



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

DREAM VILLAGE NEIGHBORHOOD
ASSOCIATION, INC., represented by its
Incumbent President, GREG SERIEGO,
Petitioner,

G.R. No. 192896

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

- versus -

BASES CONVERSION
DEVELOPMENT AUTHORITY,
Respondent.

Promulgated:

JUL 24 2013

X-----X

DECISION

REYES, J.:

Before us on Petition for Review¹ under Rule 45 of the Rules of Court is the Decision² dated September 10, 2009 and Resolution³ dated July 13, 2010 of the Court of Appeals (CA) in CA-G.R. SP No. 85228 nullifying and setting aside for lack of jurisdiction the Resolution⁴ dated April 28, 2004 of the Commission on the Settlement of Land Problems (COSLAP) in COSLAP Case No. 99-500. The *fallo* of the assailed COSLAP Resolution reads, as follows:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

¹ Rollo, pp. 24-46.

² Penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Josefina Guevara-Salonga and Celia C. Librea-Leagogo, concurring; id. at 55-67.

³ Id. at 71-72.

⁴ Id. at 112-116.

1. Declaring the subject property, covering an area of 78,466 square meters, now being occupied by the members of the Dream Village Neighborhood Association, Inc. to be outside of Swo-00-0001302 BCDA property.

2. In accordance with the tenets of social justice, members of said association are advised to apply for sales patent on their respective occupied lots with the Land Management Bureau, DENR-NCR, pursuant to R.A. Nos. 274 and 730.

3. Directing the Land Management Bureau-DENR-NCR to process the sales patent application of complainants pursuant to existing laws and regulation.

4. The peaceful possession of actual occupants be respected by the respondents.

SO ORDERED.⁵

Antecedent Facts

Petitioner Dream Village Neighborhood Association, Inc. (Dream Village) claims to represent more than 2,000 families who have been occupying a 78,466-square meter lot in Western Bicutan, Taguig City since 1985 “in the concept of owners continuously, exclusively and notoriously.”⁶ The lot used to be part of the *Hacienda de Maricaban (Maricaban)*, owned by Dolores Casal y Ochoa and registered under a Torrens title,⁷ Original Certificate of Title (OCT) No. 291, issued on October 17, 1906 by the Registry of Deeds of Rizal.⁸ *Maricaban* covered several parcels of land with a total area of over 2,544 hectares spread out over Makati, Pasig, Taguig, Pasay, and Parañaque.⁹

Following the purchase of *Maricaban* by the government of the United States of America (USA) early in the American colonial period, to be converted into the military reservation known as Fort William McKinley, Transfer Certificate of Title (TCT) No. 192 was issued in the name of the USA to cancel OCT No. 291.¹⁰ The US government later transferred 30 has. of *Maricaban* to the Manila Railroad Company, for which TCT No. 192 was cancelled by TCT Nos. 1218 and 1219, the first in the name of the Manila Railroad Company for 30 has., and the second in the name of the USA for the rest of the *Maricaban* property.¹¹

⁵ Id. at 115-116.

⁶ Id. at 29.

⁷ Pursuant to Act No. 496 (1902) or the Land Registration Act.

⁸ *Rollo*, p. 56.

⁹ *Samahan ng Masang Pilipino sa Makati, Inc. v. BCDA*, 542 Phil. 86 (2007).

¹⁰ *Rollo*, p. 56.

¹¹ Id. at 125; *supra* note 9, at 93.

On January 29, 1914, TCT No. 1219 was cancelled and replaced by TCT No. 1688, and later that year, on September 15, 1914, TCT No. 1688 was cancelled and replaced by TCT No. 2288, both times in the name of the USA.¹² On December 6, 1956, the USA formally ceded Fort William Mckinley to the Republic of the Philippines (Republic), and on September 11, 1958, TCT No. 2288 was cancelled and replaced by TCT No. 61524, this time in the name of the Republic.¹³ On July 12, 1957, President Carlos P. Garcia issued Proclamation No. 423 withdrawing from sale or settlement the tracts of land within Fort William Mckinley, now renamed Fort Bonifacio, and reserving them for military purposes.¹⁴

On January 7, 1986, President Ferdinand E. Marcos issued Proclamation No. 2476 declaring certain portions of Fort Bonifacio alienable and disposable¹⁵ in the manner provided under Republic Act (R.A.) Nos. 274 and 730, in relation to the Public Land Act,¹⁶ thus allowing the sale to the settlers of home lots in Upper Bicutan, Lower Bicutan, Signal Village, and Western Bicutan.¹⁷

On October 16, 1987, President Corazon C. Aquino issued Proclamation No. 172 amending Proclamation No. 2476 by limiting to Lots 1 and 2 of the survey Swo-13-000298 the areas in Western Bicutan open for disposition.¹⁸

¹² Id. at 125-126.

¹³ Id. at 56, 126.

¹⁴ Id. at 29, 126.

¹⁵ Id. at 29.

¹⁶ Under R.A. No. 274, passed on June 15, 1948, and R.A. No. 730, passed on June 18, 1952, the Director of Lands shall cause the subdivision into agricultural or residential lots of lands within military reservations owned by the RP which may be declared by the President of the Philippines as no longer needed for military purposes, for sale, first, to *bona fide* occupants, then to veterans, etc. The lots shall not be encumbered or alienated prior to the issuance of the patent, or for ten years thereafter, nor shall they be used to satisfy a debt contracted by the patent holder in the meantime.

¹⁷ In a hand-written addendum by President Marcos to Proclamation No. 2476, Western Bicutan was also declared open for disposition, but in *Nagakakaisang Maralita ng Sitio Masigasig, Inc. v. Marine Shrine Services* (G.R. No. 187587, June 5, 2013), the addendum was held as without legal effect for lack of publication.

¹⁸ The additional lots declared open for disposition under Proclamation No. 172 were:

LOT 1 (WESTERN BICUTAN)

A PARCEL OF LAND (Lot 1 of the subdivision plan Swo-13-000298, being a portion of the Proclamation No. 2476) LRC Record No. — situated in the Bo. of Western Bicutan, Taguig, Metro Manila.

Bounded on the SW., and SE., along lines 1-2-3 by Lot 9100 (Manila Technician Institute) Proclamation No. 1160; on the NW., SW., and NW., along lines 3 to 16 by Circumferential Road, 50 m. wide); on the N.E., along lines 16-17 by Lot 2 of plan Swo-13-000298, and on the SE., along line 17-1 by Lot 8062 (Veteran's Center Compound) (Proclamation No. 192) of plan MCadm-590-D Taguig Cadastral Mapping.

