



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

EN BANC

ANGELINA DAYRIT, represented  
by JULIE E. DAYRIT,  
*Petitioner,*

G.R. No. 201631

Present:

- versus -

GESMUNDO, C.J.,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ, M. V.,  
GAERLAN,  
ROSARIO,  
LOPEZ, J. Y.,  
DIMAAMPAO,\* and,  
MARQUEZ, JJ.

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  
CATIL, VERONICO MAESTRE,  
and MARIO TAGAYLO,  
*Respondents.*

Promulgated:

December 7, 2021

DECISION

\* On official leave.

**HERNANDO, J.:**

Formerly, G.R. No. 201631 was consolidated with G.R. No. 201076.<sup>1</sup> The consolidated petitions for review on *certiorari* assail the rulings of the Court of Appeals (CA) in CA-G.R. SP No. 02564-MIN (G.R. No. 201076) and CA-G.R. SP No. 03121-MIN (G.R. No. 201631).

In the Petition for Review on *Certiorari*<sup>2</sup> in G.R. No. 201076, petitioner Angelina Dayrit (Angelina) is contesting the December 20, 2011 Decision<sup>3</sup> and February 22, 2012 Resolution<sup>4</sup> of the CA in CA-G.R. SP No. 02564-MIN, affirming the January 17, 2008 Resolution<sup>5</sup> of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 13439.

DARAB Case No. 13439 is an appeal from the December 22, 2004 Decision of the Provincial Agrarian Reform Adjudicator for Misamis Oriental, which ordered the cancellation of three Certificates of Land Ownership Award<sup>6</sup> (CLOA) in a petition for annulment initiated by Angelina.<sup>7</sup> The DARAB ordered<sup>8</sup> the archiving of the annulment case until the resolution of the separate application for exemption from Comprehensive Agrarian Reform Program (CARP) coverage of two parcels of land located in Bolisong, El Salvador, Misamis Oriental as filed earlier by Angelina before the Department of Agrarian Reform (DAR).

In a Resolution<sup>9</sup> dated June 13, 2012, this Court denied the petition for review on *certiorari* in G.R. No. 201076 for failure to show any reversible error on the part of the CA and for failure to comply with the formal requirements under the Rules of Court. The Resolution became final and executory on August 1, 2012.<sup>10</sup>

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<sup>1</sup> Angelina Dayrit, represented by Julie E. Dayrit, v. Eusebio U. Mejorada, Jose I. Norquillas, Rogelio I. Norquillas, Romie I. Norquillas, Herdanny I. Norquillas, Danilo M. Norquillas, represented by Eusebio U. Mejorada, Agustin M. Espirat, Felomino M. Nob, Allan A. Om poc, Carmelito B. Bonayog, Sr., Anthony R. Apus, Cipriano B. Taganas, Evan B. Sabayanon, Tecl o P. Mugot, as represented by Agustin M. Espirat, [all from Bolisong, El Salvador, Misamis Oriental].

<sup>2</sup> *Rollo* (G.R. No. 201076), pp. 15-35. Filed on April 19, 2012.

<sup>3</sup> *Id.* at 37-45. Penned by Associate Justice Edgardo T. Lloren, and concurred in by Associate Justices Carmelita Salandanan-Manahan and Melchor Q. C. Sadang.

<sup>4</sup> *Id.* at 47-48.

<sup>5</sup> *Id.* at 58-60. Penned by DARAB Member Delfin B. Samson, and concurred in by Chairman Nasser C. Pangandaman and Members Nestor R. Acosta, Renato F. Herrera, Augusto P. Quijano, Edgar A. Igano, and Ma. Patricia P. Rualo-Bello.

<sup>6</sup> *Id.* at 39. TCT No. T-9454, CLOA No. 00208237 awarded to Agustin M. Espirat, et al.; TCT No. T-9453, CLOA No. 00208228 awarded to Eusebio U. Mejorada, et al.; and TCT No. 9455, CLOA No. 00208238 awarded to Carmelito B. Bonayog, et al. The awardees are impleaded as respondents in both cases.

<sup>7</sup> *Id.* at 53-57.

