

**ALFRED PEARSON, FOR HIMSELF AND AS THE ATTORNEY-IN FACT
OF HIS CO-HEIRS/CO-SUCCESSORS-IN-INTEREST, NAMELY: ELSIE
PEARSON-FUENTES, HENRY PEARSON, WILLIAM PEARSON, JR.,
ROBERT PEA...**

G.R. No. 74454. September 03, 1998

Ponente: QUISUMBING J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-74454/>

QUISUMBING J.:

This petition for Certiorari and Mandamus with Preliminary Injunction and Prayer for Restraining Order seeks to annul the following:

1. Decision dated September 30, 1983 of respondent Intermediate Appellate Court (now Court of Appeals) in AC-G.R. No. 15439 which in effect upheld herein private respondent's mining claims and directed respondent Regional Trial Court to resolve the motion to dismiss in Civil Case No. 45053.[1]
2. Order dated July 31, 1984 of the Court of First Instance, Branch X (now Regional Trial Court, Branch 155), Pasig, Metro Manila, dismissing Civil Case No. 45053 on the basis of an earlier decision of the Court of Appeals upholding the findings of fact of the Minister of Natural Resources;[2]
3. Decision dated August 31, 1981 of the Office of the President, upholding the finding of the Minister that petitioners had abandoned their "BAROBO" mining claims and accordingly dismissed their appeal;[3]
4. Decision dated October 29, 1979 of the Minister of Natural Resources, affirming the decision of the Director of Mines;[4]
5. Consolidated Decision dated May 12, 1976 of the Director of Minis in Mines Administrative Case Nos. V-817 and V-818, upholding the preferential rights of private respondents to lease, possess, explore and develop their respective "DIAMOND" AND "MARTIN" mining claims in question;[5]

The petitioners also pray that their mining claims be declared valid and that private respondents' mining claims be declared null and void.

The petitioners Alfred Pearson, et al. (hereinafter "Pearsons") claims to have inherited the beneficial interest of the Tambis Gold Dredging Co., Inc. (hereinafter "Tambis Gold") upon its dissolution, owing to the fact that the biggest stockholder of said company and the sole owner of the claims was their ancestor, William F. Pearson, Sr.[6]

Private respondents Diamond Mining Corporation, Rosario Mining Development Corporation and their assignee A. Soriano Corporation (hereinafter "Mining Companies") are domestic corporations organized and existing under Philippine laws.

The public respondent are the Director of Mines, the Minister of Natural Resources, the Presidential Executive

Assistant, the Court of First Instance (CFI), and the Intermediate Appellate Court (IAC).[7] Each of them had ruled in favor of the Mining Companies.

The facts as found by the respondent Minister of Natural Resources and confirmed by the respondents Presidential Executive Assistant and the IAC are as follows:

"From the records and the documentary evidence at hand, it appears that the Tambis Gold Dredging Co., Inc. filed in 1919, under the Act of Congress of July 1, 1902, declarations of location covering the "BAROBO-1" to "BAROBO-5" placer claims located at the barrio of Bahi, municipality of Lianga, province of Surigao del Sur. These declarations of locations were destroyed or lost during the war.

In 1948, the Tambis Gold Dredging Co., Inc. filed with the Bureau of Mines affidavits to reconstitute the declarations of location for the "BOROBO" placer claims. The affidavits were recorded with the mining recorder on January 19, 1949.

On February 29, 1960, the Tambis Gold Dredging Co., Inc. was dissolved. Appellants (herein petitioners) were at the time stockholdres of the corporation.

From May 10, to June 11, 1970, appellee (now respondent) Rosario Mining through its agent Marcelino Manabat, discovered and located the "MARTIN-1", "MARTIN-2", "MARTIN-5", "MARTIN-6" and "MARTIN-27" placer claims in the barrio of Bahi, municipality of Barobo, province of Surigao del Sur. On June 25, 1970, the declarations of locations therefor, and the Special Power and (sic) Attorney appointing Marcelino Manabat as attorney-in-fact, were registered with the Mining Recorder of Surigao del Sur.

On August 31, 1970, the application for the survey of the "MARTIN" claims were filed, and, on March 13, 1973 and December 18, 1973, the corresponding orders for survey were issued.

On June 22, 1973, appellee (now respondent) Rosario Mining filed the lease application covering the "MARTIN" placer claims. After the survey returns of said placer claims were approved on January 3, 1975, the notice of lease was published in February 20 and 27, 1975 issues of the "Mindanao Times" and in the February 25 and March 4, 1975 issues of the "Times Journal".

