

**MICAELA C. AGGABAO, PETITIONER, VS. LETICIA U. GAMBOA,
PEDRO U. GAMBOA, OFFICE OF THE PRESIDENT OF THE
PHILIPPINES (FORMERLY ACTING EXECUTIVE SECRETARY
ALEJANDRO MELCHOR), DIREC...**

G.R. No. 54760. August 30, 1982

Ponente: AQUINO, J.

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AQUINO, J.:

This is a controversy over Lots Nos. 2687 and 2688 of the Escalante, Negros Occidental cadastre, with a combined area of thirty-two hectares, which, according to Leticia U. Gamboa and Pedro U. Gamboa, are covered by their respective homestead applications Nos. 199050 and 199051, but which, according to Micaela Aggabao, were covered by her parents' prewar sales applications.

The Director of Lands in his decision dated November 8, 1956 found that his prewar predecessor in two decisions both dated February 13, 1938 adjudicated the said lots to the Gamboas and dismissed the claims of the heirs of Bartolome Celestial and of Micaela Aggabao over the said lots.

That 1956 decision, which was appealed by Aggabao, was affirmed by the Secretary of Agriculture and Natural Resources, the Acting Executive Secretary, the Court of First Instance of Manila (Judge Alikpala) and the Court of Appeals (per Asuncion, Escolin and Cuevas, JJ.).

With a perseverance and pertinacity, which could have been utilized in a more meritorious case, Aggabao appealed to this Court. She contends that the Appellate Court erred in giving probative value to the secondary evidence of the Gamboas as to the Director's 1938 prewar decisions in their favor and in disregarding the finding contained in the 1953 decision of the district land officer at Bacolod City that Aggabao had a preferential right to purchase the two lots and that the Gamboas fraudulently acquired possession thereof.

We hold that Aggabao's appeal cannot be sustained. The factual conclusion of the Director of Lands in his 1956 decision that the Gamboas, as homesteaders, have priority to acquire the two homesteads, a finding affirmed by the Department Secretary, is conclusive on the courts (Sec. 4, Public Land Law, Commonwealth Act No. 141; Jami-sola vs. Ballesteros, 122 Phil. 442, 446; Julian vs. Apostol, 52 Phil. 422; Ortua vs. Singson Encarnacion, 59 Phil. 440). Thus, it was held:

"El Director de Terrenos, como uno de los órganos del Poder Ejecutivo, es el único llamado a dirimir los derechos de las partes en un asunto puramente administrativo como el presente.

"Este Tribunal no puede revisar los actos de dicho funcionario en este respecto, a menos que se alegue exceso de jurisdicción por parte del mismo, y, en este caso, son menester pruebas claras y convincentes que sostengan la alegación. En este asunto no existen tales pruebas." (Mariano and Rellegue contra El Director de Terrenos, 72 Phil. 101. See Alejandrino vs. Aquino, 70 Phil. 113).

The fact that the Acting Executive Secretary affirmed the decisions of the Director of Lands and the Department

Secretary precludes the reviewing court in a certiorari proceeding to weigh the conflicting evidence, determine the credibility of witnesses, or otherwise substitute its own judgment for that of the administrative agency on the sufficiency of the evidence (*Timbancaya vs. Vicente*, 119 Phil. 169).

Not only that. The Court of Appeals confirmed the findings of the administrative officials and the trial court. Generally, the judgment of the Court of Appeals is conclusive as to the facts and cannot be reviewed by this Court (Sec. 29, Judiciary Law; Sec. 2, Rule 45, Rules of Court).

No substantial legal issues have been raised by Aggabao in this Court. Her petition is not sufficient in substance under section 4 of Rule 45.

Moreover, the prewar decisions of the Director of Lands in favor of the Gamboas, which were not appealed and copies of which were found by the postwar Director of Lands to be authentic, have the force of *res judicata* (*Brillantes vs. Castro*, 99 Phil. 497; *Grimm vs. Atok Big Wedge Mining Co.*, 106 Phil. 1170). Competent employees of the records division of the Bureau of Lands examined the said copies and found them to be genuine.

WHEREFORE, the petition for review is dismissed. No costs.

SO ORDERED.

Concepcion, Jr., Guerrero, Abad Santos, and De Castro, JJ., concur.

Barredo, J., on leave.

Escolin, J., did not take part.

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