

THIRD DIVISION

[G.R. Nos. 113220-21, January 21, 1997]

**DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD
(DARAB) AND PROVINCIAL AGRARIAN REFORM ADJUDICATOR
FE ARCHE-MANALANG, DEPARTMENT OF AGRARIAN REFORM
(DAR), PETITIONERS, VS. COURT OF APPEALS, BSB
CONSTRUCTION AND AGRICULTURAL DEVELOPMENT
CORPORATION, AND CAROL BAUCAN, RESPONDENTS.
D E C I S I O N**

DAVIDE, JR., J.:

In this petition for review under Rule 45 of the Rules of Court, petitioners Department of Agrarian Reform Adjudication Board (DARAB) and Fe Arche-Manalang, Provincial Agrarian Reform Adjudicator (PARAD) for the Province of Rizal, seek to set aside, in part, the 23 September 1993 Decision ^[1] of the Court of Appeals (former Special Third Division) in the consolidated cases CA-G.R. SP No. 30474 and CA-G.R. SP No. 31179, and its 27 December 1993 Resolution ^[2] denying their partial motion for reconsideration of the said decision. The private respondents herein were the petitioners below.

The Court of Appeals aptly summarized the material facts leading to the instant petition in this wise:

These cases were consolidated in view of the fact that they involve the same petitioners and the same issue concerning the right of BSB Construction and Agricultural Development Corp. (hereafter BSB Construction) to develop a parcel of land into a housing subdivision, against the claim of private respondents that they are tenant-farmers entitled to the benefits of the Comprehensive Agrarian Reform Law of 1988 (Rep. Act No. 6657).

Background of CA-G.R. SP NO. 30474

On March 10, 1993 private respondents Salvador O. Abogne, Artemio Catamora and Raul Ordan filed a complaint with the Provincial Agrarian Reform Adjudicator (PARAD) at Teresa, Rizal, praying that they be maintained in the peaceful possession and cultivation of a portion, consisting of 12 hectares, of the land in question. The land, which has a total area of 45 hectares, is located at Barangay San Isidro, Antipolo, Rizal. In their complaint docketed as PARAD Case No. IV-0075-93, private respondents alleged that they are farmworkers and occupant-tillers of the land in question; that the land is an [sic] agricultural land; that they had invested efforts and money in cultivating and planting it with various fruit trees and root crops; that on March 4, 1993 the portion of the land they were cultivating had been bulldozed at the instance of

Federico Balanon and other individuals acting in behalf of the petitioner BSB Construction, as a result of which the improvements made by them on the land were destroyed. For this reason private respondents asked the PARAD for an order restraining the herein petitioners from further bulldozing the property and maintain them in the peaceful possession of the land.

On the same date (March 10, 1993) the complaint was filed, the Provincial Adjudicator, Fe Arche-Manalang, issued an order enjoining the BSB Construction and all persons representing it "to cease and desist from undertaking any further bulldozing and development activities on the property under litigation or from committing such other acts tending to disturb the status quo."

On March 12, 1993 petitioners filed a complaint with the Department of Agrarian Reform Adjudication Board (DARAB) at Diliman, Quezon City, in which they sought the nullification of the restraining order issued by the PARAD. They alleged that the land in question is not an agricultural, but residential, land and that the petitioners before the PARAD, who are the herein respondents Abogne, Catamora, and Ordan are not tenant-farmers but mere squatters; that through Atty. Eduardo Inlayo, who is chief legal counsel of the Department of Agrarian Reform, private respondents had filed a criminal case for illegal conversion of agricultural land against Federico Balanon, president of BSB Construction; and that Atty. Inlayo and PARAD Fe Arche-Manalang, who are officials of the DAR, had conspired with each other and acted maliciously in issuing the restraining order without regard to its consequences, without first hearing the herein petitioners.

Without waiting for any action on their complaint before the DARAB, the petitioners, on March 19, 1993, filed the present petition for certiorari, substantially alleging the same matters and praying for the annulment of the restraining order issued by the PARAD, on the ground that the order was issued capriciously, whimsically, and in excess of the jurisdiction of the PARAD.

