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SECOND DIVISION

[G.R. NO. 153860, February 06, 2006]

VALERIANO B. CANO, PETITIONER, VS. SPOUSES VICENTE AND SUSAN JUMAWAN, RESPONDENTS.

D E C I S I O N

GARCIA, J.

By this petition for review on certiorari under Rule 65 of the Rules of Court, petitioner Valeriano B. Cano seeks the reversal and setting aside of the following issuances of the Court of Appeals (CA) in *CA-G.R. SP No. 64308*, to wit:

1. Decision[1] dated January 23, 2002, reversing that of the Regional Trial Court of Davao City, Branch 10, which, in turn, set aside, for want of jurisdiction, an earlier "Judgment" of the Municipal Trial Court in Cities (MTCC), Davao City, in an unlawful detainer case thereat commenced by the herein respondents against petitioner; and

2. Resolution[2] dated June 6, 2002, denying petitioner's motion for reconsideration.

Stripped of unessentials, the facts are:

Herein respondents, the spouses Vicente Jumawan and Susan Jumawan, are the owners of a parcel of agricultural land with an area of about 24,025 square meters at Barangay Malagos, Baguio District, Davao City and registered in their names under Transfer Certificate of Title No. 185776 of the Davao City Registry of Deeds.

On February 24, 1999, petitioner and respondents entered into a notarized document entitled "Agreement,"[3] whereunder, for "humanitarian consideration," the spouses, designated in said document as "OWNERS," allowed petitioner, therein referred to as "BUILDER," to construct a house of light materials in an area of about twenty (20) square meters at the eastern portion of their property. Good for a term of two (2) years starting March 1, 1997 and terminating on March 1, 1999, the "Agreement" specifically provides:

1. No rental shall be paid by petitioner for his occupancy of said portion of respondents' landholding; and

2. Upon the expiration of the agreed period of two (2) years, petitioner "shall voluntarily remove" his small house/shanty thereon, unless an extension is granted him by the respondents.

Following the expiration of the aforementioned "Agreement," respondents demanded the petitioner to vacate the area occupied by him and to pay a rent of not less than

P300.00 a month until he shall have vacated the same. Petitioner refused. Hence, after conciliation proceedings before the local *barangay lupon* proved futile, respondents filed against petitioner a complaint[4] for unlawful detainer before the Municipal Circuit Trial Court (MCTC) of Davao City on **September 20, 1999.**

In his answer,[5] petitioner, while qualifiedly admitting the existence and execution of his 2-year agreement with the respondents, alleged that " he has long been an agricultural tenant" of the latter, adding that the ejectment suit was merely resorted to by respondents as leverage after he had filed an agrarian case against them before the Barangay Agrarian Reform Council (BARC) which elevated said case to the Provincial Agrarian Reform Office (PARO) for adjudication by the Department of Agrarian Reform Adjudication Board (DARAB). He thus interposed in his answer the specific and affirmative defense of lack of jurisdiction on the part of the MCTC, contending that the suit before it was an "agrarian dispute" properly cognizable by the DARAB.

After the parties had filed their respective position papers, the MCTC came out with a "Judgment"[6] on July 26, 2000, finding for the respondents, to wit:

> "WHEREFORE, judgment is hereby rendered IN FAVOR of the [respondents] and against the [petitioner], as follows:
>
> a) Ordering [petitioner] and any person in his behalf, to vacate subject premises and yield possession thereof to [respondents];
>
> b) Directing [petitioner] to pay the sum of P300.00 per month from March 1, 1999 until he vacates the subject premises;
>
> c) Sentencing [petitioner] to pay P10,000.00 as attorney's fees and to pay the cost.
>
> SO ORDERED. (Words in brackets ours)

Therefrom, petitioner went to the Regional Trial Court (RTC) of Davao City where the appeal was raffled to Branch 10 thereof. In a decision[7] dated December 29, 2000, said court reversed the appealed "Judgment" of the MCTC for lack of jurisdiction, saying that the latter court "should have dismissed the case and allowed the Department of Agrarian Reform to resolve the agrarian case...." We quote the dispositive portion of the decision:

> WHEREFORE, the JUDGMENT rendered by the Court *a quo* is reversed and this case is dismissed for want of jurisdiction. Consequently, the MOTION FOR EXECUTION PENDING APPEAL is denied.
>
> SO ORDERED.

With their motion for reconsideration having been denied by the RTC in its Order of March 2, 2001,[8] respondents went to the CA on a petition for review, thereat docketed as *CA-G.R. SP No. 64308.*

As stated at the outset hereof, the CA, in a decision dated January 23, 2002,

reversed and set aside that of the RTC and reinstated the earlier "Judgment" of the MCTC, thus:

> WHEREFORE, the petition is GRANTED. Accordingly, the questioned decision dated December 29, 2000 and the Order dated March 2, 2001 of the Regional Trial Court, Branch 10, of Davao City are hereby REVERSED and SET ASIDE. Consequently, the Decision ["Judgment"] dated July 26, 2000 of the MTCC Branch 1 is hereby affirmed *in toto*.
>
> SO ORDERED. (Word in bracket ours)

With the CA's denial of his motion for reconsideration in its Resolution of June 6, 2002, petitioner is now with this Court via the present recourse on the lone issue of his own formulation, to wit:

> WHETHER OR NOT THE INSTANT CASE WHICH CLEARLY INVOLVES AGRARIAN REFORM MATTERS FALLS WITHIN THE JURISDICTION OF THE MUNICIPAL TRIAL COURT.

Actually, the issue thus formulated raises two distinct questions, namely: (1) whether the instant case involves, in the first place, agrarian reform matters; and (2) whether agrarian reform matters fall within the jurisdiction of municipal trial courts.

We **DISMISS.**

To begin with, we note from the records that respondents' complaint for unlawful detainer was filed with the MCTC on **September 20, 1999**, as borne by the stamped "RECEIVED" appearing on the face thereof. It was filed after respondents were issued by the local barangay lupon a *Certificate to File Action* following the parties' failure to arrive at an amicable settlement before the *lupon*.

On the other hand, as borne by the annexes to petitioner's Position Paper in the MCTC, particularly Annex "E"[9] thereof, he lodged a complaint for *Harassment With Design to Eject* with the BARC only on **September 21, 1999,** which the BARC denominated as "agrarian dispute," and referred it to the Acting Municipal Agrarian Reform Officer, who conducted an Investigation Report[10] thereon. In turn, the Municipal Agrarian Reform Officer endorsed the case to the Department of Agrarian Reform (DAR) Provincial Reform Officer, Davao City on September 28, 1999 with the recommendation, among others, that petitioner be declared as tenant pursuant to the provisions of Republic Act No. 3844.

It can thus be seen that contrary to petitioner's pretense, his complaint for *Harassment With Design to Eject* initiated before the BARC on **September 21, 1999** and which evidently is the so-called "agrarian reform matters" referred to by him, came only after respondents' complaint for unlawful detainer before the MCTC on **September 20, 1999**. This lends credence to respondents' claim that petitioner resorted to the DAR in order to pre-empt the civil action for ejectment earlier filed against him.

In any event, and more importantly, the basic rule is that the material averments in the complaint determine the jurisdiction of a court. And jurisprudence dictates that a court does not lose its jurisdiction over an ejectment suit by the simple expedient of