EN BANC

G.R. No. 201631 — ANGELINA DAYRIT, represented by JULIE DAYRIT, *petitioner, v.* JOSE I. NORQUILLAS, ROGELIO I. NORQUILLAS, ROMIE I. NORQUILLAS, HERDANNY I. NORQUILLAS, DANILO M. NORQUILLAS, ANTHONY APUS, TECLO P. MUGOT, ALLAN A. OMPOC, JONI CLARIN, CANDELARIA MEJORADA, LILIA O. TAGANAS, SYLVIA SABAYANON, ARSENIO CATIIL, VERONICO MAESTRE, and MARIO TAGAYLO, *respondents.*

Promulgated:

December 7, 2021

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CONCURRING OPINION

LEONEN, *J.*:

Any adjudication on the rights of the parties in this case must rest on the fact that the lands subject of this dispute are now covered by the government's Comprehensive Agrarian Reform Program. As early as 1993, petitioner's Original Certificate of Title and Transfer Certificate Title had already been cancelled, and new titles pursuant to Certificates of Land Ownership Award were issued to respondents.[1]

The Court of Appeals reversed and set aside the rulings of the trial courts in the forcible entry suit, citing the Department of Agrarian Reform Adjudication Board's primary jurisdiction. It said that the Adjudication Board is tasked to try and decide disputes relating to the implementation of the Comprehensive Agrarian Reform Program.[2] The Court of Appeals noted that Republic Act No. 6657 or the Comprehensive Agrarian Reform Law of 1988 confers this jurisdiction on the Department of Agrarian Reform:

> SECTION 50. *Quasi-Judicial Powers of the DAR.* — The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

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1 *Ponencia*, p. 4.
2 Id. at 6.

Executive Order 129-A created the Department of Agrarian Reform Adjudication Board to perform this quasi-judicial function.[3] The Adjudication Board's Rules of Procedure enumerate the cases that fall under its primary and exclusive jurisdiction:

> Rule II
> *Jurisdiction of the Board and its Adjudicators*
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> SECTION 1. *Primary and Exclusive Original Jurisdiction.* – The Adjudicator shall have primary and exclusive original jurisdiction to determine and adjudicate the following cases:
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> 1.1 The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation, and use of all agricultural lands covered by Republic Act (RA) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL), and other related agrarian laws;
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> . . . .
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> 1.4 Those cases involving the ejectment and dispossession of tenants and/or leaseholders;
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> 1.6 Those involving the correction, partition, cancellation, secondary and subsequent issuances of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority;
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> . . . .
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> 1.11 Those cases involving the determination of title to agricultural lands where this issue is raised in an agrarian dispute by any of the parties or a third person in connection with the possession thereof for the purpose of preserving the tenure of the agricultural lessee or actual tenant-farmer or farmer-beneficiaries and effecting the ouster of the interloper or intruder in one and the same proceeding; and
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> 1.12 Those cases previously falling under the original and exclusive jurisdiction of the defunct Court of Agrarian Relations under Section 12 of PD No. 946 except those cases falling under the proper courts or other quasi-judicial bodies;
>
> 1.13 Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.[4]

In 2009, Republic Act No. 9700 introduced amendments to the Comprehensive Agrarian Reform Law. Particularly, it added Section 50-A, which reads in part:

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[3] Executive Order No. 129-A (1987), sec. 13.

[4] Department of Agrarian Reform Rules of Procedure (2003), Rule II, sec. 1.

> SECTION. 50-A. *Exclusive Jurisdiction on Agrarian Dispute.* – No court or prosecutor's office shall take cognizance of cases pertaining to the implementation of the CARP except those provided under Section 57 of Republic Act No. 6657, as amended. *If there is an allegation from any of the parties that the case is agrarian in nature and one of the parties is a farmer, farmworker, or tenant, the case shall be automatically referred by the judge or the prosecutor to the DAR* which shall determine and certify within fifteen (15) days from referral whether an agrarian dispute exists: Provided, That from the determination of the DAR, an aggrieved party shall have judicial recourse. In cases referred by the municipal trial court and the prosecutor's office, the appeal shall be with the proper regional trial court, and in cases referred by the regional trial court, the appeal shall be to the Court of Appeals. (Emphasis supplied)

It is thus clear that when disputes arise from the implementation of the agrarian reform program, it is the Department of Agrarian Reform Adjudication Board which has jurisdiction, to the exclusion of the trial courts. Section 50-A is meant to ensure that agrarian cases are, at the earliest instance, removed from the regular courts and first resolved by the Department of Agrarian Reform. The law's grant of exclusive jurisdiction to the Department of Agrarian Reform is a recognition of the government agency's expertise in handling agrarian issues, and that it is the most appropriate tribunal to resolve these cases. Courts only get involved through judicial review.

I agree with the *ponencia*'s observation that the reason for denying the Department of Agrarian Reform's jurisdiction in *David v. Cordova*[5] was because the issue was not even an agrarian dispute in the first place. *David* is thus not controlling in this case. *David* states that "the instant case does not involve the adjudication of an agrarian reform matter nor an agrarian dispute falling within the jurisdiction of the [Department of Agrarian Reform]. As such, possessory actions involving the land in dispute rightfully falls within the jurisdiction of the [First Municipal Circuit Trial Court]."[6]

Therefore, *David* sustaining the regular courts' jurisdiction is not a rejection of the Department of Agrarian Reform's jurisdiction over agrarian disputes under Section 50-A of Republic Act No. 6657, as amended, but a finding that the lack of an agrarian dispute removes the case from the agency's jurisdiction. Moreover, *David* only involved an ejectment complaint and the parties to that case did not have a pending case before the Department of Agrarian Reform. The lack of an agrarian dispute in *David* clearly differentiates it from the case at bar.

To recall, the issue in this case began because of the Certificates of Land Ownership Award—and subsequently, Transfer Certificates of Title—issued to respondents under the Comprehensive Agrarian Reform Program.

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5 502 Phil. 626 (2005) [Per J. Tinga, Second Division].

6 Id. at 647. Citations omitted.

Petitioner's titles over the 16.6927-hectare property were cancelled and new ones were issued to respondents pursuant to the program.[7] It was on this basis that respondents occupied the property.[8] While it is true that the issue here concerns possession, this question of possession remains inextricably connected to an agrarian dispute. The facts of this case establish this.

Thus, I reiterate Court of Appeals' observation that "[c]learly, the issue of possession in this case is linked to an agrarian dispute. [Respondents] would not have entered the subject properties if not for the award (CLOAs) given to them by the government under its Comprehensive Agrarian Reform Program."[9] Moreover, the Court of Appeals found that there was a pending appeal before the Department of Agrarian Reform Adjudication Board for the cancellation of the Certificates of Land Ownership Award. The issue in such appeal should have prevented the Municipal Circuit Trial Court from ruling on the ejectment case as it might result in conflicting decisions.

This Court previously pronounced that mere allegation of tenancy before the first level courts does not automatically remove the case from the courts' jurisdiction.[10] However, such rule does not obtain in this case. The facts here as established distinctly show its connection to an agrarian dispute. Petitioner herself even filed a petition before the Department of Agrarian Reform Adjudication Board over the same parcels of land and against the same parties, impliedly admitting that the dispute is undeniably agrarian in nature.

In *Spouses Tirona v. Alejo*,[11] a case decided even prior to the amendment introduced by Republic Act No. 9700, this Court noted the existence of a case for the recovery of possession of the disputed property filed before the Department of Agrarian Reform Adjudication Board, as well as two cases for forcible entry before the Metropolitan Trial Court. It observed that a resolution in the case before the Adjudication Board would necessarily resolve the question of possession in the forcible entry case. Thus, "the issue of possession was inextricably intertwined with the agrarian dispute, an issue which was beyond the jurisdiction and competence of the inferior court to settle."[12] Under the concept of *litis pendentia*, *Spouses Tirona* ruled that the pendency of the case before the Department of Agrarian Reform Adjudication Board barred the filing of the forcible entry cases.[13]

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7 *Rollo*, p. 41.
8 Id.
9 Id. at 41–42.
10 See *Ofilada v. Spouses Andal*, 752 Phil. 27, 44 (2015) [Per J. Del Castillo, Second Division]. Similar to the case at bar, the dispute in *Ofilada* arose prior to the effectivity of Republic Act No. 9700 in 2009, which amended Republic Act No. 6657 to extend the acquisition and distribution of agricultural lands.
11 419 Phil. 285 (2001) [Per J. Quisumbing, Second Division].
12 Id. at 303.
13 Id.

Spouses Tirona was reiterated in *Hilado v. Chavez*,[14] also decided before the amendments by Republic Act No. 9700, where the Court ruled that the Municipal Trial Court in Cities loses jurisdiction over an ejectment case if, after receiving evidence, it determines that the real issue is tenancy, as alleged in the pleadings:

> The MTCC does not lose its jurisdiction over an ejectment case by the simple expedient of a party raising as a defense therein the alleged existence of a tenancy relationship between the parties. But it is the duty of the court to receive evidence to determine the allegations of tenancy. If after hearing, tenancy had in fact been shown to be the real issue, the court should dismiss the case for lack of jurisdiction.[15] (Citations omitted)

In a similar vein, the Petition for Cancellation of the Certificates of Land Ownership Award filed before the Department of Agrarian Reform Adjudication Board is established on record. This precludes the trial courts from exercising jurisdiction over the ejectment case. As found by the Court of Appeals, "the properties that [respondents] are claiming in the [Department of Agrarian Reform Adjudication Board] case are the same properties which [petitioner] seeks the ejectment of [respondents]. Hence, the evident and logical conclusion then is that any decision that may be rendered in the [Department of Agrarian Reform Adjudication Board] case regarding the question of possession will also resolve the question of possession in the forcible entry cases."[16] Being aware of the existence of the pending case before the Adjudication Board, the Municipal Circuit Trial Court of Opol and El Salvador, Misamis Oriental should not have ruled to eject respondents from the property and should have dismissed the case instead.

