

MARIA A. GAYACAO, PETITIONER AND APPELLANT, VS. THE HON. EXECUTIVE SECRETARY OF THE PRESIDENT OF THE PHILIPPINES, HON. SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, THE DIRECT...

G.R. No. 21066. April 30, 1965

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Direct appeal on points of law from an order of the Court of First Instance of Basilan City, in Special Civil Case No. 322 of that court, dismissing the complaint of Maria A. Gayacao, for lack of jurisdiction.

On January 2, 1962. appellant Gayacao had instituted action in the aforesaid court against the Executive Secretary, the Secretary of Agriculture and Natural Resources, the Director of Lands, and a private respondent, Felix Alcarmen, charging in substance that on April 3, 1935 petitioner had acquired the right to purchase of residential Lots No. 55 and 56 located at Isabela, Basilan City, through Miscellaneous Sales Application No. 8558, received by the Bureau of Lands; that upon demand she paid the installments then due, and the Bureau recommended approval of her application to the Department Head on October 24, 1939; and thereafter Gayacao improved the lots, paid the taxes thereon, and remained in possession thereof; that after World War II, respondent Alcarmen, a war refugee, secured Gayacao's permission to temporarily occupy part of the lots, but subsequently filed a Miscellaneous Sales Application No. V-8113 over Lot 55; that in 1949 the Director of Lands, without hearing Gayacao and despite her prior rights, gave due course to Alcarmen's application and excluded Lot 55 from her application", which action the respondent secretaries on appeal affirmed and sustained, in violation of Section 81 of Commonwealth Act 141, and prayed as follows:

"Wherefore, petitioner prays that respondents be ordered to answer this petition, and, after hearing to order that the decision of the respondent Director of Lands, as concurred in with modification by the respondent Secretary of Agriculture and Natural Resources and the respondent Executive Secretary, over Lot No. 55 be annulled or amended so as to grant the whole of the same to your petitioner and not to the respondent Felixberto Alcarmen; to order that due course be given to Miscellaneous Sales Application No. 8558 of your petitioner over Lots Nos. 55 and 56 to which she is entitled by law; to order respondent Felixberto Alcarmen to vacate the premises immediately; to order respondents Director of Lands and Secretary of Agriculture and Natural Resources to reject the application of respondent Felixberto Alcarmen; to declare: that all improvements introduced by respondent Felixberto Alcarmen on the residential lot covered by M. S. A. No. 8558 of your petitioner, had been introduced in bad faith and subject to all consequences provided for by law.

Petitioner further prays for such other relief or remedy as may be deemed just and equitable under the premises."

The respondent public officials interposed a motion to dismiss, claiming that the Court of First Instance of Basilan City had no jurisdiction to entertain petitions for writs of certiorari or mandamus, nor issue such writs, against them because the administrative orders and decisions complained of were promulgated by officers holding office

outside the territorial jurisdiction of the Court. They invoked section 44(h) of the Judiciary Act (R. A. No. 296, as amended) and the rulings of this Supreme Court in *Acosta vs. Alvendia*, 109 Phil., 1017, and *Samar Mining Co. vs. Amado*, L-17109, June 30, 1961). Finding the motion meritorious, the court below, by order of December 3, 1962, dismissed the petition of Maria Gayacao, and the latter appealed to this Court.

We are of the opinion that the dismissal of the petitioner's action is reversible error.

A careful analysis of the allegations made in the petition will show that the petitioner's principal complaint was that the decision of the Director of Lands, as affirmed by the Secretary of Agriculture and the Executive Secretary, was contrary to law in refusing to apply section 81 of Commonwealth Act No. 141, and in giving retroactive application to Lands Administrative Order No. 7-1. In other words, the remedy sought was the judicial review of the administrative decision in question and its annulment on account of errors of law allegedly committed. This power of judicial review arises from the doctrine of supremacy of law, which lodges in the courts inherent authority to decide the constitutionality of legislative enactments, and, therefore, the constitutionality of the exercise of the power delegated by the legislature to administrative agencies, and to enforce constitutional rights, in this particular case the guaranty against deprivation of property without due process (*St. Joseph Stockyards Co. vs. U. S.* 80 L. Ed. 1033; *Grand Trunk Western Co. vs. Railroad Commission*, 55 L-Ed. 786; *Sabre vs. Rutland R. Co.*, add Cas. 1915 C 1269).

The doctrines invoked in support of the theory of non-jurisdiction (*Castaño vs. Lobingier*, 7 Phil 91; *Acosta vs. Alvendia*, *Supra*; *Samar Mining vs. Amado*, L-17109, June 30, 1961) are inapplicable, in that those cases involved petitions for writs of injunction seeking to control the actions of courts or officers outside the territorial jurisdiction of the respondent courts involved. Here the sole point in issue is whether the decision of the respondent public officers was legally correct or not, and, without going into the merits of the case, we see no cogent reason why this power of judicial review should be confined to the courts of first instance of the locality where the offices of respondents are maintained, to the exclusion of the courts of first instance in those localities where the plaintiffs reside, and where the questioned decisions are being enforced.

It is easy to see that if the contested ruling of the court below is sustained the same would result not only in hardship to litigants of limited means, practically amounting to denial of access to the courts, but would also unnecessarily encumber the Manila courts whose dockets are already overburdened. Actually, since *Ortua vs. Singson*, 59 Phil. 440, the power of provincial courts of first instance to review administrative decisions of national officials, has been consistently recognized.

While the petitioner herein also prayed that the land authorities be ordered to reinstate her original application, such remedy is purely a corollary to the main relief sought; for, as the allegations now stand, reversal of the questioned administrative decision would necessarily lead to the same result.

IN VIEW OF THE FOREGOING, the appealed order of dismissal is reversed and set aside, and the records ordered remanded to the court of origin for further proceedings in conformity with this decision. No costs.

Bengzon, C.J., Bautista Angelo. Concepcion, Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon, J.P. and Zaldivar, JJ., concur.

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