

ROSITO BAGUNU, PETITIONER, VS. SPOUSES FRANCISCO AGGABAO & ROSENDA ACERIT, RESPONDENTS.

G.R. No. 186487. August 15, 2011

Ponente: BRION, J.

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BRION, J.:

We resolve the motion for reconsideration[1] filed by Rosito Bagunu (petitioner) to reverse our April 13, 2009 Resolution[2] which denied his petition for review on certiorari for lack of merit.

FACTUAL ANTECEDENTS

R.L.O. Claim No. 937/DENR Case No. 5177

The present controversy stemmed from a protest filed by the spouses Francisco Aggabao and Rosenda Acerit (respondents) against the petitioner's free patent application over a parcel of unregistered land located in Caniogon, Sto. Tomas, Isabela (subject land), pending before the Department of Environment and Natural Resources, Region II, Tuguegarao City, Cagayan (DENR Regional Office).

The subject land was previously owned by Marcos Binag, who later sold it (first sale) to Felicisimo Bautista (Bautista). In 1959, Bautista, in turn, sold the subject land (second sale) to Atty. Samson Binag.

On December 12, 1961, Atty. Binag applied for a free patent[3] over the subject land with the Bureau of Lands (now Lands Management Bureau).[4] On November 24, 1987, Atty. Binag sold the subject land (third sale) to the petitioner,[5] who substituted for Atty. Binag as the free patent applicant. The parties' deed of sale states that the land sold to the petitioner is the same lot subject of Atty. Binag's pending free patent application.[6]

The deeds evidencing the successive sale of the subject land, the Bureau of Lands' survey,[7] and the free patent applications uniformly identified the subject land as Lot 322. The deeds covering the second and third sale also uniformly identified the boundaries of the subject land.[8]

On December 28, 1992, the respondents filed a protest against the petitioner's free patent application. The respondents asserted ownership over Lot 322 based on the Deeds of Extrajudicial Settlement with Sale, dated June 23, 1971 and April 15, 1979, executed in their favor by the heirs of one Rafael Bautista.[9]

The Office of the Regional Executive Director of the DENR conducted an ocular inspection and formal investigation. The DENR Regional Office found out that the petitioner actually occupies and cultivates "the area in dispute including the area purchased by [the respondents]."[10]

On July 10, 1998, the DENR Regional Office ruled that the petitioner wrongfully included Lot 322 in his free patent application since this lot belongs to the respondents. The DENR Regional Office ordered:

- [The respondents to] file their appropriate public land application covering Lot No. 322, Pls-541-D xxx;
- [The petitioner's free patent application] be amended by excluding Lot No. 322, Pls-541-D, as included in

Lot No. 258;

- [A] relocation survey xxx to determine the exact area as indicated in [the parties'] respective technical description of x x x Lot Nos. 258 and 322, Pls-541-D.[11]

The petitioner moved for reconsideration. The DENR Regional Office denied the motion ruling that in determining the identity of a lot, the boundaries – and not the lot number assigned to it - are controlling. Since the boundaries indicated in the deed of sale in the petitioner's favor correspond to the boundaries of Lot 258, what the petitioner acquired was Lot 258, notwithstanding the erroneous description of the lot sold as Lot 322.[12]

On appeal, the DENR Secretary affirmed[13] the ruling of the DENR Regional Office. After noting the differences in the boundaries stated in the parties' respective Deeds of Sale, the DENR Secretary concluded that the land claimed by the petitioner is, in fact, distinct from that claimed by the respondents. The DENR Secretary ruled that based on the parties' respective deeds of sale, the Subdivision Plan of the lot sold to the petitioner and Atty. Binag's affidavit - claiming that the designation of Lot 322 in the Deed of Sale in the petitioner's favor is erroneous - what the petitioner really acquired was Lot 258 and not Lot 322.[14] The petitioner appealed to the Court of Appeals (CA).

