

SIXTEENTH DIVISION

[CA-GR. SP NO. 93743, August 17, 2006]

**CESAR BALOTA, PETITIONER, VS. ALFREDO C. LANUZA,
REPRESENTED BY HIS ATTORNEY-IN-FACT, FE C. LANUZA,
RESPONDENT.**

D E C I S I O N

DE LOS SANTOS, J.:

This Petition for Review originated from the complaint for ejectment (forcible entry) filed before the Municipal Trial Court (MTC) of Pagsanjan, Laguna by plaintiff Alfredo C. Lanuza, represented by his attorney-in-fact, Fe C. Lanuza.

The facts are as follows:

Alfredo C. Lanuza (plaintiff-respondent) claimed that he is the owner of a residential lot located at Brgy. Biñan, Pagsanjan, Laguna, as evidenced by Transfer Certificate of Title (TCT) No. T-193344 registered in his name. Sometime in May, 1999, **Cesar Balota (defendant-petitioner)**, together with other persons, by means of force, intimidation, threat, strategy or stealth surreptitiously entered said parcel of land and started to cultivate it without the consent and permission of plaintiff-respondent. He, through his representative, Fe C. Lanuza, wrote a letter to the Brgy. Captain of said barangay requesting the latter to stop defendant-petitioner from cultivating the area.

On September 27, 1999, plaintiff-respondent filed a Complaint for Forcible Entry^[1], with prayer for the issuance of Temporary Restraining Order.

Defendant-petitioner filed his Answer (with Special and Affirmative Defenses treated as a Motion to Dismiss)^[2], alleging that the MTC has no jurisdiction over the nature of the action considering that the land subject matter of the case is an agricultural land and he is a legitimate agricultural leaseholder of the same, instituted as such by the title holder. He further asserted that as a leaseholder, he is protected by the security of tenure provisions under the agrarian law and the 1987 Constitution, and he has been religiously paying the rentals in accordance with their agreement. Thus, the real issue involved is an agrarian dispute.

In an Order^[3] dated August 30, 2000, the MTC denied the motion to dismiss and issued a writ of preliminary injunction ordering the defendant-petitioner to cease and desist from entering the subject parcel of land.^[4]

Defendant-petitioner's Motion for Reconsideration^[5] was denied in an Order^[6] dated November 13, 2000.

On appeal, the Regional Trial Court dismissed it for lack of merit.^[7]

Hence, this Petition for Review.

The petitioner raises the following issues:

1. The Municipal Trial Court has no jurisdiction to try, hear and adjudicate the complaint for forcible entry; and
2. Assuming that it has jurisdiction, there was no forcible entry committed by the defendant.

We will deal with these issues in the order in which they are presented.

First. Petitioner-defendant opines that the MTC has no jurisdiction over the action because the subject land is an agrarian lot, hence, it involves an agrarian dispute covered by Republic Act No. 6657 or the Comprehensive Agrarian Reform Law. Hence, it is the Department of Agrarian Reform Adjudication Board (DARAB) that has jurisdiction.

We do not agree.

In the case of *Heirs of the Late Hernan Rey Santos vs. Court of Appeals*^[8], the Supreme Court explained:

"'Agrarian dispute' is defined under Section 3 (d) of Republic Act No. 6657 (CARP Law), as:

'(d) 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 under this Act and other terms and conditions of transfer of ownership from landowners 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.

'xxx xxx xxx'

"In the case of *Morta, Sr. vs. Occidental, et al.*, this Court held:

'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