NOTE: Lot 2 == Lot 10253, MCadm-590-D, Case 17, Taguig Cadastral Mapping

Beginning at a point marked "1" on plan, being S 63 deg. 25'W., 4346, 11 m. from BLBM No. 1, MCadm-590-D, Taguig Cadastral, thence -

x x x x

beginning, containing an area of TWO HUNDRED FIFTY-TWO THOUSAND FOUR HUNDRED SEVENTY-SIX (252,476) SQUARE METERS. All points referred to are indicated on the plan and are marked on the ground by PS cyl. conc. wall, and pt 1 17 by nail w/conc. hallow blocks; bearings grid, date of original survey, April 23, 1978-July 12, 1979, that of special work order, July 5-10, 1986, approved on Jan. 15, 1987.

LOT 2 SWO-13-000298 (WESTERN BICUTAN)

On March 13, 1992, R.A. No. 7227 was passed¹⁹ creating the Bases Conversion and Development Authority (BCDA) to oversee and accelerate the conversion of Clark and Subic military reservations and their extension camps (John Hay Station, Wallace Air Station, O'Donnell Transmitter Station, San Miguel Naval Communications Station and Capas Relay Station) to productive civilian uses. Section 8²⁰ of the said law provides that

A PARCEL OF LAND (Lot 2 (Western Bicutan) of the subdivision plan Swo-13-000298, being a portion of land described in Proclamation No. 2476, LRC Record No. PSU-467), situated in the Bo. of Western Bicutan, Taguig, Metro Manila.

Bounded on the SE., along lines 1-2 by Veteran's Center Compound (Proclamation No. 192) (Lot 8092, MCad-s-90-D); on the SEW, along lines 3 to 11 by Circumferential Road (5 m. wide); on the NE., along lines 11-12 by Lot 0063 (Military Reservation) (Fort Bonifacio) portion of Lot 3, Psu-2030 (portion on) MCadm-590-D; on the SE., along lines 12-13 by Lot 1 Swo-13-000258 (Signal Village) (Lot 00202, MCads-590-D, Case 17, Taguig Cad Mapping and on the SW., along line 1s-1 by Veteran's Center Compound) (Proclamation No. 192) (Lot 8062, MCadm-590-D, Taguig Cad. Mapping.

NOTE: Lot 2 == Lot 10253, MCadm-590-D, Case 17, Taguig Cadastral Mapping.

Beginning at a point marked "1" on plan, being S. 64 deg. 051'W., 2805.47 m. from BLBM No. 1, MCadm 590-D, Taguig Cadastre; thence

x x x x

beginning, containing an area of Three-Hundred Eighty-Five Thousand Thirty-Two (385,032) Square Meters. All points referred to are indicated on the plan and the marked on the ground by PS cyl. conc. mons.; except pts. 1 by BGY. No. 38; pt. 2 by nail with crown; pt. 12 by old PS cyl. conc. mons.; pt. 10 by edge of conc. wall; bearings and rod, date of original survey, April 23, 1978-July 27, 1979, that of the special work order July 5-10, 1986, approved on January 14, 1987. x x x.

¹⁹ An Act Accelerating The Conversion of Military Reservations Into Productive Uses, Creating the Bases Conversion and Development Authority for This Purpose, Providing Funds Therefor and For Other Purposes.

²⁰ Sec. 8. *Funding Scheme.* — The capital of the Conversion Authority shall come from the sales proceeds and/or transfers of certain Metro Manila military camps, including all lands covered by Proclamation No. 423, series of 1957, commonly known as Fort Bonifacio and Villamor (Nicholas) Air Base, namely:

Camp	Area in has. (more or less)
Phase I (for immediate disposal)	
1. Camp Claudio	2.0
2. Camp Bago Bantay	5.0
3. Part of Villamor Air Base	135.10
4. Part of Fort Bonifacio	498.40
Total	640.50
=====	
Phase II	
1. Camp Ver	1.9
2. Camp Melchor	1.0
3. Camp Atienza	4.9
4. Part of Villamor Air Base	37.9
5. Part of Fort Bonifacio	224.90
6. Fort Abad	.60
Total	271.20
=====	

Provided, That the following areas shall be exempt from sale:

- (a) Approximately 148.80 hectares in Fort Bonifacio for the National Capital Region (NCR) Security Brigade, Philippine Army (PA) officers' housing area, and Philippine National Police (PNP) jails and support services (Presently Camp Bagong Diwa);
- (b) Approximately 99.91 hectares in Villamor Air Base for the Presidential Airlift Wing, one squadron of helicopters for the NCR and respective security units;
- (c) The following areas segregated by Proclamation Nos.:
 - (1) 461, series of 1965; (AFP Officers Village)
 - (2) 462, series of 1965; (AFP Enlisted Men's Village)
 - (3) 192, series of 1967; (Veterans Center)
 - (4) 208, series of 1967; (National Shrines)

the capital of the BCDA will be provided from sales proceeds or transfers of lots in nine (9) military camps in Metro Manila, including 723 has. of Fort Bonifacio. The law, thus, expressly authorized the President of the Philippines “to sell the above lands, in whole or in part, which are hereby declared alienable and disposable pursuant to the provisions of existing laws and regulations governing sales of government properties,”²¹ specifically to raise capital for the BCDA. Titles to the camps were transferred to the BCDA for this purpose,²² and TCT No. 61524 was cancelled on

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- (5) 469, series of 1969; (Philippine College of Commerce)
 - (6) 653, series of 1970; (National Manpower and Youth Council)
 - (7) 684, series of 1970; (University Center)
 - (8) 1041, series of 1972; (Open Lease Concession)
 - (9) 1160, series of 1973; (Manila Technical Institute)
 - (10) 1217, series of 1973; (Maharlika Village)
 - (11) 682, series of 1970; (Civil Aviation Purposes)
 - (12) 1048, series of 1975; (Civil Aviation Purposes)
 - (13) 1453, series of 1975; (National Police Commission)
 - (14) 1633, series of 1977; (Housing and Urban Development)
 - (15) 2219, series of 1982; (Ministry of Human Settlements, BLISS)
 - (16) 172, series of 1987; (Upper, Lower and Western Bicutan and Signal Housing)
 - (17) 389, series of 1989; (National Mapping and Resource Information Authority)
 - (18) 518, series of 1990; (CEMBO, SO CEMBO, W REMBO, E REMBO, COMEMBO, PEMBO, PITOGO)
 - (19) 467, series of 1968; (Greater Manila Terminal Food Market Site)
 - (20) 347, series of 1968; (Greater Manila Food Market Site)
 - (21) 376, series of 1968; (National Development Board and Science Community)

(d) A proposed 30.15 hectares as relocation site for families to be affected by circumferential road 5 and radial road 4 construction: Provided, further, That the boundaries and technical description of these exempt areas shall be determined by an actual ground survey.