Meanwhile, from February 24 to March 5, 1974, appellee (now also respondent) Diamond Mining, through its agent Justiniano Deloso, discovered and located the "DIAMOND-1" to "DIAMOND-7" placer claims in the barrio of Bahi, minicipality of Barobo, province of Surigao del Sur. On March 25, 1974, the declarations of location therefor, including the Special Power of Attorney in favor of Justiniano Deloso, were registered with the Mining Recorder of Surigao del Sur.

On April 17, 1973, the application for survey of the "DIAMOND" placer claims were filed, and, on May 21, 1974, the order for survey was issued.

On April 22, 1974, appellee Diamond Mining filed the lease applications covering the "DIAMOND" placer claims. Subsequently, after the survey returns of said claims were approved on December 24, 1974 and January 3, 1975, the notice of lease application was published in the February 25 and March 4, 1975 issues of the "Times Jornal" and in the February 27 and March 6, 1975 issues of the "Mindanao Times".

On 10 March 1975, appellants (petitioners herein) filed the adverse claims against appellees (now private respondents).

After the case was heard by the Panel of Investigators of the Bureau of Mines, the Director of Mines rendred (sic) the decision appealed from.

In his decision, the Director held that appellants (petitioners) failed to establish the existence of the conflict among the placer claims involved; that the "BAROBO" placer claims are null and void because their tie points, as described in the affidavits to reconstitute the declarations of location therefor, are not the natural objects or

permanent monuments prescribed under the law and their geographical positions cannot be accurately determined; that, even if said "BAROBO" claims were validly located, the same have been abandoned due to the failure of the original locators thereof to perform assessment works therein, to file the corresponding affidavits of annual work obligations, and to pay the real estate taxes thereon; and that appellants (petitioners) are not the successors-in-interest of the Tambis Gold Dredging Co., Inc., hence they have no legal personality to institute the adverse claims." [8]

On appeal, the Minister of Natural Resources in a Decision dated October 29, 1979, affirmed the judgment of the Director of Mines [9] He agreed with the Director's finding on the issue of abandonment.

Not satisfied with the decision of the Minister of Natural Resources, the Pearsons appealed to the Office of the President. They filed a Manifestation requesting the Office to require the Mining Companies to file a bond in such amount as may be necessary to protect the interest of the Pearsons during the pendency of the case before it. Also, they prayed for an order for immediate ocular inspection of the area to determine the fundamental issue of the correct tie point of the controverted mining claims. [10]

In an Order dated June 23, 1981, the Office of the President granted the motion concerning the bond but denied the request for ocular inspection. In the order, it was stated that "the investigation conducted by the Presidential Investigating Committee of Bureau of Mines has already considered and determined the issue which require no more (sic) further verification and clarification." [11] The Pearsons and the Mining Companies separately moved for reconsideration. [12]

Subsequently, the Office of the President granted the motion for ocular inspection, and ordered the creation of an Ad Hoc Ocular Inspection Committee on June 23, 1981. [13] The Mining Companies moved for reconsideration of this order. [14]

In a Decision dated August 31, 1981, the Office of the President revoked the order allowing ocular inspection, dismissed the appeal for lack of merit, and released all monies that might have been deposited by the Mining Companies. The pertinent grounds of its dismissal are hereunder quoted: [15]

"xxx We agree with the findings of the Ministry of Natural Resources that Appellant's mining claims are abandoned, if not null and void. Evidence on record clearly establishes the fact that appellants failed annual work obligations, and to pay the real estate taxes. These omissions (sic) by appellants constitute abandonment of their claims. Executive Order No. 141 dated August 1, 1968, explicitly states that unpatented mining claims which were located more than thirty years ago under the provisions of the Philippine Bill of 1902, as amended, and which have not complied with the annual assessment requirement are considered abandoned and their declaration of location cancelled. On this score, this Office finds no legal justification to modify, much less reverse, the appealed decision."

