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**SUPREME COURT  
FIRST DIVISION**

**CIPRIANO CENTENO, LEONILA C.  
CALONZO, and RAMONA ADRIANO,  
*Petitioners,***

***-versus-***

**G.R. No. 140825  
October 13, 2000**

**IGNACIA CENTENO,  
*Respondent.***

X-----X

**RESOLUTION**

**KAPUNAN, J.:**

The instant Petition for Review seeks the reversal of the Decision, dated September 23, 1998; and, Resolution, dated November 17, 1999 of the Court of Appeals which affirmed the decision of the Department of Agrarian Reform Adjudication Board (DARAB) ordering herein petitioners to vacate the property awarded to respondent Ignacia Centeno.

The antecedent facts, as found by the appellate court, are quoted hereunder as follows:

Respondent is the owner of two (2) parcels of riceland denominated as Lot No. 111, Psd-248725, with an area of 1,2000 square meters,

and Lot No. 122, Psd-248725, containing an area of 2,862 square meters, situated at Cofradia Sta. Isabel, Malolos, Bulacan.

The said parcels of land were the subject of an earlier case filed by respondent against petitioners before the Department of Agrarian Reform (DAR), for cancellation of certificates of land transfer (CLT). In said case, it was established that petitioners, through fraud and misrepresentation, obtained CLTs in their names, i.e., CLT No. 10186 for Lot No. 122 and CLT No. 10185 for one-half portion of Lot No. 111 for Cipriano Centeno, and CLT No. 10184 for the other half of Lot No. 111 for Leonida Calonzo (sic).

On November 15, 1986, the then Minister, now Secretary, of Agrarian Reform issued an order directing the recall and cancellation of petitioners' CLTs, thus:

WHEREFORE, premises considered, order is hereby issued:

1. Recalling and cancelling CLT No. 10186 covering Farmlot No. 122 containing an area of 2,862 square meters and CLT No. 10185 covering half portion of Home Lot No. 111 issued to Respondent Cipriano Centeno, and CLT No. 10148 (sic) covering the remaining half portion of Home Lot No. 111 issued to Respondent Leonila Calonzo, all under Psd-248725, situated at RCC Malolos Estate, Malolos, Bulacan; and forfeiting in favor of the government whatever payments they have made on account thereof.
2. Directing the generation and issuance of new Certificates of Land Transfer in favor of herein protestant Ignacia Centeno, covering the landholdings at issue.

The aforesaid order was affirmed by the Office of the President in its decision dated July 8, 1987, which had become final and executory.

The instant case has its roots in a complaint filed by herein respondent Ignacia Centeno with the Department of Agrarian Reform and Adjudication Board (DARAB), Region III, Malolos, Bulacan, for

“Maintenance of Peaceful Possession with Prayer for Restraining Order/Preliminary Injunction, Ejectment and Damages.” Respondent alleged that, despite the decision of the DAR recognizing her ownership over Lot Nos. 111 and 122, as affirmed by the Office of the President, herein petitioners Cipriano Centeno, Leonila Calonzo and Ramona Adriano have interfered with and prevented respondent from exercising acts of possession over the landholdings earlier adjudicated to her (Lot Nos. 111 and 122) and kept on harassing, molesting and disturbing her peaceful possession as well as the enjoyment of the fruits thereof, to her great damage and prejudice. She prayed that petitioners be restrained from committing acts tending to deprive respondent of her possession, and that they be ordered to vacate the premises.

In their answer, petitioner insisted that they are better entitled to the possession of the lots in dispute, having been allegedly in long possession thereof, with their houses thereon. On the other hand, the award of said lots to respondent is unauthorized, not only because she has no possession thereof but also because she has other landholdings in the locality. They averred that the complaint should be dismissed for lack of cause of action and for lack of jurisdiction on the part of the DARAB over the case.

