

UNITED PARACALE MINING COMPANY, INC., AND COCO GROVE, INC., PETITIONERS, VS. HON. JOSELITO DELA ROSA, IN HIS CAPACITY AS THE FORMER JUDGE OF THE COURT OF FIRST INSTANCE OF CAMAR...

G.R. Nos. 63786-87. April 07, 1993

Ponente: CAMPOS, JR., J.

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CAMPOS, JR., J.:

The cases herein were consolidated upon the representations of petitioners that they involve the same issues or questions of law or at the very least, revolve around the same set of facts. A perusal of the records, however, reveals the contrary. Only two petitions are properly consolidated. Thus, it behooves Us to discuss the cases separately.

In blatant violation of Section 2, Rule 45 of the Rules of Court which in part, provides:

“Sec. 2. Contents of the petition – The petition shall contain a concise statement of the matters involved, the assignment of errors made in the court below, and the reasons relied on for the allowance of the petition, x x x. (Emphasis Ours.)

“Only questions of law may be raised in the petition and must be distinctly set forth. x x x.”

this petition devotes nine (9) pages under the subtitle “Summary statement of the matters involved” to a discussion of matters off tangent from the real issues in the case. Definitely, the question of whether or not the Court of Appeals erred in ruling that the Regional Trial Court did not commit grave abuse of discretion in issuing an order suspending hearing pending the resolution of their motion to dismiss, does not involve the Philippine Bill of 1902, Executive Order No. 141, much less P.D. 1214. The counsel for petitioners even discussed pending cases in this Court (G.R. No. 63786 - 87 and 69203) which have completely nothing to do with the instant petition except for the fact that the parties therein are being represented by the same counsel as in this petition. In several pleadings subsequent to their petition, petitioners insisted that the proceedings in the court below must be restrained until this Court resolves the pending cases abovecited. For this reason this case was consolidated thereto.

A summary of the real matters involved in this petition is found in the respondent Court’s decision, to wit:

“This is a petition for certiorari and prohibition to enjoin the Regional Trial Court, Branch XL, in Camarines Norte from issuing a writ of preliminary injunction in Civil Case No. 5148 and to disqualify the respondent judge from acting in that case. The case was brought by the respondents Marsman and Co., Inc. and United Paracale Mining, Inc., to enjoin the petitioners, Joseph V. Lopez and Miguel Andrade, from entering and conducting mining operations within the “McDonald” and “San Antonio” Tunnels in Paracale, Camarines Norte, in which the private respondents have mining claims (“Tulisan,” “Santa Marta,” “California,” and “Rocky Mountain Fraction”). On December 11, 1984 the RTC issued a restraining order against the petitioners.

On December 12 the petitioners filed their answer alleging that, in accordance with PD 1214, the private respondents had forfeited their right to the mining claims. They likewise argued that in view of PD 605, the RTC had no jurisdiction to entertain the case. On the same day the petitioners moved for the disqualification of the respondent judge of the RTC, caliming (sic) that in issuing the restraining order of December 11, 1984, he showed his "bias, prejudice and personal hatred of and hostility to the [petitioners'] counsel [Atty. Pedro A. Venida]."

On December 24, 1984 the petitioners filed a motion for a preliminary hearing on their defense that the RTC lacked jurisdiction under PD 605 to issue a temporary restraining order or injunction in cases involving or growing out of the action of administrative officials on the applications for permits for the disposition, exploitation, utilization, or exploration or development of the natural resources. Accordingly the RTC, in its order of September 5, 1985, suspended the hearing of the case until the resolution of the petitioners' motion to dismiss. It is at this point that the present petition was filed."^[1]

The respondent Court denied this petition on grounds that: (1) the questions being raised are not proper in a petition for certiorari under Rule 65 but rather defenses which should be raised in the action itself; (2) the question of jurisdiction which has yet to be resolved by the trial court pending resolution of the motion to dismiss is prematurely raised; and (3) there was no basis for determining whether or not the judge must be disqualified.^[2]

The review of this decision is what is on appeal before Us.