COURT OF APPEALS' RULING

The CA affirmed the ruling of the DENR Secretary. Applying the doctrine of primary jurisdiction, the CA ruled that since questions on the identity of a land require a technical determination by the appropriate administrative body, the findings of fact of the DENR Regional Office, as affirmed by the DENR Secretary, are entitled to great respect, if not finality.[15] The petitioner assails this ruling before the Court.

Civil Case No. 751

In the meantime, on November 22, 1994 (or during the pendency of the respondents' protest), Atty. Binag filed a complaint for reformation of instruments, covering the second and third sale, against Bautista and the petitioner (the civil case) with the Cabagan, Isabela Regional Trial Court (RTC). Atty. Binag alleged that while the deeds evidencing the successive sale of the subject land correctly identified the boundaries of the land sold, the deeds, nevertheless, erroneously identified the subject land as Lot 322, instead of Lot 258.[16]

On December 9, 1994, the petitioner and Bautista filed a motion to dismiss with the RTC, citing the pendency of the land protest before the Bureau of Lands. The RTC held in abeyance its resolution on the motion to dismiss.[17]

After obtaining a favorable ruling from the DENR Regional Office, the respondents joined Atty. Binag in the civil case by filing a complaint-in-intervention against the petitioner. The complaint-in-intervention captioned the respondents' causes of action as one for Quieting of Title, Reivindicacion and Damages.[18] The respondents alleged that the petitioner's claim over Lot 322 is a cloud on their title and ownership of Lot 322. The respondents also alleged that they were in peaceful, continuous, public and adverse possession of Lot 322 from the time they fully acquired it in 1979 until sometime in August of 1992, when the petitioner, through stealth and strategy, ejected them from Lot 322 after transferring his possession from Lot 258.[19] The respondents asked the RTC to declare them as owners of Lot 322.

After the CA affirmed the DENR Secretary's favorable resolution on the respondents' protest, the respondents asked the RTC to suspend the civil case or, alternatively, to adopt the DENR Secretary's ruling.[20] In their prayer, the respondents asked the RTC to:

- [Adopt] the findings of the DENR as affirmed by the Court of Appeals xxx thus, the cause of action xxx for

reformation of contracts be granted;

- [Order the petitioner] to vacate Lot 322 xxx and his [Free Patent Application] be amended to exclude Lot 322 xxx.

- [Set the case] for hearing to receive evidence on the claim of the [respondents] for damages[.]

THE PETITION

The petitioner argues that the CA erred in affirming the DENR Secretary's jurisdiction to resolve the parties' conflicting claims of ownership over Lot 322, notwithstanding that the same issue is pending with the RTC. By ruling that the petitioner bought Lot 258 (and not Lot 322) from Atty. Binag and for adjudicating Lot 322 to the respondents, the DENR effectively reformed contracts and determined claims of ownership over a real property – matters beyond the DENR's competence to determine.

The petitioner faults the CA for applying the doctrine of primary jurisdiction since the issue of who has a better right over Lot 322 does not involve the "specialized technical expertise" of the DENR. On the contrary, the issue involves interpretation of contracts, appreciation of evidence and the application of the pertinent Civil Code provisions, which are matters within the competence of the courts.

The petitioner claims that the DENR Secretary's factual finding, as affirmed by the CA, is contrary to the evidence. The petitioner asserts that the Deed of Sale in his favor clearly identified the property sold as Lot 322, which was the same land Atty. Binag identified in his free patent application; that the area of Lot 322, as previously determined in a survey caused by the vendor himself (Atty. Binag), tallies with the area stated in the deed in his favor; that he has been in possession of Lot 322 since 1987, when it was sold to him; and that his present possession and cultivation of Lot 322 were confirmed by the DENR Regional Office during its ocular investigation.

The petitioner also invites our attention to the incredulity of the respondents' claim of ownership over Lot 322, based on Atty. Binag's testimony during the hearing on the respondents' protest. According to the petitioner, the respondents could not have expressed interest in buying Lot 322 from Atty. Binag had they already acquired Lot 322 from the heirs of one Rafael Bautista. The petitioner adds that as early as 1979, the respondents were already aware of Atty. Binag's free patent application over Lot 322. Yet, they filed their protest to the free patent application only in 1992 – when the petitioner had already substituted Atty. Binag. The petitioner claims that the respondents' inaction is inconsistent with their claim of ownership.

Lastly, the petitioner contests the adjudication of Lot 322 in the respondents' favor by claiming that the respondents presented no sufficient evidence to prove their (or their predecessor-in-interest's) title.

In our April 13, 2009 Resolution, we denied the petition for failure to sufficiently show any reversible error in the assailed CA Decision and for raising substantially factual issues. The petitioner moved for reconsideration, confining his arguments to the issue of jurisdiction and the consequent applicability of the primary jurisdiction doctrine.

THE RULING

We deny the motion for reconsideration.

Questions of fact generally barred under Rule 45

The main thrust of the petitioner's arguments refers to the alleged error of the DENR and the CA in identifying

the parcel of land that the petitioner bought – an error that adversely affected his right to apply for a free patent over the subject land. In his motion for reconsideration, the petitioner apparently took a cue from our April 13, 2009 Resolution, denying his petition, since his present motion limitedly argues against the DENR’s jurisdiction and the CA’s application of the doctrine of primary jurisdiction.

The petitioner correctly recognized the settled rule that questions of fact are generally barred under a Rule 45 petition. In the present case, the identity of Lots 258 and 322 is a central factual issue. The determination of the identity of these lots involves the task of delineating their actual boundaries in accordance with the parties’ respective deeds of sale and survey plan, among others. While there are instances where the Court departs from the general rule on the reviewable issues under Rule 45, the petitioner did not even attempt to show that his case falls within the recognized exceptions.[21] On top of this legal reality, the findings and decision of the Director of Lands[22] on questions of fact, when approved by the DENR Secretary, are generally conclusive on the courts,[23] and even on this Court, when these factual findings are affirmed by the appellate court. We shall consequently confine our discussions to the petitioner’s twin legal issues.

The determination of the identity of a public land is within the DENR’s exclusive jurisdiction to manage and dispose of lands of the public domain

The petitioner insists that under the law[24] actions incapable of pecuniary estimation, to which a suit for reformation of contracts belong, and those involving ownership of real property fall within the exclusive jurisdiction of the Regional Trial Court. Since these actions are already pending before the RTC, the DENR Secretary overstepped his authority in excluding Lot 322 from the petitioner’s free patent application and ordering the respondents to apply for a free patent over the same lot.

In an action for reformation of contract, the court determines whether the parties’ written agreement reflects their true intention.[25] In the present case, this intention refers to the identity of the land covered by the second and third sale. On the other hand, in a reivindicatory action, the court resolves the issue of ownership of real property and the plaintiff’s entitlement to recover its full possession. In this action, the plaintiff is required to prove not only his ownership, but also the identity of the real property he seeks to recover.[26]

While these actions ordinarily fall within the exclusive jurisdiction of the RTC, the court’s jurisdiction to resolve controversies involving ownership of real property extends only to private lands. In the present case, neither party has asserted private ownership over Lot 322. The respondents acknowledged the public character of Lot 322 by mainly relying on the administrative findings of the DENR in their complaint-in-intervention, instead of asserting their own private ownership of the property. For his part, the petitioner’s act of applying for a free patent with the Bureau of Lands is an acknowledgment that the land covered by his application is a public land[27] whose management and disposition belong to the DENR Secretary, with the assistance of the Bureau of Lands. Section 4, Chapter 1, Title XIV of Executive Order No. 292[28] reads:

Section 4. Powers and Functions. - The Department [of Environment and Natural Resources] shall:

x x x

(4) Exercise supervision and control over forest lands, alienable and disposable public lands, mineral resources and, in the process of exercising such control, impose appropriate taxes, fees, charges, rentals and any such form of levy and collect such revenues for the exploration, development, utilization or gathering of such resources;

x x x

(15) Exercise exclusive jurisdiction on the management and disposition of all lands of the public domain and serve as the sole agency responsible for classification, sub-classification, surveying and titling of lands in consultation with appropriate agencies[.] (Underscoring supplied.)