On April 14, 1993, the Provincial Adjudicator rendered a decision, after hearing, favorably to respondent, advertent to the decision of the DAR, dated November 15, 1986, which was held to be determinative of the rights of the parties under the principle of *res judicata*. This decision was affirmed on appeal by the DARAB on September 10, 1997, with the directive “to immediately reinstate petitioner-appellee (respondent herein) to the subject landholdings and for the defendants-appellants (petitioners herein) to respect (her) security of tenure thereon as mandated by law.”<sup>[1]</sup>

Not satisfied with the decision of the DARAB, herein petitioner filed a petition for review with the Court of Appeals. On September 23, 1998, the appellate court rendered the assailed decision affirming the decision of the DARAB. Hence, the instant petition wherein petitioners raise the following issues:

1. WHETHER OR NOT THE DAR ADJUDICATION BOARD HAS JURISDICTION OVER THE SUBJECT MATTER OF THE CASE;
2. WHETHER OR NOT THE PETITIONERS ARE ESTOPPED FROM RAISING THE ISSUE OF JURISDICTION;
3. WHETHER OR NOT THE COMPLAINT STATES A CAUSE OF ACTION; and
4. WHETHER OR NOT RES JUDICATA APPLIES IN THE INSTANT CASE.<sup>[2]</sup>

Petitioners allege that the DARAB does not have jurisdiction over the complaint for maintenance of possession since the dispute is not agrarian in character. They aver that there is no allegation in the complaint of the existence of a tenancy relationship nor the presence of an agrarian dispute that would place the case under the jurisdiction of the DARAB. Rather, petitioners allege that the instant case is clearly one for recovery of possession which falls under the jurisdiction of the regular courts.

Petitioners further asseverate that the appellate court gravely erred in declaring that they are estopped from questioning the jurisdiction of the board because from the start of the proceedings, they had already raised said issue of jurisdiction.

Petitioners likewise allege that the complaint states no cause of action. They contend that respondent cannot claim maintenance of peaceful possession when she does not in fact have actual possession of the subject property. They claim that it is they who are in actual possession of said land; Furthermore, they claim that respondent did not even make a demand for them to vacate the land; nor did she present evidence to show that their acts of possession resulted in loss or damage to her.

Finally, petitioners contend that the principle of res judicata does not apply to the instant case because the first action filed by respondent was for cancellation of the Certificates of Land Transfer issued to petitioners, while the second action, the instant case, is for

maintenance of peaceful possession. According to petitioners, the two actions refer to different subject matters and distinct causes of action.

Petitioners' arguments are bereft of merit.

The Court of Appeals correctly observed that the present case for maintenance of peaceful possession with prayer for restraining order/preliminary injunction is a mere off-shoot of the suit for cancellation of Certificates of Land Transfer (CLTs) filed by herein respondent against herein petitioners before the DARAB. That previous case culminated in a decision upholding respondent's entitlement to an award of the subject landholdings under the Comprehensive Agrarian Reform Law. The case at bar is for the maintenance of her peaceful possession of the premises and to prevent the petitioners from further harassing her and disturbing her possession and enjoyment thereof. Hence, the appellate court was correct in holding that the present case is an incident flowing from the earlier decision of the administrative agency involving the same parties and relating to the same lands.<sup>[3]</sup>

We quote with approval the Court of Appeals' findings on the matter, thus:

In other words, the complaint for maintenance of peaceful possession is a logical follow-through of the intended operational terms of the DAR order dated November 15 1986, as affirmed by the Office of the President, which directed the recall and cancellation of the CLTs of petitioners which were found to have been obtained through fraud and misrepresentation and the "generation and issuance" of new CLTs to respondent Ignacia Centeno, "covering the landholdings at issue." Such earlier determination must be deemed to include the right of respondent, and her privies, to the possession — peaceful possession — of Lot Nos. 111 and 122, Psd-248725. A judgment, needless to state, is not confined to what appears on the face thereof but also those necessarily included therein or necessary thereto. (Perez vs. Evite, 1 SCRA 949 [1961]; Gonzales vs. Court of Appeals, 212 SCRA 595 [1992]).<sup>[4]</sup> (Emphasis supplied.)

Having found therefore, that the instant case is related to and is a mere off-shoot of the said previous case for cancellation of CLTs which was decided in favor of herein respondent, we believe and so hold that the DAR continues to have jurisdiction over the same. As aptly stated by the Court of Appeals, 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 reform program. The rule is that the DARAB has jurisdiction to try and decide any agrarian dispute or any incident involving the implementation of the Comprehensive Agrarian Reform Program.<sup>[5]</sup> (Emphasis supplied)

Section 1, Rule II of the Revised Rules of Procedure of the DARAB provides:

Section 1. Primary, Original and Appellate Jurisdiction. The Agrarian Reform Adjudication Board shall have primary jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under Republic Act No. 6657, Executive Order Nos. 229, 228 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 extend over but not be limited to the following:

x x x

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; (Emphasis added.)