On January 18, 1982, the Office of the President issued a Resolution denying the Pearsons' motion for reconsideration. [16]

After said denial, the Pearsons filed a petition for certiorari, prohibition and mandamus, with a writ of preliminary injunction, before Branch X of the CFI of Pasig to annul the aforementioned decisions of public respondents and to restrain private respondents from entering and developing the mining claims involved. [17] This was docketed as Civil Case No. 45053. The Mining Companies filed their joint motion to dismiss and opposition to the preliminary injunction alleging, among other, that the Decision dated August 31, 1981 of the Office of the President is already final and executory pursuant to Presidential Decree no. 463, Section 50 which states that:

"Appeals- Any party not satisfied with the decision or order of the Director, may, within five (5) days from receipt thereof, appeal to the Secretary. Decision of the Secretary are likewise appealable within five (5) days

receipt thereof by the affected party to the President of the Philippines whose decision shall be final and executory.

xxx xxx xxx"

Instead of expressly resolving and said motion to dismiss, the CFI ordered on October 15, 1982 the creation of an Ad Hoc Ocular Inspection Committee "to determine the correct tie-point of private respondents' mineral claim". Both the public and private respondents moved for reconsideration of said order.[18] The CFI denied both motions and issued the Order dated December 21, 1982 scheduling the ocular inspection for January 3, 1983.

In view of this last order, the Mining Companies filed with the IAC their Petition for Certiorari and Prohibition, assailing the abovementioned orders dated October 15, 1982 and December 21, 1982 allowing the creation of and setting the schedule for ocular inspection by the Ad Hoc Committee, and praying that the latter court be prohibited from further proceeding with Civil Case No. 45053. The Mining Companies argued that when P.D. Nos. 99-A, 309, and 463 were promulgated, it became unquestionable that the procedure of adjudicating mining claims was made completely administrative with the President as the Final authority.[19] In their Answer, the Pearsons assailed the propriety of the petition since its subjects are two interlocutory orders.[20]

The IAC issued a Restraining Order dated January 31, 1983, restraining the CFI judge from implementing his order directing the Ad Hoc Committee to conduct an ocular inspection.[21] Later on, the IAC granted the writ of certiorari, set aside the orders of the CFI with regard to the Ad Hoc Committee and ocular inspection, and directed the CFI "to resolve the joint motion to dismiss filed by the private respondents in said case in light of what has been stated in this decision." The decision of the IAC was promulgated on September 30, 1983, and the same became final and executory with an entry of judgment issued by the said IAC on February 17, 1984.

As directed by the IAC, the CFI issued an Order on July 31, 1984 dismissing the petition of the Pearsons before it.

Hence, the petitioners now come before this Court raising in their petition the following issues:[22]

I. WHETHER OR NOT THE DECISION OF RESPONDENT INTERMEDIATE APPELLATE COURT IN CA-G.R. NO. 15439 IS NULL AND VOID FOR LACK OF JURISDICTION OVER THE SUBJECT MATTER OF THE CASE;

II. ASSUMING ARGUENDO THAT IT HAS JURISDICTION OVER THE CASE, WHETHER OR NOT RESPONDENT COURT GRAVELY ABUSED ITS DISCRETION, AMOUNTING TO LACK OF JURISDICTION, WHEN IT GAVE DUE COURSE TO AND DECIDED SAID PETITION DESPITE THE CLEAR SHOWING BY HEREIN PETITIONER THAT THE ORDERS IN QUESTION ARE MERELY INTERLOCUTORY AND ARE, THEREFORE, NOT PROPER SUBJECT MATTER OF A PETITION FOR CERTIORARI UNDER RULE 65 OF THE RULES OF COURT; AND

III. ASSUMING AGAIN ARGUENDO THAT THE QUESTIONED INTERLOCUTORY ORDERS ARE PROPER SUBJECT OF CERTIORARI, WHETHER OR NOT THE DECISION DATED SEPTEMBER 30, 1983 OF RESPONDENT INTERMEDIATE APPELLATE COURT IS A PATENT NULLITY FOR BEING DEVOID OF ANY FACTUAL OR LEGAL BASIS.

Petitioners maintain that the Supreme Court has the exclusive jurisdiction over all cases where the jurisdiction of a lower court is in issue, as well as all cases decided by lower courts involving pure questions of law,[23] pursuant to paragraph 2 (c) Section 5, Art X of the present Constitution which states that:

"Sec. 5. The Supreme Court shall have the following powers:

xxx xxx xxx

(2) Review and revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and decrees of inferior courts in -

xxx xxx xxx

(c) All cases in which the jurisdiction of any inferior courts is in issue

xxx xxx xxx"

Like wise, they assert that the Judiciary Act of 1948 (R.A. No. 296), as amended, also clearly provides that the Supreme Court has exclusive jurisdiction over the case, pursuant to Paragraph (3), Sec 17 thereof, to wit:

"Sec. 17. Jurisdiction of the Supreme Court.-

xxx xxx xxx

The Supreme Court shall further have exclusive jurisdiction to review, revise, reverse, modify or affirm on certiorari as the law or rules of court may provide, final judgement and decrees of inferior courts as herein provided in -

xxx xxx xxx

(2) All cases in which the jurisdiction of any inferior court in the issue.

xxx xxx xxx"

Consequently, they argue that the IAC Decision dated September 30, 1983 is a patent nullity for utter want of jurisdiction.

