HENRY SY, PETITIONER, VS. COMMISSION ON SETTLEMENT OF LAND PROBLEMS AND FENINA MINA, RESPONDENTS.

G.R. No. 140903. September 12, 2001

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

Before us is a petition for certiorari and prohibition under Rule 65 of the 1997 Rules of Civil Procedure, praying for the annulment of an Order dated November 3, 1999 issued by the public respondent COMMISSION ON SETTLEMENT OF LAND PROBLEMS (COSLAP) in Coslap Case No. 99-352 entitled "Fenina Mina v. Henry Sy, et al."

The relevant facts are:

On July 15, 1999, private respondent Fenina Mina filed a letter before public respondent COSLAP, to wit:

> July 1, 1999
>
> Commission on the Settlement of Land Problems
> Department of Justice
> 3[rd] Floor, DOJ Agency Building
> NIA Road, Diliman, Quezon City
>
> Attention: Atty. Rufino V. Mijares, Chairman-Commissioner
>
> Dear Sirs:
>
> This is to seek the assistance of your good office in the settlement of the problem which I have regarding the properties which I purchased from the late Camilo Osias and Avelina Lorenzana. The said properties consisting of five (5) parcels of land situated in Quezon City are more particularly described as follows:
>
> Parcel No. 1 - Lot 2, of the consolidation-subdivision plan (LRC) Pcs-225, being a portion of the consolidation of Lots 879-C, Psd-36854 and 1113, Tala Estate, LRC (GLRO) Record No. 6563, situated in the District of Novaliches, Quezon City, containing an area of FIFTY THOUSAND (50,000) square meters, more or less, and embraced in and covered by Transfer Certificate of Title No. -34017- (three four zero one seven) of the Registry of Deeds for Quezon City in the name of Camilo Osias married to Avelina Lorenzana.
>
> Parcel No. 2 - Lot 3, of the consolidation-subdivision plan (LRC) Pcs-225, being a portion of the consolidation of Lots 879-C, Psd-36854 and 1113, Tala Estate, LRC (GLRO) Record No. 6563, situated in the District of Novaliches, Quezon City, and embraced in and covered by Transfer Certificate of Title No. -34018- (three four zero one eight) of the Registry of Deeds for Quezon City in the name of Camilo Osias married to Avelina Lorenzana.
>
> Parcel No. 3 - Lot 4, of the consolidation-subdivision plan (LRC) Pcs-225, being a portion of the consolidation of Lots 879-C, Psd-36854 and 1113, Tala Estate, LRC (GLRO) Record No. 6563, situated in the District of Novaliches, Quezon City, containing an area of FIFTY THOUSAND (50,000) square meters, more or less, and

> embraced in and covered by Transfer Certificate of Title No. -34019- (three four zero one nine) of the Registry of Deeds for Quezon City in the name of Camilo Osias married to Avelina Lorenzana.
>
> Parcel No. 4 - Lot 5, of the consolidation-subdivision plan (LRC) Pcs-225, being a portion of the consolidation of Lots 879-C, Psd-36854 and 1113, Tala Estate, LRC (GLRO) Record No. 6563, situated in the District of Novaliches, Quezon City, containing an area of THIRTY-SEVEN THOUSAND TWO HUNDRED FORTY (37,240) square meters, more or less, and embraced in and covered by Transfer Certificate of Title No. -34020- (three four zero two zero) of the Registry of Deeds for Quezon City in the name of Camilo Osias married to Avelina Lorenzana.
>
> Parcel No. 5 - Lot 1, of the consolidation-subdivision plan (LRC) Pcs-225, being a portion of the consolidation of Lots 879-C, Psd-36854 and 1113, Tala Estate, LRC (GLRO) Record No. 6563, situated in the District of Novaliches, Quezon City, containing an area of FIFTY THOUSAND AND ONE (50,001) square meters, more or less, and embraced in and covered by Transfer Certificate of Title No. -34021- (three four zero two one) of the Registry of Deeds for Quezon City in the name of Camilo Osias married to Avelina Lorenzana.

The above-mentioned properties were purchased by me from the late Camilo Osias and Avelina Lorenzana a few years back as evidenced by the Deed of Absolute Sale, a copy of which is hereto attached as ANNEX A, executed by my said predecessors-in-interest who, at the time of sale, delivered to me the owner's duplicate certificates of the titles covering the above-described parcels of land. The said owner's duplicate certificates since then and until now are in my possession and control.

