

SECOND DIVISION

[G.R. NO. 159145, April 29, 2005]

**DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD
(DARAB) OF THE DEPARTMENT OF AGRARIAN REFORM (DAR),
REPRESENTED BY DAR SECRETARY ROBERTO M. PAGDANGANAN,
PETITIONER, VS. JOSEFINA S. LUBRICA, IN HER CAPACITY AS
ASSIGNEE OF THE RIGHTS AND INTEREST OF FEDERICO
SUNTAY, RESPONDENT.**

D E C I S I O N

TINGA, J.:

Before this Court is an appeal by *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, seeking the reversal of the *Decision*^[1] of the Court of Appeals in CA-G.R. SP No. 66710 granting herein respondent's petition for prohibition and its *Resolution*^[2] denying herein petitioner's motion for reconsideration.

This Court adopts the appellate court's narration of facts.

On August 4, 2000, Federico Suntay, now deceased, filed a petition for fixing and payment of just compensation under Presidential Decree No. 27 against the Department of Agrarian Reform ("DAR"), the DAR Regional Director for Region IV and the Land Bank of the Philippines ("Land Bank").^[3] Docketed as DARAB Case No. V-0405-0001-00, the case was filed before the Office of the Regional Agrarian Reform Adjudicator ("RARAD") and raffled to Adjudicator Conchita Miñas. Subject of the case was Suntay's landholdings covering a total area of 948.1911 hectares situated in Sablayan, Occidental Mindoro and embraced under Transfer Certificate of Title T-31. The DAR and Land Bank determined its value at Four Million Two Hundred Fifty-One Thousand One Hundred Forty-One Pesos and 68/100 (P4,251,141.68) or Four Thousand Four Hundred Ninety-Seven Pesos and 50/100 (P4,497.50) per hectare, which valuation according to Suntay, was unconscionably low and tantamount to taking of property without due process of law.^[4]

After summary administrative proceedings, the RARAD rendered a *Decision*^[5] on January 24, 2001 in favor of Suntay, ordering Land Bank to pay the former the amount of One Hundred Fifty-Seven Million Five Hundred Forty-One Thousand Nine Hundred Fifty-One Pesos & 30/100 (P157,541,951.30) as just compensation for the taking of a total of 948.1911 hectares of Suntay's properties. Land Bank sought reconsideration of the RARAD decision for not being supported by clear and convincing evidence and for its conclusions which are contrary to law. However, in an *Order*^[6] dated March 14, 2001, the RARAD denied Land Bank's motion. Land Bank received a copy of the order of denial on March 26, 2001.^[7]

On April 20, 2001, Land Bank filed a petition for just compensation^[8] with the

Regional Trial Court (RTC) of San Jose, Occidental Mindoro against Suntay, DAR, and RARAD. The petition, docketed as Agrarian Case No. R-1241, prayed that just compensation for the taking of Suntay's landholdings be declared in the amount of Four Million Two Hundred Fifty One Thousand, One Hundred Forty-One Pesos (P4,251,141.00). Suntay moved to dismiss the petition on the grounds of lack of capacity to sue, lack of cause of action, and *res judicata*. After Land Bank filed its comment on Suntay's motion to dismiss, the RTC, sitting as a special agrarian court, dismissed on August 6, 2001 Land Bank's petition for failure to pay the docket fees within the reglementary period.^[9] The special agrarian court also denied Land Bank's *Motion for Reconsideration* for being pro-forma.^[10] Thereafter, Land Bank appealed the order of dismissal to the Court of Appeals by filing a *Notice of Appeal* with the special agrarian court.^[11]