They further argue that the questioned orders of the CFI dated October 15, 1982 and December 21, 1982 allowing the creation of and setting the schedule for ocular inspection by the Ad Hoc Committee were merely interlocutory, and therefore, cannot be subject of a petition for certiorari in the IAC.[24]

Lastly, they claim that the IAC, in its September 30, 1984 decision sustaining the Decision dated August 31, 1981 of the Office of the President dismissing the appeal of petitioners, had no factual and legal bases. They stress that they have lived in their ancestral home in the mining area up to the filing of this petition; they continued performing the assessment work on their mineral claims up to 1975 when this case arose, and they were enjoined to stop their operations by respondent Bureau of Mines; that they have performed assessment work continuously up to 1975; that they filed religiously their affidavits of assessment work; and that they paid their realty taxes due, although they admitted that certain affidavits were filed and certain taxes were also paid in later years.[25]

Private respondents, in their Comment dated June 26, 1986, allege that the IAC has jurisdiction to entertain the original petition for ceriorari filed by them against respondent CFI and the Pearsons under Rule 65 of the New Rules of Court. They argue that under P.D. Nos. 99-A, 309 and 463 governing the procedures of adjudicating conflicting mining claims which were made completely administrative, the decision of the President on appeal to his Office is final and executory, and therefore, not subject to judicial review.[26]

The different issues raised in the instant petition may be subsumed in two principal issues:

1. Whether or not respondent IAC committed reversible error in assuming jurisdiction over the private respondents' petition for certiorari assailing the trial court's interlocutory orders?
2. Assuming the IAC had validly assumed jurisdiction, whether or not it committed reversible errors of law in its decision now before us?

We find the petition entirely devoid of merit. Thus we see, in regard to the first principal issue, no reversible error committed by the IAC when it assumed jurisdiction over private respondents' petition for certiorari involving interlocutory order of the trial court.

The petitioners launch a two-pronged attack against the jurisdiction of the respondent appellate court, to wit: first, the IAC could not adjudicate cases where the jurisdiction of the trial court is in issue; and second, the orders of the CFI, being merely interlocutory, could not be the subject of a petition for certiorari in the IAC.

The petitioners err on both counts.

Firstly, the IAC correctly invoked the ruling of this Court in *Uytiepo vs. Aggabao*[27], the wit:

"As regards the claim that the issues raised by Aggabao in her action filed with the respondent Court of Appeals involve only questions of law and are therefore exclusively reviewable by this Court, the petitioners apparently confuse the remedy of special civil action of certiorari under Rule 65 of the Rules of Court in relation to section 30 of the Judiciary Act as amended and an appeal by certiorari under Rule 42 also of the Rules of Court in relation to the court fourth paragraph of section 17 of the same Act. The first is a remedy available in the Court of Appeals in aid of its appellate jurisdiction, essentially to correct errors of jurisdiction or abuse of discretion amounting to lack of jurisdiction. The second lies within the competence of this Court for the review of errors of inferior courts involving only questions of law. x x x."

What private respondents availed of was the first remedy, placing in issue the jurisdiction of the trial court to create an Ad Hoc Committee and Schedule an ocular inspection.

Considered in relation to Section 9 of B.P. Blg. 129 (The Judiciary Reorganization Act of 1980), now incorporated in Section 4, Rule 65 of the 1997 Rules of Civil Procedure, which vested the then IAC with original jurisdiction to issue writs of certiorari and prohibition, among other auxillary writs, "whether or not in aid of its appellate jurisdiction", we find that respondent appellate court correctly assumed jurisdiction over CA-G.R. No. 15439.

