

NATIONAL HOUSING AUTHORITY, PETITIONER, VS. COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS, MUNICIPALITY OF SAN JOSE DEL MONTE, BULACAN, SPS. ANGEL AND ROSARIO CRUZ, RUFINO LAAN,...

G.R. NO. 142601. October 23, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is a Petition for Review on Certiorari[1] assailing the Decision[2] of the Court of Appeals dated November 16, 1999 and Resolution dated March 13, 2000 in CA-G.R. SP No. 54495, entitled "NATIONAL HOUSING AUTHORITY, petitioner, versus, The Hon. Rufino V. Mijares, in his capacity as Commissioner, Commission on the Settlement of Land Problems (COSLAP), Municipality of San Jose Del Monte, Bulacan, represented by Hon. Eduardo V. Roquero, in his capacity as Municipal Mayor of San Jose del Monte, Bulacan, JOSEPH ELMER S. GUEVARRA, Sheriff IV of the Ex-Officio Sheriff, Malolos, Bulacan, SPS. ANGEL A. CRUZ and ROSARIO C. CRUZ, RUFINO LAAN, RUFINA LAAN SANTOS, ANDRES NEPOMUCENO, SPS. ALBERTO HAGOS and HERMINIA HAGOS, LEON GUILALAS, SPS. OSCAR R. BADILLO and HAYDEE M. BADILLO, and LEONCIO LAAN, respondents."

The undisputed facts are:

Since 1968, there has been an existing boundary dispute between the Municipality of San Jose del Monte, Bulacan (one of herein respondents) and the City of Caloocan. In order to resolve the long-challenged conflict, the Sangguniang Bayan of San Jose del Monte passed and approved Resolution No. 20-02-94[3] on February 10, 1994. This resolution recognizes the official boundary of respondent municipality and the City of Caloocan, described as follows:

ON JOINT MOTION of all members present;

RESOLVED, as it is hereby resolved to recognize the official boundary of the Municipality of San Jose del Monte, Bulacan and the City of Caloocan, Metro Manila as the true and correct line marking between the two Local Government Units as shown by the attached certified true copy of the geographic position and plain grid coordinates of Caloocan, Rizal per CAD-267 specifically from MBM (Municipal Boundary Monument) 22 to MBM 33;

x x x

On August 8, 1995, another Resolution[4] was passed by the Sangguniang Bayan of San Jose del Monte recognizing the geographic position and plane coordinates of Tala Estate, Caloocan City contained in BM No. 11-24 as the "lot lines" delineating the boundary between the Municipality of San Jose del Monte and Caloocan City. This prompted the Department of Environment and Natural Resources (DENR), Region III to conduct a relocation survey.

On September 15, 1995, the survey team submitted a Comprehensive Report,[5] some excerpts of which provide:

ISSUES, PROBLEMS AND ANALYSIS

- The geographic positions of MBM Nos. 22 to 33, Cad 267, Caloocan Cadastre was the basis for the establishment of the true and correct boundary between the municipality and Caloocan City. However, during the dialogue with concerned government agencies on May 12, 1995, the municipality of San Jose del Monte, Bulacan, emphasized that the boundary between the two local government units is the imaginary straight line between two boundary monuments, starting from MBM Nos. 22 to 33.

- The FNSP-G surveying team plotted/drafted in a topographic map all pertinent records affecting boundary disputes of the two locality, such as the geographic positions and coordinates of MBM Nos. 22 to 33 Cad 267 Caloocan Cadastre, BM Nos. 11 to 23 of Tala Estate lot lines. Tala Estate lot lines were plotted approximately by scale, because there were no records on its geographic coordinates and incomplete cadastral maps. The findings are the following:

a)

The plotted positions of MBM Nos. 23 to 30, 32 and 33 Cad 267 Caloocan Cadastre are almost identical or equivalent to BM Nos. 12 to 16, 18 to 20, 22 and 23 of Tala Estate.

b)

The lot lines of Tala Estate traverses thru Marilao River.

c)

The northern portion of the lot lines of Parcels 1, 2 and 3 SWO-41615 Tala Estate indicated that it traverses thru Marilao River.

- In Municipal Resolution No. 06-08-95 dated August 8, 1995, it is requested that the geographic positions of BM Nos. 11 to 24, Tala Estate shall be recognized as the official lots lines which delineates the boundaries of San Jose del Monte, Bulacan and Caloocan City. Moreover, the resolution is opposed to the delineation of Marilao River as the boundary of two localities, as embodied in SWO-41615.

- If the lot lines of Parcels 1, 2 and 3, SWO-41615 will be the basis for the boundaries of the two LGUs, Marilao River will be the natural boundary between the two LGUs; if BM 11 to 24, Tala Estate shall be the basis for the boundaries, some northern portions of Parcels 1, 2 and 3, SWO-41615, portions of Bankers Village and Pangarap Village belongs to the Municipality of San Jose del Monte, Bulacan.

The Comprehensive Report states that the San Jose del Monte Sangguniang Bayan Resolutions contradict the delineation embodied in SWO-41615 of the Tala Estate, a 598-hectare property allotted by the government mainly for housing and resettlement site under the administration of the National Housing Authority (NHA), pursuant to Presidential Proclamation No. 843 issued by then President Ferdinand E. Marcos on April 26, 1971.

Unsatisfied with the report of the DENR, respondent municipality filed a complaint with the Commission on Settlement of Land Problems (COSLAP),[6] against petitioner NHA. Several residents of San Jose del Monte, namely: spouses Angel and Rosario Cruz, Rufino Laan, Rufina Laan Santos, Andres Nepomuceno, spouses Alberto and Herminia Hagos, Leon Guilalas, spouses Oscar and Haydee Badillo, and Leoncio Laan (herein private respondents) joined the municipality as complainants in the said case. They alleged that their properties are within the Municipality of San Jose del Monte; that Presidential Proclamation No. 843 does not cover their properties; and that the NHA's Bagong Silang Resettlement Project encroaches on their landholdings. They prayed that the NHA be ordered to award them damages. Incidentally, the City of Caloocan was not impleaded as a party in their complaint.

On June 22, 1998, the COSLAP rendered its Resolution ruling that the correct boundary between respondents San Jose del Monte and Caloocan City is that specified in the twin Resolutions of the Sangguniang Bayan of said respondents. The COSLAP likewise held that all other issues, such as those raised by respondents, are mere incidents of such ruling. In effect, the COSLAP ruled that the land covered by the NHA project, being within the Municipality of San Jose del Monte, encroaches upon respondents' properties.

On January 14, 1999, petitioner NHA, upon invitation of the Bureau of Local Government Supervision of the Department of Interior and Local Government (Bureau), attended a meeting held on January 26, 1999 between the local officials of respondent municipality and Caloocan City. The purpose of the meeting was to provide an avenue for the discussion of the territorial boundary between the two local government units. During the meeting, petitioner NHA posed strong opposition to the COSLAP Resolution, contending that the latter has no jurisdiction over the boundary dispute. Subsequently, the Bureau directed the parties to submit their respective position papers within 30 days.

Instead of submitting a position paper, respondent municipality filed with the COSLAP a motion for execution of its Resolution dated June 22, 1998. On May 17, 1999, the COSLAP granted the motion and issued a writ of execution.

Petitioner NHA then filed with the Court of Appeals a petition for certiorari alleging that in issuing the June 22, 1998 Resolution and the writ of execution, COSLAP acted without jurisdiction.

On November 16, 1999, the Appellate Court dismissed the petition for having been filed out of time and for petitioner's failure to avail of the remedy of appeal.

Petitioner then filed a motion for reconsideration but it was denied.

Hence, this petition for review on certiorari.

At the threshold, let it be stated that a judgment issued by a quasi-judicial body without jurisdiction is void. It can never become final and executory, hence, an appeal is out of the question.[7]

The main issue for our resolution is whether the COSLAP has jurisdiction over the boundary dispute between respondent municipality and Caloocan City.

COSLAP was created by Executive Order No. 561 issued on September 21, 1979 by then President Ferdinand E. Marcos. The Commission is an administrative body established as a means of providing a mechanism for the expeditious settlement of land problems to avoid social unrest. Its objective is to settle land conflicts among small settlers, landowners and members of cultural minorities.

The powers and functions of the COSLAP are laid down in Section 3 of Executive Order No. 561, thus:

Sec. 3. Powers and Functions. - The Commission shall have the following powers and functions:

x x x

- 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 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 subdivisions of lands of the public domain; and

(e)

Other similar land problems of grave urgency and magnitude.

x x x

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.[8] In acting on a land dispute, the COSLAP may either assume jurisdiction if the matter falls under paragraph 2(a) to (e) or refer the matter to an agency having appropriate jurisdiction.

There is no provision in Executive Order No. 561 that COSLAP has jurisdiction over boundary dispute between two local government units. Under Republic Act No. 7160 or the Local Government Code, the respective legislative councils of the contending local government units have jurisdiction over their boundary disputes. Sections 118 and 119 provide:

Section 118. Jurisdictional Responsibility for Settlement of Boundary Dispute.

x x x

(d)

Boundary disputes involving a component city or municipality on the one hand and a highly urbanized city on the other, or two (2) or more highly urbanized cities, shall be jointly referred for settlement to the respective sanggunians of the parties.

(e)

In the event the Sanggunian fails to effect an amicable settlement within sixty (60) days from the date the dispute was referred thereto, it shall issue a certification to that effect. Thereafter, the dispute shall be formally tried by the Sanggunian concerned which shall decide the issue within sixty (60) days from the date of the certification referred to above.

Section 119. Appeal. - Within the time and manner prescribed by the Rules of Court, any party may elevate the decision of the Sanggunian concerned to the proper Regional Trial Court having jurisdiction over the area in dispute. The Regional Trial Court shall decide the appeal within one (1) year from the filing thereof. Pending final resolution of the disputed area prior to the dispute shall be maintained and continued for all legal purposes.

Rule III implementing the above provisions states:

Rule III

SETTLEMENT OF BOUNDARY DISPUTES

Art. 15. Definition and Policy. - There is boundary dispute when a portion or the whole of the territorial area of

an LGU is claimed by two or more LGUs. Boundary disputes between or among LGUs shall, as much as possible, be settled amicably.

Art. 16. Jurisdictional Responsibility. - Boundary disputes shall be referred for settlement to the following:

(a)

Sangguniang Panlungsod or Sangguniang Bayan for disputes involving two (2) or more barangays in the same city or municipality, as the case may be;

(b)

Sangguniang panlalawigan for those involving two (2) or more municipalities within the same province;

(c)

Jointly, to the sanggunians of provinces concerned, for those involving component cities or municipalities of different provinces; or

(d)

Jointly, to the respective sanggunians, for those involving a component city or municipality and a highly urbanized city or two (2) or more highly-urbanized cities. x x x

Thus, instead of assuming jurisdiction over the case, the COSLAP should have referred respondents' complaint to the Sangguniang Panglungsod of Caloocan City and the Sangguniang Bayan of San Jose del Monte. Their decision may be appealed to the proper Regional Trial Court.

Consequently, we rule that the COSLAP does not have jurisdiction over the boundary dispute between San Jose del Monte and Caloocan City. We have consistently ruled that a judgment for want of jurisdiction is no judgment at all. It cannot be the source of any right or the creator of any obligation. All acts performed pursuant to it and all claims emanating from it have no legal effect. Hence, it can never become final and any writ of execution based on it is void.[9] Such nullity is correctable only by certiorari.[10] And certiorari cannot be dismissed for timeliness inasmuch as a void judgment never acquires finality and any action to declare its nullity does not prescribe.[11] Having no legal effect, the situation is the same as it would be as if there was no judgment at all. It leaves the parties in the position they were in before the trial.[12]

Clearly, the Court of Appeals erred in disposing NHA's petition for certiorari. It should have dismissed the petition, not on the grounds that it was filed late and that certiorari is not a substitute for a lost appeal, but solely on the ground that the COSLAP has no jurisdiction over the subject boundary dispute.

WHEREFORE, we GRANT the petition. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 54495 are SET ASIDE.

SO ORDERED.

Puno, (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Under Rule 45 of the 1997 Revised Rules of Civil Procedure, as amended.

[2] Penned by Associate Justice Delilah Vidallon-Magtolis (retired) and concurred in by Associate Justices Rodrigo V. Cosico and Eriberto U. Rosario, Jr. (retired)

[3] Annex "C," Rollo, pp.30-31.

[4]Kapasiyahan Blg. 06-08-95.

[5] Annex "D," Rollo, pp.32-36.

[6] COSLAP Case No. 98-038.

[7]Longino v. General, et al., G.R. No. 147956, February 16, 2005, 451 SCRA 423.

[8] Ibid.

[9] Leonor v. Court of Appeals, G.R. No. 112597, April 2, 1996, 256 SCRA 69.

[10] Cochingyan, Jr. v. Cloribel, et al., Nos. L-27070-71, April 22, 1977, 76 SCRA 361.

[11] Heirs of Mayor Nemencio Galvez v. Court of Appeals, G.R. No. 119193, March 29, 1996, 255 SCRA 672.

[12]MWSS v. Sison, No. L-40309, August 31, 1983, 124 SCRA 394.

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