

EN BANC

[G.R. No. 184869, September 21, 2010]

CENTRAL MINDANAO UNIVERSITY, REPRESENTED BY OFFICER-IN-CHARGE DR. RODRIGO L. MALUNHAO, PETITIONER, VS. THE HONORABLE EXECUTIVE SECRETARY, THE HONORABLE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE CHAIRPERSON AND COMMISSIONERS OF THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES, AND THE LEAD CONVENOR OF THE NATIONAL ANTI-POVERTY COMMISSION, RESPONDENTS.

DECISION

ABAD, J.:

This case concerns the constitutionality of a presidential proclamation that takes property from a state university, over its objections, for distribution to indigenous peoples and cultural communities.

The Facts and the Case

Petitioner Central Mindanao University (CMU) is a chartered educational institution owned and run by the State.^[1] In 1958, the President issued Presidential Proclamation 476, reserving 3,401 hectares of lands of the public domain in Musuan, Bukidnon, as school site for CMU. Eventually, CMU obtained title in its name over 3,080 hectares of those lands under Original Certificates of Title (OCTs) 0-160, 0-161, and 0-162. Meanwhile, the government distributed more than 300 hectares of the remaining untitled lands to several tribes belonging to the area's cultural communities.

Forty-five years later or on January 7, 2003 President Gloria Macapagal-Arroyo issued Presidential Proclamation 310 that takes 670 hectares from CMU's registered lands for distribution to indigenous peoples and cultural communities in Barangay Musuan, Maramag, Bukidnon.

On April 3, 2003, however, CMU filed a petition for prohibition against respondents Executive Secretary, Secretary of the Department of Environment and Natural Resources, Chairperson and Commissioner of the National Commission on Indigenous Peoples (NCIP), and Lead Convenor of the National Anti-Poverty Commission (collectively, NCIP, *et al*) before the Regional Trial Court (RTC) of Malaybalay City (Branch 9), seeking to stop the implementation of Presidential Proclamation 310 and have it declared unconstitutional.

The NCIP, *et al* moved to dismiss the case on the ground of lack of jurisdiction of the Malaybalay RTC over the action, pointing out that since the act sought to be enjoined relates to an official act of the Executive Department done in Manila,

jurisdiction lies with the Manila RTC. The Malaybalay RTC denied the motion, however, and proceeded to hear CMU's application for preliminary injunction. Meanwhile, respondents NCIP, *et al* moved for partial reconsideration of the RTC's order denying their motion to dismiss.

On October 27, 2003, after hearing the preliminary injunction incident, the RTC issued a resolution granting NCIP, *et al*'s motion for partial reconsideration and dismissed CMU's action for lack of jurisdiction. Still, the RTC ruled that Presidential Proclamation 310 was constitutional, being a valid State act. The RTC said that the ultimate owner of the lands is the State and that CMU merely held the same in its behalf. CMU filed a motion for reconsideration of the resolution but the RTC denied the same on April 19, 2004. This prompted CMU to appeal the RTC's dismissal order to the Court of Appeals (CA) Mindanao Station.^[2]

CMU raised two issues in its appeal: 1) whether or not the RTC deprived it of its right to due process when it dismissed the action; and 2) whether or not Presidential Proclamation 310 was constitutional.^[3]

In a March 14, 2008 decision,^[4] the CA dismissed CMU's appeal for lack of jurisdiction, ruling that CMU's recourse should have been a petition for review on *certiorari* filed directly with this Court, because it raised pure questions law--bearing mainly on the constitutionality of Presidential Proclamation 310. The CA added that whether the trial court can decide the merits of the case based solely on the hearings of the motion to dismiss and the application for injunction is also a pure question of law.

CMU filed a motion for reconsideration of the CA's order of dismissal but it denied the same,^[5] prompting CMU to file the present petition for review.

The Issues Presented

The case presents the following issues:

1. Whether or not the CA erred in not finding that the RTC erred in dismissing its action for prohibition against NCIP, *et al* for lack of jurisdiction and at the same time ruling that Presidential Proclamation 310 is valid and constitutional;
2. Whether or not the CA correctly dismissed CMU's appeal on the ground that it raised purely questions of law that are proper for a petition for review filed directly with this Court; and
3. Whether or not Presidential Proclamation 310 is valid and constitutional.

The Court's Rulings

One. The RTC invoked two reasons for dismissing CMU's action. The first is that jurisdiction over the action to declare Presidential Proclamation 310 lies with the RTC of Manila, not the RTC of Malaybalay City, given that such action relates to official acts of the Executive done in Manila. The second reason, presumably made on the assumption that the Malaybalay RTC had jurisdiction over the action, Presidential

Proclamation 310 was valid and constitutional since the State, as ultimate owner of the subject lands, has the right to dispose of the same for some purpose other than CMU's use.

There is nothing essentially wrong about a court holding on the one hand that it has no jurisdiction over a case, and on the other, based on an assumption that it has jurisdiction, deciding the case on its merits, both with the same results, which is the dismissal of the action. At any rate, the issue of the propriety of the RTC using two incompatible reasons for dismissing the action is academic. The CA from which the present petition was brought dismissed CMU's appeal on some technical ground.

Two. Section 9(3) of the Judiciary Reorganization Act of 1980^[6] vests in the CA appellate jurisdiction over the final judgments or orders of the RTCs and quasi-judicial bodies. But where an appeal from the RTC raises purely questions of law, recourse should be by a petition for review on *certiorari* filed directly with this Court. The question in this case is whether or not CMU's appeal from the RTC's order of dismissal raises purely questions of law.

As already stated, CMU raised two grounds for its appeal: 1) the RTC deprived it of its right to due process when it dismissed the action; and 2) Presidential Proclamation 310 was constitutional. Did these grounds raise factual issues that are proper for the CA to hear and adjudicate?

Regarding the first reason, CMU's action was one for injunction against the implementation of Presidential Proclamation 310 that authorized the taking of lands from the university. The fact that the President issued this proclamation in Manila and that it was being enforced in Malaybalay City where the lands were located were facts that were not in issue. These were alleged in the complaint and presumed to be true by the motion to dismiss. Consequently, the CMU's remedy for assailing the correctness of the dismissal, involving as it did a pure question of law, indeed lies with this Court.

As to the second reason, the CMU claimed that the Malaybalay RTC deprived it of its right to due process when it dismissed the case based on the ground that Presidential Proclamation 310, which it challenged, was constitutional. CMU points out that the issue of the constitutionality of the proclamation had not yet been properly raised and heard. NCIP, *et al* had not yet filed an answer to join issue with CMU on that score. What NCIP, *et al* filed was merely a motion to dismiss on the ground of lack of jurisdiction of the Malaybalay RTC over the injunction case. Whether the RTC in fact prematurely decided the constitutionality of the proclamation, resulting in the denial of CMU's right to be heard on the same, is a factual issue that was proper for the CA Mindanao Station to hear and ascertain from the parties. Consequently, the CA erred in dismissing the action on the ground that it raised pure questions of law.

Three. Since the main issue of the constitutionality of Presidential Proclamation 310 has been raised and amply argued before this Court, it would serve no useful purpose to have the case remanded to the CA Mindanao Station or to the Malaybalay RTC for further proceedings. Ultimately, the issue of constitutionality of the Proclamation in question will come to this Court however the courts below decide it. Consequently, the Court should, to avoid delay and multiplicity of suits, now resolve the same.