was likewise cited³⁰ by petitioner herein and in *Velasquez v. Spouses Cruz*,³¹ We pointed out that the trial court is duty-bound to conduct a preliminary conference and, if necessary, to receive evidence to determine if such tenancy relationship had, in fact, been shown to be the real issue. If it is shown during the hearing or conference that, indeed, tenancy is the issue, the trial court should dismiss the case for lack of jurisdiction.

Relevantly, in the fairly recent case of *Dayrit v. Norquillas*,³² We held that:

The amended CARL adds that the judge or prosecutor shall automatically refer the case to the DAR 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.³³

In the instant case, We find that the RTC correctly referred the case to the DAR in view of the respondents’ allegation of a tenancy relationship.

The DARAB has jurisdiction to adjudicate an agrarian dispute.

We note that the core issue herein is which between the RTC and the DAR has jurisdiction over the case. An *accion reivindicatoria* is an action to recover ownership over real property,³⁴ the jurisdiction of which is within the proper

²⁸ *Republic v. Bantigue Point Development Corp.*, 684 Phil. 192, 199 (2012).

²⁹ 650 Phil. 74, 85 (2010).

³⁰ *Rollo*, pp. 26-28.

³¹ *Velasquez v. Spouses Cruz*, 770 Phil. 15, 27 (2015).

³² G.R. No. 201631, December 7, 2021.

³³ *Id.*

³⁴ *Spouses Decaleng v. Philippine Episcopal Church*, 689 Phil. 422,438 (2012).

RTC.³⁵ On the other hand, Section 50 of RA 6657 and Section 17 of Executive Order No. (EO) 229³⁶ vested upon the DAR primary jurisdiction to determine and adjudicate agrarian reform matters, as well as original jurisdiction over all matters involving the implementation of agrarian reform. Subsequently, EO 129-A³⁷ was issued wherein the power to adjudicate agrarian reform cases was transferred to the DARAB, and jurisdiction over the implementation of agrarian reform was delegated to the DAR regional offices.³⁸

We underscore that even prior to RA 9700 and DAR AO 04, Series of 2009 which Buncio argues should not have been given retroactive effect as to set aside the RTC's January 30, 2008 Order, the following similar provisions of RA 6657 and the 2003 DARAB Rules of Procedure were already in place upon the filing of her January 8, 2007 Complaint, the provisions of which indicate that it is the DARAB that has jurisdiction to adjudicate an agrarian dispute,³⁹ to wit:

Section 50 of R.A. No. 6657 provides:

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).

Rule II, Section 1 (1.1) of the DARAB 2003 Rules of Procedure:

RULE II

Jurisdiction of the Board and its Adjudicators

SECTION 1. *Primary and Exclusive Original Jurisdiction.* — The Adjudicator shall have primary and exclusive original jurisdiction to determine and adjudicate the following cases:

1.1 The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by Republic Act (RA) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), and other related agrarian laws;⁴⁰

³⁵ *Hidalgo v. Velasco*, 831 Phil. 190, 203 (2018).

³⁶ Executive Order No. 229, Series of 1987: Providing The Mechanisms For The Implementation Of The Comprehensive Agrarian Reform Program.

³⁷ Executive Order No. 129-A: Modifying Executive Order No. 129 Reorganizing and Strengthening The Department Of Agrarian Reform And For Other Purposes. Effective July 27, 1987.

³⁸ *Union Bank of the Philippines v. Regional Agrarian Reform Officer*, 806 Phil 545, 560 (2017).

³⁹ *Velasquez v. Spouses Cruz*, supra note 31 at 22.

⁴⁰ See id. at 21-22.

An agrarian dispute is defined by Section 3(d) of R.A. No. 6657 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 R.A. 6657 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.

In any event, the retroactive application of RA 9700 has long been settled in *Chailese Development Company, Inc. v. Dizon*.⁴¹

For DARAB to have jurisdiction over the case, there must be a tenancy relationship between the parties.⁴²

In *Velasquez v. Spouses Cruz*,⁴³ We defined tenancy relationship as “a juridical tie which arises between a landowner and a tenant once they agree, expressly or impliedly, to undertake jointly the cultivation of a land belonging to the landowner, as a result of which relationship the tenant acquires the right to continue working on and cultivating the land.”