The more recent case of *Chailese Development Company, Inc. v. Dizon*[17] is also instructive. *Chailese* involved a complaint for recovery of possession filed before the Regional Trial Court, and a prior case for conversion of agrarian land to commercial and light industrial uses filed before the Department of Agrarian Reform. The Regional Trial Court initially dismissed the complaint for recovery of possession, saying that the issue was "intertwined with the propriety of conversion and compliance with the agreement on disturbance compensation, issues that are yet to be resolved with finality by the [Department of Agrarian Reform]," but resolved on reconsideration to proceed with trial.[18]

During the pendency of the original action in *Chailese*, Republic Act No. 9700 took effect, mandating the automatic referral of cases to the Department of Agrarian Reform "[i]f there is an allegation from any of the

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[14] 482 Phil. 104 (2004) [Per J. Callejo, Sr., Second Division].
[15] Id at 126–127. See also *Bayog v. Natino*, 327 Phil. 1019 (1996) [Per J. Davide Jr., Third Division].
[16] *Rollo*, p. 43.
[17] 826 Phil. 51 (2018) [Per J. Reyes, Jr., Second Division].
[18] Id. at 56–57.

parties that the case is agrarian in nature and one of the parties is a farmer, farmworker, or tenant[.]"[19] Thus, Dizon et al. moved to refer the case to the Department of Agrarian Reform, citing the amendment of the law. The Regional Trial Court denied the motion, but on certiorari, the Court of Appeals found merit in the argument.[20]

On this point, this Court affirmed the Court of Appeals in *Chailese*, saying that the amendment introduced by Republic Act No. 9700 merely confirmed the existing jurisdiction of the Department of Agrarian Reform under the original law: "[s]imply, [Republic Act] No. 9700 does not deviate but merely reinforced the jurisdiction of the [Department of Agrarian Reform] set forth under Section 50 of [Republic Act] No. 6657."[21] Moreover, the specific amendment on the referral of cases by the regular courts to the Department of Agrarian Reform is "essentially procedural in nature [and] is deemed to apply to all actions pending and undetermined at the time of its passage," and is applicable to the case.[22]

Indeed, a well-recognized exception to the prospective application of laws is when the statute is a procedural law:

> A statute which transfers the jurisdiction to try certain cases from a court to a quasi-judicial tribunal is a remedial statute that is applicable to claims that accrued before its enactment but formulated and filed after it took effect, for it does not create new nor take away vested rights. The court that has jurisdiction over a claim at the time it accrued cannot validly try the claim where at the time the claim is formulated and filed the jurisdiction to try it has been transferred by law to a quasi-judicial tribunal, for even actions pending in one court may be validly taken away and transferred to another and no litigant can acquire a vested right to be heard by one particular court.[23]

To trigger the automatic referral to the Department of Agrarian Reform, *Chailese* requires that:

> a. There is an allegation from any one or both of the parties that the case is agrarian in nature; and
> b. One of the parties is a farmer, farmworker, or tenant.[24]

As observed by the *ponencia*, *Chailese* clarified the requisites which will trigger the automatic referral of cases under Section 50-A.[25] *Chailese* found that Dizon et al. failed to prove the second requisite: that they were

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19 Id at 61. *See* Republic Act No. 9700 (2009), Section 19 amended Section 50 of Republic Act No. 6657 (1988) by adding Section 50-A.

20 Id. at 58.

21 Id. at 62.

22 Id.

23 See *Tan, Jr. v. Court of Appeals*, 424 Phil. 556, 570 (2002) [Per J. Puno, First Division].

24 *Chailese Development Co., Inc. v. Dizon*, 826 Phil. 51, 62 (2018) [Per J. Reyes, Jr., Second Division].

25 *Ponencia*, p. 13.

farmers, farmworkers, or agricultural tenants. Thus, the requirements for the automatic referral to the Department of Agrarian Reform were not met.[26]

However, in this case, I agree with the *ponencia* that both requirements under *Chailese* were met.

