



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE
RECEIVED
 JAN 12 2018
 BY: *[Signature]*
 TIME: 9:37

FIRST DIVISION

MAGDALENA C. DILLENA,
Petitioner,

G.R. No. 204045

Present:

- versus -

SERENO, *C.J., Chairperson,*
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 JARDELEZA, *and*
 TIJAM, *JJ.*

MARIANO ALCARAZ,
BERNARDO ALCARAZ,
JOSELITO ALCARAZ and
AMOR ALCARAZ STA. MARIA,
Respondents.

Promulgated:
DEC 14 2017

X-----X

DECISION

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*¹ seeks to set aside the February 28, 2012 Decision² of the Court of Appeals (CA) in CA-G.R. SP No. 110423, which reversed and set aside the March 2, 2009 Decision³ and August 4, 2009 Resolution⁴ of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 15202 and dismissed herein petitioner's Petition with Very Urgent Motion for the Immediate Issuance of Writ of Preliminary Injunction or Status Quo Order⁵ in DCN R-03-02-0837'04, as well as the CA's October 11, 2012 Resolution⁶ denying petitioner's Motion for Reconsideration.⁷

Factual Antecedents

As found by the CA, the facts are as follows: *[Signature]*

¹ *Rollo*, pp. 8-21.

² *Id.* at 23-31; penned by Associate Justice Rosalinda Asuncion-Vicente and concurred in by Associate Justices Antonio L. Villamor and Ramon A. Cruz.

³ *Id.* at 80-87; penned by DARAB Member Ambrosio B. De Luna and concurred in by DARAB Members Augusto P. Quijano, Gerundio C. Madueño, and Ma. Patricia P. Rualo-Bello.

⁴ *Id.* at 88-89; penned by DARAB Member Ambrosio B. De Luna and concurred in by DARAB Members Gerundio C. Madueño, Jim G. Coletto, and Ma. Patricia P. Rualo-Bello.

⁵ *Id.* at 46-50.

⁶ *Id.* at 34-36; penned by Associate Justice Rosalinda Asuncion-Vicente and concurred in by Associate Justices Franchito N. Diamante and Ramon A. Cruz.

⁷ *Id.* at 113-118.

Magdalena C. Dillena⁸ x x x, represented by Enrico C. Dillena, filed a *Petition with Very Urgent Motion for the Immediate Issuance of Writ of Preliminary Injunction or Status Quo Order* dated June 30, 2004 with the Office of the Provincial Agrarian Reform Adjudicator (PARAD), Malolos, Bulacan against Mariano Alcaraz, Bernardo Alcaraz, Joselito Alcaraz and Amor Alcaraz Sta. Ana⁹ x x x alleging that Salud Crespo was the original owner of the subject landholding, a fishpond with an area of more than ten (10) hectares located in Barangay Nagbalon, Marilao, Bulacan; sometime in 1950, Salud Crespo instituted Catalino Dillena as tenant of the subject landholding; when Ana Alcaraz purchased the subject landholding sometime in 1960, she recognized Catalino Dillena's tenancy over the same; and when Catalino Dillena died, [petitioner's] husband, Narciso, succeeded to the former's tenancy rights.

[Petitioner] further alleged that on April 21, 1995, Ana Alcaraz died and was survived by [respondents] who inherited the subject landholding and who also recognized Narciso's tenancy rights therein; that Narciso continued to pay the annual lease rental of ₱120,000.00 and introduced improvements thereon worth ₱200,000.00 upon the assurance of [respondents] that they would maintain Narciso in peaceful possession of the landholding; that sometime in May 2004 or about a month after Narciso died, [respondents] informed [petitioner] about their intention to increase the annual lease rental from ₱120,000.00 to ₱240,000.00 which [petitioner] believed was unconscionable and was merely meant to dispossess her of the subject landholding; and that [respondents] gave [petitioner] 30 days or until June 30, 2004 to vacate the subject landholding, which prompted her to file the petition with the PARAD praying that she be declared as a de jure tenant and be maintained in peaceful possession of the subject property.