While the petition for just compensation was pending with the special agrarian court, upon motion of Suntay, the RARAD issued an *Order*^[12] on May 22, 2001, declaring its January 24, 2001 *Decision* as final and executory after noting that Land Bank's petition for just compensation with the special agrarian court was filed beyond the fifteen-day reglementary period in violation of Section 11, Rule XIII of the DARAB Rules of Procedure.^[13] In its July 10, 2001 *Order*,^[14] the RARAD denied LBP's motion for reconsideration of the order of finality. On July 18, 2001, the RARAD issued a *Writ of Execution*,^[15] directing the Regional Sheriff of DARAB-Region IV to implement its January 24, 2001 *Decision*. Thus, Land Bank filed a *Petition for Certiorari with Prayer for the Issuance of Temporary Restraining Order/Preliminary Injunction*^[16] before the DARAB on September 12, 2001 against Suntay and RARAD. The petition, docketed as DSCA No. 0252, prayed for the nullification of the following issuances of the RARAD: ^[1] the January 24, 2001 *Decision* directing Land Bank to pay Suntay just compensation in the amount of P157,541,951.30; ^[2] the *Order* dated May 22, 2001 declaring the finality of the aforesaid *Decision*; ^[3] the July 10, 2001 *Order* denying Land Bank's motion for reconsideration; and ^[4] the *Writ of Execution* dated July 18, 2001. On September 12, 2001, the DARAB issued an *Order*^[17] enjoining the RARAD from momentarily implementing its January 24, 2001 *Decision* and directing the parties to attend the hearing for the purpose of determining the propriety of issuing a preliminary/permanent injunction.

On September 20, 2001, Josefina Lubrica, the successor-in-interest of Suntay, filed with the Court of Appeals a *Petition for Prohibition*,^[18] docketed as CA-G.R. SP No. 66710. The petition, impleading DARAB and Land Bank as respondents, sought to enjoin DARAB from further proceeding with DSCA No. 0252, mainly on the theory that Republic Act (R.A.) No. 6657, which confers adjudicatory functions upon the DAR, does not grant DAR jurisdiction over special civil actions for *certiorari*. On the same day, the Court of Appeals granted Lubrica's prayer for a temporary restraining order.^[19] This notwithstanding, DARAB issued a *Writ of Preliminary Injunction*^[20] on October 3, 2001, directing RARAD not to implement its January 24, 2001 *Decision* and the other orders in relation thereto, including the *Writ of Execution*. On October 8, 2001, DARAB filed a *Comment*^[21] in CA-G.R. SP No. 66710, arguing that the writ of *certiorari*/injunction was issued under its power of supervision over its subordinates/delegates like the PARADs and RARADs to restrain the execution of a decision which had not yet attained finality. In an omnibus motion filed on October

10, 2001, Lubrica sought to nullify the Writ of Preliminary Injunction issued by DARAB in DSCA No. 0252 and to cite the DARAB for contempt.^[22] Land Bank also filed its *Comment*^[23] on October 15, 2001, raising the prematurity of Lubrica's petition for prohibition. It contended that the issue of whether or not DARAB can take cognizance of Land Bank's petition for *certiorari* may be elevated to the Office of the DAR Secretary, in accordance with the doctrine of exhaustion of administrative remedies. Land Bank also questioned Lubrica's personality to file the petition for prohibition considering that she never intervened in the proceedings before the RARAD.

The Court of Appeals rendered the assailed *Decision*^[24] on August 22, 2002. The appellate court ruled that petitioner DARAB had no personality to file a comment on Lubrica's petition for prohibition filed with the Court of Appeals because DARAB was a mere formal party and could file a comment only when specifically and expressly directed to do so. The appellate court also ruled that DARAB's exercise of jurisdiction over the petition for *certiorari* had no constitutional or statutory basis. It rejected DARAB's contention that the issuance of the writ of *certiorari* arose from its power of direct and functional supervision over the RARAD. In sum, the Court of Appeals declared that DARAB was without jurisdiction to take cognizance of DSCA No. 0252 and issued a *Writ of Prohibition*, perpetually enjoining DARAB from proceeding with DSCA No. 0252 and ordering its dismissal.

