

SECOND DIVISION

[G.R. NO. 139254, March 18, 2005]

SOCIAL SECURITY SYSTEM, PETITIONER, VS. DEPARTMENT OF AGRARIAN REFORM, REPRESENTED BY ITS SECRETARY, HONORABLE ERNESTO GARILAO, AND THE REGISTER OF DEEDS OF MARIKINA CITY, REPRESENTED BY ITS REGISTRAR, GREGORIO SEMBRANO, AND FARMER-BENEFICIARIES, AS INDICATED IN RESPECTIVE TRANSFER CERTIFICATES OF TITLE NOS. 1259, 1260, AND 1261, NAMED HEREUNDER, RESPONDENTS.

D E C I S I O N

CHICO-NAZARIO, J.:

The Social Security System (SSS) filed against the Department of Agrarian Reform (DAR), the Register of Deeds of Marikina City and several farmers-beneficiaries, a complaint (Civil Case No. 1300-97)^[1] for Annulment of Transfer Certificates of Title (TCTs) No. 1259, No. 1260, and No. 1261 with Recovery of Possession and prayer for the issuance of a writ of preliminary injunction before the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 75.

In its Complaint, the SSS alleged it is the absolute owner of several parcels of land located at Rodriguez, Rizal, with an area of more or less three hundred hectares. The said property was covered under Republic Act No. 6657 (Comprehensive Agrarian Reform Program [CARP]) by the DAR. The SSS earlier filed a case for conversion of the land, from agricultural to residential and other urban uses, before the DAR's Adjudicatory Board which was denied by the DAR on 22 March 1990.^[2] Undaunted, the SSS filed before the Court of Appeals a Petition for Review on *Certiorari*, CA-G.R. SP No. 38043 which was dismissed on 31 August 1995.^[3] The SSS elevated the case to this Court on Petition for Review on *Certiorari*, G.R. No. 122580, which was again denied for failure to comply with Circular No. 1-88,^[4] it appearing that petitioner SSS failed to submit a verified statement of material dates to determine the timeliness of the filing of the petition and the timeliness of the payment of legal fees as required by par. 4 of the said circular.^[5] Its motion for reconsideration was denied in a resolution of this Court dated 27 March 1996.^[6] The denial has become final and executory and Entry of Judgment was issued on 27 June 1996.^[7]

Meanwhile, DAR issued Certificates of Land Ownership Award (CLOAs) to some 201 persons identified as farmers-beneficiaries of the land on 23 December 1991. On 11 July 1997,^[8] the defendants filed a joint motion to dismiss claiming that jurisdiction over the case falls with the Department of Agrarian Reform Adjudication Board (DARAB). In an Order dated 12 March 1999, the RTC^[9] granted the joint motion to

dismiss.^[10] From this Order, the SSS is now before us arguing that the RTC erred in holding it has no jurisdiction over the case.^[11]

In a resolution dated 16 August 1999, this Court denied the Petition for failure of the petitioner to serve a copy thereof to the respondent court.^[12]

The SSS filed a motion for reconsideration.^[13] In a resolution dated 20 October 1999, this Court resolved to grant the motion and required the respondents to comment on the Petition.^[14]

On 10 August 2000, respondents farmers-beneficiaries filed their compliance.^[15] From a resolution dated 27 November 2000, the parties were required to file their respective Memorandum.^[16]

Insisting on the jurisdiction of the trial court over the case, the SSS averred that the issue raised before the trial court was not the issuance of the CLOAs, nor the coverage or exemption of the SSS from the CARP, but the illegality or lack of legal basis of the cancellation of a valid torrens title in the name of the SSS which led to the issuance of TCTs No. 1259, No. 1260 and No. 1261 in favor of the farmers-beneficiaries, without notice and just compensation. It asserts that the jurisdiction of the DARAB pertains to agrarian disputes which does not obtain in the case at bar. It points out that under Chapter V, Section 16(f) of Rep. Act No. 6657, jurisdiction is with the RTC.^[17]

On the other hand, negating it has jurisdiction over the case, the trial court held:

The primordial issue to be (sic) resolved is the jurisdiction of the DARAB which defendants-movants argue to have jurisdiction over the case. Under Rule 11, Section 1(F) of the DARAB New Rules of Procedure the board has jurisdiction over cases "involving the issuance, correction and cancellation of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority." The present case was filed by plaintiff SSS precisely to annul Certificate of Title Nos. 1259, 1260 and 1261 which, as pointed out by defendants-movants, emanated from CLOAs issued by the Department of Agrarian Reform. The present case ultimately involves CLOAs and is, therefore, within the jurisdiction of the DARAB. In fine, since SSS seeks annulment of the above-mentioned titles which emanated from CLOAs, the proper venue for the present case is the DARAB.

As to the argument raised by the SSS regarding the nature of the land, suffice it to say that since plaintiff itself has filed a petition with the DAR for conversion of the classification of the subject parcel of land from agricultural to residential land, it has expressly recognized that said parcels of land to be agricultural land. This being the case, said parcels of land are under the jurisdiction of DARAB because under Section 4 of R.A. 6657 "all public and private agricultural land" are covered by CARP and all disputes involving lands covered by the CARP are within the jurisdiction of the DARAB.

SSS should not be allowed in one breath to invoke the jurisdiction of the DARAB and then, after failing to obtain the relief it sought, assail the same and now claim that jurisdiction rests with the regular courts. It should be noted at this point that the application for conversion filed by the SSS had been finally disposed off by no less tha[n] the Supreme Court.^[18]

The Petition lacks merit.

Irrefragably, the titles sought to be annulled by the SSS, namely, TCTs No. 1259, No. 1260 and No. 1261 originated from the CLOAs issued by the DAR in pursuance of, and in accordance with, the provisions of Rep. Act No. 6657, the Comprehensive Agrarian Reform Program.

Specifically, the SSS in its Complaint implored the trial court "to restrain the DAR from implementing Rep. Act No. 6657 and the defendants, farmers-beneficiaries from occupying/tilling, cultivating /disposing the properties."^[19]

Section 1, Rule II, 2002 DARAB Rules of Procedure provides that:

Section 1. *Primary And Exclusive Original and Appellate Jurisdiction.* – The board shall have primary and exclusive *jurisdiction*, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, 229, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27 and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

a) The rights and obligations of persons, whether natural or juridical engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws.

. . .

Specifically, such jurisdiction shall extend over but not limited to the following:

. . .

f) Cases involving the issuance of Certificate of Land Transfer (CLT), Certificate of landownership Award (CLOA) and Emancipation Patent (EP) and the administrative correction thereof; (Italics added)

Thus, taking its bearings from the above provision, *Centeno v. Centeno*^[20] explicitly and compellingly validated the jurisdiction of the DARAB over cases involving issuance of CLOAs, and went on further:

. . . under Section 50 of R.A. 6657 (the Comprehensive Agrarian Reform Law of 1988), the DAR is vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have the exclusive jurisdiction over all matters involving the implementation of the agrarian