MOOMBA MINING EXPLORATION COMPANY, REPRESENTED BY MINIMAX MINERAL EXPLORATION CORPORATION, PETITIONER, VS. THE HON. COURT OF APPEALS, CORNELIO TUMULAK AND TERESA C. CORPUS, REPR...

G.R. No. 108846. October 26, 1999

Ponente: GONZAGA_REYES, J.

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GONZAGA_REYES, J.:

Before this Court is a petition for review on certiorari seeking to reverse the Decision dated January 29, 1993 of the Court of Appeals[1] in CA-G.R. SP No. 22140 and to declare the mining claims of private respondent over "Baby Jackie" and "Golden Bay" as invalid intervening rights. Petitioner likewise prays that the Director of the Bureau of Mines and Geo-Sciences be directed to approve petitioner's availment applications covering its mining claims located in the areas occupied by "Baby Jackie" and "Golden Bay 1 & 2" mining claims.

The following facts, as found by the Court of Appeals, are undisputed:

> "On February 2, 1973, Messrs. Honorato Aparejado and Melanio Garcia, partners of Moomba Mining Exploration Company (Moomba), registered with 'Rocky 1-100' mining claims located at Jabuyoan, Aroroy, Masbate, pursuant to provisions of Commonwealth Act No. 137, as Amended.
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> On May 12, 1975, Moomba filed an availment application of the rights and privileges over the said 'Rocky 1-100' claims pursuant to Section 100 of Presidential Decree 463, as amended. In an Order dated November 6, 1979, the availment was rejected by the Director of Bureau of Mines and Geo-Sciences (BMGS) for failure to comply with the call-up letters of the BMGS requiring Moomba to submit affidavit of annual work obligations and official receipts evidencing payment of occupation fees.
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> Meanwhile, the 'Baby Jackie' mining claims of private respondent Teresa Corpus was registered on March 27, 1981 while the 'Golden Bay 1' and 'Golden Bay-2' mining claims of private respondent Cornelio Tumulak were registered on August 28, 1987, covering the areas previously covered by the claim of Francisco de la Fuente registered on March 20, 1980, after the rejection of Moomba's availment application.
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> On May 13, 1981, a request for reconsideration of the rejection order was filed by Moomba. On August 12, 1981, an Order was issued by the Director of BMGS partially granting the request for reconsideration insofar as the availment application covering sixty-eight (68) 'Rocky' claims, namely, Rocky 1 to 16, 23 to 27, 50 to 56, 71 to 78 and 81 to 100' was concerned but denied reconsideration as to the remaining 32 claims covering 'Rocky 17 to 22, 28 to 37, 40 to 49, 67 to 70, 79 to 80', because the areas thereof had already been relocated and covered by new intervening claims of the private respondents which were duly registered pursuant to the provisions of P.D. 463.
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> On December 2, 1987, the Director of BMGS issued another Order approving availment on the 'Rocky' claims of Moomba which were previously rejected in the August 12, 1981 Order.
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> On March 4, 1988, private respondents advised the Director of BMGS of the exist(e)nce of their claims and

> assailed the December 2, 1987 Order, the subject 'Rocky' claims of said Order being in conflict with their 'Baby Jackie' and 'Golden Bay 1 and 2' claims.
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> On March 15, 1988, the Director of BMGS issued an Order modifying the Order of December 2, 1987 recognizing the 'Baby Jackie' and 'Golden Bay 1 and 2' claims of private respondents.
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> On March 29, 1988, MINIMAX, representing itself as the operator of Moomba by virtue of the 'Royalty Agreement with Option to Purchase' dated May 13 and 15, 1987, executed in its favor, filed a motion for reconsideration of the March 15, 1988 Order. The motion was, however, denied by the Director of BMGS in his Order dated June 13, 1988.
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> On June 24, 1988, Moomba filed a manifestation with the BMGS informing that it had cancelled the 'Royalty Agreement with Option to Purchase' with Minimax; that Minimax had no more authority to seek reconsideration of the March 15, 1988 Order; that after a careful study of the relevant documents and rulings of the BMGS, it (Moomba) had reached the conclusion that the said 'Baby Jackie', 'Golden Bay 1 and 2' mining claims were validly located, and as such were intervening rights which took precedence over Moomba's mining claims of 'Rocky 17 to 22, 28 to 37, and 40 to 48'. Moomba likewise manifested its lack of interest to further pursue the case.
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> On June 23, 1988, Moomba, thru Minimax, appealed the case to the Secretary of DENR. On February 17, 1989, Moomba filed a motion to withdraw appeal reiterating the same grounds in its manifestation earlier filed. On June 1, 1989, the DENR issued a Decision dismissing the appeal.
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> On appeal by Minimax to (the) Office of the President, the same was dismissed in a Decision dated December 29, 1989.
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> Subsequent motion for reconsideration by Minimax was again denied in an Order dated April 10, 1980 issued by public respondent."[2]

