

SECOND DIVISION

[G.R. No. 170251, June 01, 2011]

CELIA S. VDA. DE HERRERA, PETITIONER, VS. EMELITA BERNARDO, EVELYN BERNARDO AS GUARDIAN OF ERLYN, CRISLYN AND CRISANTO BERNARDO,* RESPONDENTS.

D E C I S I O N

PERALTA, J.:

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision^[1] and Resolution^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 73674.

The antecedents are as follows:

Respondents heirs of Crisanto S. Bernardo, represented by Emelita Bernardo, filed a complaint before the Commission on the Settlement of Land Problems (COSLAP) against Alfredo Herrera (Alfredo) for interference, disturbance, unlawful claim, harassment and trespassing over a portion of a parcel of land situated at *Barangay* Dalig, Cardona, Rizal, with an area of 7,993 square meters. The complaint was docketed as COSLAP Case No. 99-221.

Respondents claimed that said parcel of land was originally owned by their predecessor-in-interest, Crisanto Bernardo, and was later on acquired by Crisanto S. Bernardo. The parcel of land was later on covered by Tax Declaration No. CD-006-0828 under the name of the respondents.

Petitioner, on the other hand, alleged that the portion of the subject property consisting of about 700 square meters was bought by Diosdado Herrera, Alfredo's father, from a certain Domingo Villaran. Upon the death of Diosdado Herrera, Alfredo inherited the 700-square-meter lot.

The COSLAP, in a Resolution^[3] dated December 6, 1999, ruled that respondents have a rightful claim over the subject property. Consequently, a motion for reconsideration and/or reopening of the proceedings was filed by Alfredo. The COSLAP, in an Order^[4] dated August 21, 2002, denied the motion and reiterated its Order dated December 6, 1999. Aggrieved, petitioner Celia S. Vda. de Herrera, as the surviving spouse of Alfredo, filed a petition for *certiorari* with the CA.^[5] The CA, Twelfth Division, in its Decision dated April 28, 2005, dismissed the petition and affirmed the resolution of the COSLAP. The CA ruled that the COSLAP has exclusive jurisdiction over the present case and, even assuming that the COSLAP has no jurisdiction over the land dispute of the parties herein, petitioner is already estopped from raising the issue of jurisdiction because Alfredo failed to raise the issue of lack of jurisdiction before the COSLAP and he actively participated in the proceedings

before the said body. Petitioner filed a motion for reconsideration, which was denied by the CA in a Resolution dated October 17, 2005.

Hence, petitioner elevated the case to this Court *via* Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, with the following issues:

I

WHETHER OR NOT COSLAP HAD JURISDICTION TO DECIDE THE QUESTION OF OWNERSHIP.

II

WHETHER OR NOT THE ISSUANCE OF A TORRENS TITLE IN THE NAME OF THE PETITIONER'S HUSBAND IN 2002 RENDERED THE INSTANT CONTROVERSY ON THE ISSUE OF OWNERSHIP OVER THE SUBJECT PROPERTY MOOT AND ACADEMIC.^[6]

Petitioner averred that the COSLAP has no adjudicatory powers to settle and decide the question of ownership over the subject land. Further, the present case cannot be classified as explosive in nature as the parties never resorted to violence in resolving the controversy. Petitioner submits that it is the Regional Trial Court which has jurisdiction over controversies relative to ownership of the subject property.

Respondents, on the other hand, alleged that the COSLAP has jurisdiction over the present case. Further, respondents argued that petitioner is estopped from questioning the jurisdiction of the COSLAP by reason of laches due to Alfredo's active participation in the actual proceedings before the COSLAP. Respondents said that Alfredo's filing of the Motion for Reconsideration and/or Reopening of the proceedings before the COSLAP is indicative of his conformity with the questioned resolution of the COSLAP.

The main issue for our resolution is whether the COSLAP has jurisdiction to decide the question of ownership between the parties.

The petition is meritorious.

The COSLAP was created by virtue of Executive Order (E.O.) No. 561, issued on September 21, 1979 by then President Ferdinand E. Marcos. It is an administrative body established as a means of providing a mechanism for the expeditious settlement of land problems among small settlers, landowners and members of the cultural minorities to avoid social unrest.