The President is hereby authorized to sell the above lands, in whole or in part, which are hereby declared alienable and disposable pursuant to the provisions of existing laws and regulations governing sales of government properties: Provided, That no sale or disposition of such lands will be undertaken until a development plan embodying projects for conversion shall be approved by the President in accordance with paragraph (b), Section 4, of this Act. However, six (6) months after approval of this Act, the President shall authorize the Conversion Authority to dispose of certain areas in Fort Bonifacio and Villamor as the latter so determines. x x x.

x x x x

With respect to the military reservations and their extensions, the President upon recommendation of the Conversion Authority or the Subic Authority when it concerns the Subic Special Economic Zone shall likewise be authorized to sell or dispose those portions of lands which the Conversion Authority or the Subic Authority may find essential for the development of their projects. (Underscoring ours)

²¹ Id.

²² Also transferred to the BCDA were:

Section 7. *Transfer of Properties*. — Pursuant to paragraph (a), Section 4 hereof, the President shall transfer forthwith to the Conversion Authority:

(a) Station	Area in has. (more or less)
John Hay Air Station	570
Wallace Air Station	167
O'Donnell Transmitter Station	1,755
San Miguel Naval Communications Station	1,100
Mt. Sta. Rita Station (Hermosa, Bataan)	

(b) Such other properties including, but not limited to, portions of Metro Manila military camps, pursuant to Section 8 of this Act: Provided, however, That the areas which shall remain as military reservations shall be delineated and proclaimed as such by the President.

January 3, 1995 by TCT Nos. 23888, 23887, 23886, 22460, 23889, 23890, and 23891, now in the name of the BCDA.²³

Excepted from disposition by the BCDA are: a) approximately 148.80 has. reserved for the National Capital Region (NCR) Security Brigade, Philippine Army officers' housing area, and Philippine National Police jails and support services (presently known as Camp Bagong Diwa); b) approximately 99.91 has. in Villamor Air Base for the Presidential Airlift Wing, one squadron of helicopters for the NCR and respective security units; c) twenty one (21) areas segregated by various presidential proclamations; and d) a proposed 30.15 has. as relocation site for families to be affected by the construction of Circumferential Road 5 and Radial Road 4, provided that the boundaries and technical description of these exempt areas shall be determined by an actual ground survey.²⁴

Now charging the BCDA of wrongfully asserting title to Dream Village and unlawfully subjecting its members to summary demolition, resulting in unrest and tensions among the residents,²⁵ on November 22, 1999, the latter filed a letter-complaint with the COSLAP to seek its assistance in the verification survey of the subject 78,466-sq m property, which they claimed is within Lot 1 of Swo-13-000298 and thus is covered by Proclamation No. 172. They claim that they have been occupying the area for thirty (30) years "in the concept of owners continuously, exclusively and notoriously for several years," and have built their houses of sturdy materials thereon and introduced paved roads, drainage and recreational and religious facilities. Dream Village, thus, asserts that the lot is not among those transferred to the BCDA under R.A. No. 7227, and therefore patent applications by the occupants should be processed by the Land Management Bureau (LMB).

On August 15, 2000, Dream Village formalized its complaint by filing an Amended Petition²⁶ in the COSLAP. Among the reliefs it sought were:

²³ Supra note 9, at 98.

²⁴ See R.A. No. 7227, Sec. 8.

²⁵ Section 27 of R.A. No. 7279 authorizes the summary eviction and demolition of professional squatters, thus:

Sec. 27. *Action Against Professional Squatters and Squatting Syndicates.* — The local government units, in cooperation with the Philippine National Police, the Presidential Commission for the Urban Poor (PCUP), and the PCUP-accredited urban poor organization in the area, shall adopt measures to identify and effectively curtail the nefarious and illegal activities of professional squatters and squatting syndicates, as herein defined.

Any person or group identified as such shall be summarily evicted and their dwellings or structures demolished, and shall be disqualified to avail of the benefits of the Program. A public official who tolerates or abets the commission of the abovementioned acts shall be dealt with in accordance with existing laws.

²⁶ *Rollo*, pp. 82-90.

- d. DECLARING the subject property as alienable and disposable by virtue of applicable laws;
- e. Declaring the portion of Lot 1 of subdivision Plan SWO-13-000298, situated in the barrio of Western Bicutan, Taguig, Metro Manila, which is presently being occupied by herein petitioner as within the coverage of Proclamation Nos. 2476 and 172 and outside the claim of AFP-RSBS INDUSTRIAL PARK COMPLEX and/or BASES CONVESION DEVELOPMENT AUTHORITY.
- f. ORDERING the Land Management Bureau to process the application of the ASSOCIATION members for the purchase of their respective lots under the provisions of Acts Nos. 274 and 730.²⁷ (Underscoring supplied)

Respondent BCDA in its Answer²⁸ dated November 23, 2000 questioned the jurisdiction of the COSLAP to hear Dream Village's complaint, while asserting its title to the subject property pursuant to R.A. No. 7227. It argued that under Executive Order (E.O.) No. 561 which created the COSLAP, its task is merely to coordinate the various government offices and agencies involved in the settlement of land problems or disputes, adding that BCDA does not fall in the enumeration in Section 3 of E.O. No. 561, it being neither a pastureland-lease holder, a timber concessionaire, or a government reservation grantee, but the holder of patrimonial government property which cannot be the subject of a petition for classification, release or subdivision by the occupants of Dream Village.

In its Resolution²⁹ dated April 28, 2004, the COSLAP narrated that it called a mediation conference on March 22, 2001, during which the parties agreed to have a relocation/verification survey conducted of the subject lot. On April 4, 2001, the COSLAP wrote to the Department of Environment and Natural Resources (DENR)-Community Environment and Natural Resources Office-NCR requesting the survey, which would also include Swo-00-0001302, covering the adjacent AFP-RSBS Industrial Park established by Proclamation No. 1218 on May 8, 1998 as well as the abandoned Circumferential Road 5 (C-5 Road).³⁰

On April 1, 2004, the COSLAP received the final report of the verification survey and a blueprint copy of the survey plan from Atty. Rizaldy Barcelo, Regional Technical Director for Lands of DENR. Specifically, Item No. 3 of the DENR report states:

²⁷ Id. at 87.

