

PRIMO GANITANO, PETITIONER AND APPELLANT, VS. HON. SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, ET AL., RESPONDENTS AND APPELLEES.

G.R. No. 21167, March 31, 1966

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Sometime in 1955, Corazon B. Cabanos filed with the Bureau of Lands an application for a free patent regarding a parcel of land situated in Dingras, Ilocos Norte, which was opposed by one Primo Ganitano. On September 24, 1959, the Chief of Region No. 1 of the Bureau of Lands, acting under the authority of the Director of Lands, rendered a decision dismissing the claim of the oppositor and giving due course to the application. Ganitano appealed the decision to the Secretary of Agriculture and Natural Resources within the reglementary period who, on November 16, 1959, through his Undersecretary, affirmed the decision rendered by the Bureau of Lands, the dispositive portion of which says: "By and large, the evidence shows that the appellee has established a better right to the land in question by virtue of being the applicant therefor and by reason of his actual occupation and cultivation thereof", as a result of which the appeal was dismissed.

Ganitano filed a motion for reconsideration, and when the same was denied, he filed on September 1, 1960 the instant petition for certiorari before the Court of First Instance of Ilocos Norte praying for the annulment of the decision of the Secretary of Agriculture and Natural Resources on the ground that it was rendered with abuse of discretion or in a manner that amounts to lack of jurisdiction.

On September 17, 1960, Corazon B. Cabanos filed a motion to dismiss on the main ground that the action of Ganitano does not state sufficient cause of action that may entitle him to the relief he is seeking for, which was denied on October 1, 1960. Whereupon, the Secretary of Agriculture and Natural Resources filed on September 26, 1960 an answer to the petition, while respondent Corazon B. Cabanos filed also hers on October 12, 1960. On October 29, 1962, however, after considering the pleadings and the arguments advanced by both parties, the court a quo rendered judgment dismissing the petition, without costs. From this decision, Ganitano interposed the present appeal.

At the outset, it should be stated that appellant does not assail the jurisdiction of the Director of Lands nor that of the Secretary of Agriculture and Natural Resources to hear and act on the application for free patent filed by appellee Corazon B. Cabanos concerning the parcel of land in question. Neither does he dispute the fact that he was given every opportunity to adduce his evidence during the hearing of said application in all the proceedings held before said Director and Secretary to the end that his rights and interests can be preserved and protected. In short, it is not disputed that the elementary rules of due process were observed in all the aforesaid administrative proceedings.

Appellant, however, contends that the court a quo erred in dismissing the petition merely on the basis of the findings made by the Director of Lands or the Secretary of Agriculture and Natural Resources in their decisions

rendered on the matter in controversy for it should have ordered before doing so the production of all the evidence adduced before said officials during the administrative investigation in order that the same may be considered in the decision on the merits. In other words, appellant takes the position that it is the duty and obligation of the lower court to assess and evaluate anew all the evidence presented in the administrative proceedings and ascertain therefrom if appellee Cabanos is really entitled to the free patent she is applying for in the light of the foregoing evidence.

This posture of appellant is untenable considering that the land in dispute belongs to the public domain. Under Section 3 of Commonwealth Act 141, as amended, otherwise known as the Public Land Act, the Secretary of Agriculture and Natural Resources is the executive officer charged with carrying out the provisions of said Act through the Director of Lands, while, on the other hand, under Section 4 of the same Act, the Director of Lands has direct executive control of the survey, classification, lease, sale or any other form of concession or disposition of the lands of the public domain with the particularity that his decision as to questions of fact is deemed conclusive when approved by the Secretary of Agriculture and Natural Resources.