Minimax appealed to the Office of the President which appeal was dismissed for lack of merit in the Decision dated December 29, 1989.[3]

Minimax subsequently filed a Motion for Reconsideration which was likewise denied in the Order dated April 10, 1990.[4]

On June 18, 1990, Moomba, represented by Minimax, filed with this Court a "Petition for Review" seeking "a review on certiorari under Rule 65" of the Order dated April 10, 1990 and Decision dated December 29, 1989 of the Office of the President.[5] This petition was referred to the Court of Appeals for proper determination and disposition.[6] On January 29, 1993, the Court of Appeals dismissed the petition for lack of merit. It ruled that in attacking the decision of the Office of the President, the court would have to review and re-evaluate the evidence on record which is beyond the province of the special civil action of certiorari; that findings of administrative officers should not be disturbed by the courts; that even assuming that reliance by the Office of the President on the manifestation submitted by Moomba and/or Aparejado was erroneous, it was not an error of jurisdiction against which the writ of certiorari will lie; and whatever error that could be attributed to the Office of the President would at most be a mere error of judgment which cannot be a proper subject of certiorari.

Hence, the present petition under Rule 45 seeking a reversal of the decision of the Court of Appeals. Petitioner points out that this case was "originally filed before this Honorable Supreme Court because it involved principally QUESTIONS OF LAW, namely: FIRSTLY, whether a party to a bilateral agreement may unilaterally terminate such agreement; and SECONDLY, whether one partner in the partnership which has entered into such bilateral agreement can act for the partnership in terminating such agreement without the consent of the other partner."[7] Petitioner points out that the petition, which was originally filed with this Court, was a special civil action for

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certiorari under Rule 65 which was referred to the Court of Appeals for appropriate action.

The Court of Appeals committed no reversible error in dismissing the petition for certiorari, which is limited to reviewing errors of jurisdiction.

In the present petition, petitioner alleges that the Court of Appeals gravely abused its discretion in sustaining the decision of the Office of the President, arguing that the Office of the President relied solely on the manifestation of Aparejado, whereas the authority given to Aparejado was only to negotiate the development and operation of any and all Moomba's mineral claims, without any authority to revoke or cancel such operating agreement as may be entered into pursuant thereto. The said authority was allegedly repudiated and protested by Garcia in his sworn letter to the BMGS dated August 12, 1988 and his "Revocation of Power of Attorney Granted to Honorato Aparejado" dated August 17, 1988. Petitioner further contends that the relationship between Moomba and Minimax established under the operating agreement is more than a simple agency in that, under the said agreement, Moomba has assigned and practically surrendered its rights over all its mining claims for a substantial consideration. Upon execution of the said Agreement, Minimax paid Moomba the sum of P100,000.00. The agency established between Moomba and Minimax is one coupled with interest which cannot be revoked or cancelled at will by any of the parties. Petitioner likewise avers that under the agreement, Minimax is given the option to purchase or buy the mining claims including those contested in this case.