[Respondents] filed a *Motion to Dismiss* assailing the PARAD's jurisdiction over the subject matter of the petition. [Respondents] alleged, *inter alia*, that [petitioner] is a civil law lessee and that the *Kasunduan sa Upahan ng Palaisdaan* expired in May 2004. As a civil law lessee, any dispute that may arise from this relationship of the parties is cognizable by the regular courts.

[Respondents] further alleged that assuming that there is an agrarian dispute, the case should have been brought first to the Barangay Agrarian Reform Committee (BARC) for mediation or conciliation, and that absent a BARC Certification attesting that efforts for mediation or conciliation failed, the PARAD cannot assume jurisdiction over the dispute pursuant to Section 1, Rule 3 of the DARAB New Rules of Procedure.

In a Resolution dated September 20, 2004, the PARAD denied [respondents'] *Motion to Dismiss*. Thus, [respondents] filed an *Answer with Counterclaim with Opposition to the Prayer for the Issuance of Preliminary Injunction or Status Quo Order* essentially reiterating their averments in their *Motion to Dismiss*.

After the submission by the parties of their respective position papers, the PARAD rendered a Decision dated September 15, 2006 declaring [petitioner] as a bonafide tenant who is entitled to peacefully possess and cultivate the subject landholding.

⁸ Herein Petitioner. Hereinafter "Dillena" or "petitioner."

⁹ Herein Respondents.

[Respondents] filed a *Motion for Reconsideration* but it was denied by the PARAD in an Order dated February 26, 2007.

[Respondents] interposed an appeal to the DARAB, which rendered the assailed Decision dated March 2, 2009 affirming the PARAD's *Decision*. The dispositive portion of the DARAB's Decision reads:

'WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the appeal for lack of merit and the decision of the Provincial Agrarian Reform Adjudicator is hereby AFFIRMED *in toto*.

[Respondents] x x x are hereby DIRECTED to immediately turn over and reinstate possession of the subject landholding to herein [petitioner] x x x.

SO ORDERED.'

[Respondents] filed a *Motion for Reconsideration* of the above Decision but it was denied by the DARAB in the assailed Resolution dated August 4, 2009.¹⁰

Ruling of the Provincial Agrarian Reform Adjudicator (PARAD)

In his September 15, 2006 Decision,¹¹ the PARAD held that the culture of tilapia fish is not an industrial activity that is exempt from agrarian laws; that fishponds remain agricultural lands covered by the Comprehensive Agrarian Reform Law (CARL); that the dispute between the parties is an agrarian controversy within the jurisdiction of his office; that petitioner is a legitimate tenant and not a mere civil law lessee of the subject landholding, her predecessors-in-interest having been instituted by the former landowners as such; and, that petitioner enjoys security of tenure pursuant to her tenorial arrangement with respondents.

Ruling of the Department of Agrarian Reform Adjudication Board (DARAB)

In its March 2, 2009 Decision, the DARAB held that –

Section 166 of Republic Act No. 3844 defines Agricultural land as **land devoted to any growth including but not limited to crop lands, salt beds, fishponds, idle lands and abandoned land as defined in paragraphs 18 and 19 of this section**. This Board cannot give any other interpretation to this explicit, direct and crystal clear provision.

x x x x



¹⁰ *Rollo*, pp. 23-26.

¹¹ *Id.* at 67-75; penned by PARAD Andrew N. Baysa.

In the case of Sanches, Jr. vs. Marin et al. (G.R. No. 171346, October 9, 2007), the Supreme Court ruled that DARAB continued to be possessed of jurisdiction despite the passage of said Republic Act No. 7881 as, meanwhile, petitioner, as previously declared as bona fide tenant and later displaced/ejected without court order. The Court said, "x x x as a tenant of the subject fishpond and his right to security of tenure x x x (he) has acquired a vested right over the subject fishpond which has become fixed and established and is no longer open to doubt or controversy x x x even if the fishpond was later excluded/exempted from the coverage of CARL x x x."