It may, therefore, be inferred from the foregoing that what appellant desires the court a quo to do is beyond its competence and jurisdiction because for said court to consider and weigh again the evidence already presented and passed upon by said officials would be to allow it to substitute its judgment for that of said officials who are in a peculiar and better position to consider and weigh the same in the light of the power and authority specifically vested in them by law. Such a posture cannot be entertained, for it is well-settled in a long line of decisions that the courts of justice will not generally interfere with purely administrative matters which are addressed to the sound discretion of government agencies unless there is a clear showing that the latter acted arbitrarily or with grave abuse of discretion or when they have acted in a capricious and whimsical manner such that their action may amount to an excess or lack of jurisdiction.

Thus, in *Pajo, et al. vs. Ago, et al.*, G. R. No. L-15414, June 30, 1960, this Court made the following pronouncement:

"Anent the first issue, there can be no question that petitioner Director of Forestry has jurisdiction over the grant of renewal of respondent Ago's timber license (Sec. 1816, Rev. Adm. Code); that petitioner Secretary of Agriculture and Natural Resources, as department head, is empowered by law to affirm, modify or reject said grant or renewal of respondent Ago's timber license by petitioner Director of Forestry (Sec. 79 [C], Rev. Adm. Code); and that petitioner Executive Secretary, acting for and in behalf and by authority of the President has, likewise, jurisdiction to affirm, modify, or reverse the orders regarding the grant or renewal of said timber license by the two aforementioned officials (Art. VII [11] [1], Const.; Sec. 75, Rev. Adm. Code).

* * * * *

"In the case of *Espinosa et al. vs. Makalintal, et al.* (G. R. No. L-1334, August 29, 1947, 45 Off. Gaz. 712), we held that the powers granted to the Secretary of Agriculture and Commerce (Natural Resources) by law regarding the disposition of public lands such as granting of licenses, permits, leases, and contracts or approving, rejecting, reinstating, or cancelling applications, or deciding conflicting applications, are all executive and administrative in nature. It is a well-recognized principle that purely administrative and discretionary functions may not be interfered with by the courts. In general, courts have no supervising power over the proceedings and actions of the administrative departments of the government. This is generally true with respect to acts involving the exercise of judgment or discretion, and findings of fact. Findings of fact by an administrative board or official, following a hearing, are binding upon the courts and will not be disturbed except where the board or official has gone beyond his statutory authority, exercised unconstitutional powers or clearly acted arbitrarily and without regard to his duty or with grave abuse of discretion. And we have repeatedly held that there is grave abuse of discretion justifying the issuance of the writ of certiorari only when

there is capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction (*Abad Santos vs. Province of Tarlac*, 67 Phil. 480; *Tan vs. People*, G. R. No. L-4269, Prom. April 27, 1951), as where the power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility amounting to an evasion of positive duty, or to a virtual refusal to perform the duty enjoined, or to act at all in contemplation of law (*Tavera-Luna, Inc. vs. Nable*, 67 Phil. 340; *Alafriz vs. Nable*, 72 Phil. 278; *Liwanag vs. Castillo*, G. R. No. L-13517, prom. October 20, 1959). We have, likewise, repeatedly held that the lack of jurisdiction which entitles one to the remedy of certiorari, is that which is from the beginning or having jurisdiction, the court, board, or officer oversteps it while acting thereon (*Leung Ben vs. O'Brien*, 39 Phil. 182; *Silvestre vs. Torres*, 57 Phil. 885; *Hamoy vs. Secretary*, G. R. No. L-13456, prom. January 30, 1960)."

Here no such claim of abuse is made though appellant's thesis is made to consist in that the administrative authorities that took cognizance of appellee's application for a free patent did not evaluate properly the evidence that has been submitted by the oppositor in support of his opposition for which reason he desires that a new evaluation of such evidence be made by this Court, but such pretense cannot be entertained for, as already said, the findings of administrative officials regarding lands that belong to the public domain are deemed final and conclusive subject only to the limitation pointed out above. Hence, we find no merit in this petition for review.

Wherefore, the decision appealed from is affirmed. No costs.

Bengzon, C.J., Concepcion, Reyes, J. B. L., Barrera, Regala, Makalintal, Bengzon, J. P., Zaldivar, and Sanchez, JJ., concur.

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