In their Comment[8] and Memorandum,[9] private respondents alleged that the errors assigned by petitioner in the instant petition and memorandum are a mere rehash of those advanced in Moomba's appeal to the DENR, the Office of the President, and the Court of Appeals; that the petition ascribed no error on the part of the Court of Appeals and what petitioner wants is to re-open the entire case and review what was passed upon below. Private respondents posit the view that the jurisdiction of this Court is limited to reviewing errors of law.

We agree with private respondents.

In the petition, petitioner prays that judgment be rendered "(R)eversing the decision of the Court of Appeals" declaring that the mining claims over "Baby Jackie" and the "Golden Bay 1 & 2" mining claims as invalid intervening rights, and ordering the Director of BMGS to consider and approve petitioner's availment applications.

The core issue actually boils down to the question of whether or not Minimax had the legal personality and authority to represent Moomba. The relationship between Moomba and Minimax was resolved and this matter has been passed upon by the BMGS, the DENR and the Office of the President and finally the Court of Appeals. The respondent court stated:

> "The Office of the President dismissed the appeal of herein petitioner because of its finding that MINIMAX has no legal personality to bring the appeal in representation of MOOMBA because the Royalty Agreement between them had been cancelled by MOOMBA as early as October 2, 1987; that MOOMBA, through its General Manager, Honorato Aparejado, had explicitly manifested that it recognizes 'Baby Jackie', 'Golden Bay'-1 and 'Golden Bay-2' as validly located intervening claims, which take precedence over MOOMBA's 'Rocky' claims, and that it is no longer interested in pursuing the case; and that even without MOOMBA's recognition of the two 'Golden Bay' claims and the 'Baby Jackie' claim, said claims are valid intervening rights because they were registered after the rejection of MOOMBA's application for availment of the 'Rocky' claims (see Rollo, pp. 60-61).
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> Public respondent's findings were based upon the manifestation filed by MOOMBA itself, through its General Manager, Aparejado, with the Director of the DENR; and upon the undisputed evidence on record showing the registration of herein private respondents' claims after petitioner's Rocky claims were considered open for relocation by other parties due to MOOMBA's failure to pay occupation fees for several years.

> In this petition for certiorari, petitioner submits that the Office of the President, acted with grave abuse of discretion, amounting to lack of jurisdiction, in relying upon the manifestation filed by MOOMBA through Aparejado; petitioner impugning the validity of the cancellation of the Royalty Agreement and the recognition by MOOMBA and/or Aparejado of private respondents' claims contained in said manifestation."[10]

In ruling that the conclusion of the Office of the President on the legal personality of Minimax to represent Moomba is based on substantial evidence, the Court of Appeals adopted the following ratiocination by the Office of the President:

> "Moreover, as stated earlier, the manifestations of MOOMBA which are on record plainly reveal that it recognized the validity of appellees' claim over the 'BABY JACKIE' and the two (2) 'GOLDEN BAY' mining claims. Pursuant thereto, MOOMBA clearly manifested its lack of interest to pursue further this case, thus constituting voluntary abandonment of its 'ROCKY' claims involved in this case. This Office subscribes to the appealed decision which definitely states:

'At any rate, records disclose that MOOMBA through Honorato Aparejado, had already waived its rights and interests over the 'ROCKY' claims involved in this controversy and now recognizes the validity of appellee's claims. In view thereof, MOOMBA has manifested unequivocally its lack of interest to pursue further the instant appeal. Such waiver of rights constitutes voluntary abandonment of the 'ROCKY' mining claims herein involved.' (Undercoring supplied).

> The declaration that the aforesaid BMGS orders, dated November 6, 1979, March 15 and June 13, 1988, have become final and executory, unequivocally render nugatory appellant's insistence that appellees' claims over the 'BABY JACKIE' and the two (2) 'GOLDEN BABY' mining claims are invalid intervening rights. Moreover, the records of this case indubitably show that the 'BABY JACKIE' claim of Teresa Corpuz was registered on March 27, 1981 after the rejection of the availment application of MOOMBA on November 6, 1979, while the 'GOLDEN BABY' claims of Cornelio Tumulak were registered on August 28, 1987. Likewise after the rejection of the availment application of MOOMBA on November 6, 1979, and thus, the area covered thereby are open for relocation after said rejection. Therefore, appellees' claims are valid intervening rights." (Rollo, pp. 60-61).[11]