Under Section 14(f) of Executive Order No. 192,[29] the Director of the Lands Management Bureau has the duty, among others, to assist the DENR Secretary in carrying out the provisions of Commonwealth Act No. 141 (C.A. No. 141)[30] by having direct executive control of the survey, classification, lease, sale or any other forms of concession or disposition and management of the lands of the public domain.

As the CA correctly pointed out, the present case stemmed from the protest filed by the respondents against the petitioner's free patent application. In resolving this protest, the DENR, through the Bureau of Lands, had to resolve the issue of identity of the lot claimed by both parties. This issue of identity of the land requires a technical determination by the Bureau of Lands, as the administrative agency with direct control over the disposition and management of lands of the public domain. The DENR, on the other hand, in the exercise of its jurisdiction to manage and dispose of public lands, must likewise determine the applicant's entitlement (or lack of it) to a free patent. (Incidentally, the DENR Regional Office still has to determine the respondents' entitlement to the issuance of a free patent[31] in their favor since it merely ordered the exclusion of Lot 322 from the petitioner's own application.) Thus, it is the DENR which determines the respective rights of rival claimants to alienable and disposable public lands; courts have no jurisdiction to intrude on matters properly falling within the powers of the DENR Secretary and the Director of Lands,[32] unless grave abuse of discretion exists.

After the DENR assumed jurisdiction over Lot 322, pursuant to its mandate, the RTC must defer the exercise of its jurisdiction on related issues on the same matter properly within its jurisdiction,[33] such as the distinct cause of action for reformation of contracts involving the same property. Note that the contracts refer to the same property, identified as "Lot 322," - which the DENR Regional Office, DENR Secretary and the CA found to actually pertain to Lot 258. When an administrative agency or body is conferred quasi-judicial functions, all controversies relating to the subject matter pertaining to its specialization are deemed to be included within its jurisdiction since the law does not sanction a split of jurisdiction[34] –

The argument that only courts of justice can adjudicate claims resolvable under the provisions of the Civil Code is out of step with the fast-changing times. There are hundreds of administrative bodies now performing this function by virtue of a valid authorization from the legislature. This quasi-judicial function, as it is called, is exercised by them as an incident of the principal power entrusted to them of regulating certain activities falling under their particular expertise.[35]

The DENR has primary jurisdiction to resolve conflicting claims of title over public lands

The petitioner argues that the CA erred in applying the doctrine of primary jurisdiction, claiming that the issue (of who has a better right over Lot 322) does not require the "specialized technical expertise" of the DENR. He posits that the issue, in fact, involves interpretation of contracts, appreciation of evidence and application of the pertinent Civil Code provisions, which are all within the competence of regular courts.

We disagree.

Under the doctrine of primary jurisdiction, courts must refrain from determining a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to its resolution by the latter, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience

and services of the administrative tribunal to determine technical and intricate matters of fact[36]–

In recent years, it has been the jurisprudential trend to apply [the doctrine of primary jurisdiction] to cases involving matters that demand the special competence of administrative agencies[. It may occur that the Court has jurisdiction to take cognizance of a particular case, which means that the matter involved is also judicial in character. However, if the case is such that its determination requires the expertise, specialized skills and knowledge of the proper administrative bodies because technical matters or intricate questions of facts are involved, then relief must first be obtained in an administrative proceeding before a remedy will be supplied by the courts even though the matter is within the proper jurisdiction of a court. This is the doctrine of primary jurisdiction.] It applies “where a claim is originally cognizable in the courts, and comes into play whenever enforcement of the claim requires the resolution of issues which, under a regulatory scheme, have been placed within the special competence of an administrative body, in such case the judicial process is suspended pending referral of such issues to the administrative body for its view.”[37]

The application of the doctrine of primary jurisdiction, however, does not call for the dismissal of the case below. It need only be suspended until after the matters within the competence of [the Lands Management Bureau] are threshed out and determined. Thereby, the principal purpose behind the doctrine of primary jurisdiction is salutarily served.[38] (Emphases added.)