We refuse to be persuaded by the petitioners that the RTC must be enjoined from exercising its jurisdiction in settling the case presented before it for the reason that the constitutionality of the law involved in the said case is being questioned before this Court. This case should have been disposed of independently of the other petitions herein.

The respondent Court of Appeals committed no reversible error. Neither did it commit grave abuse of discretion as what petitioners want this Court to believe. The petitioners fail to point out any assigned error which the respondent Court had supposedly committed but simply narrate the action taken by it. Much less have they stated the reasons relied upon for the allowance of the instant petition. For being insufficient in substance and in form, the instant petition lacks merit and must be dismissed.

G.R. No. 70423

This is a petition involving the question of jurisdiction of regular courts in cases which had been placed under the original and exclusive jurisdiction of the Bureau of Mines under P.D. 1281.

This petition seeks to reverse the order of then Judge, now Associate Justice of the Court of Appeals, Hon. Alfredo L. Benipayo, dismissing the complaint filed by petitioner herein on the ground of lack of jurisdiction, citing Section 7 of P.D. 1281 and the doctrine enunciated in *Twin Peaks Mining Association, et al. vs. Navarro*,^[3] that an action for the enforcement of mining contracts, in this case cancellation of a mining contract, is outside the competence of regular courts in view of the law cited.^[4]

The complaint filed with the then CFI of Manila, Branch XVI, was one for the rescission of its mining contract with herein private respondent on grounds of violations of the terms and conditions thereof, with prayer for the issuance of a preliminary injunction and/or temporary restraining order. The trial court, however, upon motion of the defendant therein, dismissed the case.

Petitioner wants Us to construe Section 7 of P.D. 1281 as applicable only to mineral lands forming part of the public domain and not to mining claims located and registered under Philippine Bill of 1902 and Act No. 624 as is its case.

Section 7 of P.D. 1281 reads as follows:

Sec. 7. In addition to its regulatory and adjudicative functions over companies partnerships or persons engaged in mining exploration, development and exploitation, the Bureau of Mines shall have original and exclusive jurisdiction to hear and decide cases involving:

- (a) a mining property subject of different agreements entered into by the claim holder thereof with several mining operators;
- (b) complaints from claimowners that the mining property subject of an operating agreement has not been placed into actual operations within the period stipulated therein; and
- (c) cancellation and/or reinforcement of mining contracts due to the refusal of the claimowner/operator to abide by the terms and conditions thereof.

All actions and decisions of the Director of Mines on the above cases are subject to review motu proprio or upon appeal by any person aggrieved thereby, by the Secretary of Natural Resources whose decision shall be final and executory after the lapse of thirty (30) days from receipt by the aggrieved party of said decision, unless appealed to the President in accordance with the applicable provisions of Presidential Decree No. 309 and Letter of Instructions Nos. 119 and 135.

The view of the petitioner that by virtue of the registration of the mining claims under the Philippine Bill of 1902 and Act No. 624, the mining claims became private property and thereby brought outside the control and supervision of the Director of Mines is without legal basis. The abovesited law does not distinguish between private property and lands of the public domain. The provision of law involved is clear and is not susceptible to interpretation. A condition sine qua non before the court may construe or interpret a statute is that there be doubt or ambiguity in its language.[5] Section 7 of P.D. 1281 quoted above defining the original and exclusive jurisdiction of the Director of Mines is clear. Time and again, it has been repeatedly declared by this Court that where the law speaks in clear and categorical language, there is no room for interpretation. There is only room for application.[6] Where the law is clear and unambiguous, it must be taken to mean exactly what it says and the court has no choice but to see to it that its mandate is obeyed.[7]

This Court in *Benguet Corporation vs. Leviste*,[8] made these pronouncements:

“We grant the petition. Presidential Decree No. 1281 which took effect on January 16, 1978 vests the Bureau of Mines with jurisdictional supervision and control over all holders of mining claims or applicants for and/or grantees of mining licenses, permits, leases and/or operators thereof, including mining service contracts and service contractors insofar as their mining activities are concerned. To effectively discharge its task as the Government’s arm in the administration and disposition of mineral resources, Section 7 of P.D. 1281 confers upon the Bureau quasi-judicial powers as follows:

x x x x x

Analyzing the objective of P.D. 1281, particularly said Section 7 thereof, the Court in *Twin Peaks Mining Association*, the case relied upon by petitioner, noted that the trend is to make the adjudication of mining cases a purely administrative matter. This observation was reiterated in the more recent case of *Atlas Consolidated Mining & Development Corporation vs. Court of Appeals*.”