²⁸ Id. at 107-111.

²⁹ Id. at 112-116.

³⁰ Id. at 125.

3. Lot-1, Swo-000298 is inside Proclamation 172. Dream Village Neighborhood Association, Inc. is outside Lot-1, Swo-13-000298 and inside Lot-10, 11 & Portion of Lot 13, Swo-00-0001302 with an actual area of 78,466 square meters. Likewise, the area actually is outside Swo-00-0001302 of BCDA.³¹ (Emphasis ours and underscoring supplied)

COSLAP Ruling

On the basis of the DENR's verification survey report, the COSLAP resolved that Dream Village lies outside of BCDA, and particularly, outside of Swo-00-0001302, and thus directed the LMB of the DENR to process the applications of Dream Village's members for sales patent, noting that in view of the length of time that they "have been openly, continuously and notoriously occupying the subject property in the concept of an owner, x x x they are qualified to apply for sales patent on their respective occupied lots pursuant to R.A. Nos. 274 and 730 in relation to the provisions of the Public Land Act."³²

On the question of its jurisdiction over the complaint, the COSLAP cited the likelihood that the summary eviction by the BCDA of more than 2,000 families in Dream Village could stir up serious social unrest, and maintained that Section 3(2) of E.O. No. 561 authorizes it to "*assume jurisdiction and resolve land problems or disputes which are critical and explosive in nature considering, for instance, the large number of parties involved, the presence or emergence of social tension or unrest, or other similar critical situations requiring immediate action,*" even as Section 3(2)(d) of E.O. No. 561 also allows it to take cognizance of "*petitions for classification, release and/or subdivision of lands of the public domain,*" exactly the ultimate relief sought by Dream Village. Rationalizing that it was created precisely to provide a more effective mechanism for the expeditious settlement of land problems "in general," the COSLAP invoked as its authority the 1990 case of *Bañaga v. COSLAP*,³³ where this Court said:

It is true that Executive Order No. 561 provides that the COSLAP *may* take cognizance of cases which are "critical and explosive in nature considering, for instance, the large number of parties involved, the presence or emergence of social tension or unrest, or other similar critical situations requiring immediate action." However, the use of the word "may" does not mean that the COSLAP's jurisdiction is merely confined to the above mentioned cases. The provisions of the said Executive Order are clear that the COSLAP was created as a means of providing a more effective mechanism for the expeditious settlement of land problems *in general*, which are frequently the source of conflicts among settlers, landowners and cultural minorities. Besides, the COSLAP merely took over from the abolished PACLAP whose functions, including its

³¹ Id. at 115.

³² Id.

³³ 260 Phil. 643 (1990).

jurisdiction, power and authority to act on, decide and resolve land disputes (Sec. 2, P.D. No. 832) were all assumed by it. The said Executive Order No. 561 containing said provision, being enacted only on September 21, 1979, cannot affect the exercise of jurisdiction of the PACLAP Provincial Committee of Koronadal on September 20, 1978. Neither can it affect the decision of the COSLAP which merely affirmed said exercise of jurisdiction.³⁴

In its Motion for Reconsideration³⁵ filed on May 20, 2004, the BCDA questioned the validity of the survey results since it was conducted without its representatives present, at the same time denying that it received a notification of the DENR verification survey.³⁶ It maintained that there is no basis for the COSLAP's finding that the members of Dream Village were in open, continuous, and adverse possession in the concept of owner, because not only is the property not among those declared alienable and disposable, but it is a titled patrimonial property of the State.³⁷

In the Order³⁸ dated June 17, 2004, the COSLAP denied BCDA's Motion for Reconsideration, insisting that it had due notice of the verification survey, while also noting that although the BCDA wanted to postpone the verification survey due to its tight schedule, it actually stalled the survey when it failed to suggest an alternative survey date to ensure its presence.

CA Ruling

On Petition for Review³⁹ to the CA, the BCDA argued that the dispute is outside the jurisdiction of the COSLAP because of the land's history of private ownership and because it is registered under an indefeasible Torrens title⁴⁰; that Proclamation No. 172 covers only Lots 1 and 2 of Swo-13-000298 in Western Bicutan, whereas Dream Village occupies Lots 10, 11 and part of 13 of Swo-00-0001302, which also belongs to the BCDA⁴¹; that the COSLAP resolution is based on an erroneous DENR report stating that Dream Village is outside of BCDA, because Lots 10, 11, and portion of Lot 13 of Swo-00-0001302 are within the BCDA⁴²; that the COSLAP was not justified in ignoring BCDA's request to postpone the survey to the succeeding year because the presence of its representatives in such an important verification survey was indispensable for the impartiality of the survey aimed at resolving a highly volatile situation⁴³; that the

³⁴ Id. at 653-654.

³⁵ *Rollo*, pp. 145-149.

³⁶ Id. at 146.

³⁷ Id. at 147-148.

³⁸ Id. at 150-152.

³⁹ Id. at 121-139.

⁴⁰ Id. at 130, citing *Republic v. CA*, G.R. No. 84966, November 21, 1991, 204 SCRA 358.

⁴¹ Id. at 132-133.

⁴² Id. at 131.

⁴³ Id. at 130-131.

COSLAP is a mere coordinating administrative agency with limited jurisdiction⁴⁴; and, that the present case is not among those enumerated in Section 3 of E.O. No. 561⁴⁵.

The COSLAP, on the other hand, maintained that Section 3(2)(e) of E.O. No. 561 provides that it may assume jurisdiction and resolve land problems or disputes in “other similar land problems of grave urgency and magnitude,”⁴⁶ and the present case is one such problem.

The CA in its Decision⁴⁷ dated September 10, 2009 ruled that the COSLAP has no jurisdiction over the complaint because the question of whether Dream Village is within the areas declared as available for disposition in Proclamation No. 172 is beyond its competence to determine, even as the land in dispute has been under a private title since 1906, and presently its title is held by a government agency, the BCDA, in contrast to the case of *Bañaga* relied upon by Dream Village, where the disputed land was part of the public domain and the disputants were applicants for sales patent thereto.

Dream Village’s motion for reconsideration was denied in the appellate court’s Order⁴⁸ of July 13, 2010.

