

SECOND DIVISION

[G.R. No. 157856, September 27, 2007]

CONCEPCION C. ANILLO OF BARANGAY SAN NICOLAS (FORMERLY MOLINO), BACOR, CAVITE, PETITIONER, VS. COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS REPRESENTED BY COMMISSIONER ERNESTO A. CARDIÑO; OIC-ASSOCIATE COMMISSIONER NOEL GALAROSA, DEMETRIO T. VILLANUEVA, JR., SHERIFF IV OF THE REGIONAL TRIAL COURT, FOURTH JUDICIAL REGION, BACOR, CAVITE; PROVINCIAL DIRECTOR, PNP, PROVINCE OF CAVITE; NATIONAL POLICE TASK FORCE ON PROFESSIONAL SQUATTERS AND SQUATTING SYNDICATES, HON. MAYOR JESSIE B. CASTILLO OF THE MUNICIPALITY OF BACOR, CAVITE; HON. BARANGAY CHAIRMAN GAUDENCIO PAREDES; GREENVALLEY HOMEOWNER'S ASSOCIATION INC.; AND SOUTHRICH ACRES, INC. RESPONDENTS.

DECISION

TINGA, J.:

This is a special civil action under Rule 65 for certiorari, prohibition and mandamus with application for a writ of preliminary injunction and restraining order, praying for the nullification of the Resolution^[1] dated 30 July 2001, including the writ of execution^[2] and demolition^[3] in connection therewith, for having been issued by the Commission on the Settlement of Land Problems (COSLAP) with grave abuse of discretion amounting to lack or in excess of jurisdiction.

The instant controversy stemmed from a letter^[4] dated 29 May 2001 of Jessie B. Castillo, Municipal Mayor of Bacor, Cavite, to COSLAP Commissioner Ernesto A. Cardíño, seeking immediate assistance in the settlement of a land dispute brewing in Green Valley Subdivision, San Nicolas, Bacor, Cavite. The letter averred that squatters, claiming to have bought portions of the subdivision land from the estate of the late Don Hermogenes Rodriguez, had invaded the subdivision and turned vacant lots therein into a squatter colony. A certain Henry Rodriguez had been purportedly representing the estate and claiming ownership over a big portion of the Municipality of Bacor including the subdivision land by virtue of a Spanish title, and selling small lots to clueless victims. Armed security guards were allegedly preventing registered owners and legitimate residents of the subdivision from entering their own property and exacting money from them in exchange for the peaceful occupation thereof. The complaint was docketed as COSLAP Case No. 2001-05-46.

Acting on the complaint, COSLAP directed the parties to participate in a series of mediation conferences. On 29 June 2001, Atty. Larry Pernito appeared on behalf of the Estate of Rodriguez. He questioned the jurisdiction of COSLAP and argued that

the matter had already been settled in the intestate proceedings for the settlement of the Estate of Rodriguez. The representatives of Green Valley Homeowners Association, Inc. and Southrich Acres, Inc., registered owners of lots within the subdivision, prayed that their Torrens titles be respected. At the next conference, only complainants appeared. COSLAP directed the parties to submit position papers, but only complainants complied.

On 30 July 2001, COSLAP issued a Resolution^[5] in COSLAP Case No. 2001-05-46, the dispositive portion of which reads:

Accordingly, this Commission rules in favor of complainants and against respondents. This body upholds the contention of complainants that any person desiring to contest their titles must do so in a proper proceeding in accordance with law and not thru force, intimidation and acts of harassment. This Commission further rules that respondents and all persons claiming rights over the subject properties are hereby ordered to vacate the premises and return possession thereof to complainants. Finally, this Commission resolves to order respondents to cease and desist from:

- A. Deploying of armed security guards;
- B. Constructing of fences and putting of signboards in the area; and
- C. Collecting fees from persons for "rights" to occupy said lots and selling lots to innocent purchasers.

SO ORDERED.^[6]

COSLAP affirmed its jurisdiction over the land dispute on the ground that the dispute would fall under the all-inclusive proviso of Paragraph 2, Section 3 of Executive Order No. 561,^[7] which created the commission.

Upon motion, COSLAP issued a Writ of Execution^[8] on 23 October 2001, directing the Sheriff of the Regional Trial Court (RTC) of Bacoor, with the assistance of the Cavite Provincial Director of the Philippine National Police, to implement its Resolution dated 30 July 2001. Edwin A. San Miguel, Sheriff IV of the RTC-Bacoor, filed a Sheriff's Report stating that he served copies of the writ and a ten-day notice to vacate^[9] to the squatters but the latter refused to leave and remove the structures.

On 21 January 2002, a Rule 47 petition, docketed as CA-G.R. SP No. 68640, was filed with the Court of Appeals by a certain Eduardo Cabesa Abear and 106 others included as petitioners. Named respondents in said petition, which sought to nullify the COSLAP Resolution dated 30 July 2001, were Green Valley Homeowners Association, Inc., South Rich Acres Inc. and COSLAP.

On 4 February 2002, the Court of Appeals issued a Resolution^[10] in the said case, denying the petition on grounds of improper remedy and lack of jurisdiction.

Because the writ of execution was returned unsatisfied and in view of the finality of the Court of Appeals' resolution, COSLAP issued a Writ of Demolition^[11] on 29 January 2003 directing Sheriff San Miguel to remove the structures and improvements illegally constructed within Green Valley.

On 21 April 2003, through a caretaker, petitioner received the notice to vacate issued by Sheriff San Miguel. Petitioner Concepcion C. Anillo, identifying herself as the owner of Lot No. 5825 of the Imus Estate measuring approximately 553,853 square meters, immediately wrote COSLAP, requesting, among others, for copy of the Resolution dated 30 July 2001, the writ of execution and the writ of demolition.^[12]

On 30 April 2003, petitioner filed the instant petition^[13] for certiorari, prohibition and mandamus, with a prayer for the issuance of a temporary restraining order and a writ of preliminary injunction. Named respondents are the COSLAP, represented by Commissioners Ernesto A. Cardíño and Noel Galarosa, the Sheriff of the RTC of Bacoor, the PNP Provincial Director of Cavite, the National Police Task Force on Professional Squatters and Squatting Syndicates, Bacoor Mayor Jessie B. Castillo, Barangay Chairman Gaudencio Paredes, Green Valley Homeowners Association, Inc. and South Rich Acres Inc.

The instant petition is anchored on the following arguments:

- A. PUBLIC RESPONDENT COSLAP, REPRESENTED BY COMMISSIONER ERNESTO A. CARDIÑO AND OIC-ASSOCIATE COMMISSIONER NOEL A. GALAROSA, HAS NO JURISDICTION OVER COSLAP CASE NO. 2001-05-46 AND THE RESOLUTION DATED JULY 30, 2001 WAS ISSUED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN [*sic*] EXCESS OF JURISDICTION AND EXTRINSIC FRAUD.
- B. PETITIONER WERE [*sic*] DENIED OF DUE PROCESS OF LAW AND SHE WAS NEVER MADE PARTY TO COSLAP CASE NO. 2001-05-46 AND WAS NOT GIVEN THE OPPORTUNITY TO BE HEARD TO REFUTE AND CHALLENGE THE ALLEGATIONS STIPULATED IN THE COMPLAINT.
- C. PETITIONER, HER TENANTS AND CARETAKERS ARE IN ACTUAL PHYSICAL POSSESSION OF THE SUBJECT PROPERTIES UNDER A VALID CLAIM OF OWNERSHIP OF THE LAND BY VIRTUE OF A DEED OF SALE EXECUTED BY THE ESTATE OF HERMOGENES AND ANTONIO RODRIGUEZ IN FAVOR OF PETITIONER DULY APPROVED BY THE HONORABLE COURT OF PROBATE JURISDICTION.^[14]

In a Resolution^[15] dated 15 May 2003, the Court granted the prayer for a temporary restraining order conditioned upon the posting of a bond and enjoined COSLAP from enforcing the Resolution dated 30 July 2001, the writ of execution as well as the writ of demolition. The Court also directed respondents to file their comment or opposition to the application for a writ of preliminary injunction on 29 September 2003.^[16] On even date, the temporary restraining order was issued.^[17]

At the outset, it is necessary to stress that a direct recourse to this Court is highly improper for it violates the established policy of strict observance of the judicial hierarchy of courts.^[18] While we have concurrent jurisdiction with the RTCs and the Court of Appeals to issue writs of certiorari, this concurrence is not to be taken as an

unrestrained freedom of choice as to which court the application for the writ will be directed. There is after all a hierarchy of courts. That hierarchy is determinative of the venue of appeals and should also serve as a general determinant of the appropriate forum for petitions for the extraordinary writs.^[19] This Court is a court of last resort and must so remain if it is to satisfactorily perform the functions assigned to it by the Constitution and immemorial tradition.^[20] A direct invocation of the Supreme Court's original jurisdiction to issue these extraordinary writs is allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. Petitioner failed to show that such special and important reasons obtain in this case.^[21]

In *Sy v. Commission on Settlement of Land Problems*^[22] and subsequently in *Republic of the Philippines v. Damayan ng Purok 14, Inc.*,^[23] the Court expressly ruled that orders, decisions or resolutions of COSLAP cannot be brought directly to this Court, whether on appeal or on certiorari. The Court stated, thus:

It is readily apparent that appeals from the COSLAP may not be brought directly before us in view of Rule 45, Section 1. Likewise, if a petition for *certiorari* under Rule 65 is the prescribed remedy, the Court of Appeals cannot be bypassed without running afoul of the doctrine of judicial hierarchy. In this connection, it cannot be doubted that the COSLAP is among those quasi-judicial agencies exercising quasi-judicial functions. No convincing reason exists why appeals from the COSLAP should be treated differently from other quasi-judicial agencies whose orders, resolutions or decisions are directly appealable to the Court of Appeals under Rule 43 of the 1997 Rules of Civil Procedure. Moreover, the enumeration of the agencies therein mentioned is not exclusive. In that sense, Section 3(2) of E.O. No. 561 declaring that the COSLAP's orders, resolutions or decision are appealable exclusively to this Court is erroneous in the light of Section 1, Rule 45 and Section 1, Rule 43 of the 1997 Rules of Civil Procedure, x x x^[24]

Petitioner insists that COSLAP did not acquire jurisdiction over her person because she was not made party to the case before the said commission.

The records belie petitioner's claim.

Even before COSLAP conducted the series of mediation conferences, it sent through registered mail notices to persons, including herein petitioner, claiming ownership rights derived from the Estate of Rodriguez, directing them to appear at the mediation conference. At the first scheduled mediation conference, a certain Atty. Larry Pernito appeared on behalf of the Estate of Rodriguez, questioning the jurisdiction of COSLAP. He was the same counsel who represented the petitioners in CA-G.R. SP No. 68640 who eventually sought, albeit unsuccessfully, the nullification of the COSLAP resolution being assailed in the instant petition. COSLAP likewise gave both parties the opportunity to present their claims when it directed them to submit their respective position papers. Respondents therein and Atty. Pernito, however, failed to appear in subsequent proceedings or to submit any position paper.

Petitioner cannot disavow and in fact does not even disown the authority of Atty.