The petitioner further argues that to hold that P.D. 1281 retroactively applies to its mining claims which according to it is private property would constitute impairment of vested rights since by shifting the forum of the petitioner’s case from the courts to the Bureau of Mines, as urged by private respondent, the substantive rights to full protection of its property rights shall be greatly impaired and prejudiced. The judicial relief available for the

redress of private property rights violated, now being enjoyed by petitioner shall be lost altogether.

This argument does not merit Our approval. There can be no vested right in a judicial relief for this is a mere statutory privilege and not a property right. The distinction between statutory privileges and vested rights must be borne in mind for persons have no vested rights in statutory privileges. The state may change or take away rights which were created by the law of the state, although it may not take away property which was vested by virtue of such rights.[9] Besides, the right to judicial relief is not a right which may constitute vested right because to be vested, a right must have become a title, legal or equitable, to the present or future enjoyment of property, or to the present or future enforcement of a demand or legal exemption from a demand made by another.[10] Definitely, the judicial relief herein referred to by the petitioner does not fall under any of these.

The case at bar falls within the original and exclusive jurisdiction of the Bureau of Mines, hence, the trial court did not err in dismissing the petitioner's complaint on the ground of lack of jurisdiction.

G.R. Nos. 63786-87

In these petitions filed by petitioners United Paracale Mining Company, Inc. and Coco Grove, Inc., petitioners seek to set aside the Order of dismissal of the case they filed with the trial court for the ejectment of their respective defendants from the mining claims which were allegedly privately owned by them having been located and perfected under the provisions of the Philippine Bill of 1902 and Act No. 624.

The heart of these twin petitions is the question of constitutionality of P.D. 1214. Unless P.D. 1214 is successfully assailed, the petitioners will be but mere applicants for the lease of the mining claims involved and would thus have no causes of action against private respondents.

This question has been resolved by this Court in *Santa Rosa Mining Company, Inc. vs. Leido, Jr.*[11] thus:

“(W)e hold that Presidential Decree No. 1214 is not unconstitutional.* It is a valid exercise of the sovereign power of the State, as owner, over lands of the public domain, of which petitioner's mining claims still form a part, and over the patrimony of the nation, of which mineral deposits are a valuable asset. It may be underscored, in this connection, that the Decree does not cover all mining claims located under the Phil. Bill of 1902, but only those claims over which their locators had failed to obtain a patent. And even then, such locators may still avail of the renewable twenty-five year (25) lease prescribed by Pres. Decree No. 463, the Mineral Development Resources Decree of 1974.

Mere location does not mean absolute ownership over the affected land or the mining 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 that location is all that is needed to acquire and maintain rights over a located mining claim. This, we cannot approve or sanction because it is contrary to the intention of the lawmaker that the locator should faithfully and consistently comply with the requirements for annual work and improvements in the located mining claim.

Presidential Decree No. 1214 is in accord with Sec. 8, Art. XIV of the 1973 Constitution which states:

‘All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, wildlife, and other natural resources of the Philippines belong to the State. With the exception of agricultural, industrial or commercial, residential and resettlement lands of the public domain, natural resources shall not be alienated, and no license, concession, or lease for the exploration, development, and exploitation, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for not more than twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than development of water power, in which cases, beneficial use may be the measure and the limit of the grant.’

The same Constitutional mandate is found in Sec. 2, Art. XII of the 1987 Constitution, which declares:

‘All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. x x x.’“

Notwithstanding Our ruling in favor of the constitutionality of P.D. 1214, petitioners contend that having filed mining lease applications on the mining claims they have previously located and registered under then existing laws, pursuant to the requirements of this Presidential Decree, and despite the waiver of their rights to the issuance of mining patents therefor (emphasis theirs), they cannot be placed in equal footing with those who forfeit all rights by virtue of non-filing of an application within the prescribed period such that they (petitioners) have no causes of action against private respondents.

We are not persuaded by this contention.

Although We may agree that those who filed their mining lease applications have better rights than those who forfeited all their right by not filing at all, this, however, does not amount to any vested right which could be the basis for their cause of action against herein private respondents. What is precisely waived is their right to the issuance of a mining patent upon application. This in effect grants the government the power, in the exercise of its sound discretion, to award the patent to the applicant most qualified to explore, develop and exploit the mineral resources of the country in line with the objectives of P.D. 463, and not necessarily to the original locator of the mining claim. To sustain their contention that they can question the award of mining patents to applicants other than them would put to naught the objectives of P.D. 1214 as enunciated in its WHEREAS clauses.

We agree with the trial court that with the waiver of their right to the issuance of a mining patent upon their application for a mining lease, their status is reduced to mere applicant, their only advantage over the others is the fact that they have already conducted explorations at the site and this exploration may be ongoing. But still, this credential, so to speak, is not intended to tie the hands of the government so as to prevent it from awarding the mining patent to some other applicants, which in its belief may be more qualified than them.

WHEREFORE, the petition in G.R. No. 73931 is hereby DISMISSED for lack of merit; the Order of dismissal assailed in G.R. No. 70423 is AFFIRMED and this petition is hereby likewise DISMISSED; the Order of dismissal assailed in G.R. Nos. 63786-87 is AFFIRMED and these petitions are hereby DISMISSED. No pronouncements as to costs.

SO ORDERED.

Narvasa, C.J., (Chairman), Cruz, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Quiason, JJ., concur.
Feliciano, J., no part.

[1] Decision, pp. 1-2; Rollo, pp. 20-21.

[2] Decision, p. 2; Rollo, p. 21.

[3] 94 SCRA 768 (1979).

[4] Order, p. 2; Rollo, p. 70.

[5] Guevarra vs. Innocentes, 16 SCRA 379 (1966).

[6] Cebu Portland Cement Company vs. Municipality of Naga, Cebu, 24 SCRA 708 (1968).

[7] Chartered Bank Employees Association vs. Ople, 138 SCRA 273 (1985).

[8] 204 SCRA 99, 103 (1991) citing Atlas Consolidated Mining & Development Corporation vs. Court of Appeals, 182 SCRA 166 (1990) and Twin Peaks Mining Association vs. Navarro and Philex Mining Corp., supra, note 3.

[9] 16A Am. Jur. 2d, pp. 652-653.

[10] National Carloading Corporation v. Phoenix-El Paso Express, Inc., cited in 16A Am. Jur. 2d, p. 651.

[11] 156 SCRA 1 (1987), which ruling was reiterated in Zambales Chromite Mining Company, Inc. vs. Leido, Jr., 176 SCRA 602 (1989).

* The relevant provisions of this Decree are as follows:

SEC. 1. Holders of subsisting and valid patentable mining claims, lode or placer, located under the provisions of the Act of Congress of July 1, 1902, as amended shall file a mining lease application therefor with the Mines Regional [Office concerned within a period of one (1) year from the] Director upon approval of this Decree, and upon the filing thereof, holders of the said claims shall be considered to have waived their rights to the issuance of mining patents therefor: Provided, however, That the non-filing of the application for mining lease by the holders thereof within the period herein prescribed shall cause the forfeiture of all his rights to the claim.

SEC. 2. No mines temporary permit shall be required of a holder of a patentable mining claim, lode or placer, in the extraction and disposal of minerals taken therefrom prior to the filing of the mining lease application therefor: Provided, That upon the filing of the said application, the provisions of Presidential Decree No. 463 shall apply: Provided, further, That patent applications already published shall be exempted from the publication requirements of Presidential Decree No. 463.

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