EN BANC

[G.R. No. 247866, September 15, 2020]

FEDERATION OF CORON, BUSUANGA, PALAWAN FARMER'S ASSOCIATION, INC. (FCBPFAI), REPRESENTED BY ITS CHAIRMAN, RODOLFO CADAMPOG, SR,; SAMAHAN NG MAGSASAKA SA STO. NINO, BUSUANGA, PALAWAN (SAMMASA) REPRESENTED BY ITS CHAIRMAN, EDGARDO FRANCISCO; SANDIGAN NG MAMBUBUKID NG BINTUAN CORON, INC. (SAMBICO), REPRESENTED BY ITS CHAIRMAN, RODOLFO CADAMPOG, SR.; AND RODOLFO CADAMPOG, SR., IN HIS PERSONAL CAPACITY AS A FILIPINO CITIZEN, AND IN BEHALF OF MILLIONS OF FILIPINO OCCUPANTS AND SETTLERS ON PUBLIC LANDS CONSIDERED SQUATTERS IN THEIR OWN COUNTRY, PETITIONERS, VS. THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND THE DEPARTMENT OF AGRARIAN REFORM (DAR), RESPONDENTS.

R E S O L U T I O N

GESMUNDO, J.:

This is a petition for *certiorari* seeking to declare as unconstitutional Section 3(a) of Presidential Decree *(P.D.)* No. 705, or the Forestry Reform Code of the Philippines.

The Antecedents

Petitioners Federation of Coron, Busuanga, Palawan Farmer's Association, Inc., *(FCBPFAI)* and Sandigan ng Mambubukid ng Bintuan Coron, Inc., *(SAMBICO)* are federations consisting of fanners in Palawan. Sometime in 2002, the farm lands occupied by the members of SAMBICO in Sitio Dipangan and Langka, Brgy. Bintuan, Coron, Palawan were placed under the coverage of the Comprehensive Agrarian Reform Program *(CARP)* by the Department of Agrarian Reform *(DAR).* The lands placed under CARP had titles in the name of Mercury Group of Companies, covering a total area of 1,752.4006 hectares.[1]

However, the implementation of the CARP over the subject lands was stopped because the said lands were unclassified forest land under Sec. 3(a) of P.D. No. 705 and thus, are inalienable and belong to the government. As these are forest lands, they are under the administration of the Department of Environment and Natural Resources *(DENR)* and not the DAR.[2]

In March 2014, a meeting was conducted at the office of the DAR, Coron, Palawan, attended by the Legal Division Region IV-B, where petitioner Rodolfo Cadampog, Sr. of FCBPFAI was formally informed that the CARP coverage will not push through because the lands were unclassified forest land.[3]

Similarly, members of the Samahan ng Magsasaka ng Sto. Nino *(SAMMASA)* alleged that they farmed the lands of Brgy. Sto. Nino, Busuanga, Palawan. Farming was their means of livelihood even before their barangay was established in the 1960s. Sometime in 1980, the farm lands they tilled were placed under the coverage of CARP. The land tilled by the farmers was originally titled under the name of a certain Jose Sandoval. However, the land distribution was stopped under the CARP because the DENR stated that the said lands were unclassified forest land under Sec. 3(a) of P.D. No. 705 and these forest lands belong to the government.[4]

In April 3, 2014, petitioner Rodolfo Cadampog, Sr., of FCBPFAI received a letter from Provincial Agrarian Reform Program Officer *(PARPO)* Conrado S. Gueverra stating that the lands of Mercury Group of Companies and Josefa Sandoval Vda. De Perez are within the forest classification of the DENR under Sec. 3 (a) of P.D. No. 705. Thus, the same cannot be covered by CARP.[5]

Hence, this petition to declare Sec. 3(a) of P.D. No. 705 unconstitutional.

Issue

WHETHER SECTION 3(a) OF PRESIDENTIAL DECREE NO. 705 IS UNCONSTITUTIONAL.