It has also been emphasized in a number of cases[28] that while this Court has concurrent jurisdiction with the Court of Appeals and the Regional Trial Courts (for writs enforceable within their respective regions), to issue writs of mandamus, prohibition or certiorari, the litigants are well advised against taking a direct recourse to this Court. Instead, they should initially seek the proper relief from the lower courts. As a court of last resort, this Court should not be burdened with the task of dealing with causes in the first instance. Where the issuance of an extraordinary writ is concurrently within the competence of the CA or RTC, litigants must observe the principle of hierarchy of courts. This Court's original jurisdiction to issue extraordinary writs should be exercised only where absolutely necessary, or where serious and important reasons therefor exist.

Secondly, petitioner's contention that the lower court's orders of October 15, 1982 and December 21, 1982, being merely interlocutory, are not correctible by certiorari, ignores this Court's consistent ruling, to wit:

"On the procedural issues raised, we hold that where an interlocutory order was allegedly issued with grave abuse of discretion amounting to lack or excess of jurisdiction, such order may be questioned before the Court on a petition for certiorari under Rule 65 of the Revised Rules of Court. To delay the review of the order until the appeal from the decision of the main case would not afford the party adversely affected by the said order a speedy, plain and adequate remedy." [29]

In *Marcelo vs. De Guzman*, [30] we held that although, as a general rule, an interlocutory order is not appealable until after the rendition of the judgment on the merits, an exception is made where the remedy of appeal cannot afford an adequate and expeditious relief. In such exception, certiorari can be allowed as a mode of redress to prevent irreparable damage and injury to a party. We further held that where the order complained of is a patent

nullity, a petition for certiorari and mandamus may properly be entertained despite the existence of the remedy of appeal.[31] This we reiterated in *Salcedo-Ortañez vs. Court of Appeals*[32]

Does the controversy at hand fall under the exception where interlocutory orders may be the subject of a petition for certiorari in the IAC? In our view, it does. For the trial court clearly acted outside of its jurisdiction when it issued the assailed orders creating the Ad Hoc Committee and scheduling the ocular inspection.

To begin with the lower court did not have jurisdiction over the mining dispute. With the issuance of Presidential Decree Nos. 99-A, 309, and 463,[33] the procedure of adjudicating conflicting mining claims has been made completely administrative in character, with the president as the final appeal authority.[34] Section 50 of P.D. 463, providing for a modernized system of administration and disposition of mineral lands, to promote and encourage the development and exploitation thereof, mandates on the matter of "Protests, Adverse Claims and Appeals," the following procedure:

"Appeals - Any party not satisfied with the decision or order of the Director may, within five (5) days from receipt thereof, appeal to the Secretary. Decisions of the Secretary are likewise appealable within five (5) days from receipt thereof by the affected party to the President of the Philippines whose decision shall be final and executory."

It should be noted that before its amendment, the Mining Law (C.A. No. 137) required that after the filing of adverse claim with the Bureau of Mines, the adverse claimant had to go to a court of competent jurisdiction for the settlement of the claim. With the amendment seeking to expedite the resolution of mining conflicts, the Director of Mines became the mandatory adjudicator of adverse claims, instead of the Court of first Instance.[35] Thus, it cannot escape notice that under Section 61 of the Mining Law, as amended by Republic Act Nos. 746 and 4388, appeals from the decision of the Secretary of Agriculture and Natural Resources (then Minister of Natural Resources) on conflicts and disputes arising out of mining locations may be made to the Court of Appeals or the Supreme Court as the case may be. In contrast, under the decrees issued at the onset of martial law, it has been expressly provided that the decision of the same Secretary in mining cases are appealable to the President of the Philippines under Section 50 of the Mineral Resources Development Decree of 1974 (P.D. No. 463) and Section 7 of P.D. No. 1281 in relation to P.D. No. 309.[36]

The trend at present is to make the adjudication of mining cases a purely administrative matter.[37] This does not mean that administrative bodies have complete rein over mining disputes. The very terms of Section 73 of the Mining Law, as amended by R.A. No. 4388, in requiring that the adverse claim must "state in full detail the nature, boundaries and extent of the adverse claim" show that the conflicts to be decided by reason of such adverse claim refer primarily to questions of fact. The controversies to be submitted and resolved by the Director of Mines under the sections referred only to the overlapping of claims and administrative matters incidental thereto[38] Question and controversies that are judicial, not administrative, in nature can be resolved only by the regular courts in whom is vested the judicial power to resolve and adjudicate such civil disputes and controversies between litigants in accordance with the established norms of law and justice.[39] Decisions of the Supreme Court on mining disputes have recognized a distinction between (1) the primary powers granted by pertinent provisions of law to the then Secretary of Agriculture and Natural Resources (and the bureau directors) of an executive or administrative nature, such as "granting of licence, permits, lease and contracts, or approving, rejecting, reinstating or cancelling applications, or deciding conflicting applications," and (2) controversies or disagreements of civil or contractual nature between litigants which are questions of a judicial nature that may be adjudicated only by the courts of justice.[40]