A few years back, after I sojourned out of the country, I was very much surprised to discover that the above-described properties are occupied by certain persons who claim to be the owners thereof and/or deriving authority from the owners thereof. After taking time to make verification, I was so much perplexed to discover that the persons who claim to be the owners thereof are holding titles allegedly covering the above-mentioned properties which I own. Obviously, somewhere along the way, fraud, falsification and other criminal offenses were committed. It goes without saying that the same could not have been possible without the connivance of certain personnel of the government agencies involved in the issuance of titles.

The situation has troubled me because doubt has been cast upon the authenticity of the owner's duplicate certificates of title covering the above-described property which owner's duplicate certificates of title Camilo Osias and Avelina Lorenzana delivered to me when I purchased the said properties from them.

Considering the foregoing and considering that your good office is mandated to settle land problems, this is then to request that your good office conduct an investigation on the matter and declare, for the guidance of all concerned, that the owner's duplicate certificates of title covering the above-described properties are authentic and genuine and that the certificates of title being held by the persons claiming to be the owners of the above-described properties, are spurious and/or falsified and/or not authentic.

Please give this matter your most kind attention.

Thank your very much.

Very truly yours,

(signed)
FENINA MINA

Petitioner Henry Sy is not mentioned in the letter nor is he impleaded as a party. Nevertheless, he received on July 7, 1999 a subpoena dated July 5, 1999 issued by the public respondent requiring his presence in his capacity as manager of the Fairview branch of Shoemart department store, in an initial mediation conference on July 15,

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1999.

On the appointed date, petitioner's former counsel entered a special appearance wherein he manifested: (a) that petitioner does not hold title to any of the lots being claimed by private respondent; and (b) that the properties being claimed by private respondent were the subject of another case[1] pending before the Regional Trial Court of Quezon City, Branch 101, wherein a verification and relocation survey was conducted, resulting in a finding that the lots being claimed by MINA do not overlap with the lots occupied by SM Fairview. A Manifestation incorporating these objections was later filed on September 30, 1999.[2]

On July 30, 1999, public respondent issued an Order[3] creating a committee tasked to conduct a relocation survey in order to determine if there is overlapping of the subject properties. The order declared further that the findings of the committee would be considered final.

On August 24, 1999, petitioner filed a "Special Appearance" praying for the dismissal of private respondent MINA's letter-complaint, citing lack of jurisdiction over the subject matter and over the person of petitioner.

On November 3, 1999, public respondent issued the assailed order, to wit:

> Before this Commission is a Motion for Special Appearance filed by the Counsel for respondent Henry Sy, dated August 24, 1999, questioning the jurisdiction of this Commission to take cognizance of the above-entitled case.
>
> Finding the Motion to be inconsistent with the purpose of which this Commission was created, i.e., "as a means of providing effective mechanism for the expeditious settlement of land problems in general, which are frequently the sources of conflict among settlers, landowners and cultural minorities." (Banaga vs. COSLAP 181 SCRA 599) the said Motion is hereby DENIED.
>
> Let copy of this Order be furnished the parties litigants for their information and compliance.
>
> Meanwhile, this case is set for hearing on December 6, 1999, at 10:00 in the morning.
>
> xxx xxx xxx

Without filing a motion for reconsideration, petitioner filed the instant petition before us pursuant to Executive Order No. 561. He contends that:

> RESPONDENT COSLAP ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION, OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION, IN ISSUING THE QUESTIONED ORDER DATED 03 NOVEMBER 1999 1999 [sic] DENYING PETITIONER'S PRAYER IN HIS SPECIAL APPEARANCE DATED 24 AUGUST 1999 FOR THE DISMISSAL OF COSLAP CASE NO. 99-352 FOR LACK OF JURISDICTION, CONSIDERING THAT:
>
> - RESPONDENT COSLAP HAS NO JURISDICTION TO TAKE COGNIZANCE OF COSLAP CASE NO. 99-352, WHICH INVOLVES A COMPLAINT FOR THE ANNULMENT OF TORRENS TITLES OVER PRIVATE LANDS, SINCE ITS JURISDICTION UNDER EXECUTIVE ORDER NO. 561 AND EXECUTIVE ORDER NO. 292 (THE REVISED ADMINISTRATIVE CODE OF 1987) IS LIMITED TO LAND PROBLEMS OR DISPUTES INVOLVING SMALL SETTLERS OR LANDHOLDERS AND MEMBERS OF CULTURAL COMMUNITIES AND OTHER LAND PROBLEMS ON DISPUTES WHICH ARE CRITICAL OR EXPLOSIVE IN NATURE INVOLVING LANDS OF THE PUBLIC DOMAIN.
>
> - RESPONDENT COSLAP NEVER ACQUIRED JURISDICTION OVER THE PERSON OF PETITIONER SINCE THE LATTER WAS NEVER SERVED WITH SUMMONS PURSUANT TO SECTION 1, RULE III OF THE RULES OF PROCEDURE OF RESPONDENT COSLAP.