Section 3 of E.O. No. 561 specifically enumerates the instances when the COSLAP can exercise its adjudicatory functions:

Section 3. *Powers and Functions.* - The Commission shall have the following powers and functions:

2. Refer and follow up for immediate action by the agency having appropriate jurisdiction any land problem or dispute referred to the Commission: Provided, That the Commission may, in the following cases, ***assume jurisdiction and resolve land problems or disputes which are critical and explosive in nature considering, for instance, the large number of the parties involved, the presence or emergence of social tension or unrest, or other similar critical situations requiring immediate action:***

- (a) Between occupants/squatters and pasture lease agreement holders or timber concessionaires;
- (b) Between occupants/squatters and government reservation grantees;
- (c) Between occupants/squatters and public land claimants or applicants;
- (d) Petitions for classification, release and/or subdivision of lands of the public domain; and
- (e) Other similar land problems of grave urgency and magnitude.^[7]

Administrative agencies, like the COSLAP, are tribunals of limited jurisdiction that can only wield powers which are specifically granted to it by its enabling statute.^[8] Under Section 3 of E.O. No. 561, the COSLAP has two options in acting on a land dispute or problem lodged before it, to wit: (a) refer the matter to the agency having appropriate jurisdiction for settlement/resolution; or (b) assume jurisdiction if the matter is one of those enumerated in paragraph 2 (a) to (e) of the law, if such case is critical and explosive in nature, taking into account the large number of parties involved, the presence or emergence of social unrest, or other similar critical situations requiring immediate action. In resolving whether to assume jurisdiction over a case or to refer the same to the particular agency concerned, the COSLAP has to consider the nature or classification of the land involved, the parties to the case, the nature of the questions raised, and the need for immediate and urgent action thereon to prevent injuries to persons and damage or destruction to property. The law does not vest jurisdiction on the COSLAP over any land dispute or problem.^[9]

In the instant case, the COSLAP has no jurisdiction over the subject matter of respondents' complaint. The present case does not fall under any of the cases enumerated under Section 3, paragraph 2 (a) to (e) of E.O. No. 561. The dispute between the parties is not critical and explosive in nature, nor does it involve a large number of parties, nor is there a presence or emergence of social tension or unrest. It can also hardly be characterized as involving a critical situation that requires immediate action.

It is axiomatic that the jurisdiction of a tribunal, including a quasi-judicial officer or government agency, over the nature and subject matter of a petition or complaint is determined by the material allegations therein and the character of the relief prayed for, irrespective of whether the petitioner or complainant is entitled to any or all

such reliefs.^[10]

Respondents' cause of action before the COSLAP pertains to their claim of ownership over the subject property, which is an action involving title to or possession of real property, or any interest therein,^[11] the jurisdiction of which is vested with the Regional Trial Courts or the Municipal Trial Courts depending on the assessed value of the subject property.^[12]

The case of *Banaga v. Commission on the Settlement of Land Problems*,^[13] applied by the CA and invoked by the respondents, is inapplicable to the present case. *Banaga* involved parties with conflicting free patent applications over a parcel of public land and pending with the Bureau of Lands. Because of the Bureau of Land's inaction within a considerable period of time on the claims and protests of the parties and to conduct an investigation, the COSLAP assumed jurisdiction and resolved the conflicting claims of the parties. The Court held that since the dispute involved a parcel of public land on a free patent issue, the COSLAP had jurisdiction over that case. In the present case, there is no showing that the parties have conflicting free patent applications over the subject parcel of land that would justify the exercise of the COSLAP's jurisdiction.

Since the COSLAP has no jurisdiction over the action, all the proceedings therein, including the decision rendered, are null and void.^[14] A judgment issued by a quasi-judicial body without jurisdiction is void. It cannot be the source of any right or create any obligation.^[15] All acts performed pursuant to it and all claims emanating from it have no legal effect.^[16] Having no legal effect, the situation is the same as it would be as if there was no judgment at all. It leaves the parties in the position they were before the proceedings.^[17]

Respondents' allegation that petitioner is estopped from questioning the jurisdiction of the COSLAP by reason of laches does not hold water. Petitioner is not estopped from raising the jurisdictional issue, because it may be raised at any stage of the proceedings, even on appeal, and is not lost by waiver or by estoppel.^[18] The fact that a person attempts to invoke unauthorized jurisdiction of a court does not estop him from thereafter challenging its jurisdiction over the subject matter, since such jurisdiction must arise by law and not by mere consent of the parties.^[19]

In *Regalado v. Go*,^[20] the Court held that laches should be clearly present for the *Sibonghanoy*^[21] doctrine to apply, thus:

Laches is defined as the "failure or neglect for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier, it is negligence or omission to assert a right within a reasonable length of time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it."

The ruling in *People v. Regalario* that was based on the landmark doctrine enunciated in *Tijam v. Sibonghanoy* on the matter of jurisdiction by estoppel is the exception rather than the rule. *Estoppel by laches* may