The resolution of conflicting claims of ownership over real property is within the regular courts’ area of competence and, concededly, this issue is judicial in character. However, regular courts would have no power to conclusively resolve this issue of ownership given the public character of the land, since under C.A. No. 141, in relation to Executive Order No. 192,[39] the disposition and management of public lands fall within the exclusive jurisdiction of the Director of Lands, subject to review by the DENR Secretary.[40]

While the powers given to the DENR, through the Bureau of Lands, to alienate and dispose of public land do not divest regular courts of jurisdiction over possessory actions instituted by occupants or applicants (to protect their respective possessions and occupations),[41] the respondents’ complaint-in-intervention does not simply raise the issue of possession – whether de jure or de facto – but likewise raised the issue of ownership as basis to recover possession. Particularly, the respondents prayed for declaration of ownership of Lot 322. Ineluctably, the RTC would have to defer its ruling on the respondents’ reivindicatory action pending final determination by the DENR, through the Lands Management Bureau, of the respondents’ entitlement to a free patent, following the doctrine of primary jurisdiction.

Undoubtedly, the DENR Secretary’s exclusion of Lot 322 from the petitioner’s free patent application and his consequent directive for the respondents to apply for the same lot are within the DENR Secretary’s exercise of sound administrative discretion. In the oft-cited case of *Vicente Villaflor, etc. v. CA, et al*,[42] which involves the decisions of the Director of Lands and the then Minister of Natural Resources, we stressed that the rationale underlying the doctrine of primary jurisdiction applies to questions on the identity of the disputed public land since this matter requires a technical determination by the Bureau of Lands. Since this issue precludes prior judicial determination, the courts must stand aside even when they apparently have statutory power to proceed, in recognition of the primary jurisdiction of the administrative agency.

WHEREFORE, we hereby DENY the motion for reconsideration. No costs.

SO ORDERED.

Carpio, (Chairperson), Peralta,[*] Bersamin,**] and Sereno, JJ., concur.

[*] Designated as Acting Member of the Second Division per Special Order No. 1062 dated August 15, 2011.

[**] Designated as Additional Member of the Second Division per Special Order No. 1053 dated July 29, 2011.

[1] Rollo, pp. 256-265; dated June 24, 2009.

[2] Id. at 254.

[3] Under the provisions of Chapter VII of Commonwealth Act No. 141.

[4] Rollo, p. 14.

[5] Id. at 28.

[6] Id. at 121; Atty. Binag's free patent application, attached as Annex "F" of the petition, is unreadable. While the free patent application of the petitioner, attached as Annex "P" of the petition, identified the land as Lot 322, it contains no description of the boundaries of Lot 322.

[7] Id. at 12, 101.

[8] The deeds of sale describe the parcel of land sold as follows:

"A tract of land known as Lot 322 of Pls. 541-D, Case No. 1 of the Santo Tomas public Land Subdivision situated in the barrio of San Vicente [Caniogan], Municipality of Santo Tomas, Province of Isabela, Philippines, bounded on the north by the Cagayan River; on the east by property of [the heirs of] Ambrocio Binag; on the south by property of [the heirs of] Ambrocio Binag and on the west by the property of [the heirs of] Pio Bautista xxx.

[9] Rollo, p. 126.

[10] Id. at 150.

[11] Id. at 153-154.

[12] Id. at 167.

[13] Id. at 169-173; dated August 11, 2004.

[14] Id. at 171-173.

[15] Id. at 85-86.

[16] Id. at 142-145.

[17] Id. at 294-295.

[18] Id. at 159-162.

[19] Id. at 155-162.

[20] Id. at 294-304.

[21] (1) [W]hen the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on misapprehension of facts; (5) when the findings of fact are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to that of the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when

the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. (*Triumph International [Phils.], Inc. v. Apostol*, G.R. No. 164423, June 16, 2009, 589 SCRA 185, 195-196).

[22] Under Executive Order (E.O.) No. 192, the newly created Lands Management Bureau has absorbed the functions and powers of the Bureau of Lands except those line functions and powers which were transferred to the regional field offices.