As a rule, the existence of a tenancy relationship cannot be presumed and allegations that one is a tenant do not automatically give rise to security of tenure.⁴⁴ Thus, in order for tenancy agreement to arise, it is essential to establish all its indispensable elements, *viz.*:

- 1) the parties are the landowner and the tenant;
- 2) the subject matter is agricultural land;
- 3) there is consent between the parties to the relationship;
- 4) the purpose of the relationship is to bring about agricultural production;
- 5) there is personal cultivation on the part of the tenant or agricultural lessee; and
- 6) the harvest is shared between the landowner and the tenant or agricultural lessee.⁴⁵

⁴¹ 826 Phil. 51, 62 (2018).

⁴² *Union Bank of the Philippines v. Regional Agrarian Reform Officer*, supra note 38 at 561; see also *Velasquez v. Spouses Cruz*, supra note 31 at 22.

⁴³ *Velasquez v. Spouses Cruz*, supra note 31 at 22.

⁴⁴ *Pagarigan v. Yague*, 758 Phil. 375, 380 (2015).

⁴⁵ *Macalanda, Jr. v. Acosta*, 817 Phil. 869, 876 (2017).

All the foregoing requisites are necessary to create a tenancy relationship, and the absence of one or more requisites will not make the alleged tenant a *de facto* tenant.⁴⁶ In *Macalanda, Jr. v. Acosta*, We emphasized that “[c]rucial for the creation of tenancy relations would be the existence of two of the essential elements, namely, consent and sharing and/or payment of lease rentals.”⁴⁷

In the instant case, respondents substantially alleged that there existed a tenancy relationship among the parties, in particular among the parents of Buncio and Hilario in view of their leasehold agreement. Furthermore, respondents’ claim that pursuant to said agreement, she and her husband, Hilario, have been paying the agreed rentals of the landholdings, to the lessors or Buncio’s parents.⁴⁸ These allegations suffice for the referral of the dispute to the DAR. “As stated by law, mere allegation of an agrarian dispute is enough.”⁴⁹

Moreover, even prior to Buncio’s complaint or as early as September 23, 2004 this Court has ruled in *Department of Agrarian Reform v. Cuenca*⁵⁰ that “[a]ll controversies on the implementation of the Comprehensive Agrarian Reform Program (CARP) fall under the jurisdiction of the [DAR], even though they raise questions that are also legal or constitutional in nature. All doubts should be resolved in favor of the DAR, since the law has granted it special and original authority to hear and adjudicate agrarian matters.”

At this juncture, We find it apropos to restate our recent ruling in *Dayrit v. Norquillas*⁵¹ which clarified the jurisdiction of the DARAB and the trial courts, viz.:

Based on the foregoing, *David* and *Chailese* can be viewed as guides for the courts in tackling ejectment and possessory actions allegedly involving agrarian disputes. *David* instructs that not all ejectment cases are cognizable by the first-level courts – those involving agrarian disputes are not cognizable by the first-level courts. In this relation, *Chailese* clarifies the requisites for an agrarian dispute, and highlights the mandate of the amendatory law of automatic referral of cases involving agrarian disputes to the DAR.⁵²

WHEREFORE, the instant Petition is **DENIED**. The assailed September 30, 2011 Resolution and March 6, 2013 Resolution of the Court of Appeals in CA-GR CV No. 120922 are hereby **AFFIRMED**.

⁴⁶ *Felásquez v. Spouses Cruz*, supra note 31 at 23.

⁴⁷ *Macalanda, Jr. v. Acosta*, supra note 45.

⁴⁸ *Rollo*, pp. 87-91.

⁴⁹ *Dayrit v. Norquillas*, supra note 32.

⁵⁰ 482 Phil. 208, 211 (2004); See also Section 1, DAR A.O. No. 04, Series of 2009, Rules and Regulations Implementing Section 19 of R.A. No. 9700 (Jurisdiction on and Referral of Agrarian Dispute).

⁵¹ Supra note 32.

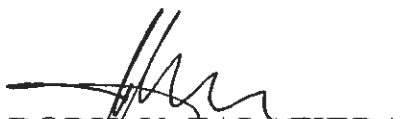
⁵² *Id.*

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

On official leave.
ESTELA M. PERLAS-BERNABE
Senior Associate Justice



RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice