

## SECOND DIVISION

[ G.R. No. 181548, June 20, 2012 ]

**HEIRS OF CANDIDO DEL ROSARIO AND HEIRS OF GIL DEL  
ROSARIO, PETITIONERS, VS. MONICA DEL ROSARIO,  
RESPONDENT.**

### D E C I S I O N

**REYES, J.:**

#### **Nature of the Petition**

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court filed by the Heirs of Candido Del Rosario and the Heirs of Gil Del Rosario (petitioners), assailing the Decision<sup>[1]</sup> dated January 21, 2008 issued by the Court of Appeals (CA) in CA-G.R. SP No. 85483.

#### **The Antecedent Facts**

This involves a parcel of land with an area of 9,536 square meters situated in *Barangay* Caingin, Bocaue, Bulacan. The subject land was formerly owned by Pedro G. Lazaro and tenanted by the spouses Jose Del Rosario and Florentina De Guzman (Spouses Del Rosario).

Spouses Del Rosario had three children: Monica Del Rosario (Monica), Candido Del Rosario (Candido) and Gil Del Rosario (Gil). The petitioners claimed that when Spouses Del Rosario died, only they continued to tenant and actually till the subject land.

Sometime in February 1991, Monica and Gil agreed that the latter would facilitate the application for an Emancipation Patent over the subject land in the name of the former. In exchange, Monica agreed to cede to Gil one-third of the said land after the Emancipation Patent had been issued to her.

On May 29, 1998, the Department of Agrarian Reform (DAR) issued to Monica Emancipation Patent No. 00733146 over the land. Subsequently, on October 22, 1998, the Registry of Deeds for the Province of Bulacan issued Transfer Certificate of Title (TCT) No. EP-257-M in the name of Monica.

The petitioners claimed that Monica, despite repeated demands, refused to cede to Gil the one-third portion of the subject land pursuant to their agreement. Thus, on April 17, 2000, the petitioners filed with the Office of the Provincial Agrarian Reform Adjudicator (PARAD) in Malolos, Bulacan a complaint against Monica for amendment of TCT No. EP-257-M and partition of the subject land.

For her part, Monica claimed that their father entrusted to her the cultivation of the

subject land after the latter became ill and incapacitated sometime in 1950. Gil and Candido, in turn, were entrusted with the cultivation of other parcels of land tenanted by Spouses Del Rosario. Further, after Presidential Decree No. 27 (P.D. No. 27) took effect, Monica claimed that she was the one listed in the files of the DAR as the tenant-beneficiary of the subject land and that she was the one who was paying the amortizations over the same.

### **The PARAD's Decision**

On May 22, 2002, PARAD Provincial Adjudicator Toribio E. Ilao, Jr. (PA Ilao) rendered a Decision<sup>[2]</sup> the decretal portion of which, in part, reads:

WHEREFORE, premises considered, judgment is hereby rendered in the following manner:

- 1). Ordering the Register of Deeds of Bulacan to cancel TCT/EP No. 257(M)/00733146 containing an area of 9,536 square meters, more or less, issued to Monica del Rosario and partitioned (sic) the covered lot among the heirs of the late spouses Jose del Rosario and Florentina de Guzman;
- 2). Ordering the respondent to cede the ONE THIRD (1/3) portion of the 9,536 square meters, equivalent to 3,178 square meters of the subject agricultural land in favor of the heirs of the late Gil Del Rosario in compliance with their agreement;
- 3). Ordering the remaining portion of 6,358 square meters to be subdivided into four (4) equal shares: to the surviving heirs of the late spouses Jose del Rosario and Florentina de Guzman as follows, to wit:
  - a. Respondent Monica del Rosario – 1,589 square meters;
  - b. Heirs of Candido del Rosario represented by his children – 1,589 square meters;
  - c. Heirs of Gil del Rosario represented by his children – 1,589 square meters; and
  - d. Consolacion del Rosario – 1,589 square meters.
- 4). Directing the PARO of Bulacan thru the Operations Division and all DAR personnel concerned to generate and issue EPs/titles in the name of the parties concerned with the corresponding area of tillage as indicated above, in accordance with the DAR existing rules and regulations, and cause the registration of the new EPs/titles with the Registry of Deeds of Bulacan.<sup>[3]</sup>

PA Ilao found that Monica was not the *bona fide* tenant-farmer of the subject land and that she had continuously failed to cultivate or develop the same.

Unperturbed, Monica appealed from the foregoing disposition of PA Ilao to the Department of Agrarian Reform Adjudication Board (DARAB).