Background of CA-G.R. SP NO. 31179

In turn, after the filing of the petition in CA-G.R. SP No. 30474 with this Court, another group, claiming the same right to the cultivation of the land in question, filed a complaint with the DARAB against the petitioner BSB Construction, represented by its president, Federico Balanon. The complainants, who are the herein private respondents Lourdes Bea, Benjamin Enriquez, and Natividad Enriquez, alleged that they too are farmworkers and occupant-tillers of the same portion being cultivated by the private respondents in CA-G.R. SP No. 30474. In substantially the same way, they alleged that they had invested money and effort to develop the portion of the land into a "compact agricultural undertaking," planting it with various fruit trees and root crops; that on March 4, 1993 petitioner BSB Construction bulldozed the portion of the land cultivated by Salvador Abogne, Artemio Catamora and Raul Ordan (private respondents in CA-G.R. SP No. 30474) and were determined to bulldoze

the entire land with the result that they would be ejected therefrom. Private respondents asked for a temporary restraining order because of what they feared would be great and irreparable damage to them and their source of livelihood.

On the same day (May 6, 1993), the DARAB issued a "status quo order", the dispositive portion of which states:

WHEREFORE, premises considered, Order is hereby given to:

1. The Respondents BSB Construction and Agricultural Development Corporation represented by Federico Balanon and any individual or group of individuals acting pursuant to or under their command, not to bulldoze and scrape the fruit-bearing trees and root crops thereon, harass and disturb the peaceful possession of Petitioners over the landholding in question pendente lite under pain of contempt by this Board;
2. The DARAB Provincial Sheriff for the Province of Rizal, the Municipal Agrarian, Reform Officer for the Municipality of Antipolo, Rizal, the Provincial Agrarian Reform Officer for the Province of Rizal and the Philippine National Police unit in the Municipality of Antipolo, Rizal to see to it that Petitioners are not harassed, disturbed and that peaceful possession of their tillage over the landholding in question is maintained pendente lite and to submit [a] compliance report of this Order within five (5) days from receipt hereof.

SO ORDERED.

The DARAB justified its order as necessary "to protect the interests of both parties pendente lite, not to preempt the decision of the Hon. Adjudicator for the province of Rizal in Region Case No. IV-RI-0075-93 and not to make a mockery of our democratic processes."

BSB Construction and Carol Baucan, who is one of the registered owners of the land in question, then filed the petition for certiorari [under Rule 65] in this case (CA-G.R. SP No. 31179), contending that the land is not covered by the Comprehensive Agrarian Reform Law and, therefore, the complaint filed in the DARAB is not within the latter's jurisdiction.

PARAD Case No. IV-RI-0075-93, subject of CA-G.R. SP No. 30474, shall hereafter be referred to as the ABOGNE Case.

The aforementioned DARAB case subject of CA-G.R. SP. No. 31179 was docketed as DARAB Case No. 0100-93 (Reg. Case No. IV-RI-0075) and shall hereafter be referred to as the BEA Case.

Before the Court of Appeals, private respondents BSB Construction and Agricultural Development Corporation and Carol Baucan sought to annul the temporary restraining order issued by PARAD (hereafter PARAD TRO) in PARAD Case No. IV-RI-

0075-93 and the Status Quo order issued by DARAB (hereafter DARAB SQO) in DARAB Case No. 0100-93 (Reg. Case No. IV-0075) contending that: (1) the land subject of the proceedings was not agricultural land, it having been declared by former Minister Conrado Estrella to be outside the scope of P.D. No. 27 as far back as 1983 and converted into a residential area before the effectivity of R.A. No. 6657, [3] as evidenced by the issuance of the appropriate Development Permits by the Human Settlements Regulatory Commission; (2) the private respondents below were mere squatters; (3) the complaint in the ABOGNE Case failed to show prima facie entitlement to injunctive relief; (4) the Secretary of Justice issued an opinion to the effect that R.A. No. 6657 did not cover land previously classified as residential in town plans and zoning ordinances approved by the Housing and Land Use Regulatory Board; and (5) the DARAB SQO, having been issued after the Court of Appeals had given due course to their petition in CA-G.R. SP No. 30474, "betray[ed] disrespect to the Court and the rule of law."

In its challenged Decision, the respondent Court disposed as follows:

WHEREFORE, the petition for certiorari and motion for contempt in CA-G.R. SP No. 30474 are DISMISSED.

