

HEIRS OF PEDRO CUAJAO, NAMELY: CELSA CUAJAO, AND POLICARPIO CUAJAO; HEIRS OF FELICIDAD CUAJAO-ALO, NAMELY: VIOLETA ALO-BAMA, FLORABEL ALO-ALAGON, SALVATORY C. ALO, FELIX C. ALO,...

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is a Petition for Review under Rule 42 of the Rules of Court on the Orders of the Regional Trial Court (RTC), Branch 50, Loay, Bohol dated February 26, 2012[1] and May 31, 2012[2] in Civil Case No. 0535 denying petitioners' appeal and motion for reconsideration, respectively.

The Antecedents

Petitioners filed with the Department of Environment and Natural Resources (DENR) a free patent application[3] over Lot No. 1868, the property subject of this case. Respondents filed a protest on petitioners' application and the controversy was docketed as RED Case No. 248.

On March 19, 2009, the DENR rendered a Decision[4] finding respondents to have a preferential right to acquire the lot in controversy. The DENR ordered petitioners' free patent application to be rejected and denied; and advised respondents to file their own public land application over the subject lot.

Subsequently, on August 13, 2009, petitioners lodged before the Municipal Circuit Trial Court (MCTC), Branch 13, Loay-Alburquerque-Baclayon, Bohol, a Complaint[5] against respondents for quieting of title under Article 476[6] of the Civil Code. Petitioners alleged in their complaint that since time immemorial, they, by themselves and through their predecessor-in-interest Pedro Cuajao, had been the owners and possessors of Lot No. 1868. They applied for the titling of the land with the DENR but their application was denied and rejected. Respondents claimed ownership and/or better rights or interests over the lot and such claim created a cloud on their title, hence, they filed the suit for quieting of title.

Respondents filed their Answer[7] to the complaint denying petitioners' claim of ownership and possession of Lot No. 1868. Respondents also raised, among other affirmative defenses, that: petitioners engaged in forum shopping and the suit for quieting of title suit was barred by res judicata considering it involved the same parties and subject matter, and the same issue which had already been resolved in the Decision of the DENR in RED Case No. 248.

Pre-trial was conducted.[8]

Subsequently, the MCTC rendered an Order[9] addressing respondents' special affirmative defenses. In the said order, the MCTC ruled that petitioners engaged in forum shopping and their suit was barred by res judicata. According to the MCTC, the issues in the DENR Red Case No. 248 regarding prior possession of Lot No. 1868, as well as the sufficiency of the evidence supporting the DENR Regional Executive Director's conclusion may no longer be re-litigated.

Aggrieved, petitioners raised the matter[10] to the RTC but the latter court denied their appeal in the first assailed Order dated February 26, 2012[11] wherein it ruled, thus:

The Court notes that after the DENR regional executive director rendered its decision adverse to the appellants herein, they did not appeal the same to the DENR secretary within the reglementary period. Instead, they filed this case for quieting of title with the 13[th] MCTC. This court has to agree with the finding of the court a quo that this is plain and simple forum shopping.

Besides, when the plaintiff's filed their application for a free patent with the DENR, they, in effect, admitted that the subject land is public land, the disposition of which belongs exclusively to that office. They cannot now run to the court and claim that the same is their private land the title of which they wish the court to quiet.[12]

Petitioners moved for reconsideration[13] but the RTC denied their motion in the second assailed Order dated May 31, 2012.[14]

Undaunted, petitioners brought the matter to Us for review and posited the following errors,[15] to wit:

- THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE DOCTRINE ON RES ADJUDICATA IS APPLICABLE IN THIS INSTANT CASE.
- THE COURT A QUO GRAVELY ERRED IN FINDING THAT PETITIONERS AS PLAINTIFFS-APPELLANTS THEREIN VIOLATED THE RULE AGAINST FORUM SHOPPING.

Petitioners contended that the elements of res judicata do not obtain in this case because in the case before the DENR, they only sought for the free patent titling of the aforementioned land, which recourse, they claimed, was distinct and different from an action to quiet title.