<sup>8</sup> *Id.* at 60.

<sup>9</sup> *Id.* at 97-99.

<sup>10</sup> *Id.* at 102-103.

In G.R. No. 201631, petitioner Angelina filed a petition for review on *certiorari*<sup>11</sup> assailing the CA's January 27, 2012 Decision<sup>12</sup> and March 28, 2012 Resolution<sup>13</sup> in CA-G.R. SP No. 03121, that reversed and set aside the December 10, 2008 Decision<sup>14</sup> of the Regional Trial Court (RTC), Branch 39, Cagayan de Oro City.

The RTC Decision affirmed the April 17, 2007 Decision<sup>15</sup> of the 7th Municipal Circuit Trial Court (MCTC) of Opol and El Salvador, Misamis Oriental, which ruled in favor of Angelina in an action for forcible entry which the latter initiated against respondents Jose I. Norquillas, Rogelio I. Norquillas, Romie I. Norquillas,<sup>16</sup> Herdanny I. Norquillas, Danilo M. Norquillas, Anthony Apus, Teclo P. Mugot,<sup>17</sup> Allan A. Ompoc, Joni Clarin,<sup>18</sup> Candelaria Mejorada, Lilia O. Taganas, Sylvia Sabayanon, Arsenio Catiil,<sup>19</sup> Veronico Maestre, and Mario Tagaylo (collectively, respondents).

In the same Resolution<sup>20</sup> dated June 13, 2012, this Court ordered the consolidation of G.R. No. 201631 with G.R. No. 201076 to avoid conflicting decisions on related cases. However, in view of the finality of the Resolution in G.R. No. 201076, the Court resolves to deconsolidate G.R. No. 201076 from G.R. No. 201631. Thus, what remains for the resolution of the Court is G.R. No. 201631.

#### **The Factual Antecedents:**

G.R. No. 201631 arose from a complaint for forcible entry filed by Angelina against respondents before the MCTC.

Angelina was the registered owner of two parcels of land located in Bolisong, El Salvador, Misamis Oriental.<sup>21</sup> The first lot is covered by Original Certificate of Title No. P-13388, and the second lot by Transfer Certificate Title (TCT) No. T-1804.<sup>22</sup>

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<sup>11</sup> *Rollo* (G.R. No. 201631), pp. 14-33. Filed on May 25, 2012.

<sup>12</sup> *Id.* at 34-44. Penned by Associate Justice Edgardo T. Lloren, and concurred in by Associate Justices Melchor Q. C. Sadang and Pedro B. Corales.

<sup>13</sup> *Id.* at 45-46.

<sup>14</sup> *Id.* at 54-64. Penned by Presiding Judge Downey C. Valdevilla.

<sup>15</sup> *Id.* at 47-53. Penned by Presiding Judge Michelia O. Capadocia.

<sup>16</sup> Romy I. Norquillas in some parts of the *rollo*.

<sup>17</sup> Ticlo I. Norquillas in some parts of the *rollo*.

<sup>18</sup> Junny Clarin in some parts of the *rollo*.

<sup>19</sup> Arsenio Catiil in some parts of the *rollo*.

<sup>20</sup> *Id.* at 66-68.

<sup>21</sup> *Id.* at 35.

<sup>22</sup> *Id.*

In 1993, the parcels of land were placed under the coverage of the CARP.<sup>23</sup> Hence, Angelina's titles to the parcels of land were cancelled, and new titles (pursuant to CLOAs) were issued in favor of respondents.<sup>24</sup> Angelina filed a petition for the annulment of the CLOAs before the DARAB (Misamis Oriental Provincial Office).<sup>25</sup> She also applied for exemption from CARP coverage with the DAR.<sup>26</sup> The petition for annulment before the DARAB became the subject of G.R. No. 201076 in this Court.

While the appeal of the petition for annulment was pending in the DARAB Manila Office, Angelina claimed that on September 17, 2006, respondents surreptitiously entered the property and refused to vacate despite repeated demands.<sup>27</sup> This prompted Angelina to file the instant complaint for forcible entry.

Respondents, in their answer,<sup>28</sup> acknowledged that Angelina was the previous owner of the parcels of land.<sup>29</sup> However, they alleged that Angelina lost her ownership over 16.6927 hectares of the properties when these were awarded to respondents as CARP beneficiaries.<sup>30</sup> It follows that Angelina lost her right of possession.<sup>31</sup> Respondents also argued that they remain owners of the parcels of land despite Angelina's pending petition for annulment of the CLOAs.<sup>32</sup> Hence, Angelina cannot claim forcible entry as she already lost her right of possession.<sup>33</sup>

Proceedings ensued.

#### **Rulings of the Municipal Circuit Trial Court and the Regional Trial Court:**

In its April 17, 2007 Decision,<sup>34</sup> the MCTC ruled in favor of Angelina. Evidence showed that Angelina was in prior possession of the parcels of land.<sup>35</sup> The MCTC held that respondents should not have taken the law into

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<sup>23</sup> Id.

<sup>24</sup> Id. Supra note 6 for more information on the TCTs and CLOAs.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id. at 36.

<sup>28</sup> Id.

<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> Id. at 47-53.

<sup>35</sup> Id. at 50.

their own hands by entering the property; they should have filed an appropriate action to enforce their ownership pursuant to the CLOAs.<sup>36</sup>

The MCTC also resolved the question of whether the forcible entry suit is barred by the pending case in the DARAB. The MCTC ruled that the issue in the forcible entry suit pertains only to the possession in fact or physical possession of the property, the resolution of which is for the maintenance of public order; it does not relate to the issue of ownership in relation to agrarian disputes that are cognizable and are already pending before the DARAB.<sup>37</sup> Hence, the MCTC is not bound to wait for the resolution of the pending DARAB case.

The dispositive portion of the MCTC Decision reads:

WHEREFORE, finding plaintiff's [petitioner] cause of action to be sufficiently established, judgment is hereby rendered in favor of the plaintiff. The defendants and all persons claiming rights under them are hereby ordered to vacate the land in question, remove their houses therefrom[,] and restore possession thereof to the plaintiff.

SO ORDERED.<sup>38</sup>

Aggrieved, respondents appealed the case to the RTC.

In its December 10, 2008 Decision,<sup>39</sup> the RTC affirmed the MCTC Decision in its entirety. The RTC added that a mere allegation of an agrarian dispute does not deprive the trial court of jurisdiction especially because the Judiciary Reorganization Act of 1980,<sup>40</sup> as amended, provides that the lower courts have exclusive original jurisdiction over cases of forcible entry and unlawful detainer.<sup>41</sup> The issue of physical possession over agricultural lands is different from the issue of disposition and alienation, which is cognizable by the DAR.<sup>42</sup>

With respondents still aggrieved, they further elevated the case to the CA.

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<sup>36</sup> Id.

<sup>37</sup> Id. at 50-53.

<sup>38</sup> *Rollo* (G.R. No. 201631), p. 53.

<sup>39</sup> Id. at 54-64.

<sup>40</sup> Batas Pambansa Blg. 129, entitled "An Act Reorganizing the Judiciary, Appropriating Funds Therefor, and for Other Purposes [THE JUDICIARY REORGANIZATION ACT OF 1980], as amended."

<sup>41</sup> *Rollo* (G.R. No. 201631), p. 62.

<sup>42</sup> Id. at 63.

**Ruling of the Court of Appeals:**

In its January 27, 2012 Decision,<sup>43</sup> the CA reversed and set aside the rulings of the MCTC and the RTC and dismissed the complaint. The CA ruled that the DARAB has jurisdiction to try and decide any agrarian dispute or any incident involving the implementation of the CARP.<sup>44</sup> In the instant case, petitioner's parcels of land in dispute were included in the CARP.<sup>45</sup> Portions were awarded to respondents pursuant to the CLOAs that resulted to the issuance of new titles.<sup>46</sup> As beneficiaries, respondents occupied the parcels of land, which was considered by Angelina as unlawful entry, resulting in the filing of the instant case to recover possession.<sup>47</sup>

The CA therefore found that the issue of possession in this instant case is linked to an agrarian dispute.<sup>48</sup> Respondents entered the properties by virtue of the CLOAs issued to them.<sup>49</sup> The MCTC should have dismissed the complaint for lack of jurisdiction, or at least have heard the parties to determine if it has jurisdiction.<sup>50</sup> Finally, the CA added that the complaint should have been dismissed on the ground of *litis pendentia* as the trial court was aware that there was a separate proceeding in the DARAB.<sup>51</sup>

The dispositive portion of the CA's Decision reads:

**WHEREFORE**, premises considered, the assailed Decision dated 10 December 2008 of the Regional Trial Court, Branch 39, of Cagayan de Oro City, affirming the Decision dated 17 April 2007 of the Municipal Trial Court of Opol and El Salvador are hereby REVERSED and SET ASIDE. The complaint for forcible entry docketed as Civil Case No. 2006-09-16 is DISMISSED for lack of jurisdiction. No pronouncement as to cost.

**SO ORDERED.**<sup>52</sup>

Angelina moved for reconsideration but was subsequently denied by the CA in its Resolution<sup>53</sup> dated March 28, 2012.

Angelina now comes to this Court assailing the CA's disposition of the case. She maintains that while the DAR has the power of administration and

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<sup>43</sup> Id. at 34-44.

<sup>44</sup> Id. at 41.

<sup>45</sup> Id.

<sup>46</sup> Id.

<sup>47</sup> Id.

<sup>48</sup> Id.

<sup>49</sup> Id. at 40-41.

<sup>50</sup> Id. at 41.

<sup>51</sup> Id. at 43.

<sup>52</sup> Id.

<sup>53</sup> Id. at 45-46.

disposition of agricultural lands, the courts have jurisdiction on actions for forcible entry and unlawful detainer.<sup>54</sup> The instant case involves the issue of mere possession; it does not involve the adjudication of ownership or an agrarian matter.<sup>55</sup>

Angelina cites case law that upholds the courts' jurisdiction over possessory matters despite involving agricultural lands, as the issue is independent from the question of disposition or alienation.<sup>56</sup> Maintenance of public order, which is the purpose of having summary remedies on actions for forcible entry, cannot be hindered by invoking agrarian dispute.<sup>57</sup> Angelina also adds that the DAR, in its June 8, 2011 Decision, has already resolved her application for exemption and ruled that the parcels of land are exempted from coverage.<sup>58</sup> Finally, Angelina argues that the DAR proceedings was an administrative prejudicial question that warranted the abeyance of judicial proceedings.<sup>59</sup>

In their comment,<sup>60</sup> respondents maintain that the case is an agrarian dispute under the original and primary jurisdiction of the DARAB.<sup>61</sup> The filing of the instant complaint for forcible entry is an offshoot of the enforcement of respondents' rights and obligations under the CLOAs issued to them.<sup>62</sup> The case relates to the terms and conditions of the transfer of ownership, which necessarily includes possession, from the landowner to the beneficiaries.<sup>63</sup>

Angelina filed her Reply<sup>64</sup> and reiterated her arguments. She attached a copy of the June 8, 2011 Decision<sup>65</sup> and January 19, 2012 Resolution<sup>66</sup> of the DAR Secretary exempting her parcels of land from CARP coverage.

### Issue

The issue for the resolution of the Court is whether the MCTC has jurisdiction on the instant complaint for forcible entry.

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<sup>54</sup> Id. at 23.  
<sup>55</sup> Id. at 23-24.  
<sup>56</sup> Id. at 24.  
<sup>57</sup> Id.  
<sup>58</sup> Id. at 25.  
<sup>59</sup> Id. at 27-28.  
<sup>60</sup> Id. at 69-98.  
<sup>61</sup> Id. at 80-86.  
<sup>62</sup> Id. at 81.  
<sup>63</sup> Id. at 85-86.  
<sup>64</sup> Id at 125-135.  
<sup>65</sup> Id. at 136-151.  
<sup>66</sup> Id. at 155-158.

### Our Ruling

The Petition has no merit. The Court rules that the MCTC has no jurisdiction over the instant action for forcible entry.

Jurisdiction is the power and authority of a court or a tribunal to hear, try, and decide a case before it.<sup>67</sup> A judgment rendered by a body without jurisdiction is void and may be attacked any time.<sup>68</sup> It is settled that 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.<sup>69</sup>

In contention here is the conflict of jurisdiction between the MCTC and the DARAB. Angelina maintains that the MCTC has jurisdiction over the instant complaint for forcible entry, while respondents maintain that the DARAB has jurisdiction as the action is considered as an agrarian dispute stemming from the enforcement of the CLOAs issued to them.

The Court takes this opportunity to clarify this seeming overlap.

#### **Clarifying the jurisdiction of DARAB in relation to possessory and ejectment actions involving agricultural lands.**

Section 33 of the Judiciary Reorganization Act of 1980,<sup>70</sup> as amended, provides for the jurisdiction of first-level courts. Paragraph two of the provision specifically states:

(2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: *Provided*, That when, in such cases, the defendant raises the questions 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.

In actions for forcible entry, the party is deprived of physical possession of land or building by means of force, intimidation, threat, strategy, or stealth.<sup>71</sup> The inquiry centers on who has the prior possession *de facto*.<sup>72</sup> Plaintiff's proof of prior physical possession of the usurped property is

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<sup>67</sup> See *Gomez v. People*, G.R. No. 216824, November 10, 2020.

<sup>68</sup> *Id.*

<sup>69</sup> *Gabrillo v. Heirs of Pastor*, G.R. No. 234255, October 2, 2019.

<sup>70</sup> THE JUDICIARY REORGANIZATION ACT OF 1980, *supra* note 40.

<sup>71</sup> *Barber v. Chua*, G.R. No. 205630, January 12, 2021.

<sup>72</sup> See *Nabo v. Buenviaje*, G.R. No. 224906, October 7, 2020, citing *Pajuyo v. Court of Appeals*, 474 Phil. 557, 578-579 (2004).

essential for the action to prosper.<sup>73</sup> This is determined by examining the allegations in the complaint.

On the other hand, Section 50 of the Comprehensive Agrarian Reform Law of 1988<sup>74</sup> (CARL), as amended, provides for the quasi-judicial powers of the DAR, to wit:

Section 50. *Quasi-Judicial Powers of the DAR.* — The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

x x x x

DAR exercises this adjudicatory power through the DARAB, which is created by Executive Order No. 129-A (series of 1987).<sup>75</sup>

In 2009, the CARL was amended by Republic Act No. (RA) 9700.<sup>76</sup> Section 50 of the CARL was amended as follows:

Section 19. Section 50 of Republic Act No. 6657, as amended, is hereby further amended by adding Section 50-A to read as follows:

“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.

“In cases where regular courts or quasi-judicial bodies have competent jurisdiction, agrarian reform beneficiaries or identified beneficiaries and/or

<sup>73</sup> *Alcantara v. Dumacon-Hassan*, G.R. No. 241701, September 16, 2020.

<sup>74</sup> Republic Act No. 6657, 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 [COMPREHENSIVE AGRARIAN REFORM LAW OF 1988].”

<sup>75</sup> Executive Order No. 129-A, entitled “Modifying Executive Order No. 129 Reorganizing and Strengthening the Department of Agrarian Reform and for Other Purposes.”

<sup>76</sup> 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.

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 the existence of their legal standing and interest in a case filed before such courts and quasi-judicial bodies.”

As can be gleaned from these laws, the MCTC has exclusive original jurisdiction over cases of forcible entry, while the DARAB has primary jurisdiction over agrarian disputes. An agrarian dispute refers to any controversy relating to, as related to the instant case, tenancy over lands devoted to agriculture and transfer of ownership from landowner to farmworkers, tenants, and other agrarian reform beneficiaries.<sup>77</sup> 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.

Relevantly, in the case of *David v. Cordova*<sup>78</sup> (*David*), the Court upheld the jurisdiction of the MCTC over a complaint for forcible entry. The Court found that complainant therein sufficiently alleged in his complaint that he had prior physical possession of the property and that he was unlawfully deprived thereof.<sup>79</sup> The Court also discussed that the alleged public character of the land does not deprive the first-level court of jurisdiction over the forcible entry case.<sup>80</sup> The appellate court held that the courts lack jurisdiction because the land in question is allegedly a public agricultural land.<sup>81</sup> In this wise, 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 kinds of land, whether agricultural

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<sup>77</sup> See *Octavio v. Perovano*, 608 Phil. 378, 389 (2009). COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, as amended, Section 3(d), states that an “An 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 [the CARL] and other terms and conditions of transfer of ownership from landowner 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.”

<sup>78</sup> 502 Phil. 626 (2005).

<sup>79</sup> Id. at 642.

<sup>80</sup> Id. at 645.

<sup>81</sup> Id. at 639.

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.

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. Sevilla*, 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 [First Municipal Circuit Trial Court].<sup>82</sup> (Citations omitted)

From this disquisition, it seems that courts have exclusive jurisdiction on all ejectment cases, including those lands that are “public in character.” This is not the case, however. As observed by Associate Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), the seeming confusion is brought about by this portion of *David*:

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.<sup>83</sup> (Citations omitted)

It must be stressed that *David* did not lay down the rule that all ejectment cases, whether involving an agrarian dispute or not, are cognizable by the first-level courts. As Justice Caguioa has pointed out, the reason why the Court sustained the MCTC’s jurisdiction therein is not because the case is summary in nature, but because it does not involve an agrarian dispute.<sup>84</sup> *David* clearly states that the dispute therein is not an agrarian matter. Also, there is indeed an allegation that the land is public in nature - this was even discussed in the ruling. However, the land being public in character is completely separate from the existence of an agrarian dispute. When a dispute involves a public land, it does not necessarily amount to an agrarian dispute; an agrarian dispute is specifically defined in the law.

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<sup>82</sup> Id. at 645-647.

<sup>83</sup> Id. at 646. *Letter of Associate Justice Alfredo Benjamin S. Caguioa dated September 20, 2021*, p. 8.

<sup>84</sup> *Letter of Associate Justice Alfredo Benjamin S. Caguioa dated September 20, 2021*, p. 10.

Thus, *David* should not be understood that jurisdiction on ejectment cases of whatever nature falls on first-level courts; it should be read and understood to provide that first-level courts have jurisdiction on ejectment cases even if the land is public in character as long as the case is not an agrarian dispute. The public character of the land does not divest the courts of jurisdiction over ejectment cases. However, if the ejectment case is found to be an agrarian dispute, the first-level courts will be divested of jurisdiction in accordance with the CARL, as amended. The controlling aspect, therefore, is the nature of the dispute (*i.e.*, agrarian or not) and not the character of the subject land.

Then there is the more recent case of *Chailese Development Company, Inc. v. Dizon*<sup>85</sup> (*Chailese*), which clarifies the jurisdiction of the DARAB over agrarian disputes:

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.<sup>86</sup>

RA 9700 reinforced the jurisdiction of DAR as already provided in the original CARL. It made clear the requisites for a case to be considered to be an agrarian dispute. It also mandated the automatic referral upon concurrence of the requisites. In *Chailese*, the Court retroactively applied RA 9700 to the case and ruled that the RTC has jurisdiction over the possessory action due to absence of evidence on the existence of a tenancy relation, thus failing to satisfy the second requisite.

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.

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<sup>85</sup> 826 Phil. 51 (2018).

<sup>86</sup> *Id.* at 62.

**Retroactive application of RA 9700 and *Chailese* on cases before first-level courts**

*Chailese* further provides for the retroactive application of Section 50-A of RA 9700:

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.

*Chailese* states that RA 9700 merely highlighted the exclusive jurisdiction of the DAR already provided in the CARL in requiring the automatic referral of cases to it. Further, this amendment is procedural in nature that can be applied to pending cases before RA 9700's passage. The Court thus applied the amendment in ruling that the complaint, even if filed prior to the amendatory law's passage, is cognizable by the RTC.

While *Chailese* involves a complaint for recovery of possession and damages filed before the RTC, there is no reason to not apply RA 9700 retroactively to cases before the first-level courts, such as complaints for forcible entry. After all, the amendment did not distinguish and it mentions of municipal trial courts: "[I]n cases referred by the municipal trial court and the prosecutor's office, the appeal shall be with the proper regional trial court xxx"<sup>87</sup> To add, the Court has once stated that any doubts as to the jurisdiction of the DAR on the implementation of the CARP should be resolved in its favor, as the law has granted it special authority to hear and adjudicate agrarian matters.<sup>88</sup>

Thus, the Court can apply RA 9700 to the instant case.

<sup>87</sup> Comprehensive Agrarian Reform Law of 1988, as amended, section 50-A.

<sup>88</sup> *Department of Agrarian Reform v. Cuenca*, 482 Phil. 208, 211 (2004).

**Application to the instant case.**

Guided by *David* and *Chailese*, the Court now resolves the instant case.

Preliminarily, as found by the trial courts and the appellate court in the instant case, it is undisputed that the allegations in the complaint herein pertain to forcible entry. However, pursuant to *David*, it is not automatic that the MCTC has jurisdiction over the forcible entry case. There is a need to determine if the case involves an agrarian dispute.

From this, the Court rules that the MCTC has no jurisdiction on the instant complaint for forcible entry. As pointed out by Associate Justice Amy C. Lazaro-Javier, this case meets the two requirements for automatic referral, as set out by RA 9700 and as summarized in *Chailese*.<sup>89</sup> Thus, the Court finds that the case is cognizable by the DAR through the DARAB.

The first requirement is the presence of an allegation from any one or both of the parties that the case is agrarian in nature. Here, despite the filing of the forcible entry case, respondents have been consistent on alleging that the controversy is agrarian in nature. In their answer filed before the MCTC, they alleged that the land in dispute were awarded to them as CARP beneficiaries.<sup>90</sup> The RTC, on appeal, also touched upon matters of allegations of agrarian dispute in relation with jurisdiction of the courts.<sup>91</sup> The CA also did the same and in fact dismissed the complaint after finding that the issue of possession was linked to an agrarian dispute brought by the issuance of CLOAs to respondents.<sup>92</sup> In their comment filed before this Court, respondents maintain that the case is an agrarian dispute.<sup>93</sup>

As stated by RA 9700, mere allegation of the existence of an agrarian dispute is enough. In this case, this requirement was met when respondents made consistent allegations of the existence of an agrarian dispute pursuant to the CLOAs issued to them.

As to the second requirement, *Chailese* adds that proof must be adduced as to the person's status as farmer, farmworker, or tenant.<sup>94</sup> In this case, it is undisputed that respondents are farmers of the subject lands. Indeed, the records did not expressly show any agreement of whatever kind that respondents were farmers of Angelina's lands. However, the CA and the DAR Secretary (in the exemption from CARP case) here recognized the status of

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<sup>89</sup> *Reflections of Associate Justice Amy C. Lazaro-Javier*, pp. 4-5.

<sup>90</sup> *Rollo* (G.R. No. 201631), p. 36.

<sup>91</sup> *Id.* at 62.

<sup>92</sup> *Id.* at 40-41.

<sup>93</sup> *Id.* at 80-81.

<sup>94</sup> *Chailese Development Company, Inc. v. Dizon*, *supra* note 85.

respondents as farmers.<sup>95</sup> This was not disputed by Angelina. Further, their status as farmers was cemented by the subsequent award of Angelina's lands to them by virtue of CLOAs. This is also shown by the cases Angelina initiated regarding the annulment of CLOAs, exemption from CARP coverage, and this forcible entry case. Thus, the second requirement is met.

In any case, even without the mandate of automatic referral at that time, the MCTC should have dismissed the case after hearing the parties as the law is clear prior to the amendment that the DAR, through the DARAB, has jurisdiction on agrarian disputes involving transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries.<sup>96</sup> CLOAs were issued to respondents being the beneficiaries of CARP. Recipients of CLOAs acquire ownership of the lands awarded.<sup>97</sup> As respondents entered the subject parcel of lands by virtue of the CLOAs, this entry, despite being characterized by Angelina as forcible entry, is clearly a controversy relating to and arising from the terms and conditions of transfer of ownership to agrarian reform beneficiaries.

