EN BANC

G.R. No. 201631 – ANGELINA DAYRIT, represented by JULIE E. 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

x----------x

SEPARATE CONCURRING OPINION

PERLAS-BERNABE, *J.*:

I concur with the *ponencia* that the Municipal Circuit Trial Court of Opol and El Salvador (MCTC) has no jurisdiction over the complaint filed by petitioner Angelina Dayrit (petitioner) against respondents 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).

As a general rule, Batas Pambansa Bilang 129[1] provides that the Metropolitan Trial Courts (MeTC), Municipal Trial Courts (MTC), and MCTCs shall exercise exclusive original jurisdiction over forcible entry and unlawful detainer cases, *viz.*:

> Section 33. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases.* – Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:
>
> x x x x
>
> (2) **Exclusive original jurisdiction over cases of forcible entry and unlawful detainer**: Provided, That when, in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession. (Emphasis supplied)

---

[1] Entitled "AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES" (August 14, 1981).

However, as an exception, if the complaint for forcible entry or unlawful detainer is actually a matter or incident relative to the implementation of the agrarian reform program (and hence, an agrarian dispute), the jurisdiction therefore lies in the Department of Agrarian Reform (DAR). Verily, under Section 50 of Republic Act No. (RA) 6657,[2] otherwise known as the "Comprehensive Agrarian Reform Law," the DAR is vested with **the primary jurisdiction to determine and adjudicate agrarian reform matters** and shall have the **exclusive jurisdiction over all matters involving the implementation of the agrarian reform program**, *viz.*:

> 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).
>
> x x x x (Emphasis supplied)

Although generally it is the MeTC, MTC, or MCTC that has jurisdiction over an ejectment case, *i.e.*, forcible entry and unlawful detainer, **the Court has held that the Department of Agrarian Reform Adjudication Board (DARAB) has jurisdiction over an ejectment case where the issue of possession is inextricably interwoven with an agrarian dispute**,[3] or when a case is merely an incident of the implementation of the Comprehensive Agrarian Reform Program (CARP).[4] In *Heirs of Jose M. Cervantes v. Miranda*,[5] the Court ruled that even if no landowner-tenant *vinculum juris* was alleged between the parties, the controversy can be characterized as an agrarian dispute based on their submissions and allegations during the hearings over which the DARAB can assume jurisdiction.[6]

In 2009, RA 9700[7] amended RA 6657, adding Section 50-A. Essentially, the amendment reinforced the **exclusive jurisdiction of the DAR over cases involving agrarian disputes** by mandating the **automatic referral of cases by the judge or prosecutor to the DAR** upon ***an allegation***

---

2 Entitled "AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES"; approved on June 10, 1988.

3 *Hilado v. Chavez*, 482 Phil. 104, 126 (2004). See also *Dela Cruz v. Spouses Mendoza*, 534 Phil. 642, 646 (2006).

4 *Heirs of Jose M. Cervantes v. Miranda*, 641 Phil. 553, 560 (2010). See also *Spouses Carpio v. Sebastian*, 635 Phil. 1, 6-7 (2010), citing *DAR v. Abdulwahid*, 570 Phil. 356, 361 (2008).

5 Id.

6 Id. at 561.

7 Entitled "AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), EXTENDING THE ACQUISITION AND DISTRIBUTION OF ALL AGRICULTURAL LANDS, INSTITUTING NECESSARY REFORMS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR"; approved on August 7, 2009.

from any of the parties that the case is agrarian in nature, and one of the parties is a farmer, farmworker, or tenant,[8] *viz.:*

> 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 [RA] 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 [CA].
>
> In cases where regular courts or quasi-judicial bodies have competent jurisdiction, agrarian reform beneficiaries or identified beneficiaries and/or their associations shall have legal standing and interest to intervene concerning their individual or collective rights and/or interests under the CARP.
>
> The fact of non-registration of such associations with the Securities and Exchange Commission, or Cooperative Development Authority, or any concerned government agency shall not be used against them to deny the existence of their legal standing and interest in a case filed before such courts and quasi-judicial bodies. (Emphasis and underscoring supplied)

Note that upon automatic referral, the DAR does not assume jurisdiction yet but "shall [first] determine and certify within fifteen (15) days from referral whether an agrarian dispute exists[.]" If it certifies that the case is not an agrarian dispute and hence, PROPER FOR TRIAL, the judge or prosecutor shall assume jurisdiction over the controversy or dispute. On the other hand, if the case is an agrarian dispute and hence, NOT PROPER FOR TRIAL, the prosecutor or court shall *motu propio*, or upon proper application of the party concerned, dismiss the case.[9] In either instance, the Provincial Agrarian Reform Office is duty-bound to immediately return the complete records of the case together with the DAR certification and pertinent documentation to the court of origin or Office of the Public Prosecutor for further proceedings as the court or prosecutor may deem proper.[10]

Essentially, an agrarian dispute is defined under Section 3 (d) of RA 6657 as any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of

---

8 See Section 19 of RA 9700.

9 See Section 10 of DAR Administrative Order No. 4, Series of 2009, entitled "RULES AND REGULATIONS IMPLEMENTING SECTION 19 OF R.A. NO. 9700 (JURISDICTION ON AND REFERRAL OF AGRARIAN DISPUTE)"; signed on October 15, 2009.

10 Id. at Section 11.

persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements. It includes any controversy relating to compensation of lands acquired under this Act and **other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries,** whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.

In *Chailese Development Company, Inc. v.* Dizon[11] (*Chailese*), the Court clarified that **the amendment introduced by RA 9700 should be applied retroactively. Thus, the automatic referral procedure applies "to all actions pending and undetermined at the time of its passage"**:

> Primarily, a cursory reading of the provision readily reveals that Section 19 of [RA] 9700 merely highlighted the exclusive jurisdiction of the DAR to rule on agrarian cases by adding a clause which **mandates the automatic referral of cases** upon the existence of the requisites therein stated. Simply, **[RA] 9700** does not deviate but merely reinforced the jurisdiction of the DAR set forth under Section 50 of [RA] 6657. Moreover, in the absence of any stipulation to the contrary, as **the amendment is essentially procedural in nature it is deemed to apply to all actions pending and undetermined at the time of its passage.**
>
> Thence, having settled that Section 19 of [RA] 9700 is applicable in this controversy, the Court now proceeds with the examination of such amendment. Based on the said provision, the judge or prosecutor is obligated to automatically refer the cases pending before it to the DAR when the following requisites are present:
>
> 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.[12] (Emphases and underscoring supplied)

Here, there is an allegation in the Answer that the case involves an agrarian dispute,[13] and that the subject landholding was awarded to respondents as farmer beneficiaries under the CARP. Thus, considering the retroactive application of RA 9700, the general rule is that the case should have been automatically referred to the DAR in accordance with the procedure above-stated.

However, it is discerned that despite the retroactive application of RA 9700 (which should have perforce triggered the automatic referral procedure), records show that **the case is clearly agrarian in nature based on the submissions of the parties and hence, evidently outside the jurisdiction of**

---

11 826 Phil. 51 (2018).
12 Id. at 62.
13 See *rollo* (G.R. No. 201631), p. 55.

the MCTC. ***In this limited instance, it is my view that the need to automatically refer the case to the DAR may be dispensed with and the first level courts may already proceed to dismiss the case for lack of jurisdiction***. As held in *Chailese*, the amendment brought about by RA 9700 (*i.e.*, automatic referral procedure) is **essentially procedural in nature** and hence, despite its being contained in the statute, falls within the rule making authority of the Court. In *Carpio-Morales v. CA*,[14] this Court explained:

> While the power to define, prescribe, and apportion the jurisdiction of the various courts is, by constitutional design, vested unto Congress, the power to promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts belongs exclusively to this Court. Section 5 (5), Article VIII of the 1987 Constitution reads:
>
> > Section 5. The Supreme Court shall have the following powers:
> >
> > x x x x
> >
> > (5) **Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts**, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.
> >
> > x x x x
>
> Thus, as it now stands, Congress has no authority to repeal, alter, or supplement rules concerning pleading, practice, and procedure. As pronounced in *Echegaray* [361 Phil. 73 (1999)]:
>
> > The rule making power of this Court was expanded. This Court for the first time was given the power to promulgate rules concerning the protection and enforcement of constitutional rights. The Court was also granted for the first time the power to disapprove rules of procedure of special courts and quasi-judicial bodies. But most importantly, the 1987 Constitution took away the power of Congress to repeal, alter, or supplement rules concerning pleading, practice and procedure. In fine, the power to promulgate rules of pleading, practice and procedure is no longer shared by this Court with Congress, more so with the Executive.[15] (Emphasis and underscoring supplied)

---

[14] 772 Phil. 672 (2015).

[15] Id. at 733-736.

As I see it, to still refer the case to the DAR when **the case is clearly agrarian in nature based on the submissions of the parties and hence, evidently outside the jurisdiction of the first level courts** would not only be **inefficient and inexpedient**, it would also stray from the trend of prevailing case law wherein the Court had consistently dismissed the case upon a sufficient showing that **the case clearly partakes of an agrarian dispute**,[16] or **is merely an incident of the implementation of the CARP**.[17] As such, the Court, by virtue of its rule making authority, must carve out the foregoing exception to the retroactive application of RA 9700 as may be warranted by the facts of the case.

Here, it was sufficiently established, based on the submissions of the parties, that the case falls within the above-discussed exception which consequently validates the *ponencia*'s disposition (albeit for different reasons) to dismiss (and not to automatically refer) the case. In particular, it was shown that:

(*a*) the subject lands *formerly* covered by two (2) certificates of title[18] in the name of petitioner have been covered by the CARP in 1993, and respondents, who are petitioner's farmworkers,[19] were awarded by the government three (3) certificates of land ownership award (CLOAs) over an aggregate of 16.6927-hectare (ha.) portion of the 27.4093 ha. lands in November 2001, and now hold certificates of title[20] (CLOA titles) over the said portions. Accordingly, petitioner's certificates of title were cancelled to the extent of the said portions;

(*b*) *prior to the filing of the forcible entry case* before the MCTC in 2006, petitioner filed before the Office of the Provincial Agrarian Reform Adjudicator, Cagayan de Oro City (PARAD) a petition for annulment of respondents' CLOAs[21] (annulment case), as well as a petition for CARP exemption of the 27.4093 ha. subject lands (exemption case);

---

16 *Hilado v. Chavez*, supra note 3. See also *Dela Cruz v. Spouses Mendoza*, supra note 3.

17 *Heirs of Jose M. Cervantes v. Miranda*, supra note 4. See also *Spouses Carpio v. Sebastian*, supra note 4, citing *DAR v. Abdulwahid*, supra note 4.

18 Consisting of the following:

Title	*Area*	
TCT No. T-1804	213,376 sq. m.	
OCT No. P-13388	60,717	(See *rollo* [G.R. No. 201631], p. 35.)
	274,093 sq. m. (or 27.4093 ha.)	

19 See id. at 61.

20 Consisting of the following:

Title	*CLOA No.*	*Area*	
TCT No. C-9453	00208228	60,717 sq. m	
TCT No. C-9454	00208237	70,843	
TCT No. C-9455	00208238	35,367	(See *rollo* [G.R. No. 201076], p. 51.)
		166,927 sq. m (or 16.6927 ha.)	