Petition for Review in the Supreme Court

On petition for review on *certiorari* to this Court, Dream Village interposes the following issues:

A

IN ANNULING THE RESOLUTION OF COSLAP IN COSLAP CASE NO. 99-500, THE HONORABLE [CA] DECIDED THE CASE IN A MANNER NOT CONSISTENT WITH LAW AND APPLICABLE DECISIONS OF THIS HONORABLE COURT;

B

THE HONORABLE [CA] ERRED IN RULING THAT COSLAP HAD NO JURISDICTION OVER THE CONTROVERSY BETWEEN THE PARTIES HEREIN[.]⁴⁹

⁴⁴ Id. at 127.

⁴⁵ Id. at 135-136.

⁴⁶ Executive Order No. 561, Section 3, Paragraph 2(e).

⁴⁷ *Rollo*, pp. 55-67.

⁴⁸ Id. at 71-72.

⁴⁹ Id. at 35.

The Court's Ruling

We find no merit in the petition.

The BCDA holds title to Fort Bonifacio.

That the BCDA has title to Fort Bonifacio has long been decided with finality. In *Samahan ng Masang Pilipino sa Makati, Inc. v. BCDA*,⁵⁰ it was categorically ruled as follows:

First, it is unequivocal that the Philippine Government, and now the BCDA, has title and ownership over Fort Bonifacio. The case of *Acting Registrars of Land Titles and Deeds of Pasay City, Pasig and Makati* is final and conclusive on the ownership of the then *Hacienda de Maricaban* estate by the Republic of the Philippines. Clearly, the issue on the ownership of the subject lands in Fort Bonifacio is laid to rest. Other than their view that the USA is still the owner of the subject lots, petitioner has not put forward any claim of ownership or interest in them.⁵¹

The facts in *Samahan ng Masang Pilipino sa Makati* are essentially not much different from the controversy below. There, 20,000 families were long-time residents occupying 98 has. of Fort Bonifacio in Makati City, who vainly sought to avert their eviction and the demolition of their houses by the BCDA upon a claim that the land was owned by the USA under TCT No. 2288. The Supreme Court found that TCT No. 2288 had in fact been cancelled by TCT No. 61524 in the name of the Republic, which title was in turn cancelled on January 3, 1995 by TCT Nos. 23888, 23887, 23886, 22460, 23889, 23890, and 23891, all in the name of the BCDA. The Court ruled that the BCDA's aforesaid titles over Fort Bonifacio are valid, indefeasible and beyond question, since TCT No. 61524 was cancelled in favor of BCDA pursuant to an explicit authority under R.A. No. 7227, the legal basis for BCDA's takeover and management of the subject lots.⁵²

Dream Village sits on the abandoned C-5 Road, which lies outside the area declared in Proclamation Nos. 2476 and 172 as alienable and disposable.

⁵⁰ 542 Phil. 86 (2007).

⁵¹ Id. at 97-98.

⁵² Id. at 98.

Pursuant to Proclamation No. 2476, the following surveys were conducted by the Bureau of Lands to delimit the boundaries of the areas excluded from the coverage of Proclamation No. 423:

<i>Barangay</i>	<i>Survey Plan</i>	<i>Date Approved</i>
1. Lower Bicutan	SWO-13-000253	October 21, 1986
2. Signal Village	SWO-13-000258	May 13, 1986
3. Upper Bicutan	SWO-13-000258	May 13, 1986
4. Western Bicutan	SWO-13-000298	January 15, 1987 ⁵³

However, the survey plan for Western Bicutan, Swo-13-000298, shows that Lots 3, 4, 5 and 6 thereof are inside the area segregated for the *Libingan ng mga Bayani* under Proclamation No. 208, which then leaves only Lots 1 and 2 of Swo-13-000298 as available for disposition. For this reason, it was necessary to amend Proclamation No. 2476. Thus, in Proclamation No. 172 only Lots 1 and 2 of Swo-13-000298 are declared alienable and disposable.⁵⁴

The DENR verification survey report states that Dream Village is not situated in Lot 1 of Swo-13-000298 but actually occupies Lots 10, 11 and part of 13 of Swo-00-0001302: “x x x [*Dream Village*] is outside Lot1, SWO-[13]-000298 and inside Lot 10, 11 & portion of Lot 13, SWO-[00]-0001302 with an actual area of 78466 square meters. The area is actually is [sic] outside SWO-00-0001302 of BCDA.”⁵⁵ Inexplicably and gratuitously, the DENR also states that the area is outside of BCDA, completely oblivious that the BCDA holds title over the entire Fort Bonifacio, even as the BCDA asserts that Lots 10, 11 and 13 of SWO-00-0001302 are part of the abandoned right-of-way of C-5 Road. This area is described as lying north of Lot 1 of Swo-13-000298 and of Lots 3, 4, 5 and 6 of Swo-13-000298 (Western Bicutan) inside the *Libingan ng mga Bayani*, and the boundary line of Lot 1 mentioned as C-5 Road is really the proposed alignment of C-5 Road, which was abandoned when, as constructed, it was made to traverse northward into the *Libingan ng mga Bayani*. Dream Village has not disputed this assertion.

The mere fact that the original plan for C-5 Road to cross Swo-00-0001302 was abandoned by deviating it northward to traverse the southern part of *Libingan ng mga Bayani* does not signify abandonment by the government of the bypassed lots, nor that these lots would then become alienable and disposable. They remain under the title of the BCDA, even as it is significant that under Section 8(d) of R.A. No. 7227, a relocation site of 30.5 has. was to be reserved for families affected by the construction of C-5 Road. It is nowhere claimed that Lots 10, 11 and 13 of Swo-00-0001302 are

⁵³ *Rollo*, p. 244.
⁵⁴ *Id.*
⁵⁵ *Id.* at 133.

part of the said relocation site. These lots border C-5 Road in the south,⁵⁶ making them commercially valuable to BCDA, a farther argument against a claim that the government has abandoned them to Dream Village.

While property of the State or any of its subdivisions patrimonial in character may be the object of prescription, those “intended for some public service or for the development of the national wealth” are considered property of public dominion and therefore not susceptible to acquisition by prescription.

Article 1113 of the Civil Code provides that “property of the State or any of its subdivisions not patrimonial in character shall not be the object of prescription.” Articles 420 and 421 identify what is property of public dominion and what is patrimonial property:

Art. 420. The following things are property of public dominion:

(1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;

(2) Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.

Art. 421. All other property of the State, which is not of the character stated in the preceding article, is patrimonial property.