Petitioners argue that Sec. 3(a) of P.D. No. 705 violates the Philippine Bill of 1902 and the 1935, 1973 and 1987 Constitution; that under the Philippine Bill of 1902, when an unclassified land is not covered by trees and has not been reserved as a forest land, then it is considered as an agricultural land; that Sec. 3(a) retroactively changed the unclassified lands into forest lands; that the said law deprived millions of Filipinos, who possess land and informally settle on the land, with their vested right of ownership; that it unreasonably stated that unclassified land shall be forest land; instead, petitioners insist that unclassified land should be considered as alienable and disposable land of public domain; and that only those lands with trees and timber should be considered as forest land, and the rest should be considered as public agricultural land.

In their Comment,[6] respondents Secretary of the DENR and DAR, as represented by the Office of the Solicitor General *(OSG),* countered that petitioners failed to overcome the presumption of constitutionality of the law; that petitioners have no *locus standi* to file the petition; that the Philippine Bill of 1902 simply gave the State the power to classify lands; that pursuant to the Regalian Doctrine, all lands belong to the State and there must be a positive act from the State before the land can be alienable and disposable; that Sec. 3(a) of P.D. No. 705 is in accordance with the Regalian Doctrine; and that there is no violation of the rights of petitioners because unclassified lands, which are forest lands, belong to the State, hence, petitioners have no property rights to be violated.

In their Reply,[7] petitioners argued that they have the *locus standi* to file this petition; that prior to Sec. 3(a) of P.D. No. 705, there was no requirement that land must first be declared alienable and disposable before it could subject to private ownership; that informal settlement or material occupancy of vacant crown lands were allowed; that there is a presumption that land is agricultural unless the contrary is shown; and that Sec. 3(a) of P.D. No. 705 renders the implementation of the land reform under CARP impossible because the biggest landowner is the government.

The Court's Ruling

The petition lacks merit.

Presumption of constitutionality;
locus standi

Every statute has in its favor the presumption of constitutionality. This presumption is rooted in the doctrine of separation of powers which enjoins upon the three (3) coordinate departments of the government a becoming courtesy for each other's acts. The theory is that every law, being the joint act of the Legislature and the Executive, has passed careful scrutiny to ensure that it is in accord with the fundamental law. This Court, however, may declare a law, or portions thereof, unconstitutional, where a petitioner has shown a clear and unequivocal breach of the Constitution, not merely a doubtful or argumentative one. In other words, the grounds for nullity must be beyond reasonable doubt, for to doubt is to sustain.[8]

The presumption of constitutionality, in its most basic sense, only means that courts, in passing upon the validity of a law, will afford some deference to the statute and charge the party assailing it with the burden of showing that the act is incompatible with the Constitution. The doctrine comes into operation when a party comes to court praying that a law be set aside for being unconstitutional. In effect, it places a heavy burden on the act's assailant to prove invalidity beyond reasonable doubt; it commands the clearest showing of a constitutional infraction. Thus, before a law may be struck down as unconstitutional, courts must be certain that there exists a clear and unequivocal breach of the constitution, and not one that is speculative or argumentative.[9]

The fundamental criterion is that all reasonable doubts should be resolved in favor of the constitutionality of a statute. Every law has in its favor the presumption of constitutionality. For a law to be nullified, it must be shown that there is a clear and unequivocal breach of the Constitution. The ground for nullity must be clear and beyond reasonable doubt. Those who seek to declare the law, or parts thereof, unconstitutional, must clearly establish the basis therefore. Otherwise, the arguments fall short.[10]

In this case, petitioners assail Sec. 3(a) of P.D. No. 705. However, the Court finds that petitioners failed to discharge the heavy burden in assailing the constitutionality of the law. As will be discussed later, Sec. 3(a) is consistent with the Constitution, which adapted the Regalian Doctrine that all lands of public domain belong to the State.

