DAVAO NEW TOWN DEVELOPMENT CORPORATION, PETITIONER, VS. COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS (COSLAP), PUBLIC RESPONDENT, ARIEL ONDE, EUGENE C. CAASI, BIENVENIDA C. POR...

G.R. NO. 141523. June 08, 2005

Ponente: TINGA, J.

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TINGA, J.:

This is a special civil action for certiorari and prohibition with application for the issuance of a writ of preliminary injunction with temporary restraining order to annul the Resolution of public respondent Commission on Settlement of Land Problems (COSLAP) in COSLAP Case No. 98-343 and to restrain COSLAP from enforcing the same for lack of jurisdiction.

Subject of the instant petition is a huge tract of land consisting of 131.2849 hectares situated at Sto. Niño, Tugbok, Davao City, which was a portion of a bigger landholding belonging to the late Roman Cuison, Jr. The latter mortgaged the property to the Philippine Banking Corporation (Bank), which, after emerging as the highest bidder in the foreclosure proceedings, consolidated its ownership over the property and subdivided the land into two parcels, namely: the first, covered by TCT No. T-162663; and the second, covered by TCT No. T-162664, which is the property subject of the instant dispute ("Cuison property").

Sometime in 1989, the government acquired the Cuison property for distribution to the beneficiaries of the Comprehensive Agrarian Reform Program (CARP). Among the beneficiaries were herein private respondents who are members of the Sto. Niño Farmers Cooperative (SNFC), Association of Agrarian Reform Beneficiaries (ARBA) and Nagkahiusang Mag-uuma ng Ramie (NAMAR-FADC-KMP). Private respondents were individually issued with certificates of land ownership awards (CLOAs). After compulsory acquisition proceedings, the certificate of title issued in the name of the Republic of the Philippines was cancelled and replaced by TCT No. CL-850 issued in the names of the aforesaid organizations.

Claiming that the disputed property had already been classified as "urban/urbanizing" and therefore beyond the coverage of the CARP, the Bank filed a complaint docketed as DARAB Case No. XI-10-12-DC-93 on September 23, 1993 with the Office of the Provincial Adjudicator. Named respondents were the Regional Director for Region XI of the Department of Agrarian Reform (DAR), the Provincial Agrarian Reform Officer, the Municipal Agrarian Reform Officer, the Register of Deeds of Davao City, SNFC, ARBA and NAMAR-FADC-KMP.[1]

Respondent officials therein and SNFC stood by their assertion that the Cuison property was agricultural as per certification issued on June 30, 1990 by the Regional Officer of the Housing and Land Use Regulatory Board (HLURB). In addition, they questioned the city zoning ordinance classifying the Cuison property as "urban/urbanizing" for being without the approval of the HLURB.

Evidence presented by the Bank consisted of a certification issued by the HLURB on October 13, 1993 correcting

its prior classification that the Cuison property was agricultural and a written official classification from the Davao City Zoning Administrator stating that Resolution No. 984, Ordinance No. 363, series of 1982 categorized the Cuison property as "urban/urbanizing."

On February 7, 1994, the Provincial Adjudicator rendered a decision finding that the Cuison property was not agricultural land and, therefore, outside the coverage of the CARP because as early as 1982, it had already been classified as "urban/urbanizing."[2] The Provincial Adjudicator granted the Bank's prayer to nullify the compulsory acquisition proceedings with respect to the Cuison property and directed the Register of Deeds of Davao City to cancel the CLOAs issued to the beneficiaries and to reinstate TCT No. T-162664 in the name of the Bank. After reinstatement of the Bank's title over the Cuison property, herein petitioner Davao New Town Development Corporation acquired the property and caused the cancellation of TCT No. T-162664 and the issuance of TCT No. T-210500 in its name. Subsequently, the Cuison property was further subdivided into seven (7) parcels now covered by TCT Nos. T-224628 to 224634 all registered in the name of petitioner.

Respondents in DARAB Case No. XI-10-12-DC-93 appealed the decision of the Provincial Adjudicator to the Department of Agrarian Reform Adjudicatory Board (DARAB), where petitioner intervened as the new owner of the Cuison property. The Bank opposed the appeal docketed as DARAB Case No. 2362.

While the appeal was pending, private respondents filed an unnumbered case with the Provincial Adjudicator against petitioner and the Register of Deeds of Davao City, praying for a writ of preliminary injunction and the restoration of their CLOAs and of TCT No. CL-850. They alleged that while the decision of the Provincial Adjudicator in DARAB Case No. XI-10-12-DC-93 was seasonably appealed, the Register of Deeds cancelled TCT No. CL-850 and reinstated the Bank's certificate of title to the Cuison property. They also claimed that petitioner had introduced preliminary works on the Cuison property and was poised to forcibly eject private respondents from the premises.[3] The undocketed case filed anew with the Provincial Adjudicator was consolidated with DARAB Case No. 2362.

On May 28, 1997, the DARAB rendered a decision in DARAB Case No. 2362, partially affirming the Provincial Adjudicator's decision in DARAB Case No. XI-10-12-DC-93. The DARAB also ordered the Bank and petitioner to solidarily pay the disturbance compensation in favor of the beneficiaries.[4] In ruling that the Cuison property was outside the coverage of the comprehensive agrarian reform program, the DARAB relied on the Department of Justice (DOJ) Opinion No. 44, Series of 1990 as interpreted in Natalia Realty, et al. v. DAR,[5] where it was held that lands converted to non-agricultural uses by government agencies prior to the effectivity of the Comprehensive Agrarian Reform Law are outside the coverage of agrarian reform. According to the DARAB, since the Cuison property had been classified by the city government as a site for human settlements and relocation prior to June 15, 1988, the Cuison property cannot be categorized as an agricultural land.

On July 31, 1997, petitioner filed a manifestation to bring to the DARAB's attention the July 27, 1997 compromise agreement executed by the parties, namely: petitioner Davao New Town Development Corporation, SNFC, ARBA, Philippine Banking Corporation, and NAMAR-FADC-KMP, and the Legal Assistance Division of the Provincial Agrarian Reform Office. The compromise agreement stated, among others, that petitioner had agreed to give the beneficiaries disturbance compensation and to process the titling of beneficiaries' homelots in exchange for the latter's peaceful evacuation of the Cuison property and non-interference with petitioner's projects in the area.

The DARAB conducted a hearing on August 1, 1997 where the parties manifested their knowledge of and concurrence to the import of the terms and conditions of the compromise agreement. Thus, on August 14, 1997, the DARAB issued a Resolution[6] denying private respondents' motion for reconsideration of the DARAB

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decision and considered the case closed and terminated.

On September 25, 1997, herein private respondents filed a complaint for Injunction With Prayer for Preliminary and Mandatory Injunction, Damages, and Restraining Order with the Office of the Provincial Adjudicator of the Department of Agrarian Reform. Named respondents in the complaint were herein petitioner, the Bank, the Regional Director of the DAR, the Provincial Agrarian Reform Officer, the Municipal Agrarian Reform Officer and the Register of Deeds of Davao City. The complaint, docketed as DARAB Case No. XI-1382-DC-97 and hereafter referred to as "the second DARAB case," alleged that the decision of the Provincial Adjudicator in DARAB Case No. XI-10-12-DC-93 which was affirmed by the DARAB on appeal was null and void for failure to implead the Republic of the Philippines as the real party-in-interest in a suit for cancellation of the certificate of title issued in the name of the Republic. Private respondents also claimed that they were not made parties to the proceedings in DARAB Case No. XI-10-12-DC-93 and to the execution of the July 27, 1997 compromise agreement.[7]

During the pendency of the second DARAB case, private respondents filed with the Regional Trial Court, Branch 15, Davao City, Civil Case No. 26-897-98, entitled Ariel Onde, et al. v. Davao New Town Development Corporation and Timothy Te. In an Order[8] issued on February 18, 1998, Judge Jesus U. Quitain dismissed the case on the ground of forum-shopping in view of similarity of parties, prayer, reliefs and remedies sought in Civil Case No. 26-897-98 and in the second DARAB case which was pending before the Provincial Adjudicator.

On December 1, 1998, the Provincial Adjudicator rendered a decision in the second DARAB case and ordered petitioner to pay herein private respondents disturbance compensation.[9] Both parties appealed to the DARAB, which appeal remains unresolved to date.

Herein private respondents, who are members of SNFC, again referred their complaint with another agency, this time, COSLAP. On December 10, 1998, COSLAP issued a subpoena on petitioner directing the latter and PBC to appear for an investigation on the case docketed as COSLAP Case No. 98-343.[10] At the scheduled investigation no representative from COSLAP appeared. On January 18, 1999, COSLAP issued another subpoena on petitioner directing the latter to appear for another investigation.[11] In light of the opposition raised by petitioner that it was not served a written complaint, the scheduled investigation was deferred for the second time.

Upon urgent ex-parte motion by private respondents, COSLAP issued a status quo order[12] on January 14, 1999 enjoining petitioner from disturbing the peaceful possession of private respondents in the Cuison property. Petitioner filed a motion on January 25, 1999, seeking the dismissal of the case for lack of jurisdiction of COSLAP and the lifting of the status quo order.[13] Without ruling on petitioner's motion, COSLAP issued an order directing the parties to submit their respective position papers. Only private respondents complied,[14] after which the case was deemed submitted for decision.

On December 21, 1999, COSLAP issued the assailed Resolution[15] in COSLAP Case No. 98-343, upholding its jurisdiction over the case and declaring the decision of the Provincial Adjudicator in the second DARAB case as not binding upon the Republic and private respondents who were not impleaded in said case. The dispositive portion of the Resolution reads:

> WHEREFORE, premises considered, judgment is hereby rendered as follows:
>
> - Directing the Register of Deeds to reinstate the title of the land subject matter of this instant case in the name of the Republic of the Philippines;
>
> - Directing the DAR to reinstate the CLOA's in the name of the Farmer beneficiaries;
>
> - Directing the Davao Newtown Development Corporation to peacefully turn-over the possession of the

property and to pay reasonable damages to the farmer beneficiaries.

SO ORDERED.[16]

Hence, the instant petition.

Although the petition is captioned as a petition for review on certiorari under Rule 45 of the Rules of Civil Procedure (with prohibition and application for the issuance of a writ of preliminary injunction with temporary restraining order) and pursuant to Section 3, Executive Order (E.O.) No. 561, series of 1979, the Court shall properly treat the same as an original action for certiorari and prohibition under Rule 65 of the Rules on account of the jurisdictional question raised therein and the reliefs sought.

The instant petition seeks to nullify the assailed Resolution of respondent Commission and to restrain respondent Commission from enforcing the same for lack of jurisdiction and for grave abuse of discretion amounting to lack or in excess of jurisdiction.[17] Petitioner alleges that respondent Commission acted with grave abuse of discretion when it refrained from passing upon the jurisdictional questions raised in its motion to dismiss and that respondent Commission had threatened to immediately enforce said patently void resolution, thereby rendering petitioner without any plain, adequate and speedy remedy in the ordinary course of law.[18] When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.[19]

The Court is not unmindful of the explicit directive in Sy v. Commission on the Settlement of Land Problems,[20] where it was held that appeals from the COSLAP may not be brought directly before the Court in view of Rule 45, Section 1[21] but must be elevated to the Court of Appeals under Rule 43 of the Rules of Civil Procedure in the same manner that orders, resolutions or decisions of other quasi-judicial agencies are directly appealable to the Court of Appeals.

As correctly pointed out by the Office of the Solicitor General (OSG), however, in view of the nullity of the assailed Resolution, the Court may entertain the petition notwithstanding the failure of petitioner to appeal the Resolution to the Court of Appeals. If a decision is rendered without jurisdiction and therefore a nullity, the same may be attacked anytime.[22] While certiorari as a remedy may not be used as a substitute for an appeal, especially for a lost appeal, this rule should not be strictly enforced if the petition is genuinely meritorious.[23] The Court has given due course to petitions for certiorari although appeal is the proper remedy where the equities of the case warranted such action, mindful that dismissals based on technicalities are looked upon with disfavor.[24]

Furthermore, it is significant to note that the instant petition does not show that petitioner has filed a motion for reconsideration of the assailed Resolution before respondent COSLAP, which is a condition precedent in order that this petition for certiorari shall be given due course. The general rule that the filing of a motion for reconsideration before resort to certiorari will lie is intended to afford the public respondent an opportunity to correct any factual or fancied error attributed to it by way of re-examination of the legal and factual aspects of the case. However, this rule is subject to certain recognized exceptions.[25] Where the order (or a resolution as in the case at bar), is a patent nullity, as where the court a quo has no jurisdiction, or where the questions raised in the certiorari proceeding have been duly raised and passed upon in the lower court, the filing of a motion for reconsideration is not necessary for a petition for certiorari to be given due course.[26] As will be shown later,

COSLAP was totally without jurisdiction in taking cognizance of the case. This was correctly pointed out by petitioner even before the assailed Resolution was issued by COSLAP. To require petitioner to question COSLAP's jurisdiction in a motion for reconsideration as a condition precedent for the filing of the instant petition could only be an idle exercise.

Now, the core issue of whether or not COSLAP has jurisdiction over the matter. Petitioner mainly argues that respondent Commission was without jurisdiction in entertaining private respondents' complaint and in promulgating the assailed Resolution because the matter falls within the primary and exclusive original jurisdiction of the DARAB.

A reading of private respondents' Position Paper submitted to the COSLAP and the assailed Resolution in relation to the laws creating the COSLAP compels the Court to declare the nullity of the COSLAP proceedings, including the assailed Resolution which was issued in excess of its jurisdiction.

First. The dispute between petitioner and private respondents over the Cuison property is not cognizable by COSLAP. An account of the laws creating COSLAP and its predecessor is in order.

COSLAP was created on September 21, 1979 by virtue of E.O. No. 561. Its forerunner was the Presidential Action Committee on Land Problems (PACLAP) founded on July 31, 1970 pursuant to E.O. No. 251. As originally conceived, the committee was tasked "to expedite and coordinate the investigation and resolution of land disputes, streamline and shorten administrative procedures, adopt bold and decisive measures to solve land problems, and/or recommend other solutions." It was given the power to issue subpoenas duces tecum and ad testificandum and to call upon any department, office, agency or instrumentality of the government, including government owned or controlled corporations and local government units, for assistance in the performance of its functions. At that time, the PACLAP did not exercise quasi-judicial functions.[27]

On March 19, 1971, E.O. No. 305 was issued reconstituting the PACLAP. Apart from its policy-making, oversight and investigative duties, E.O. No. 305 vested the PACLAP with adjudicatory powers phrased in broad terms, to wit:

> - To investigate, coordinate, and resolve expeditiously land disputes, streamline administrative procedures, and in general, to adopt bold and decisive measures to solve problems involving public lands and lands of the public domain; [emphasis supplied]
>
> . . . .

Thereafter, the PACLAP was reorganized pursuant to Presidential Decree (P.D.) No. 832 dated November 27, 1975. The law created a Policy Body to formulate its policies and submit them for its approval and an Executive Committee to implement its policies and be in charge of its overall operations. In the general language of P.D. No. 832, the adjudicatory power of PACLAP was retained and impliedly vested in the Executive Committee, thus:

> - Refer for immediate action any land problem or dispute brought to the attention of the PACLAP, to any member agency having jurisdiction thereof: Provided, that when the Executive Committee decides to act on a case, its resolution, order or decision thereon shall have the force and effect of a regular administrative resolution, order or decision, and shall be binding upon the parties therein involved and upon the member agency having jurisdiction thereof;
>
> . . .
>
> - Evolve and implement a system of procedure for the speedy investigation and resolution of land disputes or problems at provincial level, if possible;

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In addition, the PACLAP was authorized to issue subpoena and subpoena duces tecum for the appearance of witnesses and the production of records, books and documents before it.[28] Notably, P.D. No. 832 did not contain any provision for judicial review of the resolutions, orders or decisions of the PACLAP.

On September 21, 1979, the PACLAP was abolished and its functions transferred to the present COSLAP by virtue of E.O. No. 561. Compared to the previous enabling laws of respondent COSLAP, E.O. No. 561 enumerated the instances of COSLAP's exercise of adjudicatory functions, as follows:

> SECTION 3. Powers and Functions. – The Commission shall have the following powers and functions:
>
> . . .
>
> 2. Refer and follow-up for immediate action by the agency having appropriate jurisdiction any land problem or 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 and procedures 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. [emphasis added]

Administrative agencies, like the COSLAP, are tribunals of limited jurisdiction and as such could wield only such as are specifically granted to them by the enabling statutes.[29] Under the law, the COSLAP has two options in acting on a land dispute or problem lodged before it, namely: (a) refer the matter to the agency having appropriate jurisdiction for settlement/resolution; or (b) assume jurisdiction if the matter is one of those enumerated in paragraph 2(a) to (e) of the law, if such case is critical and explosive in nature, taking into account the large number of parties involved, the presence or emergence of social unrest, or other similar critical situations requiring immediate action. In resolving whether to assume jurisdiction over a case or to refer the same to the particular agency concerned, the COSLAP has to consider the nature or classification of the land involved, the parties to the case, the nature of the questions raised, and the need for immediate and urgent action thereon to prevent injuries to persons and damage or destruction to property. The law does not vest jurisdiction on the COSLAP over any land dispute or problem.[30]

The instances when COSLAP may resolve land disputes are limited only to those involving public lands or lands of the public domain or those covered with a specific license from the government such as a pasture lease agreement, a timber concession, or a reservation grant. The Cuison property is private property, having been registered under the Torrens system in the name of petitioner. Thus, the government has no more control or jurisdiction over it. The parties claiming the Cuison property are herein petitioner and private respondents. None of them is a squatter, patent lease agreement holder, government reservation grantee, public land claimant or occupant, or a member of any cultural minority.[31] The dispute between the parties was not critical and explosive in nature so as to generate social tension or unrest, or a critical situation which required immediate

action.[32]

It is true that under paragraph 2(e) of E.O. No. 561, the COSLAP may assume jurisdiction over complaints involving "other similar land problems of grave urgency." Where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent but are to be held as applying only to persons or things of the same kind as clear as those specifically mentioned. In the instant case, the dispute is between parties claiming to be agrarian reform beneficiaries and a private property owner over a parcel of land which does not form part of the public domain. Clearly, the instant dispute cannot be characterized to be of the same kind as those enumerated under paragraph 2(a) to (d) of E.O. No. 561.

In relation to this, private respondents' complaint falls squarely within the jurisdiction of the DAR. Private respondents' Position Paper avers that they are agricultural lessees and beneficiaries of an agricultural land whose CLOAs have been improperly cancelled by the DAR. There is no dispute that the issue of the validity of the cancellation of private respondents' CLOAs is within the competence of the DAR. As provided by Section 50 of Republic Act (R.A.) No. 6657, the DAR is vested with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

The grant of exclusive and primary jurisdiction over agrarian reform matters on the DAR implies that no other court, tribunal, or agency is authorized to resolve disputes properly cognizable by the DAR. Neither R.A. No. 6657 nor E.O. No. 561 creating the COSLAP vests the latter and the DAR concurrent jurisdiction in respect to disputes concerning the implementation of agrarian reform laws.

Instead of hearing and resolving the case, COSLAP should have simply referred private respondents' complaint to the DAR or DARAB, where another case involving the same parties, the same property and the same issues was pending on appeal.

COSLAP filed its own comment to the petition, arguing that to divest itself of jurisdiction over the subject matter will defeat the purpose of its creation.[33] It cited this Court's pronouncement in Bañaga vs. Commission on the Settlement of Land Problems,[34] which pertinently states:

> . . . It is true that Executive Order No. 561 provides that the COSLAP may take cognizance of the cases which are "critical and explosive in nature considering, for instance, the large number of parties involved, the presence or emergence of social tension or unrest, or other similar critical situations requiring immediate action. However, the use of word "may" does not mean that the COSLAP's jurisdiction is merely confined to the above-mentioned cases. The provisions of the said Executive Order are clear that COSLAP was created as a means of providing a more effective mechanism for the expeditious settlement of land problems in general, which are frequently the source of conflicts among settlers, landowners and cultural minorities. Besides, the COSLAP merely took over from the abolished PACLAP whose functions, including its jurisdiction, power and authority to act on, decide and resolve land disputes (Sec. 2, P.D. No. 832) were all assumed by it.[35]

The abovementioned proviso, which vests COSLAP the power to resolve land disputes, does not confer upon COSLAP blanket authority to assume every matter referred to it. Its jurisdiction is confined only to disputes over lands in which the government has proprietary or regulatory interest. Moreover, the land dispute in Bañaga involved parties with conflicting free patent applications which was within the authority of PACLAP to resolve, unlike that of the instant case which is exclusively cognizable by the DAR.

COSLAP also points out that by petitioner's own admission in its motion to dismiss, the Cuison property is not

agricultural land covered by agrarian reform laws; thus, COSLAP may assume jurisdiction over the dispute.

Jurisdiction is the authority to hear and determine a cause — the right to act in a case. It is conferred by law and not by mere administrative policy of any court or tribunal. It is determined by the averments of the complaint and not by the defense contained in the answer.[36] Thus, it is the allegations in private respondents' complaint questioning the validity of the cancellation of their CLOAs which effectively characterized the dispute to be within the competence of the DAR to the exclusion of respondent COSLAP.

Second. COSLAP is not empowered to review decisions of the DARAB or the Provincial Adjudicator or any other quasi-judicial agency for that matter. In their Position Paper, private respondents questioned the validity of the DARAB and the Provincial Adjudicator's order of cancellation of private respondents' CLOAs and of the government's certificate of title over the Cuison property on the ground that the Republic of the Philippines was not impleaded in those cases. Private respondents' recourse from the decision of the DARAB in DARAB Case No. 2362, affirming the Provincial Adjudicator's order of cancellation of the compulsory acquisition proceedings, is to appeal the decision of the DARAB to the Court of Appeals within the reglementary period. Respondent COSLAP cannot arrogate the duty of directing the DAR to reinstate the CLOAs of private respondents because the same falls within the competence of the DAR subject to the appellate review of the Court of Appeals. Insofar as the assailed Resolution delved on the propriety of the rulings of the DARAB in DARAB Case No. 2362 and of the Provincial Adjudicator in DARAB Case No. XI-10-12-DC-93, the Court finds COSLAP to have exceeded its quasi-judicial functions.

Third. COSLAP exceeded its jurisdiction in ordering the reinstatement of the government's title over the Cuison property. Well-settled is the rule that a torrens title, as a rule, is conclusive and indefeasible. Proceeding from this, P.D. No. 1529, Sec. 48 provides that a certificate of title shall not be subject to collateral attack and cannot be altered, modified, or canceled except in a direct proceeding.

When is an action an attack on a title? It is when the object of the action or proceeding is to nullify the title, and thus challenge the judgment pursuant to which the title was decreed. The attack is direct when the object of an action or proceeding is to annul or set aside such judgment, or enjoin its enforcement. On the other hand, the attack is indirect or collateral when, in an action to obtain a different relief, an attack on the judgment is nevertheless made as an incident thereof.[37] As noted by private respondents in their Position Paper, COSLAP directed the Register of Deeds to reinstate the certificate of title on the Cuison property in the name of the Republic of the Philippines. Therefore, the complaint of private respondents before COSLAP sought an alteration petitioner's certificate of title which COSLAP has no authority to order pursuant to Section 48 of P.D. 1529.

Another overriding point. In United Residents of Dominican Hill, Inc. v. Commission on the Settlement of Land Problems,[38] the Court observed that by reason of the ambiguous terminology employed in E.O. No. 561, the power to assume jurisdiction granted to the COSLAP provides an ideal breeding ground for forum-shopping.[39] There is forum-shopping when the actions involve the same transactions, the same essential facts and circumstances.[40]

Private respondents' complaint before the COSLAP questioned the validity of the cancellation of the compulsory acquisition of the Cuison property, private respondents' CLOAs and the government's certificate of title over the property on the ground that the real parties in interest were not impleaded in the proceedings before the Provincial Adjudicator and the DARAB. Private respondents had previously raised the same issue when it filed the second DARAB case before the Office of the Provincial Adjudicator whose decision thereon is presently on appeal before the DARAB. There is no question that private respondents are guilty of forum shopping.

WHEREFORE, the petition for certiorari is hereby GRANTED. The assailed Resolution dated December 21,

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1999 issued by respondent Commission on the Settlement of Land Problems in COSLAP Case No. 98-343 is SET ASIDE. Private respondents' complaint in COSLAP Case No. 98-343 is DISMISSED for lack of jurisdiction and forum-shopping. Costs against private respondents.

SO ORDERED.

Austria-Martinez, Acting Chairman, Callejo, Sr., and Chico-Nazario, JJ., concur.
Puno, (Chairman), J., on official leave.

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[1] Annex "C," Comment for Private Respondents, Rollo, pp. 152-160.

[2] Annex "D," Comment for Private Respondents, id. at 161-167.

[3] Solicitor General's Comment, id. at 235.

[4] Annex "C," Petition, id. at 38.

[5] 225 SCRA 278 (1992).

[6] Annex "D," Petition, Rollo, p. 57.

[7] Annex "B," Petition, Rollo, pp. 25-27.

[8] Annex "E," Petition, id. at 65.

[9] Annex "F," Petition, id. at 67-77.

[10] Annex "G," Petition, id. at 78.

[11] Annex "H," Petition, id. at 79.

[12] Annex "I," Petition, id. at 80.

[13] Annex "J," Petition, id. at 81-83.

[14] Annex "L," Petition, id. at 86-95.

[15] Annex "A," Petition, id. at 20-24.

[16] Id. at 24.

[17] Id. at 5.

[18] Id. at 6.

[19] Section 1, Rule 65 of the Rules of Civil Procedure.

[20] 417 Phil. 378 (2001).

[21] Id. at 393.

[22] Limpangog v. Court of Appeals, 377 Phil. 355, 360 (1999), citing Leonor v. Court of Appeals, 256 SCRA 69 (1996).

[23] China Banking Corporation v. Members of the Board of Trustees, Home Development Mutual Fund, 366 Phil. 913, 921 (1999).

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[24] People v. Court of Appeals, 361 Phil. 492, 498 (1999).

[25] Sevillana v. I.I. (International) Corp., G.R. No. 99047, April 16, 2001, 356 SCRA 451, 462.

[26] The recognized exceptions where the special civil action for certiorari will lie even without filing a motion for reconsideration includes: (a) where the order is a patent nullity, as where the court a quo has no jurisdiction; (b) where the questions raised in the certiorari proceeding have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court; (c) where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable; (d) where, under the circumstances, a motion for reconsideration would be useless; (e) where petitioner was deprived of due process and there is extreme urgency for relief; (f) where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable; (g) where the proceedings in the lower court are a nullity for lack of due process; (h) where the proceedings was ex parte or in which the petitioner had no opportunity to object; and (l) where the issue raised is one purely of law or where public interest is involved (Tan v. Sandiganbayan, 354 Phil. 463, 469-70 [1998].

[27] United Residents of Dominican Hill, Inc. v. Commission on the Settlement of Land Problems, G.R. No. 135945, March 7, 2001, 353 SCRA 782, 790.

[28] Section 2, P.D. No. 832.

[29] Longino v. General, et al., G.R. No.147956, February 16, 2005.

[30] Ibid.

[31] Under Section 32, Chapter 11, Title III, Book IV of The Revised Administrative Code of 1987, the COSLAP shall also be responsible for the settlement of land problems involving small landowners and members of cultural minorities.

[32] Supra note 29 at 21.

[33] Rollo, p. 105.

[34] G.R. No. 66386, January 30, 1990, 181 SCRA 599 607-608.

[35] Id. at 607-608.

[36] Arranza, et al. v. BF Homes, et al., 389 Phil. 318, 329 (2000).

[37] Mallilin v. Castillo, 389 Phil. 153, 165 (2000).

[38] G.R. No. 135945, March 7, 2001, 353 SCRA 782 (2001).

[39] Id. at 795.

[40] Progressive Development Corporation v. Court of Appeals, et al., 361 Phil. 566, 583-584 (1999).

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