

DAMASO P. PEREZ ET AL., PETITIONERS, VS. CEFERINO HILARIO, JUDGE OF FIRST INSTANCE OF CAGAYAN, ET AL., RESPONDENTS.

G.R. No. 45826. June 27, 1938

Ponente: AVANCEÑA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45826/>

AVANCEÑA, C.J.:

On May 1, 1937 the respondents originally filed a complaint, civil case No. 2165, in the Court of First Instance of Cagayan against the petitioners concerning priority in the location of certain mining claims situated in Lallo, Cagayan.

This petition for certiorari filed against the respondents and the Judge of First Instance of Cagayan prays that all the proceedings had in civil case No. 2165 be annulled. It is alleged that the Judge of First Instance of Cagayan lacks jurisdiction to take cognizance of said case by virtue of section 61 of Commonwealth Act No. 137, which says:

"Sec. 61. Conflicts and disputes arising out of mining locations may be submitted to the Director of the Bureau of Mines for decision: Provided, That such decision may be appealed to the Secretary of Agriculture and Commerce within ninety days from the date of its entry. In case any one of the interested parties should disagree from the decision of the Director of the Bureau of Mines or of the Secretary of Agriculture and Commerce, the matter may be taken to the court of competent jurisdiction within ninety days after notice of such decision, after which time without the institution of such action the said decision shall be final and binding upon the parties concerned."

The petitioners contend that, under the provisions of said section, the respondents could not commence their action originally in the Court of First Instance, but should first submit it to the Bureau of Mines. However, the section above-quoted, according to its plain wording, does not provide that the conflicts therein referred to should be, but simply may be submitted to the Bureau of Mines; and it can not be construed as prohibiting their original submission to the courts of justice whose general jurisdiction cover them. It can not be the intention of the law to withdraw these controversies from the general jurisdiction of the courts, in view of its own provision that they may eventually be appealed thereto. On the other hand, since no procedure is provided in taking such appeal, the ordinary procedure should be followed as if the conflicts had been originally brought before them. Thus the parties interested may, if they so desire, have their controversy finally settled, on appeal, by the courts as if it had been submitted to them originally. If such is the case, the requirement that they submit it first to the Bureau of Mines and afterwards to the Department of Agriculture and Commerce, is purposeless and only prolongs the litigation unnecessarily by encumbering it with useless details.

The undoubted purpose of the law in providing that these conflicts may be submitted to the Bureau of Mines is only to afford the parties interested the opportunity to adjust their differences through prompt administrative action if this is satisfactory to them.

In view of the foregoing considerations, the petition is hereby denied with costs against the petitioners. So

ordered.

Villa-Real, Abad Santos, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.