

**FELICITAS M. MACHADO AND MARCELINO P. MACHADO,
PETITIONERS, VS. RICARDO L. GATDULA, COMMISSION ON THE
SETTLEMENT OF LAND PROBLEMS, AND IRINEO S. PAZ, SHERIFF IV,
OFFICE OF THE P...**

G.R. No. 156287. February 16, 2010

Ponente: BRION, J.

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BRION, J.:

Before this Court is the Petition for Review on Certiorari[1] filed by petitioners Felicitas M. Machado and Marcelino P. Machado (the Machados), assailing the decision[2] of the Court of Appeals (CA) dated January 31, 2002 and the resolution[3] dated December 5, 2002 in CA-G.R. SP No. 65871. The CA decision dismissed the Machados' petition for certiorari and their motion for reconsideration, and upheld the jurisdiction of the Commission on Settlement of Land Problems (COSLAP) to render judgment over a private land and to issue the corresponding writs of execution and demolition.

THE FACTUAL ANTECEDENTS

The dispute involves two adjoining parcels of land located in Barangay San Vicente, San Pedro, Laguna, one belonging to the Machados, and the other belonging to respondent Ricardo L. Gatdula (Gatdula).

On February 2, 1999, Gatdula wrote a letter[4] to the COSLAP requesting assistance because the Machados allegedly blocked the right of way to his private property by constructing a two-door apartment on their property.

Acting on Gatdula's letter, the COSLAP conducted a mediation conference on February 25, 1999; the parties then agreed to have a verification survey conducted on their properties and to share the attendant expenses. Thereafter, the COSLAP issued an Order dated March 16, 1999 directing the Chief of the Survey Division of the Community Environment and Natural Resources Office - Department of Environment and Natural Resources (CENRO-DENR), to conduct a verification survey on May 9, 1999. The order likewise stated that in the event that no surveyor is available, the parties may use the services of a private surveyor, whom the CENRO-DENR Survey Division would deputize.

As scheduled, a private surveyor, Junior Geodetic Engineer Abet F. Arellano (Engr. Arellano), conducted a verification survey of the properties in the presence of both parties. Engr. Arellano submitted a report to the COSLAP finding that the structure built by the Machados encroached upon an alley found within the Gatdula property. Engr. Arellano's findings corroborated the separate report of Engineer Noel V. Soquenco of the CENRO, Los Baños, Laguna that had also been submitted to the COSLAP.

The Machados contested these reports in their position paper dated August 26, 1999. They alleged that Gatdula had no right of action since they did not violate Gatdula's rights.[5] They further assailed the jurisdiction of the COSLAP, stating that the proper forum for the present case was the Regional Trial Court of San Pedro, Laguna.

The COSLAP Ruling

On October 25, 1999, the COSLAP issued a resolution[6] (October 25, 1999 COSLAP Resolution) directing the Machados to reopen the right of way in favor of Gatdula. In so ruling, the COSLAP relied on the verification survey made by Engr. Arellano, which established that the Machados had encroached on the existing alley in Gatdula's property.

The COSLAP declared the Machados estopped from questioning its jurisdiction to decide the case, since they actively participated in the mediation conferences and the verification surveys without raising any jurisdictional objection. It ruled that its jurisdiction does not depend on the convenience of the Machados.

The Machados filed a motion for reconsideration which the COSLAP denied in a resolution dated January 24, 2000.

On February 18, 2000, the Machados filed a notice of appeal[7] with the Office of the President (OP).

While this appeal was pending, the COSLAP, upon Gatdula's motion, issued a writ of execution[8] enforcing the terms of the October 25, 1999 COSLAP Resolution. The Machados opposed the writ by filing a motion to quash on March 30, 2001.[9] They argued that the October 25, 1999 COSLAP Resolution was not yet ripe for execution in view of the pending appeal before the OP.

Since the Machados persistently refused to reopen the right of way they closed, the provincial sheriff recommended to COSLAP the issuance of a writ of demolition. The COSLAP issued the writ of demolition[10] on July 12, 2001.

The CA Ruling

On July 31, 2001, the Machados went to the CA for relief through a Petition for Certiorari and Prohibition,[11] claiming that the COSLAP issued the writs of execution and demolition with grave abuse of discretion.

The CA found the Machados' claim unfounded and, accordingly, dismissed their petition in its decision of January 31, 2002.[12] It declared that the COSLAP correctly issued the assailed writs because the October 25, 1999 COSLAP Resolution had already become final and executory for failure of the Machados to avail of the proper remedy against the COSLAP

orders and resolutions. Under Section 3 (2)[13] of Executive Order No. 561 (EO 561), the resolutions, orders, and decisions of the COSLAP become final and executory 30 days after promulgation, and are appealable by certiorari only to the Supreme Court. In *Sy v. Commission on the Settlement of Land Problems*, [14] it was held that under the doctrine of judicial hierarchy, the orders, resolutions and decisions of the COSLAP, as a quasi-judicial agency, are directly appealable to the CA under Rule 43 of the 1997 Rules of Civil Procedure, and not to the Supreme Court. Thus, the CA ruled that the Machados' appeal to the OP was not the proper remedy and did not suspend the running of the period for finality of the October 25, 1999 COSLAP Resolution.

On the issue of jurisdiction, the CA found that the COSLAP was created to provide a more effective mechanism for the expeditious settlement of land problems, in general; the present case, therefore, falls within its jurisdiction.[15] Moreover, the Machados' active participation in the mediation conference and their consent to bring about the verification survey bound them to the COSLAP's decisions, orders and resolutions.

From this CA decision, the Machados filed a motion for reconsideration,[16] which the CA subsequently denied in its Resolution of December 5, 2002.[17]

The Machados thus filed the present Rule 45 petition with this Court, raising two vital issues:

1. Whether the COSLAP has jurisdiction over Gatdula's complaint for right of way against the Machados; and
2. Whether the COSLAP can validly issue the writs of execution and demolition against the Machados.

THE COURT'S RULING

We find the petition meritorious.

The COSLAP does not have jurisdiction over the present case

In resolving the issue of whether the COSLAP has jurisdiction over the present case, a review of the history of the COSLAP and an account of the laws creating the COSLAP and its predecessor, the Presidential Action Committee on Land Problems (PACLAP), is in order.

The COSLAP's forerunner, the PACLAP, was created on July 31, 1970 pursuant to Executive Order 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.

On March 19, 1971, Executive Order No. 305 was issued reconstituting the PACLAP. The committee was given exclusive jurisdiction over all cases involving public lands and other lands of the public domain,[18] and was likewise vested with adjudicatory powers phrased in broad terms:

1. To investigate, coordinate, and resolve expeditiously land disputes, streamline administrative proceedings, and, in general, to adopt bold and decisive measures to solve problems involving public lands and lands of the public domain.[19] [emphasis supplied]

Thereafter, Presidential Decree No. 832 (PD 832)[20] was issued on November 27, 1975 reorganizing the PACLAP and enlarging its functions and duties. The decree also granted PACLAP quasi-judicial functions. Section 2 of PD 832 states:

Section 2. Functions and duties of the PACLAP. - The PACLAP shall have the following functions and duties:

1. Direct and coordinate the activities, particularly the investigation work, of the various government agencies and agencies involved in 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;
2. 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;

x x x x

4. Evolve and implement a system of procedure for the speedy investigation and resolution of land disputes or problems at provincial level, if possible. [emphasis supplied]

The PACLAP was abolished by EO 561 effective on September 21, 1979, and was replaced by the COSLAP. Unlike the former laws, EO 561 specifically enumerated the instances when the COSLAP can exercise its adjudicatory functions:

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

x x x x

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 ensure 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 supplied]

Under these terms, the COSLAP has two different rules in acting on a land dispute or problem lodged before it, e.g., COSLAP can assume jurisdiction only if the matter is one of those enumerated in paragraph 2(a) to (e) of the law. Otherwise, it should refer the case to the agency having appropriate jurisdiction for settlement or resolution.[21] In resolving whether to assume jurisdiction over a case or to refer it to the particular agency concerned, the COSLAP considers: (a) the nature or classification of the land involved; (b) the parties to the case; (c) the nature of the questions raised; and (d) the need for immediate and urgent action thereon to prevent injury to persons and damage or destruction to property. The terms of the law clearly do not vest on the COSLAP the general power to assume jurisdiction over any land dispute or problem.[22] Thus, under EO 561, the instances when the COSLAP may resolve land disputes are limited only to those involving public lands or those covered by a specific license from the government, such as pasture lease agreements, timber concessions, or reservation grants.[23]

Undisputably, the properties involved in the present dispute are private lands owned by private parties, none of whom is a squatter, a patent lease agreement holder, a government reservation grantee, a public land claimant or a member of any cultural minority.[24]

Moreover, the dispute between the parties can hardly be classified as critical or explosive in nature that would generate social tension or unrest, or a critical situation that would require immediate and urgent action. The issues raised in the present case primarily involve the application of the Civil Code provisions on Property and the Easement of Right of Way. As held in *Longino v. General*,^[25] "disputes requiring no special skill or technical expertise of an administrative body that could be resolved by applying pertinent provisions of the Civil Code are within the exclusive jurisdiction of the regular courts."

The Machados cannot invoke Section 3, paragraph 2(e) of EO 561, which provides that the COSLAP may assume jurisdiction over complaints involving "other similar land problems of grave urgency," to justify the COSLAP's

intervention in this case. The statutory construction principle of ejusdem generic prescribes that 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 those specifically mentioned.[26] A dispute between two parties concerning the right of way over private lands cannot be characterized as similar to those enumerated under Section 3, paragraph 2(a) to (d) of EO 561.

In *Davao New Town Development Corporation v. Commission on the Settlement of Land Problems*[27] - where we ruled that the COSLAP does not have blanket authority to assume every matter referred to it - we made it clear that its jurisdiction is confined only to disputes over lands in which the government has a proprietary or regulatory interest.

The CA apparently misread and misapplied the Court's ruling in *Bañaga v. Court of Appeals*. [28] *Bañaga* involved two contending parties who filed free patent applications for a parcel of public land with the Bureau of Lands. Because of the Bureau of Lands' failure to act within a reasonable time on the applications and to conduct an investigation, the COSLAP decided to assume jurisdiction over the case. Since the dispute involved a public land on a free patent issue, the COSLAP undeniably had jurisdiction over the *Bañaga* case.

Jurisdiction is conferred by law and a judgment issued by a quasi-judicial body without jurisdiction is void

By reason of the Machados' active participation in the mediation conferences and the COSLAP verification surveys, the CA declared the Machados estopped from questioning the body's jurisdiction and bound by its decisions, orders and resolutions. We disagree with this ruling.

Jurisdiction over a subject matter is conferred by law and not by the parties' action or conduct.[29] Estoppel generally does not confer jurisdiction over a cause of action to a tribunal where none, by law, exists. In *Lozon v. NLRC*, [30] we declared that:

Lack of jurisdiction over the subject matter of the suit is yet another matter. Whenever it appears that the court has no jurisdiction over the subject matter, the action shall be dismissed. This defense may be interposed at any time, during appeal or even after final judgment. Such is understandable, as this kind of jurisdiction is conferred by law and not within the courts, let alone the parties, to themselves determine or conveniently set aside. In *People v. Casiano*, this Court, on the issue of estoppel, held:

The operation of the principle of estoppel on the question of jurisdiction seemingly depends upon whether the lower court actually had jurisdiction or not. If it had no jurisdiction, but the case was tried and decided upon the theory that it had jurisdiction, the parties are not barred, on appeal, from assailing such jurisdiction, for the same 'must exist as a matter of law, and may not be conferred by consent of the parties or by estoppel' However if the lower court had jurisdiction, and the case was heard and decided upon a given theory, such, for instance, as that the court had no jurisdiction, the party who induced it to adopt such theory will not be permitted, on appeal, to assume an inconsistent position - that the lower court had jurisdiction. Here, the principle of estoppel applies. The rule that jurisdiction is conferred by law, and does not depend upon the will of the parties, has no bearing thereon. [emphasis supplied]

In this case, the COSLAP did not have jurisdiction over the subject matter of the complaint filed by Gatdula, yet it proceeded to assume jurisdiction over the case and even issued writs of execution and demolition against the Machados. The lack of jurisdiction cannot be cured by the parties' participation in the proceedings before the COSLAP.[31] Under the circumstances, the Machados can rightfully question its jurisdiction at anytime, even during appeal or after final judgment. A judgment issued by a quasi-judicial body without jurisdiction is void.[32]

It cannot be the source of any right or create any obligation. All acts pursuant to it and all claims emanating from it have no legal effect. The void judgment can never become final and any writ of execution based on it is likewise void.[33]

WHEREFORE, premises considered, we GRANT the petition for review on certiorari. The assailed Court of Appeals decision dated January 31, 2002 and resolution dated December 5, 2002 in CA-G.R. SP No. 65871 are REVERSED and SET ASIDE. The Decision of the Commission on the Settlement of Land Problems dated October 25, 1999 in COSLAP Case No. 99-59, as well as the writ of execution dated March 21, 2001 and the writ of demolition dated July 12, 2001, are declared NULL and VOID for having been issued without jurisdiction.

SO ORDERED.

Carpio, (Chairperson), Carpio Morales[*], Abad, and Perez, JJ., concur.

[*] Designated additional Member of the Second Division vice Associate Justice Mariano C. del Castillo per raffle dated February 3, 2010.

[1] Under Rule 45 of the Rules of Court; rollo, pp. 15-29.

[2] Penned by Associate Justice Portia Aliño-Hormachuelos, and concurred in by Associate Justice Eriberto U. Rosario, Jr. and Associate Justice Mariano C. Del Castillo (now a member of this Court); id. at 42-53.

[3] Id. at 55-58.

[4] Id. at 59.

[5] Id. at 60-67.

[6] Id. at 68-73.

[7] Id. at 74-82.

[8] Id. at 85-86.

[9] Id. at 87-89.

[10] Id. at 90-91.

[11] Under Rule 65 of the Rules of Court; id. at 92-103.

[12] Supra note 2.

[13] 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 concessioners;
- (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 ensure 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 supplied]

[14] 417 Phil. 378 (2000).

[15] Citing *Bañaga v. Commission on the Settlement of Land Problems*, G.R. No. 66386, January 30, 1990, 181 SCRA 599.

[16] Rollo, pp. 120-126.

[17] *Supra* note 3.

[18] *The United Residents of Dominican Hill, Inc. v. Commission on the Settlement of Land Problems*, 406 Phil. 354, 366 (2001).

[19] *Davao New Town Development Corporation v. Commission on the Settlement of Land Problems*, 498 Phil. 530, 545 (2005).

[20] Reorganizing the Presidential Action Committee on Land Problems.

[21] *Ga v. Spouses Tubungan*, G.R. No. 182185, September 18, 2009.

[22] *Longino v. Atty. General*, 491 Phil. 600, 621 (2005).

[23] *Barranco v. Commission on the Settlement of Land Problems*, G.R. No. 168990, June 16, 2006, 491 SCRA 222, 235-236.

[24] ADMINISTRATIVE CODE, Book IV, Title III, Chapter 11, Section 32 states:

Section 32. The Commission on the Settlement of Land Problems shall also be responsible for the settlement of land problems involving small landowners and members of cultural minorities.

[25] *Supra* note 22 at 619, citing *Ty v. Court of Appeals*, 408 Phil. 792 (2002).

[26] *Id.* at 622, citing *The United Residents of Dominican Hill, Inc. v. Commission on the Settlement of Land Problems*, 406 Phil. 354, 366 (2001).

[27] *Supra* note 19 at 548.

[28] G.R. No. 66386, January 30, 1990, 181 SCRA 599.

[29] *Spouses Vargas v. Spouses Caminas*, G.R. Nos. 137839-40, June 12, 2008, 554 SCRA 305, 317; *Metromedia Times Corporation v. Pastorin*, G.R. No. 154295, July 29, 2005, 465 SCRA 320, 335; *Dy v. National Labor Relations Commission*, 229 Phil. 234, 242 (1986).

[30] 310 Phil. 1, 12-13 (1995), citing *La Naval Drug Corporation v. Court of Appeals*, 236 SCRA 78 (1994).

[31] As earlier mentioned, the Machados, in fact, questioned the COSLAP's jurisdiction as early as the position paper they filed questioning the COSLAP Report; rollo, p. 63.

[32] National Housing Authority v. Commission on the Settlement of Land Problems, G.R. No. 142601, October 23, 2006, 505 SCRA 38, 43.

[33] Supra note 21.

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