

NATIONAL WATER RESOURCES BOARD (NWRB), PETITIONER, VS. A. L. ANG NETWORK, INC., RESPONDENT.

G.R. No. 186450. April 08, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

In issue is whether Regional Trial Courts have jurisdiction over appeals from decisions, resolutions or orders of the National Water Resources Board (petitioner).

A.L. Ang Network (respondent) filed on January 23, 2003 an application for a Certificate of Public Convenience (CPC) with petitioner to operate and maintain a water service system in Alijis, Bacolod City.

Bacolod City Water District (BACIWA) opposed respondent's application on the ground that it is the only government agency authorized to operate a water service system within the city. [1]

By Decision of August 20, 2003, petitioner granted respondent's CPC application. BACIWA moved to have the decision reconsidered, contending that its right to due process was violated when it was not allowed to present evidence in support of its opposition.[2]

Petitioner reconsidered its Decision and allowed BACIWA to present evidence,[3] drawing respondent to file a petition for certiorari with the Regional Trial Court (RTC) of Bacolod City against petitioner and BACIWA. Petitioner moved to dismiss the petition, arguing that the proper recourse of respondent was to the Court of Appeals, citing Rule 43 of the Rules of Court.

The RTC, by Order of April 15, 2005,[4] dismissed respondent's petition for lack of jurisdiction, holding that it is the Court of Appeals which has "exclusive appellate jurisdiction over all final judgments, decisions, resolutions, order[s] or awards of . . . quasi-judicial agencies, instrumentalities, boards or commission[s] . . . except those within the appellate jurisdiction of the Supreme Court" Thus the RTC explained:

Art. 89 of P.D. 1067 having been long repealed by BP 129, as amended, which has effectively and explicitly removed the Regional Trial Courts' appellate jurisdiction over the decisions, resolutions, order[s] or awards of quasi-judicial agencies such as [petitioner] NWRB, and vested with the Court of Appeals, very clearly now, this Court has no jurisdiction over this instant petition.

Its motion for reconsideration having been denied, respondent filed a petition for certiorari at the Court of Appeals, which, by Decision of January 25, 2008,[5] annulled and set aside the RTC April 15, 2005, holding that it is the RTC which has jurisdiction over appeals from petitioner's decisions. Thus the appellate court discoursed.

In the analogous case of *BF Northwest Homeowners Association, Inc. vs. Intermediate Appellate Court*[,] the Supreme Court . . . categorically pronounced the RTC's jurisdiction over appeals from the decisions of the NWRB consistent with Article 89 of P.D. No. 1067 and ratiocinated in this wise:

x x x x.

The logical conclusion, therefore, is that jurisdiction over actions for annulment of NWRC decisions lies with

the Regional Trial Courts, particularly, when we take note of the fact that the appellate jurisdiction of the Regional Trial Court over NWRC decisions covers such broad and all embracing grounds as grave abuse of discretion, questions of law, and questions of fact and law (Art. 89, P.D. No. 1067). This conclusion is also in keeping with the Judiciary Reorganization Act of 1980, which vests Regional Trial Courts with original jurisdiction to issue writs of certiorari, prohibition, mandamus, etc. (Sec. 21 [1], B.P. Blg. 129) relating to acts or omissions of an inferior court (Sec. 4, Rule 65, Rules of Court).

x x x x.

Similarly, in *Tanjay Water District vs. Pedro Gabaton*, the Supreme Court conformably ruled, viz:

"Inasmuch as Civil Case No. 8144 involves the appropriation, utilization and control of water, We hold that the jurisdiction to hear and decide the dispute in the first instance, pertains to the Water Resources Council as provided in PD No. 1067 which is the special law on the subject. The Court of First Instance (now Regional Trial Court) has only appellate jurisdiction over the case."