Besides, the court further held that since jurisdiction was already assumed by the PARAD, same may not be denied/withdrawn by the mere passage of said Republic Act No. 7881 by according it retroactive application.

That fishpond is now an industry or no longer agricultural in character is a matter that is still an open issue. What is provided under said amendatory law, clearly by its tenor, is that same ceased to be covered by CARL of 1988, meaning, that it cannot under said law be anymore covered, acquired and redistributed to the farmer beneficiaries. But, this may not prevent the continued applicability of Republic Act 3844, as amended.

The possession of petitioner's predecessors in interest for a period of almost 50 years has been admitted by the respondents x x x in their pleadings and during the proceedings before the Adjudicator *a quo*. In fact, in one of the hearings, the landowner himself declared in open court that prior to the institution of this complaint, petitioner and her husband were tenants/lessees of the landholding and such was for 50 years including the possession of the petitioner's predecessors.

Being recognized as such, petitioner x x x having inherited the right from her deceased spouse, Narciso Dillena who inherited the same from his father Catalino Dillena, agricultural leasehold relationship is not extinguished by a mere expiration of period. Section 10 of R.A. 3844 provides that the agricultural leasehold relation shall not be extinguished by mere expiration of the term or period in a leasehold contract nor by the sale, alienation or transfer of the legal possessions of the landholding.

As correctly observed by the Adjudicator *a quo*:

'It is an established fact that the late Narciso Dillena was the identified tenant of the subject landholding and had performed his obligations as such for a period of fifty years. This fact was never refuted by the respondents in all of their pleadings and was never questioned in all stages of the proceedings for their defense was anchored solely on the fact that the late Narciso Dillena is not a tenant but is more of a civil law lessee. Respondents anchored their defense on the series of alleged civil law lease contracts that the late Narciso Dillena executed with the landowner and from the fact that the subject land is industrial land, which argument was, however, already ruled out by this Board.

'x x x x



‘Hence, the mere expiration of the term or period in a leasehold contract will not terminate the rights of the agricultural lessee who is given protection by the law by making such rights enforceable against the transferee or the landowner’s successor in interest (Tinalgo vs. Court of Appeals, G.R. No. L-34508, April 30, 1980)’ x x x

There is simply no valid ground for the Board to deviate from the findings and conclusion of the Adjudicator *a quo*, as they are supported by substantial evidence.

WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the appeal for lack of merit and the decision of the Provincial Agrarian Reform Adjudicator is hereby AFFIRMED *in toto*.

Respondents x x x are hereby DIRECTED to immediately turn over and reinstate possession of the subject landholding to herein petitioner x x x.

SO ORDERED.¹²

Respondents moved for reconsideration, but the DARAB stood its ground.

Ruling of the Court of Appeals

In a Petition for *Certiorari*¹³ before the CA, respondents questioned the above DARAB dispositions and prayed for the dismissal of the petition in DCN R-03-02-0837’04.

On February 28, 2012, the CA rendered the assailed Decision in favor of respondents, decreeing thus:

The main issue in this petition involves a question of jurisdiction, that is, whether or not the PARAD and DARAB have jurisdiction over the action filed by [petitioner] for maintenance of peaceful possession of the subject fishpond.

The Court’s Ruling

The petition is meritorious.

The crux of the instant controversy is whether or not the PARAD and the DARAB have jurisdiction over the instant dispute between [respondents] and [petitioner] regarding the lease of the subject fishpond.

[Respondents] aver that the subject fishpond is not an agricultural land; fishponds are exempted or excluded from the coverage of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) pursuant to Section

¹² Id. at 84-86.

¹³ Id. at 90-112.

10(b) of Republic Act No. 7881 or “An Act Amending Certain Provisions of Republic Act No. 6657.” [Respondents] allege that, since a fishpond is not an agricultural land, no agricultural tenancy relationship can be created between the parties and no agrarian dispute can emanate therefrom. [Respondents] further aver that [petitioner] has no security of tenure, being a mere civil law lessee over the subject fishpond.