[23] Section 4 of Commonwealth Act No. 141, as amended, reads:

SEC. 4. Subject to said control, the Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Environment and Natural Resources.

[24] *Batas Pambansa Blg. 129*.

[25] Article 1359 of the Civil Code reads:

Art. 1359. When, there having been a meeting of the minds of the parties to a contract, their true intention is not expressed in the instrument purporting to embody the agreement, by reason of mistake, fraud, inequitable conduct or accident, one of the parties may ask for the reformation of the instrument to the end that such true intention may be expressed.

[26] *Spouses Cañez v. Bautista*, G.R. No. 170189, September 1, 2010, 629 SCRA 580.

[27] *Sumail v. Judge of the Court of First Instance of Cotabato*, 96 Phil. 946 (1955).

[28] Administrative Code of 1987; see also Section 5, Executive Order No. 192.

[29] Providing for the Reorganization of the Department of Environment, Energy and Natural Resources, Renaming it as the Department of Environment and Natural Resources, and for Other Purposes, June 10, 1987.

[30] Otherwise known as The Public Land Act.

[31] Under C.A. No. 141, as amended, before a free patent is issued to an applicant, the latter must prove his compliance with the statutory requisites to entitle him to a patent. Section 44, Chapter VII of the Public Land Act provides that the applicant for administrative confirmation of imperfect title must be a natural born citizen of the Philippines who is not the owner of more than 12 hectares and who, for at least 30 years prior to the effectivity of Republic Act No. 6940 amending the Public Land Act, has continuously occupied and cultivated, either by himself or through his predecessor-in-interest, a tract or tracts of agricultural public land subject to disposition, who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled to a free patent over such land/s not to exceed 12 hectares. (*Martinez v. Court of Appeals*, G.R. No. 170409, January 28, 2008, 542 SCRA 604.)

[32] *Heirs of Lourdes Saez Sabanpan v. Comorposa*, G.R. No. 152807, August 12, 2003, 408 SCRA 692.

[33] See *Sherwill Development Corporation v. Sitio Sto. Niño Residents Association, Inc.*, G.R. No. 158455, June 28, 2005, 461 SCRA 517.

[34] *Badillo v. Court of Appeals*, G.R. No. 131903, June 26, 2008, 555 SCRA 435.

[35] *Id.* at 448, citing *C.T. Torres Enterprises, Inc. v. Hibionada*, G.R. No. 80916, November 9, 1990, 191 SCRA

268, 272-273.

[36] *Phil Pharmawealth, Inc. v. Pfizer, Inc.*, G.R. No. 167715, November 17, 2010.

[37] *Villaflor v. Court of Appeals*, G.R. No. 95694, October 9, 1997, 280 SCRA 297, 327.

[38] *Industrial Enterprises, Inc. v. Court of Appeals*, G.R. No. 88550, April 18, 1990, 184 SCRA 426, 432.

[39] Section 5 of E.O. No. 192 reads:

Powers and Functions

To accomplish its mandate, the Department [of Environment and Natural Resources] shall have the following powers and functions:

d. Exercise supervision and control over forest lands, alienable and disposable lands, and mineral resources and in the process of exercising such control, the Department shall impose appropriate payments, fees, charges, rentals, and any such form of levy and collect such revenues for the exploration, development, utilization or gathering of such resources;

xxx

m. Exercise exclusive jurisdiction on the management and disposition of all lands of the public domain and shall continue to be the sole agency responsible for classification, sub-classification, surveying and titling of lands in consultation with appropriate agencies[.]

[40] Section 3 of C.A. No. 141, as amended, reads:

SEC. 3. The Secretary of [Environment and Natural Resources] shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.

[41] *Modesto v. Urbina*, G.R. No. 189859, October 18, 2010; *Solis v. Intermediate Appellate Court*, G.R. No. 72486, June 19, 1991, 198 SCRA 267; and *Omandam v. Court of Appeals*, G.R. No. 128750, January 18, 2001, 349 SCRA 483.

[42] *Supra* note 37.

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