As for the issue on forum shopping, petitioners contended that they did not violate the rule prohibiting the same for they have so certified in their complaint and have substantially complied with the requirements under Section 7, Rule 5 of the Rules of Court.

Petitioners questioned the lower courts' ruling, insisting that the decision in RED Case No. 248 could not bar their suit for quieting of title since the proceedings before the DENR were summary in nature and did not completely adjudge the issue on ownership which was the main concern in the suit for quieting of title. According to petitioners, the decision in Red Case No. 248 was effective only with respect to the land title application and in no case bound the title or affected the ownership of the land.

This Court's Ruling

The petition is without merit.

We discuss petitioners' contentions altogether.

At the onset, We deem it necessary to point out that petitioners filed a free patent application with the DENR over the subject lot. This fact was categorically averred in their complaint. Petitioners' act of applying for a free patent was an express acknowledgment that the land covered by their application is a public land whose management and disposition belong to the DENR.[16]

Executive Order No. 292,[17] specifically in Section 4, Chapter 1, Title XIV provides for the powers and functions of the DENR, thus:

Section 4. Powers and Functions. — The Department [of Environment and Natural Resources] shall:

xxx xxx xxx

(4) Exercise supervision and control over forest lands, alienable and disposable public lands, mineral resources and, in the process of exercising such control, impose appropriate taxes, fees, charges, rentals and any such form of levy and collect such revenues for the exploration, development, utilization or gathering of such resources;

xxx xxx xxx

(15) Exercise exclusive jurisdiction on the management and disposition of all lands of the public domain and serve as the sole agency responsible for classification, sub-classification, surveying and titling of lands in consultation with appropriate agencies[.] (Underscoring supplied.)

Considering the above-described exclusive jurisdiction of the DENR, the said entity has the power to determine the respective rights of rival claimants to alienable and disposable public lands.[18] It is the DENR, through the Director of Lands, and not the court, who has jurisdiction to determine, as between two or more applicants for a free patent, the one who has satisfactorily met the requirements of the law for the issuance thereof.[19]

Consequently, the DENR's decision regarding a claimant's entitlement of a public land, when becomes final, operates as *res judicata* to a subsequent question regarding ownership of the same land and the courts have to respect the DENR's adjudication on the matter. This was the context of the pronouncement in the case of *Bagunu v. Spouses Aggabao*[20] whereby the Supreme Court affirmed the DENR's exclusive jurisdiction to determine the issue respecting the ownership of a public land. The pertinent portion of the ruling is hereby quoted, viz.:

The resolution of conflicting claims of ownership over real property is within the regular courts' area of competence and, concededly, this issue is judicial in character. However, regular courts would have no power to conclusively resolve this issue of ownership given the public character of the land, since under C.A. No. 141, in relation to Executive Order No. 192, the disposition and management of public lands fall within the exclusive jurisdiction of the Director of Lands, subject to review by the DENR Secretary. [Emphasis and underscoring supplied.]

Since petitioners did not dispute that they did not appeal the regional director's decision determining who between them and the respondents have a better right to Lot No. 1868, then such decision became final and operated as a resolution that respondents have a better right to the subject public land. Petitioners are, thus, barred from filing the case for quieting of title seeking that they be declared the true and lawful owners of Lot No. 1868. As correctly found by the RTC, petitioners engaged in forum shopping when they filed the suit that was already barred by *res judicata*.

The existence of *res judicata* is determinative of whether or not petitioner is guilty of forum shopping.[21] Contrary to petitioners' theory, compliance with the certification requirement of Section 7, Rule 5 of the Rules of Court is not determinative of the commission of forum shopping. Compliance with the certificate of forum shopping is separate from and independent of the avoidance of the act of forum shopping itself.[22]

The essence of forum shopping is the filing of multiple suits involving the same parties for the same cause of action, either simultaneously or successively, for the purpose of obtaining favorable judgment. It exists where the elements of *litis pendentia* are present or where a final judgment in one case will amount to *res judicata* in another. [23] For the principle of *res judicata* to apply, the following must be present: (1) a decision on the merits; (2) by a court of competent jurisdiction; (3) the decision is final; and (4) the two actions involve identical parties, subject matter and causes of action.[24]

