TERESITA S. BARRANCO, PETITIONER, VS. COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS, RESPONDENT.

G.R. NO. 168990. June 16, 2006

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court assails the September 3, 2004 Decision[2] of the Court of Appeals in CA-G.R. SP No. 69845 and its July 24, 2005 Resolution[3] denying the Motion for Reconsideration of petitioner Teresita S. Barranco. The Court of Appeals reversed and set aside the October 29, 2001 Order[4] of the Regional Trial Court of Iloilo City, Branch 33 in Special Civil Case No. 01-26899 enjoining the respondent Commission on the Settlement of Land Problems (COSLAP) from implementing the writ of demolition it issued for being null and void for lack of jurisdiction as well as the January 11, 2002 Order[5] denying reconsideration thereof.

The facts of the case as found by the Court of Appeals are as follows:

> The Commission on the Settlement of Land Problems (COSLAP for brevity) is a government entity under the Department of Justice, created and existing by virtue of Executive Order No. 561. It 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. (Bañaga vs Coslap, 181 SCRA 599), (The United vs Coslap, et al, G.R. No. 135945, March 7, 2001).
>
> On April 26, 2000, Josefina Beliran, the daughter of Crestituto Diolosa wrote two handwritten letter-complaints in Ilonggo to COSLAP against Teresita Barranco and Paciencia Siatong which were docketed as COSLAP Cases Nos. IL-00-06-13 and IL-00-06-14, respectively, alleging that the structures built by Barranco and Siatong encroached on the property owned by her father located at Corner Compania and San Juan, Molo, Iloilo City.
>
> Acting on the said letter-complaints, COSLAP Iloilo thru Attorney Hansel O. Didulo issued summons to enjoin the appearance of the parties therein.
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> After receipt of the summons, Barranco filed a Manifestation/Motion dated May 29, 2000 which prayed for the dismissal of the complaint on the ground, among others, of lack of jurisdiction.
>
> The Manifestation/Motion was denied in an Order dated June 16, 2000 for being a prohibited pleading under Rule VIII, Section 1 of the Rules of Procedure of the Commission.
>
> During the mediation conference held on June 2, 2000 by COSLAP Iloilo, Beliran and Barranco, through her Attorney-in-Fact, Atty. Josefa Tabares, entered into an Amicable Settlement and agreed on the following terms:
>
> "AMICABLE SETTLEMENT"
>
> "During a mediation conference held on June 2, 2000, both parties agreed to settle their case amicably.

> They agreed on the following matters:
>
> (1) That the disputed property is to be subjected to a relocation survey to be conducted by an independent surveyor on June 15, 2000. Expense of the survey is to be shouldered by the complainant; and
>
> (2) That the respondent agrees that she will respect the result of the survey. In case the structure she built [is] inside the complainant's property she will vacate the area within one (1) month after the issuance of the result of the survey and without cost on the part of the owner of the property."

However, on June 15, 2000, Barranco repudiated the Amicable Settlement and reiterated the prayer in her Manifestation dated May 29, 2000 for the dismissal of the case. The SPA executed in favor of the attorney-in-fact was revoked on June 14, 2000 in a document "Revocation of Special Power of Attorney."

On the same day, COSLAP Iloilo issued a resolution approving the Amicable Settlement and enjoined the parties to strictly comply with the terms thereof. At the same time, the relocation survey agreed on the Amicable Settlement was conducted.

On June 21, 2000 COSLAP Iloilo thru Atty. Dodulo denied Barranco's Motion for Repudiation of Amicable Settlement dated June 15, 2000.

Afterwards, on July 21, 2000, Geodetic Engineer Rogelio Santome submitted his Survey Report which found that the house of Paciencia Siatong is inside Lot 1611-D-1 (TCT No. 116263), a parcel of land formerly owned by Beliran's father (Crestituto Diolosa) and sold to C.A. Greenworld Development Corp., while a portion of the house of Teresita Barranco was inside Lot 1611-D-3 (TCT No. 116265) also owned by Diolosa.

In a Resolution dated June 28, 2000, COSLAP Main Office approved the Amicable Settlement and rendered judgment in accordance therewith on the ground that it is not contrary to law, morals, good custom, public order and policy.

Dissatisfied with the Resolution, Barranco filed a Motion for Reconsideration with Motion to Inhibit Hearing Officer dated August 4, 2000. This was denied by COSLAP in a Resolution dated October 18, 2000.

Aggrieved, Barranco filed a Petition for Certiorari with prayer for a writ of preliminary prohibitory injunction dated January 20, 2001 with the Supreme Court assailing the jurisdiction of the COSLAP. The Petition was docketed as G.R. No. 146729 captioned "Teresita Barranco vs. Josefina Beliran, Honorable Teresita Reyes-Domingo, in her capacity as OIC-Commission ChairPerson III, Commission on the Settlement of Land Problems, Department of Justice, Quezon City, Atty. Hansel O. Didulo, in his capacity as Hearing Officer, Commission on the Settlement of Land Problems, Iloilo."

The Petition was however dismissed by the Supreme Court in a Resolution dated March 12, 2001 for late filing as the petition was filed beyond the reglementary period of sixty (60) days as fixed in Section 4, Rule 65 of the 1997 Code of Civil Procedure.

A Motion for Reconsideration of the afore-stated Resolution was filed but likewise denied with finality by the Supreme Court in a Resolution dated June 18, 2001.

Accordingly, an Entry of Judgment was issued by the Supreme Court certifying that the resolution dismissing the case had become final and executory on July 11, 2001.

Prior however to the filing of the Petition for Certiorari with the Supreme Court by Barranco, Beliran already moved for the issuance of a writ of execution to enforce the said COSLAP Resolution on December 14, 2000.

On February 16, 2001, COSLAP issued a Writ of Execution in the two cases. The same was however returned

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unsatisfied, compelling Beliran to file a Motion for the Issuance of a Writ of Demolition dated April 2, 2001.

Acting on said motion of Beliran, COSLAP issued a Writ of Demolition on August 9, 2001.

Teresita Barranco, Paciencia Siatong and heirs of Julia Rodriguez, represented by their attorney-in-fact Josefa Tabaras, filed a special civil action for Injunction and Prohibition with prayer for the issuance of a restraining order in the court a quo on September 4, 2001 against COSLAP, Beliran and the City Sheriff of Iloilo. The said civil action was docketed as Civil Case No. 01-26899 and was raffled to the respondent judge for the proper disposition thereof.[6]

On October 29, 2001, the trial court issued an Order[7] enjoining the implementation of the writ of demolition based on its findings that COSLAP did not acquire jurisdiction over the dispute because the letters of Beliran did not constitute as valid complaints in accordance with COSLAP's Rule of Procedure. The trial court denied COSLAP's motion for reconsideration[8] hence it filed before the Court of Appeals a Petition for Certiorari, Prohibition, and Mandamus with Prayer for the Issuance of a Writ of Preliminary Injunction which was granted by the appellate court, to wit:

> WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us GRANTING the petition filed in this case, SETTING ASIDE the Orders issued by the respondent judge on October 29, 2001 and January 11, 2002 and ORDERING the respondent judge to dismiss Civil Case No. 01-26899.[9]

According to the Court of Appeals, the trial court committed grave abuse of discretion when it unjustifiably failed to dismiss the Petition for Injunction and Prohibition with Prayer for the Issuance of Restraining Order filed before it on the grounds of res judicata and forum shopping. The appellate court pointed out that there is res judicata since this Court already dismissed a similar petition in G.R. No. 146729 on March 12, 2001[10] which decision became final and executory on July 11, 2001.[11] The Court of Appeals also found petitioner guilty for forum shopping because after getting an unfavorable decision from this Court due to the dismissal of the petition for certiorari, she again filed before the trial court another petition based on the same facts and against the same parties which similarly sought to restrain the execution of the Orders of COSLAP. Finally, the appellate court declared that trial courts cannot restrain COSLAP from executing its Orders or Resolutions because the latter, being a quasi-judicial agency exercising quasi-judicial functions, is co-equal in power and competence with the former.[12]

Petitioner's motion for reconsideration was denied,[13] hence this petition based on the following grounds:

> (a)
>
> THE COURT OF APPEALS ERRED AND FAILED IN NOT RULING ON THE ISSUE OF WHETHER OR NOT RESPONDENT COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS HAS, AT THE ONSET, JURISDICTION OVER THE MATTERS SUBJECT OF THE LETTER-REQUEST OF JOSEFINA D. BELIRAN AND IN NOT FINDING THAT THE WRITS OF EXECUTION AND DEMOLITION ISSUED BY THE RESPONDENT COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS, ARE VOID FOR LACK OF JURISDICTION;
>
> (b)
>
> THE COURT OF APPEALS ERRED IN SETTING ASIDE THE ORDERS ISSUED BY THE REGIONAL TRIAL COURT, BRANCH 33 THEREOF, DATED OCTOBER 29, 2001 AND JANUARY 11, 2002, AND IN ORDERING THE PRESIDING JUDGE THEREOF TO DISMISS THE CIVIL CASE, PETITION FOR INJUNCTION AND PROHIBITION, DOCKETED AS CIVIL CASE NO. 01-26899, FILED BY PETITIONER HEREIN, PACENCIA SIAOTONG, AND THE HEIRS OF JULIA RODRIGUEZ SALAS;

(c)

THE COURT OF APPEALS ERRED IN ITS FINDING THAT THE PETITION FOR INJUNCTION AND PROHIBITION FILED BY HEREIN PETITIONER WITH THE REGIONAL TRIAL COURT DOCKETED AS SPECIAL CIVIL CASE NO. 01-26899, IS BARRED BY RES JUDICATA; 2) THAT THERE IS FORUM SHOPPING IN THE FILING OF THE SAME; AND 3) THAT THE ORDERS OF THE REGIONAL TRIAL COURT [I]S TAINTED WITH GRAVE ABUSE OF DISCRETION.[14]

The issues for resolution are: 1) Whether the filing by petitioner of the Petition for Injunction and Prohibition before the Regional Trial Court of Iloilo City, Branch 33 and docketed as Special Civil Case No. 01-26899 is barred by res judicata considering the prior dismissal by this Court of petitioner's petition for certiorari with prayer for a writ of preliminary injunction docketed as G.R. No. 146729; 2) Whether petitioner is guilty of forum shopping; and 3) Whether the COSLAP has jurisdiction over the dispute between petitioner and Beliran.

Petitioner maintains that the dismissal by this Court of the Petition for Certiorari docketed as G.R. No. 146729 is not a bar to the filing of the instant case as the dismissal was based on a mere technicality, i.e., for late filing. There being no judgment rendered on the merits, then the principle of res judicata cannot be successfully invoked.

We agree. A cursory examination of the records shows that res judicata will not apply.

For res judicata to apply the following elements must concur: (a) the former judgment must be final; (b) the court which rendered it had jurisdiction over the subject matter and the parties; (c) it must be a judgment on the merits; and, (d) there must be as between the first and second actions identity of parties, subject matter and causes of action.[15]

The Supreme Court resolved to dismiss the petition for certiorari in G.R. No. 146729 for late filing, as the petition was filed beyond the reglementary period of 60 days fixed in Section 4, Rule 65 of the Rules of Court. The March 12, 2001 Resolution of this Court in G.R. No. 146729 reads:

> In accordance with Rule 65 and other related provisions of the 1997 Rules of Civil Procedure as amended governing petitions for certiorari, prohibition and mandamus filed with the Supreme Court, only petitions which are accompanied by or which comply strictly with the requirements specified therein shall be entertained. On the basis thereof, the Court Resolves to DISMISS the instant special civil action for certiorari, with prayer for a writ of preliminary prohibitory injunction and/or the issuance of a temporary restraining order, assailing the resolution of the Commission on the Settlement on Land Problems dated October 18, 2000 for late filing, as the petition was filed beyond the reglementary period of sixty (60) days fixed in Sec. 4, Rule 65.[16]

Clearly the dismissal was based on sheer technicality. Since no judgment on the merits was rendered after consideration of the evidence or stipulation submitted by the parties at the trial of the case, it falls short of one of the essential requisites of res judicata that the judgment should be one on the merits.

The appellate court however correctly ruled that petitioner is guilty of forum shopping. Petitioner deliberately sought another forum, i.e., the Regional Trial Court of Iloilo City, to grant her relief after this Court dismissed her petition questioning the jurisdiction of COSLAP. What petitioner should have done after COSLAP dismissed the motion to dismiss and after this Court dismissed the petition for certiorari for late filing, was to wait for the final verdict of COSLAP and to appeal therefrom, instead of seeking recourse from the trial court through a petition to enjoin the enforcement of COSLAP's writ of demolition and the order denying the repudiation of the amicable settlement.

The Court is fully aware that procedural rules are not to be belittled or simply disregarded for these prescribed procedures insure an orderly and speedy administration of justice. However, it is equally true that litigation is not

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merely a game of technicalities. Law and jurisprudence grant to courts the prerogative to relax compliance with procedural rules of even the most mandatory character, mindful of the duty to reconcile both the need to put an end to litigation speedily and the parties' right to an opportunity to be heard.[17]

In Sanchez v. Court of Appeals,[18] the Court restated the reasons which may provide justification for a court to suspend a strict adherence to procedural rules, such as: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a lack of any showing that the review sought is merely frivolous and dilatory, and (f) the other party will not be unjustly prejudiced thereby.

Thus, any procedural lapse that may have been committed by the petitioner should not deter us from resolving the merits of the instant case considering that the dismissal of the present appeal would unlawfully deprive the petitioner of her possessorial right over Lot No. 1611-D-3.

We now come to the core issue of whether COSLAP has jurisdiction over the dispute between petitioner and Beliran.

Petitioner mainly argues that COSLAP was without jurisdiction in entertaining Beliran's complaints and in promulgating the assailed Order/Resolution because the matter falls within the primary and exclusive original jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB).

In resolving this issue, an account of the laws creating COSLAP and its predecessor, the Presidential Action Committee on Land Problems (PACLAP), is in order.

COSLAP was created on September 21, 1979 by virtue of Executive Order (E.O.) No. 561. Its forerunner, the PACLAP, was created 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.[19]

Under Presidential Decree (P.D.) No. 832 issued on November 27, 1975, the President enlarged the functions and duties of the PACLAP, to include quasi-judicial functions, thus:

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

On September 21, 1979, PACLAP was abolished and its functions were transferred to COSLAP by virtue of E.O. No. 561 which granted COSLAP the following adjudicatory functions:

> SECTION 3. Powers and Functions. - The Commission shall have the following powers and functions:
>
> x 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 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.

x x x x. (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.[20] Under E.O. No. 561, COSLAP has two options in acting on a land dispute or problem lodged before it, to wit: (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.[21]

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.[22]

Lot 1611-D-3 is a private property, having been registered under the Torrens system in the name of the Heirs of Julia Rodriguez Salas. The parties claiming the property are herein petitioner and Beliran, none of whom is a squatter, patent lease agreement holder, government reservation grantee, public land claimant or occupant, or a

member of any cultural minority.[23] The dispute between them was not critical or explosive in nature as would generate social tension or unrest, or a critical situation which required immediate action. Clearly, the present dispute did not fall within COSLAP's jurisdiction.

Neither does the dispute fall within the jurisdiction of DARAB, as claimed by the petitioner. The jurisdiction of the DARAB is provided in Section 50 of Republic Act (R.A.) No. 6657 which reads:

> SEC. 50. Quasi-Judicial Powers of the DAR. - The DAR is hereby 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).

Furthermore, it is provided in Section 1, Rule II of the DARAB Rules of Procedure of 1994 that:

> Sec. 1. Primary and Exclusive Original and Appellate Jurisdiction. The Board shall have primary exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, Executive Order Nos. 228, and 129-A, Republic Act No. 3844 as amended by Republic Act No. 6389, Presidential Decree No. 27[,] and other agrarian laws and their implementing rules and regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:
>
> a) The rights and obligations of persons, whether natural or juridical, engaged in the management, cultivation and use of all agricultural lands covered by the CARP and other agrarian laws x x x. (Emphasis added)

We clarified, however, in Isidro v. Court of Appeals[24] that:

> x x x a case involving an agricultural land does not automatically make such case an agrarian dispute, upon which the DARAB has jurisdiction. x x x The law states that an agrarian dispute must be a controversy relating to a tenurial arrangement over lands devoted to agriculture. And as previously mentioned, such arrangement may be leasehold, tenancy or stewardship.

We also held in Duremdes v. Duremdes[25] that:

> x x x For the DARAB to have jurisdiction over the case, there must be a tenancy relationship between the parties. In order for a tenancy agreement to take hold over a dispute, it is essential to establish all its indispensable elements, to wit:
>
> 1) [T]hat the parties are the landowner and the tenant or agricultural lessee; 2) that the subject matter of the relationship is an agricultural land; 3) that there is consent between the parties to the relationship; 4) that the purpose of the relationship is to bring about agricultural production; 5) that there is personal cultivation on the part of the tenant or agricultural lessee; and 6) that the harvest is shared between the landowner and the tenant or agricultural lessee.

In the case before us, petitioner does not have tenurial arrangement of any kind with Beliran or Diolasa, and the necessary elements enumerated in Duremdes v. Duremdes are wanting as well. There being no agrarian dispute between the parties, the DARAB has no jurisdiction over the case.

WHEREFORE, the instant petition is GRANTED. The September 3, 2004 Decision and the July 24, 2005 Resolution of the Court of Appeals in CA-G.R. SP No. 69845 are SET ASIDE. The October 29, 2001 Order of the Regional Trial Court of Iloilo City, Branch 33 in Special Civil Case No. 01-26899 which issued a temporary restraining order enjoining COSLAP from implementing its writ of demolition for being null and void for lack of jurisdiction, as well as the January 11, 2002 Order denying reconsideration thereof, are REINSTATED. The Commission on the Settlement of Land Problems is hereby ORDERED to dismiss COSLAP Case No.

IL-00-06-013 for lack of jurisdiction.

SO ORDERED.

Panganiban, C.J., (Chairperson), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

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[1] Rollo, pp. 16-49.

[2] Id. at 63-73. Penned by Associate Justice Isaias P. Dicdican and concurred in by Associate Justices Elvi John S. Asuncion and Ramon M. Bato, Jr.

[3] Id. at 61-62.

[4] Id. at 74-86. Penned by Judge Virgilio M. Patag.

[5] Id. at 87-89.

[6] Id. at 64-67.

[7] Id. at 74-86.

[8] Id. at 87-89.

[9] Id. at 72.

[10] Id. at 68.

[11] Id. at 125.

[12] Id. at 70.

[13] Id. at 61-62.

[14] Id. at 28-29.

[15] Aldovino v. National Labor Relations Commission, 359 Phil. 54, 61 (1998).

[16] Rollo, p. 123.

[17] Reyes v. Torres, 429 Phil. 95, 101 (2002).

[18] 452 Phil. 665, 674 (2003).

[19] Davao New Town Development Corporation v. Commission on the Settlement of Land Problems (COSLAP), G.R. No. 141523, June 8, 2005, 459 SCRA 491, 507.

[20] Longino v. General, G.R. No. 147956, February 16, 2005, 451 SCRA 423, 439.

[21] Id. at 441-442.

[22] Davao New Town Development Corporation v. Commission on the Settlement of Land Problems (COSLAP), supra note 19 at 510.

[23] ADMINISTRATIVE CODE, Book IV, Title III, Chapter 11, Section 32: the COSLAP shall also be responsible for the settlement of land problems involving small landowners and members of cultural minorities.

[24] G.R. No. 105586, December 15, 1993, 228 SCRA 503, 511.

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[25] G.R. No. 138256, November 12, 2003, 415 SCRA 684, 697.

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