Furthermore, petitioners are barred by estoppel from raising the issue of jurisdiction of the DARAB. A perusal of the records will show that petitioners participated in all stages of the instant case, setting up a counterclaim and asking for affirmative relief in their answer. This Court has ruled that participation by certain parties in the administrative proceedings without raising any objection thereto, bars them from any jurisdictional infirmity after an adverse decision is rendered against them.<sup>[6]</sup>

Anent petitioners' contention that the complaint states no cause of action, we find this to be, likewise, without merit. A cause of action is an act or omission of one party in violation of the legal right or rights of another.<sup>[7]</sup> The elements of a cause of action are: (1) a right in favor of the plaintiff by whatever means and under whatever law it arises or is created; (2) an obligation on the part of the named defendant to respect or not to violate such right; and (3) an act or omission on the part of such defendant in violation of the right of the plaintiff or constituting a breach of the obligations of the defendant to the plaintiff for which the latter may maintain an action for recovery of damages.<sup>[8]</sup>

In the instant case, the complaint for maintenance of peaceful possession contains the following allegations, to wit:

#### FIRST CAUSE OF ACTION

8. Defendants are persistently interfering in and preventing plaintiff's possession and cultivation of farmlot no. 122, and continue to commit acts tending to eject, oust and remove the plaintiff therefrom, to her great damage and injury;

9. Similarly, defendants are harassing, molesting and disturbing plaintiff's peaceful possession of Home Lot No. 111;

#### SECOND CAUSE OF ACTION

10. Without the knowledge and consent of herein plaintiffs, defendants constructed two (2) houses on two portions of Home Lot No. 111, one house belonging to defendant Cipriano

Centeno, and the other to defendant Leonila Centeno Calonzo, but occupied by defendant Ramona Adriano;

11. The construction of said houses is patently illegal and deprives plaintiff of the possession and enjoyment thereof, to her great damage and injury.<sup>[9]</sup>

Clearly, the above allegations regarding petitioners' actions with regard to the subject land, if true, violate respondent's rights as adjudicated by the DARAB; hence, these constitute causes of action which entitle the respondent to the relief sought.

Finally, on the issue of the applicability of res judicata to the instant case. Petitioners would have us believe that they are the ones who are in actual possession of the subject land. They argue that the order of DAR recalling and cancelling their CLTs "is void from the beginning." The Court of Appeals however ruled that the issue of possession is a settled matter. We are inclined to agree with the findings of the appellate court on the issue, thus:

It is futile for petitioners to argue, by their strained reasoning, that res judicata is not applicable. Petitioners' position is that they are in possession of the subject landholdings and have houses thereon. They thus argue that the order of the DAR recalling and cancelling their CLTs "is void from the beginning." (Answer, 2) This is begging the issue. Precisely, one of the main defenses of petitioners in the earlier case for cancellation of CLTs is their alleged possession, but this was ruled against them by the DAR since for one, Cipriano Centeno, a nephew of respondent, was just a helper of respondent tending to the landholdings. For another, it was also ruled that respondent has the preferential right over the land in dispute but that she was deprived of her rights as CLT beneficiary on account of petitioners' acquisition of CLTs through fraud and misrepresentation. Obviously, the issue of possession is a settled matter.<sup>[10]</sup>

**WHEREFORE**, in view of the foregoing, the instant petition is hereby **DENIED** for lack of merit.

**SO ORDERED.**

**Davide Jr., C.J., Puno, Pardo and Ynares-Santiago, JJ.,  
concur.**

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[1] CA Decision, dated September 23, 1998, Rollo, pp. 28-30.

[2] Rollo, p. 15.

[3] Id., at 32.

[4] Ibid.

[5] Central Mindanao University vs. Department of Agrarian Reform, 215 SCRA 86 (1992).

[6] Fortich vs. Corona, 298 SCRA 678 (1998).

[7] Leberman Realty Corporation vs. Typingco, 293 SCRA 316 (1998).

[8] Ibid.

[9] Complaint, Rollo, pp. 47-48.

[10] Rollo, p. 34.

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