> - PETITIONER IS NOT A REAL PARTY IN INTEREST IN COSLAP CASE NO. 99-352 CONSIDERING THAT HE DOES NOT CLAIM OWNERSHIP OVER THE SUBJECT LOTS.
>
> - RESPONDENT COSLAP, IN INSISTING TO TAKE COGNIZANCE OF COSLAP CASE NO. 99-352, WILL BE MAKING A FUTILE AND USELESS EXERCISE SINCE THE SUBJECT LOTS AND THE PROPERTY OCCUPIED BY SM FAIRVIEW HAVE ALREADY BEEN JUDICIALLY DECLARED IN CIVIL CASE NO. Q-92-13545 TO BE SEPARATE AND DISTINCT PARCELS OF LAND WHICH DO NOT OVERLAP EACH OTHER.

There are two (2) ways by which we exercise our powers of review. The first involves the exercise of our original jurisdiction, for example, the issuance of writs of certiorari, prohibition, mandamus, quo warranto and habeas corpus. Jurisdiction to issue these writs is concurrent, meaning to say that the authority to issue such is shared with other courts, namely, the Court of Appeals and Regional Trial Courts, as the case may be. In recent years, we have taken to delegating the exercise of our certiorari powers in the first instance to the Court of Appeals. We see this most evidently in labor cases. Thus, we decreed that awards, orders, resolutions and decisions of the National Labor Relations Commission are reviewable by the Court of Appeals via a petition for certiorari under Rule 65.[4] So, too, with decisions of the Secretary of Labor rendered under the Labor Code and its implementing rules and related laws.[5] All these were in accordance with the doctrine of judicial hierarchy expressed in a catena of cases.[6] Thus, we ruled in People v. Cuaresma:[7]

> xxx A last word. This Court's original jurisdiction to issue writs of certiorari (as well as prohibition, mandamus, quo warranto, habeas corpus and injunction) is not exclusive. It is shared by this Court with Regional Trial Courts (formerly Courts of First Instance), which may issue the writ, enforceable in any part of their respective regions. It is also shared by this Court, and by the Regional Trial Court, with the Court of Appeals (formerly Intermediate Appellate Court), although prior to the effectivity of Batas Pambansa Bilang 129 on August 14, 1981, the latter's competence to issue the extraordinary writs was restricted to those "in aid of its appellate jurisdiction." This concurrence of jurisdiction is not, however, to be taken as according to parties seeking any of the writs an absolute, unrestrained freedom of choice of the court to which application therefor will be directed. There is after all a hierarchy of courts. This hierarchy is determinative of the venue of appeals, and should also serve as a general determinant of the appropriate forum for petitions for the extraordinary writs. A becoming regard for that judicial hierarchy most certainly indicates that petitions for the issuance of extraordinary writs against first level ("inferior") courts should be filed with the Regional Trial Court, and those against the latter, with the Court of Appeals. A direct invocation of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is established policy. It is a policy that is necessary to prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further over-crowding of the Court's docket. Indeed, the removal of the restriction on the jurisdiction of the Court of Appeals in this regard, supra--resulting from the deletion of the qualifying phrase, in aid of its appellate jurisdiction--was evidently intended precisely to relieve this Court pro tanto of the burden of dealing with applications for the extraordinary writs which, but for the expansion of the Appellate Court's corresponding jurisdiction, would have had to be filed with it.
>
> The Court feels the need to reaffirm that policy at this time, and to enjoin strict adherence thereto in the light of what it perceives to be a growing tendency on the part of the litigants and lawyers to have their applications for the so-called extraordinary writs, and sometimes even their appeals, passed upon and adjudicated directly and immediately by the highest court of the land. The proceeding at bar is a case in point. The application for the writ of certiorari sought against a City Court was brought directly to this Court although there is no discernible special and important reason for not presenting it to the Regional Trial Court.
>
> The Court therefore closes this decision with the declaration, for the information and guidance of all concerned, that it will not only continue to enforce the policy but will require a more strict observance thereof.