Further, petitioners failed to prove that they have the *locus standi* to raise a constitutional question. Legal standing or *locus standi* is defined as a "personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged." For a citizen to have standing, he must establish that he has suffered some actual or threatened injury as a result of the allegedly illegal conduct of the government; the injury is fairly traceable to the challenged action; and the injury is likely to be redressed by a favorable action.[11]

A party is allowed to "raise a constitutional question" when (1) he can show that he will personally suffer some actual or threatened injury because of the allegedly

illegal conduct of the government; (2) the injury is fairly traceable to the challenged action; and (3) the injury is likely to be redressed by a favorable action. Jurisprudence defines interest as "material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. By real interest is meant a present substantial interest, as distinguished from a mere expectancy or a future, contingent, subordinate, or consequential interest."[12]

In this case, aside from their bare assertion that they are recipients of the distribution of the lands in Sitio Dipangan and Langka, Brgy. Bintuan, Coron, and Brgy. Sto. Nino, Busuanga, Palawan under the CARP, petitioners failed to substantiate their claim of ownership and possession over the same. As properly pointed out by respondents, petitioners have not presented any evidence to prove that they actually occupy the lands much less that the lands are alienable and disposable.[13] Further, petitioners have not even alleged that they attempted to file an application to have the subjects lands re-classified from forest lands to alienable and disposable lands of public domain with the proper government agency and that their application was denied. Hence, no actual or threatened injury can be attributed to petitioners.

In any case, even on the substantive aspect, the petition fails.

Sec. 3 (a) is constitutional;
Regalian Doctrine

Sec. 3(a) of P.D. No. 705 states:

> (a) Public forest is the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest purposes and which are not.

According to petitioner, it is against the Constitution to declare that unclassified lands should be treated as forest lands because it deprives the actual possessors of the land to claim ownership over it; and that under the Philippine Bill of 1902, lands of public domain are presumed to be agricultural lands.

The argument, however, of petitioner is not of first impression; rather, this issue has already been settled in several decisions of the Court, particularly, in *Heirs of the late Spouses Vda. de Palanca v. Republic (Vda. De Palanca)*[14] and *The Secretary of the Department of Environment and Natural Resources* v. *Yap (Yap).*[15] It is already well-settled that unclassified land cannot be considered as alienable and disposable land of public domain pursuant to the Regalian Doctrine.

Pursuant to the Regalian Doctrine *(Jura Regalia),* a legal concept first introduced into the country from the West by Spain through the Laws of the Indies and the Royal Cedulas, all lands of the public domain belong to the State. This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony. All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.[16]

To further understand the Regalian Doctrine, a review of the previous Constitutions and laws is warranted. The Regalian Doctrine was embodied as early as in the Philippine Bill of 1902. Under Section 12 thereof, it was stated that all properties of the Philippine Islands that were acquired by the United States through the treaty with Spain shall be under the control of the Government of the Philippine Islands, to wit:

> SECTION 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said Islands, to be administered for the benefit of the inhabitants thereof, except as provided in this Act.

The only exception in the Regalian Doctrine is native title to land, or ownership of land by Filipinos by virtue of a claim of ownership since time immemorial and independent of any grant from the Spanish Crown.[17] In *Cariño* v. *Insular Government,*[18] the United States Supreme Court at that time held that:

> It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land.[19]

As pointed out in the case *of Republic* v. *Cosalan*:[20]

> Ancestral lands are covered by the concept of native title that "refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest." To reiterate, they are considered to have never been public lands and are thus indisputably presumed to have been held that way.
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> The CA has correctly relied on the case of *Cruz* v. *Secretary of DENR,* which institutionalized the concept of native title. Thus:
>
> > Every presumption is and ought to be taken against the Government in a case like the present. It might, perhaps, be proper and sufficient to say that **when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way before the Spanish conquest, and never to have been public land.**
>
> From the foregoing, it appears that lands covered by the concept of native title are considered an exception to the *Regalian Doctrine* embodied in Article XII, Section 2 of the Constitution which provides that all lands of the public domain belong to the State which is the source of any asserted right to any ownership of land.[21]