One question laid before us is whether the area occupied by Dream Village is susceptible of acquisition by prescription. In *Heirs of Mario Malabanan v. Republic*,⁵⁷ it was pointed out that from the moment R.A. No. 7227 was enacted, the subject military lands in Metro Manila became alienable and disposable. However, it was also clarified that the said lands did not thereby become patrimonial, since the BCDA law makes the express reservation that they are to be sold in order to raise funds for the conversion of the former American bases in Clark and Subic. The Court noted that the purpose of the law can be tied to either “public service” or “the development of national wealth” under Article 420(2) of the Civil Code, such that the lands remain property of the public dominion, albeit their status is now alienable and disposable. The Court then explained that it is only upon their sale to a private person or entity as authorized by the BCDA law that they become private property and cease to be property of the public

⁵⁶ See Sketch Plan; id. at 167.

⁵⁷ G.R. No. 179987, April 29, 2009, 587 SCRA 172.

dominion.⁵⁸

For as long as the property belongs to the State, although already classified as alienable or disposable, it remains property of the public dominion if when it is “intended for some public service or for the development of the national wealth.”⁵⁹

Thus, under Article 422 of the Civil Code, public domain lands become patrimonial property only if there is a declaration that these are alienable or disposable, together with an express government manifestation that the property is already patrimonial or no longer retained for public service or the development of national wealth. Only when the property has become patrimonial can the prescriptive period for the acquisition of property of the public dominion begin to run. Also under Section 14(2) of Presidential Decree (P.D.) No. 1529, it is provided that before acquisitive prescription can commence, the property sought to be registered must not only be classified as alienable and disposable, it must also be expressly declared by the State that it is no longer intended for public service or the development of the national wealth, or that the property has been converted into patrimonial. Absent such an express declaration by the State, the land remains to be property of public dominion.⁶⁰

Since the issuance of Proclamation No. 423 in 1957, vast portions of the former *Maricaban* have been legally disposed to settlers, besides those segregated for public or government use. Proclamation No. 1217 (1973) established the Maharlika Village in Bicutan, Taguig to serve the needs of resident Muslims of Metro Manila; Proclamation No. 2476 (1986), as amended by Proclamation No. 172 (1987), declared more than 400 has. of *Maricaban* in Upper and Lower Bicutan, Signal Village, and Western Bicutan as alienable and disposable; Proclamation No. 518 (1990) formally exempted from Proclamation No. 423 the *Barangays* of Cembo, South Cembo, West Rembo, East Rembo, Comembo, Pembo and Pitogo, comprising 314 has., and declared them open for disposition.

The above proclamations notwithstanding, Fort Bonifacio remains property of public dominion of the State, because although declared alienable and disposable, it is reserved for some public service or for the development of the national wealth, in this case, for the conversion of military reservations in the country to productive civilian uses.⁶¹ Needless to say, the acquisitive prescription asserted by Dream Village has not even begun to run.

⁵⁸ Id. at 204-205.

⁵⁹ Id. at 203.

⁶⁰ Id.

⁶¹ *Republic v. Ching*, G.R. No. 186166, October 20, 2010, 634 SCRA 415, 427, citing *Heirs of Mario Malabanan*, id. at 210.

Ownership of a land registered under a Torrens title cannot be lost by prescription or adverse possession.

Dream Village has been unable to dispute BCDA's claim that Lots 10, 11 and part of 13 of Swo-00-0001302 are the abandoned right-of-way of C-5 Road, which is within the vast titled territory of Fort Bonifacio. We have already established that these lots have not been declared alienable and disposable under Proclamation Nos. 2476 or 172.

Moreover, it is a settled rule that lands under a Torrens title cannot be acquired by prescription or adverse possession.⁶² Section 47 of P.D. No. 1529, the Property Registration Decree, expressly provides that no title to registered land in derogation of the title of the registered owner shall be acquired by prescription or adverse possession. And, although the registered landowner may still lose his right to recover the possession of his registered property by reason of *laches*,⁶³ nowhere has Dream Village alleged or proved *laches*, which has been defined as such neglect or omission to assert a right, taken in conjunction with lapse of time and other circumstances causing prejudice to an adverse party, as will operate as a bar in equity. Put any way, it is a delay in the assertion of a right which works disadvantage to another because of the inequity founded on some change in the condition or relations of the property or parties. It is based on public policy which, for the peace of society, ordains that relief will be denied to a stale demand which otherwise could be a valid claim.⁶⁴

The subject property having been expressly reserved for a specific public purpose, the COSLAP cannot exercise jurisdiction over the complaint of the Dream Village settlers.

BCDA has repeatedly asserted that the COSLAP has no jurisdiction to hear Dream Village's complaint. Concurring, the CA has ruled that questions as to the physical identity of Dream Village and whether it lies in Lots 10, 11 and 13 of Swo-00-0001302, or whether Proclamation No. 172 has released the disputed area for disposition are issues which are "*manifestly beyond the scope of the COSLAP's jurisdiction vis-à-vis Paragraph 2, Section 3 of E.O. No. 561,*"⁶⁵ rendering its Resolution a patent

⁶² See *Benin v. Tuason*, 156 Phil. 525 (1974); *Natalia Realty Corporation v. Vallez*, 255 Phil. 510 (1989).

⁶³ *Isabela Colleges, Inc. v. Heirs of Tolentino-Rivera*, 397 Phil. 955, 969 (2000).

⁶⁴ *De Vera-Cruz v. Miguel*, 505 Phil. 593, 602-603 (2005).

⁶⁵ *Rollo*, p. 65.

nullity and its pronouncements void. Thus, the CA said, under Section 3 of E.O. No. 561, the COSLAP's duty would have been to refer the conflict to another tribunal or agency of government in view of the serious ramifications of the disputed claims:

In fine, it is apparent that the COSLAP acted outside its jurisdiction in taking cognizance of the case. It would have been more prudent if the COSLAP has [sic] just referred the controversy to the proper forum in order to fully thresh out the ramifications of the dispute at bar. As it is, the impugned Resolution is a patent nullity since the tribunal which rendered it lacks jurisdiction. Thus, the pronouncements contained therein are void. *"We have consistently ruled that a judgment for want of jurisdiction is no judgment at all. It cannot be the source of any right or the creator of any obligation. All acts performed pursuant to it and all claims emanating from it have no legal effect."*⁶⁶ (Citation omitted)

We add that Fort Bonifacio has been reserved for a declared specific public purpose under R.A. No. 7227, which unfortunately for Dream Village does not encompass the present demands of its members. Indeed, this purpose was the very reason why title to Fort Bonifacio has been transferred to the BCDA, and it is this very purpose which takes the dispute out of the direct jurisdiction of the COSLAP. A review of the history of the COSLAP will readily clarify that its jurisdiction is limited to disputes over public lands not reserved or declared for a public use or purpose.

