414 Phil. 202

FIRST DIVISION

[G.R. No. 145838, July 20, 2001]

NICASIO I. ALCANTARA, PETITIONER, VS. COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS, SECRETARY OF DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ANTONIO CERILLES, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ROLANDO PAGLANGAN, ET AL., RESPONDENTS.

HEIRS OF DATU ABDUL S. PENDATUN, REP. BY DATU NASSER B. PENDATUN, AL HAJ., HEIRS OF SABAL MULA, AND GAWAN CLAN, REP. BY TRIBAL CHIEFTAIN LORETO GAWAN, INTERVENORS.

D E C I S I O N

KAPUNAN, J.:

This is a petition for review on certiorari assailing the Decision of the Court of Appeals dated June 22, 2000 in CA-G.R. SP No. 53159[1] and its Resolution dated October 16, 2000 denying petitioner's motion for reconsideration.

The facts of the case are as follows:

Sometime in 1993, petitioner Nicasio Alcantara was granted Forest Land Grazing Lease Agreement No. 542 (FLGLA No. 542) by the Department of Environment and Natural Resources (DENR). Under said FLGLA, Alcantara was allowed to lease Nine Hundred Twenty-Three (923) hectares of public forest land at Sitio Lanton, Barrio Apopong, General Santos City for grazing purposes for a period of twenty-five (25) years to expire on 31 December 2018.

As early as 1990, however, private respondent Rolando Paglangan together with Esmael Sabel and Lasid Acop filed a letter-complaint with the Commission on Settlement of Land Problems (COSLAP) seeking the cancellation of FLGLA No. 542 and the reversion of the entire 923 hectares to the B'laan and Maguindanaoan tribes. The case was docketed as COSLAP Case No. 98-052.

Petitioner filed his Answer questioning the jurisdiction of the COSLAP over the case, since the dispute involved a claim for recovery of ancestral land. Petitioner claimed that the case should have been filed with the DENR since it is the latter which has jurisdiction to administer and dispose of public lands, including grazing lands.

Notwithstanding petitioner's objection to the COSLAP's exercise of jurisdiction over the case, said body continued the hearings thereon. Petitioner alleged that COSLAP did not conduct formal hearings on the case, and that he was not notified nor given the opportunity to be present and participate in the field interviews and ocular inspections conducted by COSLAP.[2]

On August 3, 1998, the COSLAP issued a Decision ordering the cancellation of FLGLA No. 542. Petitioner appealed the same to the Court of Appeals by petition for review on certiorari.

The Court of Appeals dismissed the petition in its Decision dated June 22, 2000, and also denied petitioners motion for reconsideration in a Resolution dated October 16, 2000.[3]

Hence, the present petition.

Petitioner contends that the Court of Appeals erred in ruling that he had earlier recognized the jurisdiction of the COSLAP over the case. He stated further that the appellate court should have considered that the COSLAP does not possess the historical, genealogical and anthropological expertise to act on ancestral land claims, and that it is the National Commission on Indigenous Peoples (NCIP), under the Indigenous People's Rights Act of 1997[4] which has jurisdiction over such claims. Petitioner thus submits that the COSLAP's decision ordering the cancellation of FLGLA No. 542 and declaring the area being claimed by private respondent as ancestral land is void for having been issued by a body which does not have jurisdiction over said matters.[5]

In his Comment, private respondent Rolando Paglangan argued that the petition should be dismissed since the petition for certiorari filed by petitioner in the Court of Appeals was filed out of time.[6] He also contended that the COSLAP has the power to entertain cases involving indigenous cultural communities when the DENR or the NCIP fails or refuses to act on a complaint or grievance brought before them.[7] He alleged that the dispute between petitioner and the B'laan tribe antedated the creation of the NCIP, hence, filing of the petition for cancellation of the FLGLA with the COSLAP.[8]

On April 6, 2001, a Motion for Leave to Intervene and to File Complaint-in-Intervention was filed with this Court by the Heirs of Datu Abdul S. Pendatun, represented by Datu Nasser B. Pendatun, Al Haj; the Heirs of Sabal Mula, represented by Hadji Latip K. Mula; and the Gawan Clan, represented by their Tribal Chieftain Loreto Gawan.

Subsequently, on May 24, 2001, they filed an Amended Motion for Leave to Intervene and to File Amended Complaint-in-Intervention. In their Amended Complaint-in-Intervention, they allege that the parcels of land in dispute form part of their ancestral lands, and that they have been in open, continuous, exclusive and notorious possession under claim of ownership of the same. They stated further that private respondent Rolando Paglangan acts only as agent of the Mula clan, and not of the other intervenors.[9]

The Court finds no reason to disturb the ruling of the Court of Appeals.

The Court of Appeals did not commit any reversible error in the assailed decision. The Court agrees with the appellate court that petitioner is estopped from questioning the jurisdiction of the COSLAP since he participated actively in the proceedings before said body by filing an Answer, a Motion for Reconsideration of

the COSLAP's decision and a Supplement to Respondent's Motion for Reconsideration. The Court also notes the appellate court's observation that petitioner began to question the jurisdiction of the COSLAP only when he realized that his period to appeal the COSLAP's decision had already lapsed.[10] It has been repeatedly held by this Court that the active participation of a respondent in the case pending against him before a court or a quasi-judicial body is tantamount to a recognition of that court's or body's recognition and a willingness to abide by the resolution of the case and will bar said party from later on impugning the court's or body's jurisdiction.[11]

Moreover, Executive Order No. 561 creating the COSLAP, the law then prevailing when private respondents filed their complaint for cancellation of FLGLA No. 542, provides in Section 3, paragraph 2(a) thereof that said Commission may assume jurisdiction over land disputes involving occupants of the land in question and pasture lease agreement holders:

> Sec. 3. *Powers and Functions.* -- The Commission shall have the following powers and functions:
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> x x x
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> 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:
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> > (a) **Between occupants**/squatters **and pasture lease agreement holders** or timber concessionaires;
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> > (b) Between occupants/squatters and government reservation grantees;
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> > (c) Between occupants/squatters and public land claimants or applicants;
> >
> > (d) Petitions for classification, release and/or subdivision of lands of the public domain; and
> >
> > (e) Other similar land problems of grave urgency and magnitude.
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> The Commission shall promulgate such rules of procedure as will insure expeditious resolution and action on the above cases. The resolution, order or decision of the Commission on any of the foregoing cases shall have the force and effect of a regular administrative resolution, order or decision and shall be binding upon the parties therein and upon the agency having jurisdiction over the same. Said resolution, order or decision shall become final and executory within thirty (30) days from its