We rule for the [respondents].

Prior to the enactment of R.A. No. 7881, under R.A. No. 3844 (‘Agricultural Land Reform Code’) and R.A. No. 6657 (‘Comprehensive Agrarian Reform Law’), fishponds were considered as agricultural lands. In the case of *Sanchez, Jr. vs. Marin*, the Supreme Court explained:

‘x x x this Court traced the classification of fishponds for agrarian reform purposes. Section 166(1) of Republic Act No. 3844 defined an agricultural land as land devoted to any growth, including but not limited to crop lands, salt beds, fish ponds, idle land and abandoned land. Thus, it is beyond cavil that under this law, fishponds were considered agricultural lands. Even when Republic Act No. 6657 entitled, ‘Comprehensive Agrarian Reform Law of 1988,’ took effect on 15 June 1988, fishponds were still considered as agricultural land.’

However, with the enactment of R.A. No. 7881 on February 20, 1995, fishponds were exempted or excluded from the coverage of the CARL. Section 2 of R.A. No. 7881, amending Section 10 of R.A. No. 6657, explicitly provides:

‘SECTION 2. Section 10 of Republic Act No. 6657 is hereby amended to read as follows:

‘Sec. 10. Exemptions and Exclusions.

‘a) Lands actually, directly and exclusively used for parks, wildlife, forest reserves, reforestation, fish sanctuaries and breeding grounds, watersheds and mangroves shall be exempt from the coverage of this Act.

‘b) *Private lands actually, directly and exclusively used for prawn farms and fishponds shall be exempt from the coverage of this Act*, Provided, that said prawn farms and fishponds have not been distributed and Certificate of Land Ownership Award (CLOA) issued to agrarian reform beneficiaries under the Comprehensive Agrarian Reform Program.’

The ruling of the Supreme Court in *Sanchez, Jr. Vs. Marin*, is instructive:

‘In sum, the issues in this case may be summarized as follows:

I. Whether the subject fishpond is exempted/excluded from the coverage of the Comprehensive Agrarian Reform



Program of the government by virtue of the amendments introduced by R.A. No. 7881 to R.A. No. 6657.

II. Granting that the subject fishpond is exempted/excluded from the coverage of the CARL, whether the DARAB has jurisdiction over the case.

The Petition is meritorious.

The Court of Appeals grounded its Decision on this Court's pronouncements in *Romero v. Tan*. In the said case, this Court traced the classification of fishponds for agrarian reform purposes. Section 166 (1) of Republic Act No. 3844 defined an agricultural land as land devoted to any growth, including but not limited to crop lands, salt beds, fish ponds, idle land and abandoned land. Thus, it is beyond cavil that under this law, **fishponds** were considered agricultural lands. Even when Republic Act No. 6657 x x x took effect on 15 June 1988, fishponds were still considered as agricultural land. However, when Republic Act No. 7881 was passed by Congress on 20 February 1995, it amended several provisions of Republic Act No. 6657. **Section 2 of Republic Act No. 7881 amended Section 10 of Republic Act No. 6657 by expressly exempting/excluding private lands actually, directly and exclusively used for prawn farms and fishponds from the coverage of the CARL.** Section 3(c) of Republic Act No. 6657, as amended, now defines agricultural land as land devoted to agricultural activity and not otherwise classified as mineral, forest, residential, commercial, or industrial land. As to what constitutes an agricultural activity is defined by Section 3 (b) of Republic Act No. 6657, as amended, as the **cultivation of the soil, planting of crops, growing of fruit trees, including the harvesting of such farm products, and other farm activities and practices** performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical. **By virtue of the foregoing amendments, the operation of fishponds is no longer considered an agricultural activity, and a parcel of land devoted to fishpond operation is no longer an agricultural land.** x x x

Section 10 of Republic Act No. 6657, as amended by Republic Act No. 7881, explicitly provides:

SEC. 10. Exemptions and Exclusions. –

x x x x

b) **Private lands actually, directly and exclusively used for prawn farms and fishponds shall be exempt from the coverage of this Act; Provided, That said prawn farms and fishponds have not been distributed and Certificate of Land Ownership Award (CLOA) issued to agrarian reform beneficiaries under the Comprehensive Agrarian Reform Program.** x x x

x x x

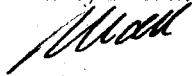
x x x

x x x

This Court likewise affirms that the DARAB correctly assumed jurisdiction over the case, contrary to the declaration made by the appellate court in its Decision. Notably, the present case was instituted as early as 1991 when the petitioner filed a Petition before the PARAD for the fixing of his lease rental on the subject fishpond. Respondents subsequently filed a countercharge against the petitioner for the accounting, collection of sums of money, and dispossession. At such point, the law applicable was Republic Act No. 6657, wherein fishponds and prawn farms were not yet exempted/excluded from the CARL coverage. Evidently, there was an agrarian dispute existing between the petitioner and the respondents, cognizable by the PARAD at the time it rendered its Decision on 2 March 1993 in favor of the petitioner. On 20 February 1995, however, Republic Act No. 7881 came into being, which expressly exempted/excluded fishponds and prawn farms from the coverage of the CARL. In effect, cases involving fishponds and prawn farms are no longer considered agrarian disputes as to make the case fall within the jurisdiction of the DARAB or its Adjudicators. Nevertheless, considering that prior to the enactment of Republic Act No. 7881, this case was already pending appeal before the DARAB, the aforesaid amendments then cannot be made to apply as to divest the DARAB of its jurisdiction over the case. It is well-settled that once jurisdiction is acquired by the court, it remains with it until the full termination of the case. x x x

Following the pronouncements made by the Supreme Court in *Sanchez, Jr. vs. Marin*, the present rule is that fishponds are no longer considered as agricultural lands in accordance with the explicit provisions of R.A. No. 7881. Accordingly, all disputes arising from or involving the operation of fishponds after the enactment of R.A. No. 7881 on February 20, 1995 now fall within the jurisdiction of the regular courts. However, the PARAD or DARAB shall not lose and continue to exercise jurisdiction over cases involving fishponds which have been filed or pending before said agency prior to the enactment of R.A. No. 7881 pursuant to the doctrine that once jurisdiction is acquired by the court, it remains with it until the full termination of the case, and the proscription against the retrospective application of R.A. No. 7881.

Thus, considering that [petitioner's] *Petition with Very Urgent Motion for the Immediate Issuance of Writ of Preliminary Injunction or Status Quo Order* dated June 30, 2004 was filed long after the enactment of R.A. No. 7881 on February 20, 1995, the PARAD and the DARAB have no authority to act on said [petitioner's] *Petition* x x x. Accordingly, said petition must be dismissed in view of the obvious lack of jurisdiction on the part of the PARAD and the DARAB to entertain the same. This renders unnecessary the resolution of the other issues raised by [respondents] in the instant petition for review.

WHEREFORE, premises considered, the instant petition for review is **GRANTED**. The Decision dated March 2, 2009 and Resolution dated August 4, 2009 of the Department of Agrarian Reform Adjudication Board are **REVERSED** and **SET ASIDE**. [Petitioner's] *Petition with Very Urgent Motion for the Immediate Issuance of Writ of Preliminary Injunction or Status Quo Order* is ordered **DISMISSED**. 

SO ORDERED.¹⁴ (Citations omitted; emphasis in the original)

Petitioner filed a Motion for Reconsideration but the CA denied the same *via* its October 11, 2012 Resolution. Hence, the instant Petition.

In a March 24, 2014 Resolution,¹⁵ the Court resolved to give due course to the Petition.