On July 31, 1970, President Marcos issued E.O. No. 251 creating the Presidential Action Committee on Land Problems (*PACLAP*) to expedite and coordinate the investigation and resolution of all kinds of land disputes between settlers, streamline and shorten administrative procedures, adopt bold and decisive measures to solve land problems, or recommend other solutions.⁶⁷ E.O. No. 305, issued on March 19, 1971, reconstituted the *PACLAP* and gave it exclusive jurisdiction over all cases involving public lands and other lands of the public domain,⁶⁸ as well as adjudicatory powers phrased in broad terms: *"To investigate, coordinate, and resolve expeditiously land disputes, streamline administrative proceedings, and, in general, to adopt bold and decisive measures to solve problems involving public lands and lands of the public domain."*⁶⁹

On November 27, 1975, P.D. No. 832 reorganized the *PACLAP* and enlarged its functions and duties. Section 2 thereof even granted it quasi judicial functions, to wit:

⁶⁶ Id. at 66.

⁶⁷ *Machado v. Gatdula*, G.R. No. 156287, February 16, 2010, 612 SCRA 546, 554.

⁶⁸ Id., citing *The United Residents of Dominican Hill, Inc. v. COSLAP*, 406 Phil. 354, 366 (2001).

⁶⁹ Id. at 554-555, citing *Davao New Town Development Corporation v. COSLAP*, 498 Phil. 530, 545 (2005).

Sec. 2. *Functions and duties of the PACLAP.* – The PACLAP shall have the following functions and duties:

1. Direct and coordinate the activities, particularly the investigation work, of the various government agencies and agencies involved in land problems or disputes, and streamline administrative procedures to relieve small settlers and landholders and members of cultural minorities of the expense and time-consuming delay attendant to the solution of such problems or disputes;

2. Refer for immediate action any land problem or dispute brought to the attention of the PACLAP, to any member agency having jurisdiction thereof: Provided, That when the Executive Committee decides to act on a case, its resolution, order or decision thereon shall have the force and effect of a regular administrative resolution, order or decision, and shall be binding upon the parties therein involved and upon the member agency having jurisdiction thereof;

x x x x

4. Evolve and implement a system of procedure for the speedy investigation and resolution of land disputes or problems at provincial level, if possible. (Underscoring supplied)

On September 21, 1979, E.O. No. 561 abolished the PACLAP and created the COSLAP to be a more effective administrative body to provide a mechanism for the expeditious settlement of land problems among small settlers, landowners and members of the cultural minorities to avoid social unrest.⁷⁰ Paragraph 2, Section 3 of E.O No. 561 now specifically enumerates the instances when the COSLAP can exercise its adjudicatory functions:

Sec. 3. *Powers and Functions.* — The Commission shall have the following powers and functions:

1. Coordinate the activities, particularly the investigation work, of the various government offices and agencies involved in the settlement of land problems or disputes, and streamline administrative procedures to relieve small settlers and landholders and members of cultural minorities of the expense and time consuming delay attendant to the solution of such problems or disputes;

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;

⁷⁰

Vda. de Herrera v. Bernardo, G.R. No. 170251, June 1, 2011, 650 SCRA 87, 92.

- (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.

x x x x

Citing the constant threat of summary eviction and demolition by the BCDA and the seriousness and urgency of the reliefs sought in its Amended Petition, Dream Village insists that the COSLAP was justified in assuming jurisdiction of COSLAP Case No. 99-500. But in *Longino v. Atty. General*,⁷¹ it was held that as an administrative agency, COSLAP's jurisdiction is limited to cases specifically mentioned in its enabling statute, E.O. No. 561. The Supreme Court said:

Administrative agencies, like the COSLAP, are tribunals of limited jurisdiction and, as such, could wield only such as are specifically granted to them by the enabling statutes. x x x.

x x x x

Under the law, [E.O. No. 561], the COSLAP has two options in acting on a land dispute or problem lodged before it, namely, (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 the parties involved, the presence or emergence of social tension or 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.⁷² (Citation omitted)

The *Longino* ruling has been consistently cited in subsequent COSLAP cases, among them *Davao New Town Development Corp. v. COSLAP*,⁷³ *Barranco v. COSLAP*,⁷⁴ *NHA v. COSLAP*,⁷⁵ *Cayabyab v. de Aquino*,⁷⁶ *Ga, Jr. v. Tubungan*,⁷⁷ *Machado v. Gatdula*,⁷⁸ and *Vda. de Herrera v. Bernardo*.⁷⁹

⁷¹ 491 Phil. 600 (2005).

⁷² Id. at 618-621.

⁷³ 498 Phil. 530 (2005).

⁷⁴ 524 Phil. 533 (2006).

⁷⁵ 535 Phil. 766 (2006).

⁷⁶ 559 Phil. 132 (2007).

⁷⁷ G.R. No. 182185, September 18, 2009, 600 SCRA 739.

⁷⁸ G.R. No. 156287, February 16, 2010, 612 SCRA 546.

⁷⁹ G.R. No. 170251, June 1, 2011, 650 SCRA 87.

Thus, in *Machado*, it was held that the COSLAP cannot invoke Section 3(2)(e) of E.O. No. 561 to assume jurisdiction over “other similar land problems of grave urgency,” since the statutory construction principle of *ejusdem generis* prescribes that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent but are to be held as applying only to persons or things of the same kind as those specifically mentioned.⁸⁰ Following this rule, COSLAP’s jurisdiction is limited to disputes involving lands in which the government has a proprietary or regulatory interest,⁸¹ or public lands covered with a specific license from the government such as a pasture lease agreements, a timber concessions, or a reservation grants,⁸² and where moreover, the dispute is between occupants/squatters and pasture lease agreement holders or timber concessionaires; between occupants/squatters and government reservation grantees; and between occupants/squatters and public land claimants or applicants.