The court further held that certiorari is the wrong remedy. It stated:

> "The instant petition is devoid of merit.
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> In attacking the decision of the Office of the President, petitioner would have this Court review and re-evaluate the evidence on record, as well as determine whether or not public respondent correctly interpreted such evidence. Manifestly, this is beyond the province of a special civil action for certiorari. Judicial review of this Court does not go so far as to evaluate the sufficiency of the evidence but is limited to issues of jurisdiction or grave abuse of discretion (PNOC-Energy Dev't. Corp. vs. NLRC, 201 SCRA 487[1991] ; Filipinas Bank vs. NLRC, 182 SCRA 848[1990]".[12]

In this petition, this Court is asked to re-examine the probative value of the evidence adduced below as to whether Moomba has indeed recognized the intervening claims of private respondents over the subject "Rocky" claims. This is a question of fact and not of law. The instant petition is one for review on certiorari under Rule 45, and the Court is empowered to review only errors of law committed by the Court of Appeals. It is not the function of this Court to re-examine the evidence submitted by the parties or analyze or weigh the evidence all over again.[13] This Court is definitely not the proper venue to consider a factual issue as it is not a trier of facts.[14]

Moreover, petitioner failed to point out specifically the error/s committed by the Court of Appeals. The "errors" which are reviewable by this Court in a petition for review on certiorari from a decision of the Court of Appeals are only those allegedly committed by said court.[15]

Petitioner has assigned as error the reliance by the Office of the President on the manifestations filed by Moomba recognizing respondents' mining claims, arguing that Garcia, Aparejado's partner in Moomba, revoked Aparejado's power of attorney. We find no cogent basis to review or disturb the resolution of the court affirming the findings of the Office of the President, which are congruent with those of the Director of the BMGS and the Secretary of the DENR.

We must point out that courts will not interfere in matters which are addressed to the sound discretion of government agencies entrusted with the regulation of activities coming under the special technical knowledge and training of such agencies[16] and that findings of administrative agencies are accorded not only respect but finality[17] except when there is insufficient or insubstantial evidence on record to support the findings,[18] a situation that does not obtain in this case.

WHEREFORE, the petition is hereby DENIED for lack of merit. No pronouncement as to costs.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

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[1] Penned by Justice Santiago M. Kapunan [now Associate Justice of the Supreme Court], with the concurrence of Justices Alfredo M. Marigomen and Quirino D. Abad Santos.

[2] pp. 2-4, CA-decision, pp. 83-85, Rollo.

[3] pp. 118-123, Rollo.

[4] pp. 123-124, Rollo.

[5] Annex A, p. 7, Rollo.

[6] SC Resolution dated June 25, 1990, Annex B, p. 34, Rollo.

[7] pp. 2-3. Petition, pp. 53-54, Rollo.

[8] pp. 183-287, Rollo.

[9] pp. 400-442, Rollo.

[10] pp. 39-40, Rollo.

[11] pp. 43-44, Rollo.

[12] p. 40, Rollo.

[13] De la Cruz vs. CA, 265 SCRA 299; De Guzman vs. CA, 260 SCRA 389; Reyes vs. CA, 258 SCRA 651; Engineering & Machinery Corp. vs. CA, 252 SCRA 156.

[14] David-Chan vs. CA, 268 SCRA 677; San Miguel Foods, Inc.-Cebu B-Meg Feed Plant vs. Laguesma, 263 SCRA 68.

[15] Tañedo vs. CA, 252 SCRA 80.

[16] First Lepanto Ceramics, Inc. vs. CA, 253 SCRA 540; Concerned Officials of the Metropolitan Waterworks and Sewerage System vs. Vasquez, 240 SCRA 502.

[17] Vda. de Nazareno vs. CA, 257 SCRA 589.

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[18] Bontia vs. NLRC, 255 SCRA 167.

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