This distinction is carried on even under the present law.[41] Findings of fact by the Mines Adjudication Board, which exercises appellate jurisdiction over decisions or orders of the panel of arbitrators, shall be conclusive and

binding on the parties, and its decision or order shall be final and executory.[42] But resort to the appropriate court, though a petition for review by certiorari, involving question of law, may be made within thirty days from the receipt of the order or decision of the Mines Adjudication Board.[43]

With regard to the second issue, the query boils down to whether the IAC committed reversible error in concluding that petitioners had abandoned their mining claims.

As found by IAC:

"It will not be amiss to state here that the basis of abandonment of the Pearsons of their mining claims is well established by the evidence already presented to the Bureau of Mines and to the Ministry of Natural Resources. We need only to refer to the following reasons found in the decision of the Ministry of Natural Resources, dated October 29, 1975, to wit:

'x x x assuming, in gratia argumentis, that the 'BAROBO' placer claims were validly located, said claims have been abandoned for failure of the claim owners thereof to conduct works therein, to file the affidavits of annual work obligations, and to pay the real estate taxes.

The evidence that affidavits of annual assessment works have been filed for the 'BAROBO-2' to 'BAROBO-5' placer claims from 1946 to 1951. However, the affidavits for the years 1957 to 1974, respectively were all filed only on April 8, 1975. Thus, during the latter years, no proof was submitted to show compliance with the annual assessment works. So, at the time the 'DIAMOND' and 'MARTIN' placer claims were located and registered, the 'BAROBO' claims had already been deemed abandoned and the areas covered thereby open to relocation.'

"Said decision also took into account Executive Order No. 141, dated August 1, 1968, which provides:

'NOW, THEREFORE, I, FERDINAND E. MARCOS, president of the Philippines, by virtue of the powers vested in me by law, do hereby declare unpatented mining claims which were located more than thirty years ago under the provisions of the Philippine Bill of 1902, as amended, and which had not complied with the annual assessment requirement, as abandoned and their declaration of cancelled.'"[44]

Well established is the rule that findings of fact made in the decision of the Minister of Natural Resources (then Secretary of Agriculture and Natural Resources) appealed from will not be reviewed by this Court unless there has been a grave abuse of discretion in making said findings by reason of the total absence of competent evidence in support thereof.[45] As shown above, the public officials' judgments are well supported by substantial evidence. Moreover, by the Pearsons' own admission, they failed to file the affidavit of annual assessment works and to pay the real estate taxes from 1957-1974, which were filed and paid only later in 1974[46]

In *Santa Rosa Mining Co. vs. Hon Minister of Natural Resources Jose Leido, Jr. And Directors of Mines Juanito Fernandez*[47], this Court held that while it is recognized that the right of a locator of a mining claim is a property right, such right is not absolute. It is merely a possessory right, more so where petitioner's claims are still unpatented. Mere location does not mean absolute ownership over the affected land or located claim. It merely segregates the located land or area from the public domain by barring other would-be locators from locating the same and appropriating for themselves the minerals found therein. To rule otherwise would imply the location is all that is needed to acquire and maintain rights over a located mining claim. This cannot be approved or sanctioned because it is contrary to the intention of the lawmaker that the locator should faithfully and consistently comply with the requirement for annual works and improvements in the located mining claims.[48] Not only should there be a valid and subsisting location of the mineral land but also there should be, thereafter, continuous compliance with all the requirements of law such as the performance of annual assessment works and payment of real estate taxes.[49]

While it is understandable that petitioners would want this Court to reassess the evidence presented before the mining officials to support their plea of not having abandoned the mining claim involved, this cannot be done now in this proceeding, for this Court is not a trier of facts. Moreover, we find no cogent, much less compelling, reason to depart from established practice and precedents. For where, as in the case at bar, there is no showing that there was fraud, collusion, arbitrariness, illegality, imposition or mistake on the part of the Office of the President or a department head in rendering a questioned decision; nor a total lack of substantial evidence to support their administrative decisions, their factual findings and conclusion are entitled to great weight and respect, and will not be interfered with.^[50]

WHEREFORE, the instant petition is hereby DENIED, and the assailed Orders and Decision of the Intermediate Appellate Court in AC-G.R. No. 15439, including the Order of dismissal of Civil Case No 45053, are hereby AFFIRMED.