21 See PARAD Decision dated December 22, 2004; id. at 51-52. Signed by Adjudicator Abeto A. Salcedo, Jr.

(*c*) while the annulment case was initially granted by the PARAD in a Decision[22] dated December 22, 2004, it was eventually set aside on the ground of prematurity, and the petition was archived until the resolution of the exemption case.[23] Hence, respondents' CLOA titles remain valid and subsisting;

(*d*) subsequently, the DAR issued an Order[24] dated March 12, 2008 in the exemption case, excluding from CARP coverage a 21.3376 ha. portion of the subject lands, and placing under CARP the remaining 6.0717 ha. There is no information that the exemption case had been finally resolved; and

(*e*) on May 16, 2011, the DAR installed respondents over the 6.0717 ha. portion covered by TCT No. C-9453.[25]

Considering that respondents' CLOA titles are their asserted source of possessory rights over the said property, it is highly apparent that the issue of possession will ultimately impact the matter of whether or not the grant of CLOA in favor of respondents is valid.[26] ***As such, the case is inextricably intertwined with an agrarian dispute, or at least, incidental to the implementation of the CARP, which hence, clearly situates the same within the jurisdiction of the DAR, and conversely, outside of the jurisdiction of the MCTC***. In consequence, pursuant to the framework explicated above, the need to automatically refer the case to the DAR pursuant to RA 9700 is dispensed with since the dismissal of the same is already warranted.

Notably, the *ponencia* arrives at the same conclusion to dismiss the case based on the following reasons:

> In any case, even without the mandate of automatic referral at that time, the MCTC should have dismissed the case after hearing the parties as the law is clear prior to the amendment that the DAR, through the DARAB, has jurisdiction on agrarian disputes involving transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries. CLOAs were issued to respondents being the beneficiaries of CARP. Recipients of CLOAs acquire ownership of the lands awarded. As respondents entered the subject parcel of lands by virtue of the CLOAs, this entry, despite being characterized by [petitioner] as forcible entry, is clearly a controversy relating to and arising from the terms and conditions of transfer of ownership to agrarian reform beneficiaries.

---

22 Id.

23 See DARAB Resolution dated January 17, 2008; id. at 58-60. Penned by Member Delfin B. Samson with Members Augusto P. Quijano, Edgar A. Igano, and Ma. Patricia P. Rualo-Bello, concurring. Chairman Nasser C. Pangandaman and Members Nestor R. Acosta and Renator F. Herrera did not sign the Resolution. See also *ponencia*, p. 2.

24 Id. at 65-69. Signed by OIC-Regional Director John M. Maruhom.

25 See *rollo* (G.R. No. 201631), p. 72.

26 Succinctly put, the issuance of CLOA titles in respondents' favor ostensibly vest on them a right to retain possession over the subject portions as an attribute of the ownership granted in their favor. A CLOA is a document evidencing ownership of the land granted or awarded to the qualified farmer-beneficiary, and contains the restrictions and conditions of such grant. (See *Dalit v. Balagtas, Sr.*, G.R. No. 202799, March 27, 2019, 898 SCRA 506, 521.)

> The Court, therefore, agrees with the CA in dismissing the complaint for lack of jurisdiction. The DAR, through the DARAB, has jurisdiction over the instant case for forcible entry for being an agrarian dispute.[27]

However, the *ponencia* unfortunately failed to reconcile its disposition to dismiss the case with the ruling in *Chailese* that the automatic referral procedure is retroactive in application and thus, applies "to all actions pending and undetermined at the time of its passage." Given the retroactive application of the automatic referral procedure, it behooves the Court to explain why the present case is not being automatically referred to the DAR but instead dismissed for lack of jurisdiction. As such, I am unable to fully concur with the *ponencia*'s disquisition and instead, proffer my own reasons leading to the same result.

Accordingly, I vote to **DENY** the petition. In light of the reasons above, Civil Case No. 2006-09-16 of the Municipal Circuit Trial Court of Opol and El Salvador should be **DISMISSED** for lack of jurisdiction.

ESTELA M. PERLAS-BERNABE
Senior Associate Justice

---

[27] *Ponencia*, p. 16.