Issues

Petitioner raises the following issues for resolution:

(1)

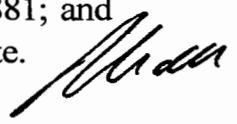
THE HON. PUBLIC RESPONDENT ERRONEOUSLY RULED THAT THE DARAB HAS OBVIOUS LACK OF JURISDICTION OVER THE INSTANT CASE, IN VIEW OF R.A. NO. 7881 THAT FISHPONDS ARE NO LONGER AGRICULTURAL LANDS WITHOUT CONSIDERING THAT THIS CASE BELONGS TO THE EXCEPTION THAT TENURIAL RELATION IS ALREADY A VESTED RIGHT AND THEREFORE IT REMAINS AN AGRARIAN DISPUTE.

(2)

HON. PUBLIC RESPONDENT ERRONEOUSLY REFUSED TO RULE ON THE ISSUE OF THE EXISTENCE OF TENANCY WHICH ALREADY EXISTED PRIOR TO THE PASSAGE OF R.A. 7881.¹⁶

Petitioner's Arguments

In her Petition and Reply¹⁷ seeking reversal of the assailed CA dispositions and, in lieu thereof, the reinstatement of the PARAD and DARAB Decisions, petitioner essentially argues that the CA erred in failing to consider that her case falls within the exceptions laid down in Republic Act (RA) No. 7881, in that there is an existing tenurial arrangement between her and respondents which must be respected; that the amendments introduced in 1995 by RA 7881 to RA 6557 (CARL) cannot be given retroactive application as to deprive a farmer of his rights under previous agrarian laws; that while the subject landholding is no longer covered by the CARL, the parties' tenurial arrangement subsists and remains governed by RA 3844 as it was vested prior to the effectivity of RA 7881; and thus, the PARAD and DARAB possess jurisdiction over the parties' dispute.



¹⁴ Id. at 26-31.

¹⁵ Id. at 167-168.

¹⁶ Id. at 14-15.

¹⁷ Id. at 157-164.

Respondents' Arguments

In their Comment¹⁸ to the Petition, respondents counter that the operation of fishponds is no longer an agricultural activity but an industrial one; that under Department of Agrarian Reform Administrative Order No. 3, Series of 1995, it is specifically declared that under RA 7881, aquaculture, fishponds, and prawn farms are excluded from the coverage of the Comprehensive Agrarian Reform Program (CARP); that under the CARL, a fishpond is not an arable land; that in *Spouses Romero v. Tan*,¹⁹ the Court held that the PARAD has no jurisdiction over cases involving fishponds, as they are no longer considered agricultural lands; and that the relationship between the parties is that of civil law lessor and lessee.

Thus, respondents pray for denial of the instant Petition.

Our Ruling

The Court denies the Petition.

Under Section 2 of RA 7881, which took effect on February 20, 1995,

b) Private lands actually, directly and exclusively used for prawn farms and fishponds shall be exempt from the coverage of this Act: Provided, That said prawn farms and fishponds have not been distributed and Certificate of Land Ownership Award (CLOA) issued to agrarian reform beneficiaries under the Comprehensive Agrarian Reform Program.

When petitioner filed DCN R-03-02-0837'04 with the Bulacan PARAD in 2004, RA 7881 was already in effect; therefore, the subject landholding — which remained undistributed under and was not subjected to the CARP — ceased to be covered by the CARL. Consequently, the Bulacan PARAD, as well as the DARAB, had no authority to take cognizance of her case, since their jurisdiction is limited to agrarian disputes. In *Pag-asa Fishpond Corporation v. Jimenez*,²⁰ this Court held:

The jurisdiction of the PARAD, DARAB and the CA on appeal, is limited to agrarian disputes or controversies and other matters or incidents involving the implementation of the CARP under R.A. No. 6657, R.A. No. 3844 and other agrarian laws. An agrarian dispute is defined as any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farm workers associations or representation of persons in negotiating, fixing,

¹⁸ Id. at 135-150.

¹⁹ 468 Phil. 224 (2004).

²⁰ 578 Phil. 106, 125-127 (2008).

maintaining, changing or seeking to arrange terms or conditions of such tenurial arrangements.