First, respondents' consistent allegations that the dispute is agrarian in nature is on record. The allegations were already present in their Answer before the Municipal Circuit Trial Court.[27] They restate these in their Comment filed before this Court.[28]

Second, the *ponencia* also refers to the Court of Appeals' and the Secretary of Agrarian Reform's recognition of respondents' status as farmers.[29] This fact was never disputed by petitioner. The award of the lands in respondents' favor by virtue of the Certificates of Land Ownership Award also affirms that the dispute is agrarian in nature.[30] Moreover, as mentioned earlier, petitioner herself even filed before the Department of Agrarian Reform Adjudication Board a Petition for Cancellation of the Certificates of Land Ownership Award covering the same parcels of land.

Undeniably, the factual context of this case demonstrates that it is impossible to resolve the issue of possession without considering the agrarian nature of the dispute. This is precisely the reason why the amendment in Republic Act No. 9700 was introduced—to clarify that, in resolving agrarian disputes, which principally involve issues on the ownership of lands, incidents relating to who can possess the property will also necessarily arise. To ensure a comprehensive resolution of the issues, the Department of Agrarian Reform's jurisdiction over these types of cases was reaffirmed. We therefore sustain the Department of Agrarian Reform's jurisdiction in this case to the exclusion of the Municipal Circuit Trial Court.

A mechanical application of the Municipal Circuit Trial Court's jurisdiction over regular ejectment cases in this case would be a betrayal of the primary purpose of the Comprehensive Agrarian Reform Program. It would be close to ignoring what is obvious on the records. The Comprehensive Agrarian Reform Law as well as its amendments are social justice measures mandated by the Constitution towards an equitable distribution and ownership of land.[31] A formalistic reading of it, divorced

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26 *Chailese Development Co., Inc. v. Dizon*, 826 Phil. 51, 63 (2018) [Per J. Reyes, Jr., Second Division].

27 *Ponencia*, p. 15.

28 Id.

29 Id. at 15–16.

30 Id. at 4. *See* Republic Act No. 6657 (1988), Section 22 on the qualified beneficiaries of the Program.

31 CONST., art. XIII, sec. 4. The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In

from the case's factual milieu, will not resolve the very core of the issue. This Court must always be conscious of this mandate when deciding cases that ultimately affect those the Constitution and the law intend to protect.

As a final note, I observe that petitioner's filing of multiple cases prevented respondents' full enjoyment of their rights to their parcels of land. The case for the cancellation of the certificates of land ownership award before the Department of Agrarian Reform Adjudication Board was ultimately sought to dispossess respondents of their properties. Similarly, the complaint for forcible entry intends the same goal.

On the one hand, these legal remedies are available to any litigant for the enforcement of their rights. But when one looks at the power relationship between landlord and tenant, as in this case, it reveals that the ulterior motive is not to win the case, but to add to respondents' burden in defending their rights. The enforcement and defense of rights in our courts and agencies necessarily entail costs, financial or otherwise, and not all are able to bear these burdens equally.

Suits that stifle rights imbued with public interest are frowned upon. In our jurisdiction, strategic lawsuits against public participation or SLAPP suits are recognized as obnoxious schemes that deter the assertion of environmental rights.[32] But the concept of SLAPP suits as generally understood is not exclusive to environmental laws.[33] In legal issues where the public interest is at stake, similar kinds of lawsuits should be met with disapproval. This, too, should apply to agrarian reform cases.

ACCORDINGLY, I vote to **DENY** the Petitions.

MARVIC M.V.F. LEONEN
Associate Justice

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determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

32 A.M. No. 09-6-8-SC (2010), Rule 1, sec. 4(g). *Strategic lawsuit against public participation* (*SLAPP*) refers to an action whether civil, criminal or administrative, brought against any person, institution or any government agency or local government unit or its officials and employees, with the intent to harass, vex, exert undue pressure or stifle any legal recourse that such person, institution or government agency has taken or may take in the enforcement of environmental laws, protection of the environment or assertion of environmental rights.

33 GEORGE W. PRING AND PENELOPE CANAN, SLAPPS: GETTING SUED FOR SPEAKING OUT 8–9 (1996). While A.M. No. 09-6-8-SC or the Rules of Procedure for Environmental Cases creates an anti-SLAPP suit remedy by raising it as an affirmative defense, this remedy is not available in agrarian reform cases. However, the policy of social justice and the recognition that agrarian relationships and the disputes that arise from them are imbued with public interest ought to persuade this Court to adopt the same attitude of disapproval. The term SLAPP was first coined by Professors Penelope Canan and George W. Pring. It is defined as "a lawsuit... involv[ing] communications made to influence a governmental action or outcome, which . . . resulted in (a) a civil complaint or counterclaim (b) filed against nongovernment individuals or organizations . . . on (c) a substantive issue of some public interest or social significance."