

SIERRA MADRE TRUST, PETITIONER, VS. HONORABLE SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, DIRECTOR OF MINES, JUSAN TRUST MINING COMPANY, AND J & S PARTNERSHIP, RESPONDENTS.

G.R. Nos. L-32370 & 32767. April 20, 1983

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This is a petition to review a decision of the Secretary of Agriculture and Natural Resources dated July 8, 1970, in DANR Cases Numbered 3502 and 3502-A. The decision affirmed a decision of the Director of Mines dated November 6, 1969.

The appeal was made pursuant to Sec. 61 of the Mining Law (C.A. No. 137, as amended) which provides: ". . . Findings of facts in the decision or order of the Director of Mines when affirmed by the Secretary of Agriculture and Natural Resources shall be final and conclusive, and the aggrieved party or parties desiring to appeal from such decision or order shall file in the Supreme Court a petition for review wherein only questions of law may be raised."

The factual background is given in the brief of the petitioner-appellant which has not been contradicted by the respondents-appellees and is as follows:

"On July 26, 1962, the Sierra Madre Trust filed with the Bureau of Mines an Adverse Claim against LLA No. V-7872 (Amd) of the Jusan Trust Mining Company over six (6) lode mineral claims, viz.: (1) Finland 2, (2) Finland 3, (3) Finland 5, (4) Finland 6, (5) Finland 8 and (6) Finland 9, all registered on December 11, 1964 with the office of the Mining Recorder of Nueva Vizcaya, and all situated in Sitio Maghanay, Barrio Abaca, Municipality of Dupax, Province of Nueva Vizcaya.

"The adverse claim alleged that the aforementioned six (6) lode mineral claims covered by LLA No. V-7872 (Amd) encroached and overlapped the eleven (11) lode mineral claims of the herein petitioner Sierra Madre Trust, viz.: (1) A-12, (2) H-12, (3) JC-11, (4) W-11, (5) JN-11, (6) WM-11, (7) F-10, (8) A-9, (9) N-9, (10) W-8, and (11) JN-8, all situated in Sitio Tadian, Barrio of Abaca, Municipality of Dupax, Province of Nueva Vizcaya, and duly registered with the office of the Mining Recorder at Bayombong, Nueva Vizcaya on May 14, 1965.

"The adverse claim prayed for an order or decision declaring the above-mentioned six (6) lode mineral claims of respondent Jusan Trust Mining Company, null, void, and illegal; and denying lode lease application LLA No. V-7872 over said claims. Further, the adverse claimant prayed for such other reliefs and remedies available in the premises.

"This adverse claim was docketed in the Bureau of Mines as Mines Administrative Case No. V-403 and on appeal to the Department of Agriculture and Natural Resources as DANR Case No. 3502.

"Likewise, on the same date July 26, 1966, the same Sierra Madre Trust filed with the Bureau of Mines an

Adverse Claim against LLA No. V-9028 of the J & S Partnership over six (6) lode mineral claims, viz.: (1) A-19, (2) A-20, (3) A-24, (4) A-25, (5) A-29, and (6) A-30, all registered on March 30, 1965 and amended August 5, 1965, with the office of the Mining Recorder of Nueva Vizcaya, and situated in Sitio Gatid, Barrio of Abaca, Municipality of Dupax, Province of Nueva Vizcaya.

"The adverse claim alleged that the aforementioned six (6) lode mineral claims covered by LLA No. V-9028, encroached and overlapped the thirteen (13) lode mineral claims of herein petitioner Sierra Madre Trust, viz.: (1) Wm-14, (2) F-14, (3) A-13, (4) H-12, (5) Jc-12, (6) W-12, (7) Jn-11, (8) Wm-11, (9) F-11, (10) Wm-11, (11) F-11, (12) H-9 and (13) Jc-9, all situated in Sitio Tadian, Barrio of Abaca, Municipality of Dupax, Province of Nueva Vizcaya and duly registered with the office of the Mining Recorder at Bayombong, Nueva Vizcaya, on May 14, 1965.

"The adverse claim prayed for an order or decision declaring the above-mentioned six (6) claims of respondent J & S Partnership, null, void, and illegal; and denying lode lease application LLA No. V-9028 over the said claims. Further, the adverse claimant prayed for such other reliefs and remedies available in the premises.

"This adverse claim was docketed in the Bureau of Mines as Mines Administrative Case No. V-404, and on appeal to the Department of Agriculture and Natural Resources as DANR Case No. 3502A.

"These two (2) adverse claims, MAC Nos. V-403 and V-404 were jointly heard in the Bureau of Mines, and also jointly considered in the appeal in the Department of Agriculture and Natural Resources."

The dispositive portion of the decision rendered by the Director of Mines reads:

"IN VIEW OF THE FOREGOING, this Office believes and so holds that the respondents have the preferential right over their "Finland-2", "Finland-3", "Finland-5", "Finland-6", "Finland-8", "Finland-9", "A-19", "A-20", "A-24", "A-25", "A-29" and "A-30" mining claims. Accordingly, the protests (adverse claims) filed by protestant Sierra Madre Trust should be, as hereby they are, DISMISSED."

And that of the Secretary of Agriculture and Natural Resources reads:

"IN THE LIGHT OF ALL THE FOREGOING, the appeal interposed by the appellant, Sierra Madre Trust is hereby dismissed and the decision of the Director of Mines dated November 6, 1969, affirmed."

The adverse claims of Sierra Madre Trust against Justin Trust Mining Company and J and S Partnership were based on the allegation that the lode lease applications (LLA) of the latter "encroached and overlapped" the former's mineral claims. However, acting on the adverse claims, the Director of Mines found that, "By sheer force of evidence, this Office is constrained to believe that there exists no conflict or overlapping between the protestant's and respondents' mining claims." And this finding was affirmed by the Secretary of Agriculture and Natural Resources thus: "Anent the first allegation, this Office finds that the Director of Mines did not err when he found that the twelve (12) claims of respondents Jusan Trust Mining Company and J & S Partnership did not encroach and overlap the eighteen (18) lode mineral claims of the appellant Sierra Madre Trust. For this fact has been incontrovertibly proven by the records appertaining to the case."

It should be noted that according to the Director of Mines in his decision, "during the intervening period from the 31st day after the discovery [by the respondents] to the date of location, nobody else located the area covered thereby. . . . the protestant [petitioner herein] did not establish any intervening right as it is our findings that their mining claims do not overlap respondents' mining claims."

After the Secretary of Agriculture and Natural Resources had affirmed the factual findings of the Director of Mines to the effect that there was no overlapping of claims and which findings were final and conclusive, Sierra Madre Trust should have kept its peace for obviously it suffered no material injury and had no pecuniary interest to protect. But it was obstinate and raised this legal question before Us: "May there be a valid location of mining

claims after the lapse of thirty (30) days from date of discovery, in contravention to the mandatory provision of Section 33 of the New Mining Law (Com. Act No. 137, as amended)?" It also raised ancillary questions.

We see no reason why We have to answer the questions in this petition considering that there is no justiciable issue between the parties. The officers of the Executive Department tasked with administering the Mining Law have found that there is neither encroachment nor overlapping in respect of the claims involved. Accordingly, whatever may be the answers to the questions will not materially serve the interests of the petitioner. In closing it is useful to remind litigation prone individuals that the interpretation by officers of laws which are entrusted to their administration is entitled to great respect. In his decision, the Secretary of Agriculture and Natural Resources said: "This Office is in conformity with the findings of the Director of Mines that the mining claims of the appellees were validly located, surveyed and registered."

Finally, the petitioner also asks: "May an association and/or partnership registered with the Mining Recorder of a province, but not registered with the Securities and Exchange Commission, be vested with juridical personality to enable it to locate and then lease mining claims from the government?" Suffice it to state that this question was not raised before the Director of Mines and the Secretary of Agriculture and Natural Resources. There is also nothing in the record to indicate whether or not the appellees are registered with the Securities and Exchange Commission. For these reasons, even assuming that there is a justiciable issue between the parties, this question cannot be passed upon.

WHEREFORE, the petition for review is hereby dismissed for lack of merit. Costs against the petitioner.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero, De Castro and Escolin, JJ., concur.
Aquino, J., is on leave.

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