

JOSE GEUKEKO, PETITIONER AND APPELLANT, VS. HON. SALVADOR ARANETA, SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, ETC., RESPONDENT AND APPELLEE.*G. R. No. 10182. December 24, 1957*

Ponente: FELIX, J.

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Jose Geukeko appears to be the registered lessee of Lot No. 18, Block 20 of the Tambobong Estate, with an area of 2,890 square meters, formerly owned by the Roman Catholic Archbishop of Manila, a portion of which he sub-leased to Elena Jacinto, Hilarion Encarnacion, Leonila Rocal, Mercedes Veles, Francisco Caro, Alejandro Morales, Inocencia Lumtao, Adriano Simeon and Onofre Enriquez. When the Republic of the Philippines acquired the Tambobong Estate by purchase in 1947, pursuant to Commonwealth Act No. 539, Jose Geukeko filed an application with the Director of Lands, who was entrusted with sale and disposition of said estate, to purchase the lot leased by him, but the sub-lessees registered opposition thereto and likewise filed applications to purchase the respective portions actually occupied by them. This controversy was docketed in the Bureau of Lands as B. L. Conflict No. 41 (N), D. L. E. Conflict No. 2.

On June 12, 1952, the Director of Lands recognizing Jose Geukeko as the bonafide tenant of Lot No. 18, Block 20, rendered decision giving due course to his application and dismissing the protests and counter—applications of the sub-lessees. Whereupon, the parties adversely affected by said decision instituted Civil Cases Nos. 1826 and 1865 on August 4 and September 8, 1952, respectively, in the Court of First Instance of Rizal seeking to annul the same and praying for the approval of their applications to purchase the portion of the lot occupied by them. Two years later, or on October 11, 1954, the Court issued an order holding that as therein plaintiffs had not exhausted all the administrative remedies available to them, it appearing that they failed to appeal to the Secretary of Agriculture and Natural Resources before going to Court, an action for mandamus could not be entertained and thus dismissed the 2 civil cases filed therein.

The sub-lessees then brought the matter on appeal to the Secretary of Agriculture and Natural Resources on October 23, 1954, (DANR Case No. 987) who required the sub-lessees to pay the corresponding docketing fee and ordered the parties to submit their respective memoranda. Jose Geukeko interposed an objection to the institution of this appeal and correspondingly filed with the Court of First Instance of Rizal (Civil Case No. 3453) a petition for mandamus and prohibition praying that the Secretary of Agriculture and Natural Resources be restrained from taking cognizance of DANR Case No. 987 and from taking further action in said appeal; that said official be ordered to certify that the decision of the Director of Lands in B. L. ,conflict No. 41 (N), D. L. E. Conflict No. 2 was final and the corresponding deed of sale of Lot No. 18, Block 20 of the Tambobong Estate be executed in his favor. He alleged as ground for the petition that the period to appeal had already prescribed; that the filing of Civil Cases Nos. 1826 and 1865 amounted to a waiver of appellants' right to appeal to the Secretary of Agriculture and Natural Resources; that the Court's order dismissing said civil cases was an adjudication on the merits; and that the Secretary of Agriculture and Natural Resources had lost jurisdiction to entertain the appeal

because the decision of the Director of Lands was already final and executory.

The Secretary of Agriculture and Natural Resources filed an answer contending that he could lawfully take cognizance of the appeal filed in DANR Case No. 987 because the filing of Civil Cases Nos. 1826 and 1865 with the Court of First Instance of Rizal suspended the running of the prescriptive period within which to appeal from decisions of the Director of Lands, as provided for by Land Administrative Order No. 6; that the decision of the Director of Lands had not become final; that the Court had no jurisdiction over the subject matter of the action; and that the petition did not allege facts sufficient to constitute a cause of action. It was thus prayed that the petition be dismissed with costs against petitioner.