On the other hand, the petition for certiorari in CA-G.R. SP No. 31179 is GRANTED and the order dated May 6, 1993 and all proceedings in DARAB Case No. 0100-93 (Reg. Case No. IV-RI-0075), including the order of arrest of July 15, 1993, are hereby declared NULL AND VOID.

The Provincial Agrarian Reform Adjudicator is ORDERED to resolve within ten (10) days from notice the application for a writ of preliminary injunction in PARAD Case No. IV-RI-0075-93. Pending resolution by the PARAD of the motion for injunction, the petitioners are ENJOINED from bulldozing or in any way disturbing the private respondents in their possession.

As to the ABOGNE Case (CA-G.R. SP No. 30474), it upheld the validity of the PARAD TRO, ruling that the allegations in the complaint in PARAD Case No. IV-RI-0075-93 clearly indicated the necessity for its issuance; the respondents' contentions were matters of defense; and that, in any event, the issue of the propriety of the issuance of the TRO was already mooted by the expiration of its 20-day lifetime. On other hand, it granted the petition in the BEA Case (CA-G.R. SP No. 31179) and, consequently, set aside the DARAB SQO and the warrant of arrest issued in the BEA Case as the DARAB had no jurisdiction over said the case and violated its Rules of Procedure. It justified the said disposition in this wise:

On the other hand, the "Status Quo Order" issued by the DARAB on May 6, 1993 is, in our view, nothing but an interference in a matter over which it has no jurisdiction. It is true that under the law the DAR is given "primary jurisdiction to determine and adjudicate agrarian reform matters and ... exclusive original jurisdiction over matters involving the implementation of agrarian reform" and to punish those guilty of contempt. (Rep. Act No. 6657, sec. 50) Under the Revised Rules of Procedure of the DAR, however, this power is delegated to Regional Agrarian Reform Adjudicators (RARADs) and to Provincial Agrarian Reform Adjudicators (PARADs) with respect to matters arising within their

respective territorial jurisdiction.

As already stated, the DARAB issued the "Status Quo Order" because of what it perceived to be an effort of the herein petitioners BSB Construction and its officers "to make a mockery of a [sic] democratic processes." Apparently, the DARAB was referring to the complaint filed with it by petitioners and the petition for certiorari later filed with this Court in CA-G.R. SP No. 30474. That is the reason petitioners charge the DARAB with "disrespect" of this Court.

However, the DARAB should have left the correction of alleged abuse of legal process to this Court instead of issuing the order in question. In issuing the "Status Quo Order" of May 6, 1993, the DARAB only succeeded in ... acting on a matter over which it had no jurisdiction since the case was already pending before its PARAD. Certainly the interest of orderly procedure can not tolerate both the DARAB and the PARAD to act simultaneously or in tandem over the same case. That the complainants ... are different from the complainants before the PARAD cannot conceal the fact that the purpose of the complaint in the DARAB was the same as the purpose of the complaint in the PARAD, namely, for maintenance of peaceful possession. Indeed, in their complaint, Lourdes Bea, Benjamin Enriquez and Natividad plead the cause of the complainants in the PARAD ... They do not assert a cause of action of their own, except a generalized interest in stopping the development of the land into a housing subdivision.

The DARAB should have set the example o[f] observance of orderly procedure instead of issuing the order in question. As our disposition of the issue in CA-G.R. SP No. 30474 shows, the validity of the PARAD order is for this Court to resolve, not for the DARAB.

The DARAB seeks to justify its order on the ground that unless the petitioners were restrained, they would have proceeded with the bulldozing of the land and the destruction of private respondents' crops. If that is so, it can only be because the 20-day life of the PARAD TRO expired without the latter having resolved the respondents' application for injunction. The filing of the petition in CA-G.R. SP No. 30474 cannot be cited to justify the PARAD's failure to resolve the injunctive incident. This Court, duly mindful of Republic Act No. 6657, sec. 55 has studiously avoided issuing a restraining order against the PARAD and the DARAB. There is simply no justification for the DARAB order of May 6, 1993. The least the PARAD could have done was to get the parties to agree to a temporary truce pending resolution of the motion for a writ of preliminary injunction.

Given the nullity of the DARAB order of May 6, 1993 it follows that the DARAB was without power to order the arrest of the petitioner for violation of such order. On the other hand, we do not think that the DARAB committed any contempt of this Court in issuing its order since as already indicated this Court did not really issue any restraining order against the PARAD.