In *Longino*, the parties competed to lease a property of the Philippine National Railways. The high court rejected COSLAP’s jurisdiction, noting that the disputed lot is not public land, and neither party was a squatter, patent lease agreement holder, government reservation grantee, public land claimant or occupant, or a member of any cultural minority, nor was the dispute critical and explosive in nature so as to generate social tension or unrest, or a critical situation which required immediate action.⁸³

In *Davao New Town Development Corp.*, it was held that the COSLAP has no concurrent jurisdiction with the Department of Agrarian Reform (DAR) in respect of disputes concerning the implementation of agrarian reform laws, since “[t]he grant of exclusive and primary jurisdiction over agrarian reform matters on the DAR implies that no other court, tribunal, or agency is authorized to resolve disputes properly cognizable by the DAR.”⁸⁴ Thus, instead of hearing and resolving the case, COSLAP should have simply referred private respondents’ complaint to the DAR or DARAB. According to the Court:

The abovementioned proviso [Section (3)(2) of E.O. No. 561], which vests COSLAP the power to resolve land disputes, does not confer upon COSLAP blanket authority to assume every matter referred to it. Its jurisdiction is confined only to disputes over lands in which the government has proprietary or regulatory interest. Moreover, the land dispute in *Bañaga* involved parties with conflicting free patent applications which was within the authority of PACLAP to resolve, unlike that of the instant case which is

⁸⁰ Supra note 78, at 558, citing *Longino v. Atty. General*, supra note 71, at 622.

⁸¹ Id. at 558, citing *Davao New Town Development Corp. v. COSLAP*, supra note 73, at 548.

⁸² Id. at 557, citing *Barranco v. COSLAP*, supra note 74, at 547.

⁸³ Supra note 71, at 621-622.

⁸⁴ Supra note 73, at 547.

exclusively cognizable by the DAR.⁸⁵

In *Barranco*, COSLAP issued a writ to demolish structures encroaching into private property. The Supreme court ruled that COSLAP may resolve only land disputes “involving public lands or lands of the public domain or those covered with a specific license from the government such as a pasture lease agreement, a timber concession, or a reservation grant.”⁸⁶

In *NHA*, it was held that COSLAP has no jurisdiction over a boundary dispute between two local government units, that its decision is an utter nullity correctible by *certiorari*, that it can never become final and any writ of execution based on it is void, and all acts performed pursuant to it and all claims emanating from it have no legal effect.⁸⁷

In *Cayabyab*, it was held that “the jurisdiction of COSLAP does not extend to disputes involving the ownership of private lands, or those already covered by a certificate of title, as these fall exactly within the jurisdiction of the courts and other administrative agencies.”⁸⁸

In *Ga, Jr.*, it was reiterated that the COSLAP has no jurisdiction over controversies relating to ownership and possession of private lands, and thus, the failure of respondents to properly appeal from the COSLAP decision before the appropriate court was held not fatal to the petition for *certiorari* that they eventually filed with the CA. The latter remedy remained available despite the lapse of the period to appeal from the void COSLAP decision.⁸⁹

In *Machado*, the high court ruled that COSLAP has no jurisdiction in disputes over private lands between private parties, reiterating the essential rules contained in Section 3 of E.O. No. 561 governing the exercise by COSLAP of its jurisdiction, to wit:

Under these terms, the COSLAP has two different rules in acting on a land dispute or problem lodged before it, *e.g.*, COSLAP can assume jurisdiction only if the matter is one of those enumerated in paragraph 2(a) to (e) of the law. Otherwise, it should refer the case to the agency having appropriate jurisdiction for settlement or resolution. In resolving whether to assume jurisdiction over a case or to refer it to the particular agency concerned, the COSLAP considers: (a) the nature or classification of the land involved; (b) the parties to the case; (c) the nature of the questions

⁸⁵ Id. at 548-549.

⁸⁶ Supra note 74, at 547, citing *Davao New Town Development Corp. v. COSLAP*, supra note 73, at 546.

⁸⁷ Supra note 75, at 775.

⁸⁸ Supra note 76, at 147.

⁸⁹ Supra note 77, at 748.

raised; and (d) the need for immediate and urgent action thereon to prevent injury to persons and damage or destruction to property. The terms of the law clearly do not vest on the COSLAP the general power to assume jurisdiction over *any* land dispute or problem. Thus, under EO 561, the instances when the COSLAP may resolve land disputes are limited only to those involving public lands or those covered by a specific license from the government, such as pasture lease agreements, timber concessions, or reservation grants.⁹⁰ (Citations omitted)

In *Vda. de Herrera*, the COSLAP assumed jurisdiction over a complaint for “interference, disturbance, unlawful claim, harassment and trespassing” over a private parcel of land. The CA ruled that the parties were estopped to question COSLAP’s jurisdiction since they participated actively in the proceedings. The Supreme Court, noting from the complaint that the case actually involved a claim of title and possession of private land, ruled that the RTC or the MTC has jurisdiction since the dispute did not fall under Section 3, paragraph 2 (a) to (e) of E.O. No. 561, was not critical and explosive in nature, did not involve a large number of parties, nor was there social tension or unrest present or emergent.⁹¹

In the case at bar, COSLAP has invoked *Bañaga* to assert its jurisdiction. There, Guillermo Bañaga had filed a free patent application with the Bureau of Lands over a public land with an area of 30 has. Gregorio Daproza (Daproza) also filed a patent application for the same property. The opposing claims and protests of the claimants remained unresolved by the Bureau of Lands, and neither did it conduct an investigation. Daproza wrote to the COSLAP, which then opted to exercise jurisdiction over the controversy. The high court sustained COSLAP, declaring that its jurisdiction is not confined to the cases mentioned in paragraph 2(a) to (e) of E.O. No. 561, but includes land problems in general, which are frequently the source of conflicts among settlers, landowners and cultural minorities.

But as the Court has since clarified in *Longino* and in the other cases aforecited, the land dispute in *Bañaga* was between private individuals who were free patent applicants over unregistered public lands. In contrast, the present petition involves land titled to and managed by a government agency which has been expressly reserved by law for a specific public purpose other than for settlement. Thus, as we have advised in *Longino*, the law does not vest jurisdiction on the COSLAP over any land dispute or problem, but it 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.

⁹⁰ Supra note 78, at 557.

⁹¹ Supra note 79, at 94.

WHEREFORE, premises considered, the petition is **DENIED**.

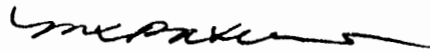
SO ORDERED.



BIENVENIDO L. REYES

Associate Justice


WE CONCUR:



MARIA LOURDES P. A. SERENO

Chief Justice

Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



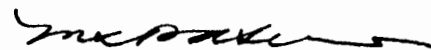
LUCAS P. BERSAMIN
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO

Chief Justice