After due hearing and submission by the parties of their respective memoranda, the Court rendered decision dated July 12, 1955, holding that in view of the existence of the policy of the Department of Agriculture and Natural Resources of considering the filing of a civil action in Court as having the effect of suspending the running of the prescriptive period within which appeal could be Interposed to the Department Secretary, a policy that was reasonable and sound, the Secretary of Agriculture and. Natural Resources did not abuse his discretion in taking cognizance of the appeal after Civil Cases Nos. 1826 and 1865 of the Court of First Instance of Rizal were dismissed. The lower Court also observed that the records showed that the protestants or sublessees never intended to waive or abandon their rights to appeal from the decision of the Director of Lands. As the motion for the reconsideration of said decision filed by therein petitioner was denied for lack of merit, the matter was brought to Us on appeal, appellant maintaining that the lower Court erred:

- In holding that the respondent Secretary of Agriculture and Natural Resources did not act without or in excess of jurisdiction or with grave abuse of discretion in entertaining and taking cognizance of DANR Case No. 987 which seeks for the review of the decision of the Director of Lands dated June 12, 1952; and
- In dismissing and in not issuing' the writ of prohibition and mandamus prayed for by petitioner therein.

The main question at issue hinges on the interpretation of Section 2 of the Lands Administrative Order No. 6, promulgated by the Secretary of Agriculture and Commerce on May 1, 1934, providing for the filing" of appeals from decisions or orders of the Director of Lands to the said Department Secretary, which reads as follows:

SEC. 2. APPEAL FROM DECISION ON ORDER OF THE DIRECTOR OF LANDS, MOTION FOR RECONSIDERATION.—An appeal shall lie from a decision of the Director of Lands to the Secretary of Agriculture and Commerce within a period of sixty (60) days to be counted from the date the interested party received notice thereof unless a motion for reconsideration is filed within the said period, in which case, appeal shall be made within sixty (60) days from his receipt of notice of the order or decision of the Director of Lands disposing of the motion for reconsideration. * * *.

This Lands Administrative Order No. 6 governing the promulgation of decisions and orders of the Director of Lands and providing for the prescriptive period within which appeals may be interposed was issued pursuant to the provisions of section 79(5) of the Revised Administrative Code, section 5 of Act No. 2874 and Act No. 3038.

Although the exact date when the sub-lessees received copies of the decision of the Director of Lands does not appear on record, the parties admit that the action filed by the former with the Court of First Instance of Rizal (Civil Cases Nos. 1826 and 1865) on August 4 and September 8, 1952, respectively, were instituted within 60 days. There is likewise no controversy that the order of dismissal in said cases was promulgated on October 11, 1954, thus when the matter was brought on appeal to the Secretary of Agriculture & Natural Resources on October 23, 1954, more than 2 years from the date of their receipt of the decision of the Director of Lands had elapsed. Despite this fact, the Secretary of Agriculture & Natural Resources took cognizance of the appeal, notwithstanding which appellant does not raise in this case any question against the appeal of the sub-lessees from

the decision of the Director of Lands to the Secretary of Agriculture and Natural Resources for being interposed beyond the 60-day period provided by section 2 of Lands Administrative Order No. 6, if the period lapsed between the filing of the action in court on August 4 and September 8, 1952, and the date of receipt by said sub-lessees, of notice of the order of the Court dismissing their action, (which does not appear of record), is considered interrupted.

In justification of his attitude in taking cognizance of the sub-lessees' appeal, the Secretary of Agriculture and Natural Resources refers to his Department's policy of considering the running of the prescriptive period for purposes of appeal from decisions of the Director of Lands, as suspended by the institution of a civil action in Court. It is interesting to note at this juncture that the order of the lower Court dismissing Civil Cases Nos. 1826 and 1865 was predicated on the ground that the sub-lessees failed to exhaust the administrative remedies available to them and, therefore, held that said actions could not be entertained by the courts, citing the case of Miguel vs. Reyes, 93 Phil., 542. But in subsequent rulings in other cases involving lots in said Tambobong Estate, this Court qualified its stand by confining the application of the principle of exhaustion of administrative remedies as a condition precedent to the filing of a judicial action to controversies arising out of the disposition of disposable public lands and not to cases involving private lands acquired, by the Government by purchase (See Marukot vs. Jacinto, 98 Phil., 128; Santiago vs. Cruz, 98 Phil., 168).'

At any rate, and looking at the question at issue in this case independently of the aforecited authorities, it may be asked: After the civil cases filed by the sub-lessees were thrown out of court, could they still invoke administrative relief by appealing to the Secretary of Agriculture and Natural Resources? Said Administrative official answers in the affirmative, maintaining that the period of 60 days provided for by section 2 of the Lands Administrative Order No. 6 aforequoted has not yet prescribed, it being the adopted policy of their office to consider the filing of civil actions in court as suspending the running of said period. It must be remembered that Lands Administrative Order No. 6 is in the nature of procedural rules promulgated by the Secretary of Agriculture and Natural Resources pursuant to the power bestowed on said administrative agency to promulgate rules and regulations necessary for the proper discharge and management of the functions imposed by law upon said office. The necessity for vesting Administrative Authorities with power to make rules and regulations because of the impracticability of the lawmakers to provide general regulations for various and varying details of management, has been recognized by the courts and upheld against various particular objections (42 Am. Jur. 329). Recognizing the existence of such rule-making authority, what is the weight of an interpretation given by an administrative agency to its own rules or regulations? Authorities sustain the doctrine that the interpretation given to a rule or regulation by those charged with its execution is entitled to the greatest weight by the Court construing such rule or regulation, and such interpretation will be followed unless it appears to be clearly unreasonable or arbitrary (42 Am. Jur. 431). It has also been said that:

An administrative body has power to interpret its own rules which have the force and effect of law, and such an interpretation becomes part of the rule (Foley vs. Benedict, 122 Tex 193, 55 SW [2d] 805, 86 ALK 477).

Rules, regulations, and general orders enacted by administrative authorities pursuant to the powers delegated to them have the force and effect of law (Columbia Broadcasting System vs. United States, 87, L Ed [Adv 1086]).

The contemporaneous construction of a statute (and similarly of rules and regulations) by the executive officers of the government whose duty it is to execute it is entitled to great respect, and should ordinarily control the construction of the statute by the courts (United States vs. Philbrick, 120 U.S. 52, 30 L Ed. 559).

Courts are reluctant to disregard a settled practice of an executive department where they are not satisfied that it is contrary to law, and are satisfied that it is in accordance with justice and good faith (Grant vs. Raymond, S L Ed. ,370).

From the foregoing it may be seen, that under the law and the jurisprudence on the matter appellees had two courses to follow, and inasmuch as their resort to the courts railed for non-exhaustion of administrative remedies, could they be deprived of taking the other course left to them, i. e., the remedy of appeal to the Secretary of Agriculture and Natural Resources, especially when in accordance with the interpretation given by said administrative agency and its acknowledged policy, that relief could still be availed of by the aggrieved parties? Taking into consideration all the factors involved in the controversy, We are of the opinion and thus hold that the dismissal of the actions in courts does not constitute an impediment to the filing of the appeal before the Secretary of Agriculture and Natural Resources. The only requisite in such a case would be that the period within which said remedy may be invoked has not yet prescribed. In this connection, We can also say that the interpretation given by the Department of Agriculture and Natural Resources to the provisions of section 2 of Lands Administrative Order No. 6 appears to be reasonable for it merely reflects the intent of the law in placing the disposition of lands within the Tambobong Estate in the hands of the officials of the Land Department (Executive Order No. 376; Commonwealth Act No. 539; Lands Administrative Order No. R-3). The underlying idea seems to be that those officials are considered in a better position to decide controversies regarding the disposition of said Estate.

Wherefore, the decision appealed from and the order denying the motion for reconsideration thereof are hereby affirmed, with cost against appellant. It is so ordered.

Bengzon, Padilla, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B, L., and Endencia, JJ., concur.
Paras, C. J., concurs in the result.

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