## **The DARAB's Decision**

On January 8, 2004, the DARAB rendered a Decision,<sup>[4]</sup> which reversed and set aside the Decision dated May 22, 2002 of PA Ilao. The DARAB held that:

[Monica] and her siblings are not co-heirs to the landholding in question. The said land was not a part of the inheritance of their late parents. This conclusion is based on the simple reason that tenants are not the owners of the landholding they cultivate. Under the law, inheritance includes all the property, rights and obligations of a person which are not extinguished by his death x x x. In the case of a tenant, what he may transfer to his successor upon his death is merely the right to cultivate the landholding. Such transfer of right to cultivate, however, cannot be applied in the instant case. The right to cultivate the subject landholding was being exercised by [Monica's] father until he became incapacitated (due to high blood pressure) to till the land, at which time, he passed the responsibility of cultivation to his eldest child, [Monica]. x x x The records show that the parents of [Monica] gave her the right to till the property of Pedro Lazaro. This is corroborated by the fact that Pedro Lazaro has recognized [Monica] as the only registered tenant of the subject property as evidenced by their "*Kasunduan Sa Pamumuwisan*" dated 25 September 1973 x x x.<sup>[5]</sup>

Further, the DARAB ruled that the agreement between Monica and Gil that one-third of the subject land would be ceded to the latter after the same had been registered under Monica's name is contrary to law as P.D. No. 27 prohibits the transfer of parcels of land given to qualified farmer-beneficiaries other than by hereditary succession or to the government.

The petitioners sought a reconsideration of the Decision dated January 8, 2004, but it was denied by the DARAB in its Resolution<sup>[6]</sup> dated July 8, 2004.

Subsequently, the petitioners filed a petition for review<sup>[7]</sup> with the CA alleging that the DARAB erred in ruling that they and Monica are not co-owners of the subject land.

## **The CA's Decision**

On January 21, 2008, the CA rendered the herein assailed decision denying the petition for review filed by the petitioners. The CA held that the PARAD and the DARAB had no jurisdiction to take cognizance of the petitioners' complaint for amendment of the Emancipation Patent and partition of the subject land, there being no agrarian dispute or tenancy relations between the parties. Thus:

While it is true that the DARAB has primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP), which include those involving the issuance, correction and cancellation of Certificates of Land Ownership Award

(CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority, however, for the DARAB to have jurisdiction over a case, there must exist a tenancy relationship between the parties, which does not obtain in the petition at bench.

The jurisdiction of a tribunal or *quasi-judicial* body over the subject matter is determined by the averments of the complaint/petition and the law extant at the time of the commencement of the suit/complaint/petition. All proceedings before a tribunal or *quasi-judicial* agency bereft of jurisdiction over the subject matter of the action are null and void.<sup>[8]</sup> (Citations omitted)

Nevertheless, the CA also held that the petitioners are bound by the decision of the DARAB declaring Monica as the *bona fide* holder of TCT No. EP-257-M since they participated in the proceedings before the PARAD and the DARAB without raising any objection thereto.

### **Issues**

In the instant petition, the petitioners submit the following issues for this Court's resolution:

[I]

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT DENIED THE PETITION FOR REVIEW ON GROUND OF LACK OF JURISDICTION ON [THE] PART OF THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB).

[II]

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT HELD THAT PETITIONERS ARE BOUND BY THE DECISION OF THE DARAB DECLARING MONICA DEL ROSARIO AS BONA FIDE TCT/EP HOLDER, THAT THEY ARE NOT CO-HEIRS TO THE SUBJECT LANDHOLDING, THAT THE AGREEMENT THAT ONE THIRD (1/3) OF THE SUBJECT LANDHOLDING SHALL BE GIVEN TO GIL DEL ROSARIO IS NULL AND VOID FOR BEING CONTRARY [TO] AGRARIAN LAWS AND ORDERING THEM NOT TO INTERFERE WITH MONICA DEL ROSARIO'S CULTIVATION OF SUBJECT LANDHOLDING.<sup>[9]</sup>

Simply put, the issues for this Court's resolution are the following: *first*, whether the PARAD and the DARAB have jurisdiction to take cognizance of the petitioners' complaint for amendment and partition; and *second*, if the PARAD and the DARAB have no jurisdiction over the complaint for amendment and partition, whether the petitioners are bound by their respective dispositions.

### **The Court's Ruling**

The petition is partly meritorious.

### **First Issue: Jurisdiction of the PARAD and the DARAB**

Contrary to the CA's disposition, the petitioners insist that the PARAD and the DARAB have the jurisdiction to take cognizance of their complaint for amendment of the Emancipation Patent and partition of the subject land notwithstanding the absence of tenancy relationship between them and Monica. They assert that the complaint below essentially involves a determination of the actual tenant and eventual rightful beneficiary of the subject land.

On the other hand, Monica asserts that the CA did not err in declaring that the PARAD and the DARAB have no jurisdiction over the said complaint for amendment and partition since there was simply no "tenancy relationship" alleged therein.

### **The jurisdiction of the PARAD and the DARAB is limited only to all agrarian disputes and matters or incidents involving the implementation of the CARP.**

In the process of reorganizing the DAR, Executive Order (E.O.) No. 129-A created the DARAB to assume the powers and functions with respect to the adjudication of agrarian reform matters.<sup>[10]</sup>

At the time the complaint for amendment and partition was filed by the petitioners, the proceedings before the PARAD and the DARAB were governed by the DARAB New Rules of Procedures, which were adopted and promulgated on May 30, 1994, and came into effect on June 21, 1994 after publication (1994 DARAB Rules). The 1994 DARAB Rules identified the cases over which the DARAB shall have jurisdiction, to wit:

## **RULE II JURISDICTION OF THE ADJUDICATION BOARD**

**SECTION 1. *Primary and Exclusive Original and Appellate Jurisdiction.*** – The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate **all agrarian disputes** involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

- a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws;
- b) The valuation of land, and the preliminary determination