

SPECIAL ELEVENTH DIVISION

[CA-G.R. SP No. 119893, February 23, 2015]

**MIGUEL CALBAY, PETITIONER, VS. ROLANDO SAN PEDRO,^[1]
RESPONDENT.**

DECISION

SADANG, J.:

Before us is a Petition for Review^[2] seeking to set aside the Decision,^[3] dated December 16, 2010, of the Regional Trial Court, Branch 88, Sto. Domingo, Nueva Ecija in Civil Case No. SD (10)-776.

The RTC affirmed the Decision^[4] of the Municipal Trial Court of Talavera, Nueva Ecija in Civil Case No. 2073 dismissing petitioner Miguel Calbay's complaint for forcible entry and damages.

Antecedents of the Petition

In his Complaint^[5] for forcible entry and damages against respondent Rolando San Pedro (hereafter, respondent), petitioner Miguel Calbay alleged that: he is the registered co-owner of a 16-hectare land located in Poblacion Sur, Talavera, Nueva Ecija, covered by Transfer Certificate of Title (TCT) No. NT-56640 and TCT No. NT-41431; on December 30, 2009, he was told that respondent and his men were doing quarrying activities on the land; he reported the incident to the police and confronted respondent several times but respondent did not stop his activities; as a result of the quarrying, his land and the nearby body of water were damaged; respondent and his men entered the land through stealth and without his knowledge; he filed a letter-complaint with the *barangay* but his complaint was not acted upon, hence, he filed the ejectment case.

Respondent filed an Answer^[6] alleging that: he is legally authorized to quarry under a Special Permit from the Office of the Provincial Governor of Nueva Ecija; petitioner has no cause of action for forcible entry because he (respondent) did not violate his rights; the quarried materials are legally sourced from the banks of a river that passes through the seven parcels of land titled in the names of Gertrudes Santiago Alejandro (TCT No. CLOA-VOS-5371/CLOA No. 00841386), Pepito Santiago (TCT No. CLOA-VOS-5372/CLOA No. 00841387), Randy Santiago (TCT No. CLOA-VOS-5373/CLOA No. 00841388 and TCT No. CLOA-VOS-5374/CLOA No. 00841334), Reynaldo Santiago (TCT No. CLOA-VOS-5394/CLOA No. 00851101 and TCT No. CLOA-VOS-5393/CLOA No. 00881100), and Jacinto Santiago (TCT No. CLOA-VOS-5375/CLOA No. 00841335) (hereafter, Santiagos).

In his Position Paper,^[7] petitioner countered that: respondent never showed proof of his permit to quarry; the parcels of land have long been the subject of dispute

between petitioner and the Santiagos; the parcels of land covered by his titles are the same properties which respondent claims as registered in the names of the Santiagos; and the issuance of the Certificates of Land Ownership Award (CLOA) by the Department of Agrarian Reform (DAR) to the Santiagos is highly suspicious and in violation of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL); the subject land only measures 16 hectares, thus, it is a wonder why it was subjected to CARL; the Santiagos never cultivated or possessed the land; when the Santiagos authorized respondent to do quarrying on the land, they violated RA 6657 which requires the beneficiaries to continuously cultivate the land; and the survey plan shows that the parcels of land were damaged by the appearance of a river in the middle thereof.

Respondent, in his Position Paper,^[8] reiterated his position. He added that he has a verbal agreement with the Santiagos wherein he was allowed to use their lands as passageways for his quarrying operation.

On May 18, 2010, the MTC dismissed the complaint for lack of cause of action. The MTC observed that TCT Nos. NT-56640 and NT-41431 were already cancelled thereby solidifying the allegation of respondent that the parcels of land are already registered in the names of the Santiagos as CARL beneficiaries, hence, petitioner can no longer invoke his right to possess the properties. The MTC also ruled that, pursuant to RA 6657, the DAR is vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and the exclusive original jurisdiction in cases involving the implementation of agrarian reform.^[9]

Petitioner appealed the May 18, 2010 MTC Decision to the RTC.

On December 16, 2010, the RTC rendered its Decision^[10] dismissing petitioner's appeal and affirming the May 18, 2010 MTC Decision *in toto*.

His motion for reconsideration having been denied,^[11] petitioner brought this petition,^[12] raising these issues:

WHETHER OR NOT THE APPELLATE REGIONAL TRIAL COURT OF STO. DOMINGO, BALOC, NUEVA ECIJA, BRANCH 88 COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT DISMISSED THE APPEAL FILED BY THE PETITIONER WHEN IT IS VERY PATENT THAT PETITIONER OWNS THE LAND SUBJECT MATTER OF THE CASE.

WHETHER OR NOT THE APPELLATE REGIONAL TRIAL COURT OF STO. DOMINGO, BALOC, NUEVA ECIJA, BRANCH 88 COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT FAILED TO RULE ON QUESTION OF OWNERSHIP DESPITE THE CLEAR PROVISION OF SECTION 16, RULE 70 OF THE RULES OF COURT OR IN THE ALTERNATIVE, TO HOLD THE PROCEEDINGS CASE IN ABEYANCE IN VIEW OF CASE INVOLVING QUESTION OF OWNERSHIP PENDING AT THE DEPARTMENT OF AGRARIAN REFORM IN REGION 3, PAMPANGA.

RULING