

FIRST DIVISION

[G.R. No. 123417, June 10, 1999]

**JAIME MORTA, SR. AND PURIFICACION PADILLA, PETITIONERS,
VS. JAIME OCCIDENTAL, ATTY. MARIANO BARANDA, JR., AND
DANIEL CORRAL, RESPONDENTS.**

D E C I S I O N

PARDO, J.:

What is before us is a petition for review on *certiorari* of the decision^[1] of the Court of Appeals and the resolution,^[2] denying petitioners' motion for reconsideration and supplemental motion for reconsideration. In its decision, the Court of Appeals dismissed the petition for review filed before it, ruling that the cases below fall within the jurisdiction of the DARAB.

The antecedent facts are as follows:

On January 10 and 21, 1994,^[3] petitioners Jaime Morta, Sr. and Purificacion Padilla filed two (2) cases^[4] for damages with preliminary injunction, with the Municipal Trial Court, Guinobatan, Albay, against respondents Jaime Occidental, Atty. Mariano Baranda, Jr. and Daniel Corral, which were consolidated pursuant to Rule 31 of the Revised Rules of Court. In the complaints, petitioners alleged that respondents through the instigation of Atty. Baranda, gathered pilinuts, anahaw leaves, and coconuts from their respective land, delivered the produce to Atty. Mariano Baranda, Jr., and destroyed their banana and pineapple plants. In Civil Case No. 481, petitioners claimed damages amounting to P8,930.00, plus costs of suit; in Civil Case No. 482, petitioners claimed P9,950.00, as damages. The court considered the cases covered by the Rule on Summary Procedure and ordered respondents to file their answer.

In their answer, respondents claimed that petitioners were not the owners of the land in question. They alleged that the torrens titles of the land indicated a certain Gil Opiana as the registered owner. Gil Opiana was the father of Josefina Opiana-Baraclan who inherited the lots upon the former's death. Respondent Jaime Occidental contended that he was a bona fide tenant of Josefina Opiana-Baraclan. Respondents stated that there was no annotation on the titles establishing petitioners' right over the land. They denied harvesting the anahaw leaves and coconuts, as well as delivering the produce to Atty. Baranda, Jr.

Thereafter, the Municipal Trial Court ordered the parties to submit affidavits of their witnesses and other evidence on the factual issues, together with their respective position papers. After respondents' failure to file their position papers within the prescribed period, the trial court considered the case submitted for decision.

On March 29, 1994, the Municipal Trial Court rendered decision^[5] in favor of petitioners. It held that petitioners had been in actual, continuous, open and adverse possession of the land in question for forty-five (45) years. The decretal portion of the decision reads:

"WHEREFORE, in view of the foregoing considerations, judgment is rendered in favor of the plaintiffs and against the defendants in both cases as follows:

- "1) Ordering the defendants not to molest and disturb the peaceful possession of the plaintiffs in the lands in question situated at San Rafael, Guinobatan;
- "2) Condemning the defendants in Civil Cases No. 481 to jointly and severally pay the plaintiffs the total amount of P8,130.00 representing the value of the coconuts, pilinuts and anahaw leaves and for the destroyed plants;
- "3) Ordering the defendants in Civil Cases No. 481 jointly and severally to reimburse the plaintiffs the amount of P202.00 as legal expenses incurred in filing this suit;
- "4) Condemning the defendants in Civil Case No. 482 jointly and severally to pay the plaintiffs the total amount of P9,950.00 representing the value of the coconuts and anahaw leaves;
- "5) Ordering the said defendants in Civil Case No. 482 to jointly and severally reimburse the plaintiffs the sum of P202.00 as legal expenses in filing this suit."

"Guinobatan, Albay, March 29, 1994.
(signed)

JAIME R. REMONTE
Judge"^[6]

Respondents appealed to the Regional Trial Court, Ligao, Albay. They questioned the trial court's jurisdiction contending that the case was cognizable by the Department of Agrarian Reform Adjudicatory Board (DARAB). They alleged that petitioners engaged in forum shopping and that the trial court erred in granting the reliefs prayed for.

On August 10, 1994, the Regional Trial Court rendered decision reversing that of the Municipal Trial Court and dismissing the above cases,^[7] ruling that these cases for damages are tenancy-related problems which fall under the original and exclusive jurisdiction of the DARAB. The court also declared that the filing of Civil Cases Nos. 481 and 482, while a case involving the same issue was pending before the DARAB, amounted to forum shopping.

On September 9, 1994, petitioners filed a petition for review^[8] with the Court of Appeals, contesting the decision of the Regional Trial Court. On May 31, 1995, the Court of Appeals^[9] rendered decision affirming the lower's court ruling that the

cases fall within the original and exclusive jurisdiction of DARAB. However, it ruled that petitioners did not engage in forum shopping.

On June 6, 1995, petitioners filed a motion for reconsideration.^[10] On June 13, 1995, they filed a supplemental motion for reconsideration,^[11] stressing that there was no tenancy relationship between the parties, as certified by the Municipal Agrarian Reform Office (MARO).^[12]

On December 8, 1995, the Court of Appeals denied the motions.^[13]

Hence, this petition for review on *certiorari*.

Petitioners claim that Morta is not a tenant of either Jaime Occidental or Josefina Opiana-Baraclan, as shown by the MARO certification. They argue that the civil actions for damages are not tenancy-related, and, hence, are properly cognizable by the trial court, not the DARAB.

We resolve to grant the petition.

It is axiomatic that what determines the nature of an action as well as which court has jurisdiction over it, are the allegations in the complaint and the character of the relief sought.^[14] "Jurisdiction over the subject matter is determined upon the allegations made in the complaint, irrespective of whether the plaintiff is entitled to recover upon a claim asserted therein - a matter resolved only after and as a result of the trial. Neither can the jurisdiction of the court be made to depend upon the defenses made by the defendant in his answer or motion to dismiss. If such were the rule, the question of jurisdiction would depend almost entirely upon the defendant."^[15] The complaint filed by petitioners before the Municipal Trial Court is an action for damages for illegal gathering of anahaw leaves, pilinuts and coconuts, and the destruction of their banana and pineapple plantations. The respondents did not question the municipal trial court's jurisdiction in their answer. The issue of jurisdiction was raised for the first time on appeal.

For DARAB to have jurisdiction over a case, there must exist a tenancy relationship between the parties. In order for a tenancy agreement to take hold over a dispute, it would be essential to establish all its indispensable elements, to wit: 1) that the parties are the landowner and the tenant or agricultural lessee; 2) that the subject matter of the relationship is an agricultural land; 3) that there is consent between the parties to the relationship; 4) that the purpose of the relationship is to bring about agricultural production; 5) that there is personal cultivation on the part of the tenant or agricultural lessee; and 6) that the harvest is shared between the landowner and the tenant or agricultural lessee.^[16] In *Vda. de Tangub v. Court of Appeals*,^[17] we held that the jurisdiction of the Department of Agrarian Reforms is limited to the following:

- a) adjudication of all matters involving implementation of agrarian reform;
- b) resolution of agrarian conflicts and land-tenure related problems; and