

FELIPE GANOB, ET AL., PETITIONERS-APPELLANTS, VS. REMEDIOS RAMAS, ET AL., RESPONDENTS-APPELLEES.*G.R. No. L-23282. April 28, 1969*

Ponente: DIZON, J.

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Appeal from a decision of the Court of First Instance of Lanao del Norte dismissing the petition for certiorari filed by Felipe Ganob and others praying for the annulment of the decision rendered by the Secretary of Agriculture and Natural Resources in DANR Case No. 670-A in which the parties were petitioners, on the one hand, and Leodegario Ramas on the other.

After an examination of the record We agree with the trial court that the following material facts were established by the evidence:

On July 29, 1930 Ireneo Quidato filed Sales Application No. 14185 (E-265) for Lot No. 47, PLS-35, Kapatagan Subdivision located in Kapatagan, Lanao. On February 13, 1933 the land applied for was awarded to him as a result of a public auction held on October 28 of the previous year. However, his application was cancelled on October 31, 1935 for nonpayment of the first to the fourth installments due under the award.

Leodegario Ramas - now deceased and substituted by his heirs, Remedios Ramas and others - having become interested in the acquisition of the same lot No. 47, inquired from the Bureau of Lands whether or not he could acquire whatever rights Quidato had thereon, to which the Bureau, on September 13, 1937, replied that the sales application of Quidato may be reinstated upon payment of the first to the fourth installments plus the interest due thereon. Thereafter, or more specifically, on August 2, 1937, a deed of transfer of rights was executed by Quidato in favor of Ramas (Exhibit 12 and 15 for the Secretary and Director of Lands; Exhibit 4 for Ramas and Exhibit J for petitioners), and on the 12th of the same month Ramas paid the total amount of P937.82 to the Bureau of Lands (Exhibit 29 for the Director of Lands and Exhibit L for petitioners). On January 6, 1938 the Director of Lands reinstated the sales application of Quidato (Exhibit 14 for the Secretary and 17 for the Director; Exhibit 6 for Ramas and Exhibit M for petitioners) and an order was issued on the same date directing the District Land Officer concerned to conduct an investigation in connection with the transfer of rights aforesaid (Exhibit 3 and 16 for the Secretary and Director respectively; Exhibit 5 for Ramas and Exhibit B-2 for petitioners). Pursuant thereto, Public Land Inspector Benito M. Napoles conducted the corresponding investigation and subsequently submitted his report dated June 29, 1939 (Exhibit 32 for the Director of Lands and Exhibit P-1 for petitioners) wherein he stated, among other things, that Ireneo Quidato had already complied with the cultivation requirements of the lot and that his application was free from adverse claims and conflicts. On September 14, 1939, the Secretary of Agriculture and Natural Resources approved said transfer of rights (Exhibit 15 and 18 for the Secretary and Director of Lands respectively, and Exhibit 7 for Ramas).

Immediately after the transfer of rights, Ramas occupied the land and introduced improvements thereon. In the Cadastral Survey of Lands located in Kapatagan, the land in question was surveyed and designated as Lot No.

47, and the only survey claimant thereto was Leodegario Ramas (Exhibit 1 and 1-A for the Director). As a result of his occupation, at the outbreak of the Second World War more than fifty hectares of the area of the land had already been cultivated by him (Exhibits 3, 4, 7, 8, 9, and 30 for the Director), and on June 26, 1941, he paid the Bureau of Lands the amount of P432.12 to complete the payment of the purchase price (Exhibit 19 and 16 for the Director and Secretary respectively, and Exhibit 8, Ramas).

It seems that during the war years, due to the prevailing confusion and disorder, Ramas' possession of the land was not complete. This enabled petitioners to enter and take possession thereof. After the war, however, as Leodegario Ramas had already died, his heirs went to the land in question to resume its occupation and cultivation, but they found petitioners in occupancy.

If the basic petition filed below is to prosper, it is clear that petitioners are in duty bound to make out a clear case to this effect: either that the Director of the Bureau of Lands and the Secretary of Agriculture and Natural Resources had no jurisdiction over the subject matter of the decisions or orders sought to be annulled, or that, in rendering or issuing them, they acted in excess of their jurisdiction or with grave abuse of discretion.

Upon the facts set forth above which, as already stated, are completely borne out by the evidence of record, We are of the opinion, and so hold, that said officials acted within the scope of their respective jurisdiction under the law and committed no error nor grave abuse of discretion in rendering or issuing the decisions or orders aforesaid.

That the lot in question was applied for and subsequently awarded in accordance with law to Ireneo Quidato, and that thereafter he entered into possession thereof and had already cultivated an area of more than fifty hectares when the last World War broke out, is a finding of fact made by the respondent officials, and this is fully supported by the evidence.

It is true that for nonpayment of the first four installments which Quidato was under obligation to pay to the Government, his application was cancelled on October 31, 1935, but it is nonetheless true that, subsequently, or more specifically on January 6, 1938, said application was reinstated by the Director of Lands and that even prior to that date, the sum of P937.82 was paid to the government on account of the installments in arrears by Leodegario Ramas to whom Quidato had transferred his rights. That said transfer was subsequently approved is unmistakably shown by the fact that after its execution and the payment of the arrearages, the Bureau of Lands, through Public Land Inspector Napoles, investigated the propriety thereof, and after said investigation he recommended its approval in a report dated June 29, 1939. As a result, on September 14, 1939 the Secretary of Agriculture and Natural Resources approved it. These events were followed by Ramas occupying the land applied for and cultivating the same up to an area of more than fifty hectares before the outbreak of the last World War.

That the Bureau of Lands had authority to reinstate the cancelled application of Quidato - as it did by its order of January 6, 1938, that is, more than one year before the herein petitioners had intruded into the land in question - can not be doubted. Public lands are placed under the administration of said Bureau for final disposition in favor of citizens who apply for them in accordance with law. It can not be doubted that the reinstatement of a cancelled sales application, which cancellation was due exclusively to non-payment of the installments due under the award, is undoubtedly a matter within the sound discretion of the Director of the Bureau of Lands, and if his action thereon was subsequently approved, expressly or impliedly, by the Department Head, it is clear that it becomes unassailable if all the proceedings were - as in this case - in accordance with law.

Moreover, from the decision of the Secretary of Agriculture and Natural Resources complained of, petitioners had a plain, speedy and adequate remedy by appealing therefrom to the Chief Executive. In other words, before filing the present action for certiorari in the court below, they should have availed of this administrative remedy and

their failure to do so must be deemed fatal to their case (Calo vs. Fuertes et al., G. R. No. L-16537, June 29, 1962). To place petitioners' case, beyond the pale of this rule, they must show that their case falls - which it does not - within the cases where, in accordance with our decisions, the aggrieved party need not exhaust administrative remedies within his reach in the ordinary course of the law (Tapales vs. the President and the Board of Regents of the U.P., G. R. No. L-17523, March 30, 1963; Mangubat vs. Osmeña G. R. No. L-12837, April 30, 1959; Baguio vs. Honorable Jose Rodriguez, G. R. No. L-11078, May 27, 1959; Pascual vs. Provincial Board, G. R. No. L-11959, October 31, 1959; Marinduque Iron Mines etc. vs. Secretary of Public Works, G. R. No. L-15982, May 31, 1963; Alzate vs. Aldaba, G. R. L-14407, February 29, 1960 and Demaisip vs. Court of Appeals, G. R. No. L-13000, September 25, 1959).

WHEREFORE, the writ prayed for is hereby denied, with costs.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Sanchez, Fernando, Teehankee, and Barredo, JJ., concur.

Concepcion, C.J., and Castro, J., on official leave of absence.

Capistrano, J., did not take part.

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