On the other hand, appeals from decisions rendered by voluntary arbitrators take a slightly different route. In Luzon Development Bank v. Association of Luzon Development Bank Employees,[8] we held that decisions or awards of voluntary arbitrators are appealable to the Court of Appeals under Revised Administrative Circular 1-95 which governs appeals from the Court of Tax Appeals and other quasi-judicial agencies. Section 1 of Rule 43 of the 1997 Rules of Civil Procedure which supplanted Revised Administrative Circular 1-95, provides that:

> SECTION 1. Scope.--This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform under Republic Act No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Inventions Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law.

In such a case, appeal is taken by filing a verified petition for review[9] within fifteen days from notice of the award, judgment, final order or resolution.[10] An express exception is made with regard to judgments or final orders issued under the Labor Code.[11]

The second mode of review involves the exercise of our appellate jurisdiction as enunciated, for instance, in Section 1 of Rule 45 of the 1997 Rules of Civil Procedure:

> Filing of petition with the Supreme Court.--A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

The provision conspicuously does not include public respondent as among those whose judgments are expressly reviewable by review on certiorari; indeed, the reference is only to courts. Relative thereto, Section 30 of Article VI of the 1987 Constitution provides that "[n]o law shall be passed increasing the appellate jurisdiction of the Supreme Court as provided in this Constitution without its advice and concurrence." This provision had no counterpart in either the 1935 or 1973 Constitution. Its prospective operation was illustrated in Fabian v. Desierto[12] wherein we reappraised the mode of review to be taken from orders, directives or decisions in administrative disciplinary cases rendered by the Office of the Ombudsman. We struck down Section 27 of Republic Act No. 6770[13] and Section 7, Rule III of Administrative Order No. 07[14] for having contravened said Section 30, Article VI of the Charter. The statute in question, which was approved on November 17, 1989, provided for an appeal to the Supreme Court via a petition for certiorari "in accordance with Rule 45 of the Rules of Court." We ruled that, in effect, it expanded our appellate jurisdiction without our advice and concurrence. On the other hand, E.O. No. 561 creating the COSLAP was issued in 1979. Relative thereto, Section 3(2) of the executive order provides:

> Powers and functions.--The Commission shall have the following powers and functions:
>
> - Coordinate the activities, particularly the investigation work, of the various government offices and agencies involved in the settlement of land problems or disputes, and streamline administrative procedures to relieve small settlers and landholders and members of cultural minorities of the expense and time-consuming delay attendant to the solution of such problems or disputes;
>
> - Refer and follow-up for immediate action by the agency having appropriate jurisdiction any land problem or

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> dispute referred to the Commission: Provided, that the Commission may, in the following cases, assume jurisdiction and resolve land problems or disputes which are critical and explosive in nature considering, for instance, the large number of the parties involved, the presence or emergence of social tension or unrest, or other similar critical situations requiring immediate action:
>
> (a) Between occupants/squatters and pasture lease agreement holders or timber concessionaires;
>
> (b) Between occupants/squatters and government reservation grantees;
>
> (c) Between occupants/squatters and public land claimants or applicants;
>
> (d) Petitions for classification, release and/or subdivision of lands of the public domain; and
>
> (e) Other similar land problems of grave urgency and magnitude.

The Commission shall promulgate such rules of procedure as will insure expeditious resolution and action on the above cases. The resolution, order or decision of the Commission on any of the foregoing cases shall have the force and effect of a regular administrative resolution, order or decision and shall be binding upon the parties therein and upon the agency having jurisdiction over the same. Said resolution, order or decision shall become final and executory within thirty (30) days from its promulgation and shall be appealable by certiorari only to the Supreme Court.

xxx xxx xxx

In the performance of its functions and discharge of its duties, the Commission is authorized, through the Commissioner, to issue subpoena and subpoena duces tecum for the appearance of witnesses and the production of records, books and documents before it. It may also call upon any ministry, office, agency or instrumentality of the National Government, including government-owned or controlled corporations, and local governments for assistance. This authority is likewise, conferred upon the provincial offices as may be established pursuant to Section 5 of this Executive Order.

