

FOURH DIVISION

[CA-G.R. SP NO. 77658, September 27, 2006]

EMMANUEL CABANGLAN, AND ALL OTHER PERSONS CLAIMING RIGHTS UNDER HIM, PETITIONERS, VS. FELIPE ALMAZAN, JR. AND EDWARD LLANTADA, RESPONDENTS.

D E C I S I O N

BARRIOS, J.:

The petitioner Emmanuel Cabanglan (hereafter the petitioner for brevity) was sued by the respondents Felipe G. Almazan, Jr. and Edward T. Llantada (or the respondents) for Unlawful Detainer before the Municipal Circuit Trial Court of Teresa-Baras (or MCTC). The MCTC rendered a Decision adverse to the petitioner who appealed this to the Regional Trial Court in Morong, Rizal (or RTC).

The RTC affirmed *in toto* the Decision of the MCTC, hence this Petition for Review.

In their complaint filed on March 21, 2002, the respondents alleged that they are the registered owners of a 30,398 square meters parcel of land in Brgy Pinugay, Baras, Rizal, covered by Transfer Certificate of Title No. M-019 issued on November 18, 1991 by virtue of a Certificate of Land Ownership Award (or CLOA) from the Department of Agrarian Reform (or DAR). They contended that the petitioner is in possession of the subject property by their mere tolerance and with the agreement that he will vacate this upon demand. Their agreement was formalized in a contract dated February 10, 1996 where they allowed the petitioner to plant vegetables, construct a shanty, and to act as the caretaker of the property. However, the petitioner violated the conditions of his stay when he constructed permanent structures and the respondents then asked him to vacate the subject premises. He failed and refused, and so this suit.

In his Answer, the petitioner contended that his father Ciriaco Cabanglan was in actual and physical possession and occupation of the subject property since 1988 or long before it was awarded by the DAR to the respondents. The respondents succeeded in obtaining a title without the knowledge and consent of the lawful possessors of the subject property. When they learned about the titling of the property, his father together with the other lawful occupants, immediately filed on April 26, 2000 an agrarian case before the Department of Agrarian Reform Adjudication Board (or DARAB) for the annulment of the respondents' CLOA (TCT No. M-109). The respondents are not qualified and legitimate farmer beneficiaries under the agrarian reform law.

On August 15, 2002, the MCTC rendered its Decision, the decretal portion of which reads:

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendants and all persons claiming rights under them ordering the latter the following:

1. To vacate the plaintiffs premises and immediately return the possession of the subject property to the plaintiff;
2. To pay attorney's fees in the amount of P10,000.00;
3. To pay the cost of suit.

SO ORDERED. (p. 38, rollo)

The petitioner appealed to the RTC which rendered the assailed Decision dated March 24, 2003 affirming *in toto* the Decision of the MCTC.

Hence, this petition for review with the petitioner assigning as the errors committed by the RTC the following:

I

THE REGIONAL TRIAL COURT, BRANCH 80, MORONG, RIZAL GRAVELY ERRED IN AFFIRMING IN TOTO THE DECISION OF THE MCTC OF TERESA-BARAS, RIZAL.

II

THE MCTC AND THE REGIONAL TRIAL COURT GRAVELY ERRED IN ASSUMING JURISDICTION OVER THE SUBJECT MATTER WHICH JURISDICTION PERTAINS TO THE DAR-ADJUDICATION BOARD. (p. 8, rollo)

We find merit in the petition.

The primal and encompassing issue of this petition is whether or not this case rather falls under the ambit of the exclusive jurisdiction of the DARAB.

The well-entrenched principle is that the jurisdiction of the court over the subject matter on the existence of the action is determined by the material allegations of the complaint and the law, irrespective of whether or not the plaintiff is entitled to recover all or some of the claims or reliefs sought therein (*Sumawang vs. De Guzman*, 437 SCRA 622). The jurisdiction of the court over the nature of the action and the subject matter thereof cannot be made to depend upon the defenses set up in the court or upon a motion to dismiss for, otherwise, the question of jurisdiction would depend almost entirely on the defendant (*Boyley vs. Villanueva*, 314 SCRA 364). The MCTC cannot lose its jurisdiction over an ejectment case by the simple expedient of a party raising the defense of his being an agricultural tenant in the property subject of the complaint.

However, the court has the duty to hear and receive evidence for the purpose of determining whether or not it possesses jurisdiction over the case, and if, upon such hearing, tenancy is shown to be the issue, the court should dismiss the case for lack