Based on the foregoing jurisprudence, there is no doubt that [petitioner] NWRB is mistaken in its assertion. As no repeal is expressly made, Article 89 of P.D. No. 1067 is certainly meant to be an exception to the jurisdiction of the Court of Appeals over appeals or petitions for certiorari of the decisions of quasi-judicial bodies. This finds harmony with Paragraph 2, Section 4, Rule 65 of the Rules of Court wherein it is stated that, "If it involves the acts of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals." Evidently, not all petitions for certiorari under Rule 65 involving the decisions of quasi-judicial agencies must be filed with the Court of Appeals. The rule admits of some exceptions as plainly provided by the phrase "unless otherwise provided by law or these rules" and Article 89 of P.D. No. 1067 is verily an example of these exceptions. (*italics and emphasis partly in the original; underscoring supplied*)

Petitioner's motion for reconsideration having been denied by the appellate court by Resolution of February 9, 2009,[6] petitioner filed the present petition for review, contending that:

THE REGIONAL TRIAL COURT HAS NO CERTIORARI JURISDICTION OVER THE [PETITIONER] SINCE SECTION 89, PD NO. 1067, REGARDING APPEALS, HAS BEEN SUPERSEDED AND REPEALED BY [BATAS PAMBANSA BILANG] 129 AND THE RULES OF COURT. FURTHERMORE, PD 1067 ITSELF DOES NOT CONTEMPLATE THAT THE REGIONAL TRIAL COURT SHOULD HAVE CERTIORARI JURISDICTION OVER THE [PETITIONER].[7] (*underscoring supplied*)

Petitioner maintains that the RTC does not have jurisdiction over a petition for certiorari and prohibition to annul or modify its acts or omissions as a quasi-judicial agency. Citing Section 4 of Rule 65 of the Rules of Court, petitioner contends that there is no law or rule which requires the filing of a petition for certiorari over its acts or omissions in any other court or tribunal other than the Court of Appeals.[8]

Petitioner goes on to fault the appellate court in holding that Batas Pambansa Bilang 129 (BP 129) or the Judiciary Reorganization Act did not expressly repeal Article 89 of Presidential Decree No. 1067 (PD 1067) otherwise known as the Water Code of the Philippines.[9]

Respondent, on the other hand, maintains the correctness of the assailed decision of the appellate court.

The petition is impressed with merit.

Section 9 (1) of BP 129 granted the Court of Appeals (then known as the Intermediate Appellate Court) original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction.[10]

Since the appellate court has exclusive appellate jurisdiction over quasi-judicial agencies under Rule 43[11] of the

Rules of Court, petitions for writs of certiorari, prohibition or mandamus against the acts and omissions of quasi-judicial agencies, like petitioner, should be filed with it. This is what Rule 65 of the Rules imposes for procedural uniformity. The only exception to this instruction is when the law or the Rules itself directs otherwise, as cited in Section 4, Rule 65.[12] The appellate court's construction that Article 89 of PD 1067, which reads:

ART. 89. The decisions of the [NWRB] on water rights controversies may be appealed to the [RTC] of the province where the subject matter of the controversy is situated within fifteen (15) days from the date the party appealing receives a copy of the decision, on any of the following grounds: (1) grave abuse of discretion; (2) question of law; and (3) questions of fact and law (emphasis and underscoring supplied),

is such an exception, is erroneous.

Article 89 of PD 1067 had long been rendered inoperative by the passage of BP 129. Aside from delineating the jurisdictions of the Court of Appeals and the RTCs, Section 47 of BP 129 repealed or modified:

x x x. [t]he provisions of Republic Act No. 296, otherwise known as the Judiciary Act of 1948, as amended, of Republic Act No. 5179, as amended, of the Rules of Court, and of all other statutes, letters of instructions and general orders or parts thereof, inconsistent with the provisions of this Act x x x. (emphasis and underscoring supplied)

The general repealing clause under Section 47 "predicates the intended repeal under the condition that a substantial conflict must be found in existing and prior acts." [13]

In enacting BP 129, the Batasang Pambansa was presumed to have knowledge of the provision of Article 89 of P.D. No. 1067 and to have intended to change it.[14] The legislative intent to repeal Article 89 is clear and manifest given the scope and purpose of BP 129, one of which is to provide a homogeneous procedure for the review of adjudications of quasi-judicial entities to the Court of Appeals.

More importantly, what Article 89 of PD 1067 conferred to the RTC was the power of review on appeal the decisions of petitioner. It appears that the appellate court gave significant consideration to the ground of "grave abuse of discretion" to thus hold that the RTC has certiorari jurisdiction over petitioner's decisions. A reading of said Article 89 shows, however, that it only made "grave abuse of discretion" as another ground to invoke in an ordinary appeal to the RTC. Indeed, the provision was unique to the Water Code at the time of its application in 1976.

The issuance of BP 129, specifically Section 9 (Jurisdiction of the Court of Appeals, then known as Intermediate Appellate Court), and the subsequent formulation of the Rules, clarified and delineated the appellate and certiorari jurisdictions of the Court of Appeals over adjudications of quasi-judicial bodies. Grave abuse of discretion may be invoked before the appellate court as a ground for an error of jurisdiction.

It bears noting that, in the present case, respondent assailed petitioner's order via certiorari before the RTC, invoking grave abuse of discretion amounting to lack or excess of jurisdiction as ground-basis thereof. In other words, it invoked such ground not for an error of judgment.

While Section 9 (3) of BP 129[15] and Section 1 of Rule 43 of the Rules of Court[16] does not list petitioner as "among" the quasi-judicial agencies whose final judgments, orders, resolutions or awards are appealable to the appellate court, it is non sequitur to hold that the Court of Appeals has no appellate jurisdiction over petitioner's judgments, orders, resolutions or awards. It is settled that the list of quasi-judicial agencies specifically mentioned in Rule 43 is not meant to be exclusive.[17] The employment of the word "among" clearly instructs so.

BF Northwest Homeowners Association v. Intermediate Appellate Court, [18] a 1987 case cited by the appellate court to support its ruling that RTCs have jurisdiction over judgments, orders, resolutions or awards of petitioner,

is no longer controlling in light of the definitive instruction of Rule 43 of the Revised Rules of Court.

Tanjay Water District v. Gabaton [19] is not in point either as the issue raised therein was which between the RTC and the then National Water Resources Council had jurisdiction over disputes in the appropriation, utilization and control of water.

In fine , certiorari and appellate jurisdiction over adjudications of petitioner properly belongs to the Court of Appeals.

WHEREFORE, the challenged Decision and Resolution of the Court of Appeals are REVERSED and SET ASIDE. The April 15, 2005 Order of the Regional Trial Court of Bacolod City dismissing petitioner's petition for lack of jurisdiction is UPHELD.

No costs.

SO ORDERED.

Puno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 16-17.

[2] Id. at 18.

[3] Ibid.

[4] Id. at 70-71.

[5] Id. at 60-69. Penned by Associate Justice Priscilla Baltazar-Padilla with Associate Justices Isaias P. Dicdican and Franchito N. Diamante.

[6] Id. at 81-82.

[7] Id. at 21.

[8] Id. at 26-32.

[9] Id. at 38-39.

[10] SEC. 9. Jurisdiction.--The [Court of Appeals] shall exercise:

(1) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction.;

(2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts; and

(3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948.

x x x x.

[11] SECTION 1. Scope.--This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals* and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in

the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission,** Office of the President, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform Under Republic Act No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Inventions Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law.

x x x x (underscoring supplied)

[12] SEC. 4. When and where to file the petition. x x x .

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction. If it involves the acts of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals.

x x x x. (emphasis and underscoring supplied)

[13] *Mecano v. Commission on Audit*, G.R. No. 103982, 216 SCRA 500, 505 (1992).

[14] *Vide: Magno v. Commission on Elections*, G.R. No. 147904, 390 SCRA 495, 500 (2002).

[15] *Supra* note 10.

[16] *Supra* note 11.

[17] *Vide: United Coconut Planters Bank v. E. Ganzon, Inc.*, G.R. Nos. 168859 and 168897, June 30, 2009, 591 SCRA 321, 337; *Land Bank of the Philippines v. De Leon*, 437 Phil. 347, 357 (2002); *Sy v. COSLAP*, 417 Phil. 378, 393-394 (2001); and *Metro Construction, Inc. v. Chatham Properties, Inc.*, 418 Phil. 176, 203 (2001).

[18] G.R. No. 72370, 234 Phil. 537 (1987).

[19] G.R. No. 63742, 254 Phil. 253 (1989).

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