In Bañaga v. COSLAP,[15] the remedy availed of was a special civil action for certiorari under Rule 65.[16] Strictly speaking, the remedy of certiorari under Rule 65 is not a component of the appeal process. It is an original and independent action that is not a part of the trial which resulted in the rendition of the judgment complained of.[17] In contrast, the exercise of our appellate jurisdiction refers to a process which is but a continuation of the original suit.[18] A writ of certiorari is intended to redress grave abuse of discretion or lack of jurisdiction on the part of the respondent tribunal.[19]

It is readily apparent that appeals from the COSLAP may not be brought directly before us in view of Rule 45, Section 1. Likewise, if a petition for certiorari under Rule 65 is the prescribed remedy, the Court of Appeals cannot be bypassed without running afoul of the doctrine of judicial hierarchy. In this connection, it cannot be doubted that the COSLAP is among those quasi-judicial agencies exercising quasi-judicial functions. No convincing reason exists why appeals from the COSLAP should be treated differently from other quasi-judicial agencies whose orders, resolutions or decisions are directly appealable to the Court of Appeals under Rule 43 of the 1997 Rules of Civil Procedure. Moreover, the enumeration of the agencies therein mentioned is not exclusive. In that sense, Section 3(2) of E.O. No. 561 declaring that the COSLAP's orders, resolutions or decisions are appealable exclusively to this Court is erroneous in the light of Section 1, Rule 45 and Section 1, Rule 43 of the 1997 Rules of Civil Procedure, supra.

As with other administrative agencies discharging quasi-judicial functions, recourse must first be had through the Court of Appeals. There is nothing novel or objectionable to this, for as we emphasized in Fabian,

> Furthermore, it cannot be said that the transfer of appellate jurisdiction to the Court of Appeals in this case is an act of creating a new right of appeal because such power of the Supreme Court to transfer appeals to subordinate appellate courts is purely a procedural and not a substantive power. Neither can we consider such transfer as impairing a vested right because the parties have still a remedy and still a competent tribunal to administer that remedy.
>
> Thus, it has been generally held that rules or statutes involving a transfer of cases from one court to another, are procedural and remedial merely and that, as such, they are applicable to actions pending at the time the statute went into effect or, in the case at bar, when its invalidity was declared. Accordingly, even from the standpoint of jurisdiction ex hypothesi, the validity of the transfer of appeals in said cases to the Court of Appeals can be sustained.[20]

In other words, all appeals from orders, resolutions or decisions of public respondent shall be taken to the Court of Appeals in accordance with Rule 43 of the 1997 Rules of Civil Procedure.

WHEREFORE, the instant petition is hereby referred to the Court of Appeals for resolution under Rule 43 of the 1997 Rules of Civil Procedure.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

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[1] Civil Case No. 92-13545 entitled "Felipe T. Rodriguez, Jr. v. SM Fund, Inc., et al."

[2] Attachment "D" of the Petition, Rollo, pp. 48-54.

[3] Attachment "E" of the Petition, Rollo, p. 97.

[4] St. Martin Funeral Homes v. National Labor Relations Commission, 295 SCRA 494 (1998).

[5] National Federation of Labor v. Laguesma, 304 SCRA 405 (1999).

[6] Vergara, Jr. v. Suelto, 156 SCRA 753 (1987); Santiago v. Vasquez, 217 SCRA 633 (1993); People v. Court of Appeals, 301 SCRA 566 (1999); Aleria, Jr. v. Velez, 298 SCRA 611 (1998); Tano v. Socrates, 278 SCRA 154 (1997).

[7] 172 SCRA 415, 423-424 (1989).

[8] 249 SCRA 162 (1995).

[9] Sec. 5, Rule 43, 1997 Rules of Civil Procedure.

[10] Sec. 4, id.

[11] Sec. 2, id.

[12] 295 SCRA 470 (1998).

[13] "An Act Providing for the Functional and Structural Organization of the Office of the Ombudsman, and for Other Purposes."

[14] Rules of Procedure of the Office of the Ombudsman.

[15] 181 SCRA 599 (1990).

[16] On the other hand, the petitioner in the recently decided case of United Residents of Dominican Hill, Inc. v. COSLAP (G.R. No. 135945, March 7, 2001) availed of a petition for prohibition and declaratory relief.

[17] Dando v. Fraser, 227 SCRA 126, 134 (1993).

[18] Morales v. Court of Appeals, 283 SCRA 211 (1997).

[19] Philippine Airlines, Inc. v. National Labor Relations Commission, 276 SCRA 391, 402 (1997); Camlian v. Commission on Elections, 271 SCRA 757, 762 (1997).

[20] Supra note 15, at 493.

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