No pronouncement as to costs.

SO ORDERED.

Davide, Jr., (Chairman), Bellosillo, Vitug and Panganiban, JJ., concur.

[1] Per Justice Nestor B. Alampay with the concurrence of Justice Carolina G. Aquino and Justice Santiago M. Kapunan, Rollo, pp. 78-90.

[2] Per Judge Efcio B. Acosta, Rollo, pp. 91-92.

[3] Per Presidential Executive Assistant Juan C. Tuvera, Rollo, pp. 93-96.

[4] Per Minister Jose J. Leido, Jr., Rollo, pp. 218-226.

[5] Per Director of Mines Juanito C. Fernandez, rollo, pp. 108-114.

[6] Pearsons, Tambis Gold Dredging Company, Inc.: In Capsule, Rollo, p 652.

[7] The CFI is now Regional Trial Court (RTC), while the IAC is now the Court of Appeals. The Director of Mines is now known as Director of Mines and Geoscience; and Minister of Natural Resources is now the Secretary of Environment and Natural Resources.

[8] Rollo, pp. 220-222.

[9] Supra note 4, at 107.

[10] Rollo, pp. 290, 292.

[11] Order, Rollo, pp. 316.

[12] Annex "FF", Rollo, pp. 318-321; Annex "GG", Rollo, pp. 322-327.

[13] Annex "HH", Rollo, pp. 328-329.

[14] Annex "II", Rollo, pp. 330-337.

[15] Supra note 3, at 96.

[16] Rollo, p. 16.

[17] Id. at 16, 18.

[18] Id. at 21.

[19] Id. at 25.

[20] Annex "PPP", Rollo, pp. 470-498.

[21] Annex "NNN", Rollo, p. 467.

[22] Petition, Rollo, p. 28.

[23] Id, at 30-31.

[24] Id. At 47.

[25] Id. At 48-49.

[26] Comment, Rollo, pp. 582-593.

[27] 35 SCRA 186, 192.

[28] Gelindon vs. De la Rama, 228 SCRA 322; Vergara, Sr. vs. Suelto, 156 SCRA 753.

[29] Aquino vs. NLRC, 226 SCRA 76, citing Mendoza vs. CA 201 SCRA 343.

[30] 114 SCRA 657, at 661-664.

[31] Id., citing Perlas vs. Concepcion, 34 Phil. 559, at 561; Director of Lands vs. Sta Maria, 44 Phil. 594, at 596p; Clemente vs. Lucban, 53 Phil. 931, at 934.

[32] 235 SCRA 111.

[33] P.D. No. 99-A was enacted on January 15, 1973; P.D. No 309 was enacted on October 10, 1973; P.D. No 463 was enacted on May 17, 1974.

[34] Solicitor General's REPLY TO OPPOSITION TO MOTION TO DISMISS, rollo, p. 395.

[35] Atty. Severino Tabios, Resolution of Adverse Claim on Mineral Properties, 94 SCRA 776, at 780.

[36] Twin Peaks vs. Navarro, 94 SCRA 768, at 773-774.

[37] Id., at 768.

[38] Philex Mining Corporation vs. Zaldivia, 43 SCRA 479, at 484.

[39] Pio vs. Marcos, 56 SCRA 726, at 756.

[40] Supra note 35, at 781.

[41] R.A. No. 7942, Philippine Mining Act of 1995.

[42] Id., Chapter XIII, Section 79

[43] Id.

[44] Decision of the IAC, pp. 11-12.

[45] Basiano, Sr. vs. Luna, 103 SCRA 49.

[46] Reply to Comment of Private Respondents, Rollo, p. 567.

[47] 156 SCRA 1.

[48] Director of Lands vs. Kalahi Investment, Inc., 169 SCRA 683, at 689.

[49] Zambales Chromite Mining Co., Inc vs. Leido, Jr. 176 SCRA 602, at 606.

[50] Lacuesta vs. Herrera, 62 SCRA 123, citing Syquiao vs. Sta Maria, 55 SCRA 736, and Nera vs. Titong, Jr., 56 SCRA 40.

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.