The foregoing elements concur in this case, except that the decision was rendered not by a court but by the

DENR. Jurisprudence, however, has recognized the rule of administrative res judicata: : "[t]he rule which forbids the reopening of a matter once judicially determined by competent authority applies as well to the judicial and quasi-judicial acts of public, executive or administrative officers and boards acting within their jurisdiction as to the judgments of courts having general judicial powers . . . It has been declared that whenever final adjudication of persons invested with power to decide on the property and rights of the citizen is examinable by the Supreme Court, upon a writ of error or a certiorari, such final adjudication may be pleaded as res judicata." To be sure, early jurisprudence was already mindful that the doctrine of res judicata cannot be said to apply exclusively to decisions rendered by what are usually understood as courts without unreasonably circumscribing the scope thereof; and that the more equitable attitude is to allow extension of the defense to decisions of bodies upon whom judicial powers have been conferred.[25]

Verily, the Decision of the DENR in RED Case No. 248 constituted res judicata to the quieting of title case and petitioners were rightly adjudged guilty of forum shopping. When a party files two different actions, but with same reliefs or objectives sought, this constitutes forum-shopping.[26] When petitioners applied for free patent titling over Lot No. 1868 with the DENR, they wanted to be declared entitled to the property. This was also exactly what they intended when they filed the quieting of title suit seeking the court to declare them owners of the same property. The common inquiry in the two actions is who has the better right to Lot No. 1868. The question had already been resolved when petitioners presented their application with the DENR, but unfortunately, the agency rebuffed their claim. Petitioners cannot, therefore, be allowed to seek again the same redress before the court under Article 476 of the New Civil Code for this would be a clear engagement in forum shopping, a practice which is so abhorred in this jurisdiction.

WHEREFORE, the petition is DENIED. The Orders of the Regional Trial Court (RTC), Branch 50, Loay, Bohol dated February 26, 2012 and May 31, 2012 in Civil Case No. 0535 are hereby AFFIRMED.

SO ORDERED.

Hernando, Chairperson and Azcarraga-Jacob, JJ., concur.

[1] Rollo, pp. 86-87

[2] Rollo, p. 88.

[3] Rollo, pp. 30-31.

[4] Rollo, pp. 32-35.

[5] Rollo, pp. 18-25.

[6] Art. 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

An action may also be brought to prevent a cloud from being cast upon title to real property or any interest therein.

[7] Rollo, pp. 37-42.

[8] See Pre-trial Order, rollo, pp. 49-54.

- [9] Rollo, pp. 55-60.
- [10] See Notice of Appeal, rollo, p. 63.
- [11] Rollo, pp. 86-87.
- [12] Rollo, p. 87.
- [13] See Motion for Reconsideration, rollo, pp. 81-85.
- [14] Rollo, p. 88.
- [15] Rollo, p. 9.
- [16] See Bagunu v. Spouses Aggabao, G.R. No. 186487. August 15, 2011.
- [17] Administrative Code of 1987; see also Section 5, Executive Order No. 192.
- [18] See Bagunu v. Spouses Aggabao, G.R. No. 186487. August 15, 2011.
- [19] See Maximo v. Court of First Instance of Capiz, G.R. No. L-61113. February 21, 1990.
- [20] G.R. No. 186487. August 15, 2011.
- [21] See Alejandrino v. Honorable Court of Appeals, G.R. No. 114151. September 17, 1998.
- [22] See Korea Exchange Bank v. Gonzales, G.R. Nos. 142286-87. April 15, 2005.
- [23] See Tolentino v. Natanauan, G.R. No. 135441. November 20, 2003.
- [24] See Alejandrino v. Honorable Court of Appeals, G.R. No. 114151. September 17, 1998.
- [25] See Salazar v. De Leon, G.R. No. 127965. January 20, 2009.
- [26] See Danville Maritime, Inc. v. Commission on Audit, G. R. No. 85285. July 28, 1989.

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