

## SECOND DIVISION

[ G.R. NO. 154490, September 19, 2006 ]

**SPOUSES ROMULO AND GUILLERMA CUBA, PETITIONERS, VS.  
MANUEL V. CUENCO, JR., RESPONDENT.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

For our resolution is the instant Petition for Review on Certiorari assailing the Decision<sup>[1]</sup> dated January 30, 2002 of the Court of Appeals in CA- G.R. SP No. 54695.

The facts are:

Manuel Cuenco, Jr., respondent, is the registered owner of several parcels of agricultural land located in *Barangay* Looc, Sibulan, Negros Oriental he inherited from his deceased parents, Manuel Cuenco, Sr. and Milagros Veloso Cuenco. They are Lots Nos. 3529, 3530, 3533, 3534, 3535, and 3576 consisting of five (5) hectares covered by Transfer Certificates of Title Nos. T-31768-A, T-31765-A, T-31770, T-31766, T-31768, and T1-31769, respectively. These lots are primarily planted to coconuts and bananas and have been tenanted since the 1960s. Rosendo Lastimoso was the original tenant. Before he died, respondent's mother, Milagros Cuenco, designated Guillerma Cuba and her husband Romulo Cuba, herein petitioners, as the new tenants. Petitioners then constructed their residential house on a portion of Lot No. 3533. After the death of his mother, respondent sent a letter to petitioners authorizing them to continue tending Lot No. 3533.

Later, however, the tenurial relationship between respondent and petitioners had been strained, prompting respondent to file with the Regional Agrarian Reform Adjudication Board, Department of Agrarian Reform (DAR), Cebu City a complaint for declaration of non-tenancy, ejectment, and accounting of farm income against petitioners, docketed as RARAD Case No. VII-39-NO-99. Respondent prayed that petitioners be ordered to vacate the landholding they are tilling.

Respondent also filed with the Municipal Trial Court (MTC), Sibulan, Negros Oriental a complaint for unlawful detainer against petitioners, docketed as Civil Case No. 431. Respondent alleged that he has allowed petitioners to construct their house on a portion of Lot No. 3533 on condition that they will peacefully vacate the area should he need the same; that at present he is in need of the land; and that despite his demands, petitioners refused to vacate the same, thus, he is constrained to file the complaint for illegal detainer against them. **It is this case which led to the instant controversy.**

In their answer to respondent's complaint, petitioners averred that they are legitimate tenants; that respondent filed the complaint because he wanted to

designate spouses Joventino and Victoria Abo<sup>[2]</sup> to replace them; and that the MTC has no jurisdiction over Civil Case No. 431 as it involves an agrarian dispute.

In an Order<sup>[3]</sup> dated May 17, 1999, the MTC dismissed respondent's complaint for lack of jurisdiction, holding that it involves an agrarian controversy which falls within the jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB).

On appeal, the Regional Trial Court (RTC), Branch 44, Dumaguete City rendered its Decision<sup>[4]</sup> dated July 15, 1999 affirming the MTC Order.

Respondent then filed with the Court of Appeals a Petition for Review assailing the RTC Decision, docketed therein as CA-G.R. SP No. 54695.

Meanwhile, on September 10, 1999, the DARAB handed down its Decision in RARAD Case No. VII-39- NO-99 in favor of petitioners. It enjoined respondent from disturbing petitioners' peaceful possession of the land they have been cultivating.

Going back to the illegal detainer case, on January 30, 2002, the Court of Appeals rendered its Decision in CA-G.R. SP No. 54695 in favor of respondent, reversing the RTC Decision and holding that respondent's complaint does not involve an agrarian controversy, hence, the MTC has jurisdiction over it.

The Court of Appeals found that the disputed property is residential, not agricultural, as evidenced by these two documents: (1) a Certification dated August 12, 1999 issued by the Provincial Assessor of Negros Oriental stating that Lot No. 3533 has been classified as residential by the Municipal Assessor of Sibulan; and (2) a Certification dated June 4, 1999 issued by the Office of the Zoning Administrator, Housing and Land Use Regulatory Board stating that both the *Sangguniang Bayan* of Sibulan and the *Sangguniang Panlalawigan* of Negros Oriental approved the reclassification of Lot No. 3533 from agricultural to residential land.

Petitioners filed a motion for reconsideration but it was denied by the Court of Appeals in its Resolution<sup>[5]</sup> dated July 22, 2002.

Hence, the instant petition.

The sole issue here is whether or not respondent's complaint for illegal detainer against petitioners involving their home lot is an agrarian dispute.

The petition is meritorious.

We agree with the Court of Appeals that indeed the jurisdiction of a tribunal, including a quasi-judicial agency, over the subject matter of a complaint or petition is determined by the allegations therein. However, in determining jurisdiction, **it is not only the nature of the issues or questions that is the subject of the controversy that should be determined, but also the status or relationship of the parties.**<sup>[6]</sup> Thus, if the issues between the parties are intertwined with the resolution of an issue within the exclusive jurisdiction of the DARAB, such dispute must be addressed and resolved by the DARAB.<sup>[7]</sup> Section 50 of Republic Act No. 6657<sup>[8]</sup> provides: