

**JOAQUIN GA, JR., JUDITH GA GADNANAN AND JESUSA GA ESMAÑA,
PETITIONERS, VS. SPOUSES ANTONIO TUBUNGAN AND ROSALINDA
TUBUNGAN AND NORBERTO GA, RESPONDENTS.**

G.R. No. 182185. September 18, 2009

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Assailed in this petition for review on certiorari is the Decision[1] of the Court of Appeals dated February 22, 2007 in CA-G.R. CEB SP No. 00779, which set aside the Order dated November 20, 2000 and the Writ of Demolition dated May 19, 2004 of the Commission on Settlement of Land Problems (COSLAP) in COSLAP Case No. IL-00-06-085 for having been issued without jurisdiction. Also assailed is the February 21, 2008 Resolution denying the motion for reconsideration.

The facts are undisputed.

Sometime in 1985, petitioner Joaquin Ga, Jr. filed a Complaint for Recovery of Property and Ownership of a parcel of land, known as Assessor's Lot No. 117, against respondent Norberto Ga before the COSLAP. The complaint was subsequently re-filed on February 23, 2000 by petitioner Joaquin's daughters, Girlie and Grecilda Ga, and was docketed as COSLAP Case No. IL-00-06-085.

On November 20, 2000, the COSLAP rendered judgment declaring petitioner Joaquin and his heirs as the lawful owners of the disputed lot.[2] Respondent Norberto moved for reconsideration but the same was denied by COSLAP in an Order dated June 14, 2001.

On June 14, 2002, respondent Norberto, together with respondents Antonio and Rosalinda Tubungan, filed a Petition for Certiorari, Prohibition, Preliminary Injunction, Quieting of Title and Damages with Prayer for Temporary Restraining Order[3] before the Regional Trial Court, Branch 65, San Miguel, Jordan, Guimaras, which was docketed as Civil Case No. 0223. The petition assailed the validity of the COSLAP decision and sought to enjoin the implementation of writs of execution[4] and demolition[5] issued by the COSLAP pursuant to said judgment.

On March 3, 2005, the trial court issued an order[6] dismissing Civil Case No. 0223. It held that it had no jurisdiction to nullify the COSLAP decision, as the same would be an interference with a co-equal and coordinate body.[7] Respondents filed a motion for reconsideration but it was denied by the trial court per Order dated April 18, 2005.[8]

Consequently, respondents filed a Petition for Certiorari before the Court of Appeals assailing the trial court's order of dismissal. On February 22, 2007, the appellate court rendered the herein assailed Decision, the dispositive part of which reads:

WHEREFORE, the instant petition is GRANTED. The Order dated November 20, 2000 and the Writ of Demolition dated May 19, 2004, of the Commission on Settlement of Land Problems is hereby SET ASIDE.

Further, the respondent commission is hereby ordered to DISMISS COSLAP Case No. IL-00-06-085 for lack of jurisdiction.

SO ORDERED.[9]

The appellate court noted that respondents erred in filing a petition for certiorari before the trial court when they assailed the validity of the COSLAP. According to the appellate court, respondents should have directly filed the petition with the Court of Appeals, and not the trial court, in accordance with the Court's decision in *Sy v. Commission on the Settlement of Land Problems*.^[10] Nevertheless, the appellate court held that suspension of the rules on appeal was warranted, considering that the determination of respondents' substantive rights over the disputed lot far outweighs any procedural lapse that may have been committed.^[11]

Moreover, the appellate court held that COSLAP had no jurisdiction over the subject matter of the complaint filed by petitioners. Citing *Davao New Town Development Corporation v. Commission on the Settlement of Land Problems*,^[12] it held that COSLAP's jurisdiction over land disputes is limited only to those involving public lands or those covered by a specific license or grant from the government. In this case, the records do not show that the parcel of land subject of petitioners' complaint is public land. Thus, the determination of which party was entitled to ownership and possession of said lot belonged to the regular courts and not the COSLAP.^[13]

Petitioners filed a motion for reconsideration but the same was denied by the Court of Appeals in a Resolution^[14] dated February 21, 2008.

Hence, this petition raising the sole issue of whether the appellate court erred in relaxing the rules on appeal considering its findings that respondents failed to avail of the proper remedy before the appropriate court from the adverse decision of the COSLAP. Due to respondents' procedural lapse, petitioners contend that the COSLAP decision had become final and executory and that the Court of Appeals should have dismissed respondents' petition outright.

We find no reversible error in the assailed decision.

In *Sy v. Commission on the Settlement of Land Problems*,^[15] the Court held that all appeals from orders, resolutions or decisions of the COSLAP should be taken to the Court of Appeals under Rule 43 of the Rules of Court. If a petition for certiorari under Rule 65 is the prescribed remedy due to grave abuse of discretion or lack of jurisdiction, the same should also be brought to the Court of Appeals, as the said court cannot be bypassed without running afoul of the doctrine of judicial hierarchy. In this case, respondents did not timely appeal the COSLAP decision to the Court of Appeals via Rule 43, and instead filed a petition for certiorari under Rule 65, although with the Regional Trial Court, a body that is co-equal with the COSLAP. Only later did they file a petition for certiorari with the appellate court assailing the trial court's dismissal of their petition.

We find that the Court of Appeals correctly held that respondents' remedy from the decision of the COSLAP was to file a petition for certiorari under Rule 65, as they assailed the lack of jurisdiction of said body over the dispute. However, the petition should have been filed before the Court of Appeals and not the trial court. In other words, while respondents availed of the correct remedy, they sought the same from the wrong court. This mistake would have rendered the assailed COSLAP decision final and executory, were it not for its patent nullity and invalidity.

In *National Housing Authority v. Commission on the Settlement of Land Problems*,^[16] we held that a judgment rendered by a body or tribunal that has no jurisdiction over the subject matter of the case is no judgment at all. Thus, it cannot be the source of any right or the creator of 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.

We also declared in the same case that such a nullity is correctible only through a petition for certiorari. A petition for certiorari that seeks the nullification of a void judgment cannot be dismissed for timeliness as the same does not prescribe. 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.[17]

In the instant case, COSLAP had no jurisdiction over the subject matter of petitioners' complaint. The disputed lot was not shown to be public land and the nature of the dispute is not among those which fall under the jurisdiction of the COSLAP. Executive Order No. 561 enumerates the instances when COSLAP may exercise adjudicatory functions, as follows:

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.

x x x x.

Administrative agencies like COSLAP are tribunals of limited jurisdiction that can only wield powers which are specifically granted to it by its enabling statute. Under Section 3 of 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.[18]

Thus, the COSLAP may resolve land disputes that involve only 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.[19] However, the lot subject of the instant petition was not shown to fall under any of these categories of land and appears to be a private unregistered land. Neither is the dispute between petitioners and respondents critical and explosive in nature nor does it involve a large number of parties that could result to social tension and unrest. It can also hardly be characterized as involving a critical situation that requires immediate action.

As such, the COSLAP should have dismissed petitioners' complaint for lack of jurisdiction or referred the same to the regular courts, which has jurisdiction over controversies relating to ownership and possession of private lands. The records show that respondents have consistently assailed the jurisdiction of the COSLAP,[20] and yet, the

latter ignored the matter and simply proceeded to resolve petitioners' complaint. Since the COSLAP had no jurisdiction over the land dispute between petitioners and respondents, the judgment it rendered on the case is null and void.

As stated earlier, a void judgment can never be final and executory and may be assailed at any time. It is thus clear that the Court of Appeals did not err in taking cognizance of respondents' petition for certiorari as the judgment of the COSLAP could not have attained finality. In other words, the failure of respondents to properly appeal from the COSLAP decision before the appropriate court was not fatal to the petition for certiorari that they eventually filed with the Court of Appeals. The latter remedy remained available despite the lapse of the period to appeal from the void COSLAP decision.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals dated February 22, 2007 in CA-G.R. CEB-SP No. 00779 setting aside the November 20, 2000 Order of the Commission on Settlement of Land Problems in COSLAP Case No. IL-00-06-085 and the Writ of Execution dated May 19, 2004 for having been issued without jurisdiction, and the Resolution dated February 21, 2008 denying the motion for reconsideration, are AFFIRMED.

SO ORDERED.

Chico-Nazario, Velasco, Jr., Nachura, and Peralta, JJ., concur.

[1] Rollo, pp. 32-47; penned by Associate Justice Romeo F. Barza and concurred in by Associate Justices Arsenio J. Magpale and Priscilla Baltazar-Padilla.

[2] Id. at 60-63.

[3] Id. at 79-86.

[4] Id. at 133-134.

[5] Id. at 136-138.

[6] Id. at 106; penned by Judge Merlin D. Deloria.

[7] Id. at 102-106.

[8] Id. at 121-123.

[9] Id. at 46.

[10] 417 Phil. 378 (2001).

[11] Rollo, pp. 37-40.

[12] G.R. No. 141523, June 8, 2005, 459 SCRA 491.

[13] Rollo, pp. 44-46.

[14] Id. at 49-50.

[15] Supra note 10 at 393.

[16] G.R. No. 142601, October 23, 2006, 505 SCRA 38, 46-47.

[17] Id. at 43.

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

[19] *Sy v. Commission on the Settlement of Land Problems*, *supra* note 10 at 510.

[20] See Respondents' Position Paper and Motion for Reconsideration; rollo, pp. 58 and 64.

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