The Court, therefore, agrees with the CA in dismissing the complaint for lack of jurisdiction. The DAR, through the DARAB, has jurisdiction over the instant case for forcible entry for being an agrarian dispute.

Nonetheless, the Court is aware that Angelina herself also availed of remedies by moving for the cancellation of the CLOAs and requesting for the exemption of the subject lands from CARP coverage. The Court takes note of the DAR Secretary's June 8, 2011 Decision and January 19, 2012 Resolution of the DAR Secretary exempting her parcels of land from CARP coverage.<sup>98</sup> However, as based from the records, these suits have not yet attained conclusion or finality; thus, the rights of the parties may still change. Still, the Court must resolve the instant case as it still presents a justiciable controversy regarding jurisdiction.

**WHEREFORE, G.R. No. 201076 is ordered DECONSOLIDATED from G.R. No. 201631. The Petition in G.R. No. 201631 is hereby DENIED. The January 27, 2012 Decision and March 28, 2012 Resolution of the Court of Appeals in CA-G.R. SP No. 03121-MIN are AFFIRMED.**

<sup>95</sup> *Rollo* (G.R. No. 201631), pp. 41, 139.

<sup>96</sup> Comprehensive Agrarian Reform Law of 1988, as amended, Section 3.

<sup>97</sup> See *Philcontrast Resources, Inc. v. Aquino*, G.R. No. 214714, October 7, 2020.

<sup>98</sup> *Rollo* (G.R. No. 201076), pp. 24, 136-151, and 155-158.

SO ORDERED.

  
 RAMON PAUL L. HERNANDO  
 Associate Justice

WE CONCUR:

  
 ALEXANDER G. GESMUNDO  
 Chief Justice

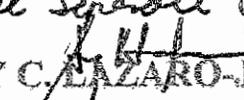
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*of her*  
 ESTELA M. PERLAS-BERNABE  
 Associate Justice

*See separate concurring opinion*  
  
 MARVIC M.V.F. LEONEN  
 Associate Justice

*See Concurring Opinion*  
  
 ALFREDO BENJAMIN S. CAGUIOA  
 Associate Justice

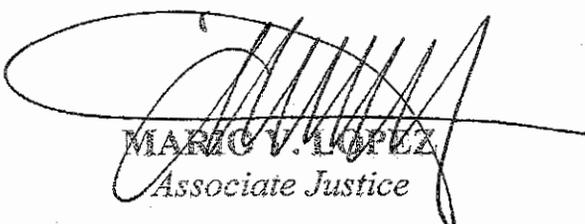
  
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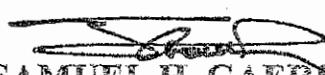
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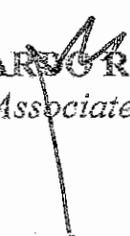
  
AMY C. LAZARO-JAVIER  
*Associate Justice*

  
HENRI JEAN PAUL B. INTING  
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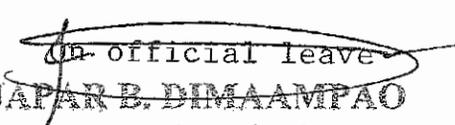
  
RODIL V. ZALAMEDA  
*Associate Justice*

  
MARIO V. LOPEZ  
*Associate Justice*

  
SAMUEL H. GAERLAN  
*Associate Justice*

  
RICARDO R. ROSARIO  
*Associate Justice*

  
JHOSEP V. LOPEZ  
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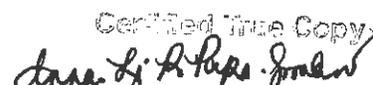
*on official leave*  
  
JAPAR B. DIMAAMPAO  
*Associate Justice*

  
JOSE MIDAS P. MARQUEZ  
*Associate Justice*

### CERTIFICATION

Pursuant to Section 13, Article III of the Constitution, it is hereby Certified 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.

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

Certified True Copy  
  
ANNA-LI R. PAPA-GONZALES  
Deputy Clerk of Court  
CCC En Banc/Com