Hence, the instant petition, in which DARAB assigns the following errors to the Court of Appeals:

The Honorable Court of Appeals erred when it ruled:

1. THAT THE PETITIONER (DARAB), BEING A FORMAL PARTY, SHOULD NOT HAVE FILED COMMENT TO THE PETITION AND INSTEAD, IT SHOULD HAVE BEEN CO-RESPONDENT LAND BANK, THE FINANCIAL INTERMEDIARY OF CARP;
2. THAT PETITIONER HAS NO JURISDICTION OVER DSCA 0252 WHICH IS A PETITION FOR CERTIORARI; AND
3. THAT WRIT OF PRELIMINARY INJUNCTION ISSUED BY DARAB IN DSCA 0252 WAS NULL AND VOID FOR HAVING BEEN ISSUED IN VIOLATION OF THE TEMPORARY RESTRAINING ORDER IT ISSUED.^[25]

This Court affirms the ruling of the Court of Appeals that the DARAB does not have jurisdiction over Land Bank's petition for *certiorari*.

Jurisdiction, or the legal power to hear and determine a cause or causes of action, must exist as a matter of law.^[26] It is settled that the authority to issue writs of *certiorari*, prohibition, and mandamus involves the exercise of original jurisdiction which must be expressly conferred by the Constitution or by law.^[27] It is never derived by implication. Indeed, while the power to issue the writ of *certiorari* is in some instance conferred on all courts by constitutional or statutory provisions, ordinarily, the particular courts which have such power are expressly designated.^[28]

Pursuant to Section 17 of Executive Order (E.O.) No. 229 and Section 13 of E.O. No.

129-A, the DARAB was created to act as the quasi-judicial arm of the DAR. With the passage of R.A. No. 6657, the adjudicatory powers and functions of the DAR were further delineated when, under Section 50 thereof, it was vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture, Department of Environment and Natural Resources and the Special Agrarian Courts. The same provision granted the DAR the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena and subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized officers, and the broad power to adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of cases before it.^[29] Section 13 of E.O. No. 129-A also authorized the DAR to delegate its adjudicatory powers and functions to its regional offices.

To this end, the DARAB adopted its Rules of Procedure, where it delegated to the RARADs and PARADs the authority "to hear, determine and adjudicate all agrarian cases and disputes, and incidents in connection therewith, arising within their assigned territorial jurisdiction."^[30] In the absence of a specific statutory grant of jurisdiction to issue the said extraordinary writ of *certiorari*, the DARAB, as a quasi-judicial body with only limited jurisdiction, cannot exercise jurisdiction over Land Bank's petition for *certiorari*. Neither the quasi-judicial authority of the DARAB nor its rule-making power justifies such self-conferment of authority.

In general, the quantum of judicial or quasi-judicial powers which an administrative agency may exercise is defined in the enabling act of such agency. In other words, the extent to which an administrative entity may exercise such powers depends largely, if not wholly, on the provisions of the statute creating or empowering such agency.^[31] The grant of original jurisdiction on a quasi-judicial agency is not implied. There is no question that the legislative grant of adjudicatory powers upon the DAR, as in all other quasi-judicial agencies, bodies and tribunals, is in the nature of a limited and special jurisdiction, that is, the authority to hear and determine a class of cases within the DAR's competence and field of expertise. In conferring adjudicatory powers and functions on the DAR, the legislature could not have intended to create a regular court of justice out of the DARAB, equipped with all the vast powers inherent in the exercise of its jurisdiction. The DARAB is only a quasi-judicial body, whose limited jurisdiction does not include authority over petitions for *certiorari*, in the absence of an express grant in R.A. No. 6657, E.O. No. 229 and E.O. No. 129-A.

In addition, Rule XIII, §11 of the DARAB Rules of Procedure allows a party who does not agree with the RARAD's preliminary valuation in land compensation cases fifteen (15) days from receipt of notice to bring the matter to the proper special agrarian court, thus:

SECTION 11. Land Valuation and Preliminary Determination and Payment of Just Compensation. The decision of the Adjudicator on land valuation and preliminary determination and payment of just compensation shall not be appealable to the Board but shall be brought directly to the Regional Trial Courts designated as Special Agrarian Courts within fifteen