As early as February 20, 1995, private lands actually, directly and exclusively used for prawn farms and fishponds were exempted from the coverage of the CARL by virtue of R.A. No. 7881. Section 2 of the said law expressly provides:

Sec. 2. Section 10 of Republic Act No. 6657 is hereby amended to read as follows:

Sec. 10. Exemptions and Exclusions.

x x x x

b) Private lands actually, directly and exclusively used for prawn farms and fishponds shall be exempt from the coverage of this Act: Provided, That said prawn farms and fishponds have not been distributed and Certificate of Land Ownership Award (CLOA) issued to agrarian reform beneficiaries under the Comprehensive Agrarian Reform Program.

x x x x

Admittedly, there is no express repeal of R.A. No. 3844 as a whole. Its provisions that are not inconsistent with R.A. No. 6657 may still be given supplementary effect. Nonetheless, there is now irreconcilable inconsistency or repugnancy between the two laws as regards the treatment of fishponds and prawn farms. Such repugnancy leads to the conclusion that the provisions of R.A. No. 6657 supersede the provisions of R.A. No. 3844 insofar as fishponds and prawn farms are concerned. In any event, Section 76 of R.A. No. 6657, as amended, provides that all other laws, decrees, issuances, or parts thereof inconsistent thereto are repealed or amended accordingly.

Verily, the DARAB finding of agricultural leasehold tenancy relations between petitioners civil law lessee David Jimenez and respondents have [sic] no basis in law. x x x

The above pronouncement also nullifies petitioner's claim that a tenurial arrangement, which is governed by RA 3844, exists between her and the respondents. In short, and to repeat, RA 7881 supersedes RA 3844, with regard to fishponds and prawn farms. This is understandable; to subscribe to petitioner's view would precisely render the exemption and exclusion of fishponds and prawn farms from CARP granted under the amendatory law practically useless; it would be as if no exemption was granted.

The case of *Sanchez, Jr. v. Marin*,²¹ cited by petitioner, the PARAD, and DARAB cannot be made to apply in the present case either. In that case, the


²¹ 562 Phil. 907 (2007).

petition for the fixing of the farmer-complainant's lease rental was instituted in 1991, when RA 7881 was not yet in effect and fishponds and prawn farms were not as yet exempted/excluded from CARL coverage. Thus, the Court held that there was an agrarian dispute existing between the parties cognizable by the PARAD at the time it rendered its Decision on March 2, 1993. Thus, considering that prior to the enactment of RA 7881, the case was already pending appeal before the DARAB, the amendatory law cannot be made to apply as to divest the DARAB of its jurisdiction over the case. In the present case, however, petitioner filed her petition to be declared a *de jure* tenant before the PARAD in 2004, when the subject landholding already ceased to be covered by the CARP by virtue of the amendments under RA 7881, which took effect as early as 1995.

Petitioner and her husband Narciso, who was then still alive, were not exactly without remedies, as they were given, pursuant to DAR Administrative Order No. 3, Series of 1995,²² the option to remain as workers or become beneficiaries in other agricultural lands. If they had chosen to remain in the exempt area, they should be entitled to such rights, benefits and privileges granted to farmworkers under existing laws, decrees, and executive orders — but not under the agrarian laws, for the specific and precise reason that the subject landholding ceased to be covered by the CARP and RA 3844. Evidently, petitioner and Narciso did not apply to become beneficiaries in other landholdings, and chose instead to remain in the subject fishponds; for this, they could not claim protection specifically under the CARL and other agrarian laws, as the landholding ceased to be covered under said laws.

WHEREFORE, the Petition is **DENIED**. The February 28, 2012 Decision and October 11, 2012 Resolution of the Court of Appeals in CA-G.R. SP No. 110423 are **AFFIRMED in toto**.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

²² Rules and Regulations Governing the Exemption/Exclusion of Fishpond and Prawn Farms from the Coverage of the Comprehensive Agrarian Reform Law (CARL), Pursuant to Republic Act (R.A.) No. 6657, as amended by R.A. No. 7881.

WE CONCUR:




MARIA LOURDES P. A. SERENO

Chief Justice

Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice

