

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. DAMAYAN NG PUROK 14, INC., RESPONDENT.

G.R. No. 143135. April 04, 2003

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Petitioner assails the decision[1] of the Court of Appeals dated March 15, 2000, and its resolution[2] dated May 9, 2000, in CA-G.R. SP No. 49274, which denied for allegedly being a wrong remedy the petition for review filed by petitioner disputing a resolution of the Commission on the Settlement of Land Problems (COSLAP). In that resolution, COSLAP declared the area subject of the present controversy as part of Barangay Signal Village, and not part of government land as claimed by petitioner for one of its housing projects.

The facts of the case before us are uncomplicated.

Respondent Damayan ng Purok 14, Inc., is a registered non-stock, non-profit corporation existing under Philippine laws. Its members are residents of Purok 14, Zone 3B, Signal Village, Taguig, Metro Manila. They are claiming an area that forms part of a vast tract of land segregated from Fort Bonifacio which was declared open for disposition by Presidential proclamation.[3]

Petitioner is represented herein by the Armed Forces of the Philippines Housing Administration (AFPHA), an unincorporated office within the Armed Forces of the Philippines (AFP), organized pursuant to GHQ General Order No. 91 dated February 27, 1979.

Respondent Damayan ng Purok 14, Inc., filed a complaint before the COSLAP, alleging that petitioner herein had encroached upon an area comprising 10,600 square meters of Lot 1, SWO-13-00258, in Barangay Signal Village. After due hearing, the COSLAP rendered a resolution[4] declaring, among others, some 98,207 square meters of the contested lot as part of Barangay Signal Village and generally not available for government projects. Petitioner moved for a reconsideration of this resolution, but COSLAP denied its motion in an order[5] dated September 4, 1998.

Petitioner appealed to the Court of Appeals via a petition for review under Rule 43 of the 1997 Rules of Civil Procedure.[6] The Court of Appeals dismissed it in a decision promulgated on March 15, 2000, for being the wrong mode of appeal, thus:

Both Executive Order No. 561, Creating the Commission on the Settlement of Land Problems, and the Rules of Procedure adopted and promulgated by COSLAP explicitly provides that the mode of appeal from the final order, decision or resolution of the Commission shall be appealable by certiorari only to the Supreme Court.

Thus, under par. 4, Supreme Court Circular No. 2-90, an appeal taken to either the Supreme Court or the Court of Appeals by the wrong or inappropriate mode shall be dismissed.

WHEREFORE, foregoing considered, the instant petition is hereby DISMISSED.

SO ORDERED.[7]

Petitioner's motion for reconsideration was likewise denied. Hence, the instant petition raising as sole issue: To which court should the decision of the COSLAP be appealed?[8]

Fortunately, this issue is no longer pristine. In *Henry Sy v. Commission on Settlement of Land Problems and Femina Mina*, G.R. No. 140903, promulgated September 12, 2001, we have ruled squarely on that question. Private respondent Mina had bought parcels of land that she discovered were occupied by entities claiming to be owners thereof, including the mall called SM Fairview. She filed a complaint before the COSLAP, which in turn summoned Henry Sy as manager of SM Fairview. The latter's counsel, through a "Special Appearance," moved to dismiss the complaint for lack of jurisdiction. The motion was denied, prompting Sy to file before this Court a petition for certiorari and prohibition under Rule 65 of the Rules of Court, based on Section 3 (2) of EO No. 561, the law creating COSLAP.[9]

As held in *Sy v. Commission*, *aforecited*, the appeal from the orders, resolutions or decisions of COSLAP shall be taken to the Court of Appeals, under Rule 43 of the 1997 Rules of Civil Procedure. We declared:

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 decision 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.

In other words, all appeals from orders, resolutions or decisions of public respondent (COSLAP) shall be taken to the Court of Appeals in accordance with Rule 43 of the 1997 Rules of Civil Procedure.[10]

Accordingly, we rule that the appellate court erred in its assailed decision dismissing the petition by herein petitioner against respondent *Damayan ng Purok 14, Inc.* Petitioner properly brought its petition to the Court of Appeals seeking a review of a resolution of COSLAP as a quasi-judicial agency.

WHEREFORE, the petition is GRANTED. The decision of the Court of Appeals dated March 14, 2000, denying the petition in CA-G.R. SP No. 49274, and its resolution dated May 9, 2000, denying the motion for reconsideration, are SET ASIDE. The Court of Appeals is hereby ordered to take cognizance of the petition for

review filed by petitioner Republic of the Philippines for resolution without further delay.

No pronouncement as to costs.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Rollo, pp. 23-26.

[2] Id. at 28-29.

[3] Proclamation No. 172 dated November 16, 1987: Excluding from the operation of Proclamation No. 423 dated July 12, 1957, which established the military reservation known as Fort William Mckinley (now Fort Andres Bonifacio) situated in the municipalities of Pasig, Taguig, Pateros and Parañaque, Province of Rizal and Pasay City (now Metropolitan Manila), as amended by Proclamation No. 2476 dated January 7, 1986, certain portions of land embraced therein known as Barangays Lower Bicutan, Upper Bicutan, Western Bicutan and Signal Village situated in the municipality of Taguig, Metropolitan Manila and declaring the same open for disposition under the provisions of Republic Act No. 274 and Republic Act No. 730 in relation to the provisions of the Public Land Act, as amended; and providing the implementing guidelines.

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[4] CA Rollo, pp. 26-37.

[5] Id. at 24 and 25.

[6] Appeals from the Court of Tax Appeals and Quasi-Judicial Agencies to the Court of Appeals.

[7] Rollo, p. 26.

[8] Id. at 11.

[9] Section 3, EO 561: Powers and Functions.-The Commission shall have the following powers and functions:

x x x

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.

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[10] Sy v. Commission on Settlement of Land Problems and Femina Mina, G.R No. 140903, 12 September 2001, pp. 11-12.

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