



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated October 9, 2019 which reads as follows:

“G.R. No. 231654 (Josephine A. Sumiller v. Republic of the Philippines, represented by the Department of Agrarian Reform [DAR], through Agrarian Reform Secretary Gil Delos Reyes, Teresa Palmares, Estrella P. Rizaga, Rolando C. Tribunalo et al.)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the October 11, 2016 Decision² and the March 20, 2017 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 04665 for failure of petitioner Josephine A. Sumiller (petitioner) to sufficiently show that the CA committed any reversible error in upholding the May 3, 2012⁴ and July 2, 2012⁵ Orders of the Regional Trial Court of San Carlos City, Branch 57 in Civil Case No. RTC-1165, dismissing the complaint⁶ for quieting of title, nullity of deeds, injunction, damages, and attorney’s fees with prayer for issuance of temporary restraining order and/or writ of preliminary injunction filed by petitioner and her brother, Jonathan A. Sumiller, for lack of jurisdiction.

As correctly ruled by the CA, while the complaint was denominated as one for quieting of title, it ultimately seeks to cancel the Certificate of Land Ownership Award in favor of the concerned

¹ Rollo, pp. 12-26.

² Id. at 32-42. Penned by Associate Justice Gabriel T. Robeniol with Associate Justices Pamela Ann Abella Maxino and Pablito A. Perez, concurring.

³ Id. at 44-46.

⁴ RTC Records, pp. 115-119. Signed by Presiding Judge Danilo R. Amisola.

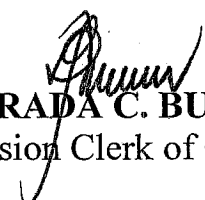
⁵ Id. at 144.

⁶ Id. at 3-13.

farmers and their corresponding title over the subject land,⁷ which is within the exclusive and original jurisdiction of the Department of Agrarian Reform Secretary,⁸ pursuant to Section 24 of Republic Act No. (RA) 6657,⁹ otherwise known as the "Comprehensive Agrarian Reform Law of 1988," as amended by RA 9700.¹⁰ Moreover, case law holds that jurisdiction is conferred by law and determined from the nature of action pleaded as appearing from the material averments in the complaint and the character of the relief sought.¹¹

SO ORDERED. *Zalameda, J., designated as Additional Member per Special Order No. 2712 dated September 27, 2019.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *10/11/19*

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⁷ See *rollo*, p. 39.

⁸ See *Secretary of the Department of Agrarian Reform v. Heirs of Abucay*, G.R. Nos. 186432 and 186964, March 12, 2019.

⁹ 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 on June 10, 1988. Section 24 thereof provides:

Section 24. *Award to beneficiaries.* – The rights and responsibilities of the beneficiaries shall commence from their receipt of a duly registered emancipation patent or certificate of land ownership award and their actual physical possession of the awarded land. Such award shall be completed in not more than one hundred eighty (180) days from the date of registration of the title in the name of the Republic of the Philippines: *Provided*, That the emancipation patents, the certificates of land ownership award, and other titles issued under any agrarian reform program shall be indefeasible and imprescriptible after one (1) year from its registration with the Office of the Registry of Deeds, subject to the conditions, limitations and qualifications of this Act, the property registration decree, and other pertinent laws. The emancipation patents or the certificates of land ownership award being titles brought under the operation of the torrens system, are conferred with the same indefeasibility and security afforded to all titles under the said system, as provided for by Presidential Decree No. 1529, as amended by Republic Act No. 6732.

x x x x

All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian reform program are within the exclusive and original jurisdiction of the Secretary of the DAR. (Emphasis supplied)

¹⁰ 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 on August 7, 2009.

¹¹ See *Ignacio v. Office of the City Treasurer of Quezon City*, G.R. No. 221620, September 11, 2017, 839 SCRA 304, 314.



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(Civil Case No. 1165)