

THIRD DIVISION

[G.R. No. 183352, August 09, 2010]

HEIRS OF JOSE M. CERVANTES, NAMELY ROSALINA S. CERVANTES, TEODORO S. CERVANTES, LUSITIO S. CERVANTES AND JOSELITO S. CERVANTES, PETITIONERS, VS. JESUS G. MIRANDA, RESPONDENT.

D E C I S I O N

CARPIO MORALES, J.:

Arturo Miranda (Arturo) was a holder of Certificate of Land Transfer (CLT) No. 160774 covering a parcel of land denominated as Lot No. 1532 in the name of Jesus Panlilio, located in Cabalantian, Bacolor, Pampanga measuring about 2.8070 hectares (the land).

On August 10, 1981, Arturo executed a waiver^[1] surrendering his CLT in favor of his cousin Jose M. Cervantes (Jose), predecessor-in-interest of herein petitioners. The waiver reads:

I, ARTURO O. MIRANDA, of legal age, married, Filipino, with residence and postal address at Cabalantian, Bacolor, Pampanga, **that I am a tenant-farmer of a parcel of land devoted to the production of rice located at Cabalantian, Bacolor, Pampanga at the estate of Jesus Panlilio containing an area of 2.8070 has., more or less;**

That I have abandone [sic] and surrender [sic] my farmholding because I landed a job in Saudi Arabia and cannot work on the farm as well as I cannot cope with the payment of said landholdings;

That my wife and children are not interested to cultivate said land due to the fact that they are engaged in other forms of business;

That due to the aforementioned circumstances, **I have waive [sic] all my rights and interest over the said landholding in favor of JOSE M. CERVANTES**, likewise of legal age, married, Filipino, with residence and postal address at Cabalantian, Bacolor, Pampanga, who is my cousin and the actual tiller and the most qualified to till the land; (emphasis and underscoring supplied)

x x x x

By virtue of the above document, the *Samahang Nayon of Cabalantian*, through a Resolution^[2] approved on September 11, 1981 Arturo's surrender of the CLT, and

awarded the land to Jose.

On May 10, 2002, Jesus G. Miranda (respondent) plowed through the land by force and stealth. As mediation^[3] between Jose and respondent failed to settle the matter, Jose filed a complaint at the Provincial Agrarian Reform Adjudication Board (PARAB) before which he submitted documentary evidence including Arturo's waiver and the *Samahang Nayon* Resolution approval of the surrender of the CLT to him; tax declarations^[4] of the subject land in Arturo's name, and affidavits^[5] from various individuals stating that he (Jose) is a tenant of the land whereas respondent was not, the latter being a bus driver and, therefore, could not have cultivated it. He likewise submitted various previous certifications^[6] from government agencies/offices as to his being the tiller/tenant of the land, and a certification^[7] from the Bureau of Immigration that respondent is an American citizen and had just arrived from the United States on March 29, 2002.

For his part, respondent claimed that his father Anselmo Miranda was the original tenant of the land and that he and his brothers had been in its possession since the 1940s; in the 1950s, he alone paid rentals to the owner of the land, Luz Vda. de Panlilio; in the 1960s, the land was submerged in water, and in the 1990s, it was affected by the lahar from Mt. Pinatubo, rendering the land unfit for cultivation for a number of years; that he was petitioned by his children living in the United States in the late 1960s and he eventually became an American citizen, and on his return from the United States in 2002, learning that the land may now be tilled, he proceeded to have it cleared.

Respondent submitted a July 10, 2002 letter^[8] of Lourdes Panlilio, an alleged heir of the original owner of the land, addressed to the Municipal Agrarian Reform Office (1) discrediting the *Samahang Nayon* Resolution which appeared not to bear the signature of the barangay captain; (2) stating that respondent was "indorsed" to them by respondent's father Anselmo, and that respondent did not pay rentals; (3) stating that she doesn't know Jose, predecessor-in-interest of petitioners; and (4) opining that respondent should be preferred over Jose. He likewise submitted several affidavits^[9] executed by alleged neighbors stating that it was he who actually tilled the land before it was submerged in water, and an Affidavit^[10] of Retraction from Arturo Miranda where the latter stated that he did not voluntarily waive his rights to the land in favor of Jose and that he (Arturo) did not himself have rights to it in the first place.

By Decision^[11] of August 23, 2004, PARAB Adjudicator Erasmo SP. Cruz, ruling in favor of Jose, held that the land is covered by the operation land transfer scheme of the government and as between the two parties, Jose had shown through documentary evidence that he had a better right as tenant; and that assuming *arguendo* that respondent indeed cultivated the land prior to its being submerged in water in the 1960s, his non-payment of rentals and he having returned to the country only in 2002 amounted to abandonment.

The Adjudicator went on to hold that as between an American citizen (respondent) and a former Assemblyman of the Interim Batasang Pambansa for the agricultural sector (Jose), the latter should be preferred as the qualified farmer-beneficiary.

Respondent's motion for reconsideration was denied by Order^[12] of January 4, 2005, hence, he appealed to the Department of Agrarian Reform Adjudication Board (DARAB) which, by Decision^[13] of October 3, 2005, affirmed the ruling of the Provincial Adjudicator, and denied respondent's motion for reconsideration by Resolution^[14] of October 10, 2006.

Before the Court of Appeals, respondent challenged the DARAB Decision raising, among other issues, the DARAB's lack of jurisdiction over the case.

The Court of Appeals, by Decision^[15] of October 31, 2007, set aside the Decision of the DARAB saying it lacked jurisdiction over the case as it was essentially one for forcible entry and unlawful detainer that should have been lodged in the Municipal Trial Court. For the DARAB to acquire jurisdiction over a similar dispute, the appellate court held, "there must exist a tenancy relationship between the parties" which is lacking in the present case.

Further, the appellate court held that even if the therein petitioner-herein respondent only raised the question of jurisdiction on appeal, he is not in estoppel as jurisdiction over a case is determined by law and not by the consent or waiver of the parties.

On the merits, the appellate court held that the findings of the DARAB was not supported by evidence since the documents submitted by Jose, particularly on the identity of the lot, had discrepancies or were inconsistent. Hence, the present petition.

The Court finds for petitioner.

The DARAB has jurisdiction over agrarian disputes. An agrarian dispute refers to 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 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 and other terms and conditions of transfer of ownership from landowner 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**. It relates to any controversy relating to, among others, tenancy over lands devoted to agriculture.^[16]

In the present case, although there is admittedly no tenancy relationship between Jose and respondent and the complaint filed before the DARAB was denominated as one for forcible entry, it is the DARAB and not the regular courts which has jurisdiction of the case. As *Spouses Carpio v. Sebastian*^[17] teaches:

Although the opposing parties in this case are not the landlord against his tenants, or vice-versa, the case still falls within the jurisdiction of the DARAB pursuant to this Court's ruling in *Department of Agrarian Reform v. Abdulwahid* where the Court