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SO ORDERED.

Davide, Jr., C.J. (Chairman), Quisumbing, Carpio, and *Azcuna, JJ.,* concur.

FIRST DIVISION

[G.R. No. 166753. November 29, 2005]

ANGELITA MORCAL, *petitioner, vs.* **ANTONIO LAVIÑA, TERESITA LAVIÑA and the DIRECTOR OF LANDS,** *respondents*.

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; DOCTRINE OF EXHAUSTION OF ADMINISTRATIVE REMEDIES; ESTABLISHED EXCEPTIONS. — The doctrine of exhaustion of administrative remedies requires that resort be first made to the administrative authorities in cases falling under their jurisdiction to allow them to carry out their functions and discharge their responsibilities within the specialized areas of their competence. This is because the administrative agency concerned is in the best position to correct any previous error committed in its forum. There are exceptions, however, to the applicability of the doctrine. Among the established exceptions are: 1) when the question raised is purely legal; 2) when the administrative body is in estoppel; 3) when the act complained of is patently illegal; 4) when there is urgent need for judicial intervention; 5) when the claim involved is small; 6) when irreparable damage will be suffered; 7) when there is no other plain, speedy and adequate remedy; 8) when strong public interest is involved; 9) when the subject of the controversy is private land; and 10) in *quo warranto* proceedings.

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2. ID.; ID.; ID.; ID.; NONE OF THE ESTABLISHED EXCEPTIONS ARE APPLICABLE IN THE CASE AT BAR; NO URGENT NEED FOR JUDICIAL INTERVENTION AS THE MATTER COMES WITHIN THE EXCLUSIVE PRIMARY JURISDICTION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN THE EXERCISE OF ITS QUASI-JUDICIAL POWERS. — In this case, however, none of the foregoing exceptions may be availed of. Contrary to petitioner's assertion, we see no urgent need for judicial intervention. Note that the case arose from the protest filed by respondents against petitioner's free patent application for the subject unregistered agricultural land. Clearly, the matter comes within the exclusive primary jurisdiction of the DENR in the exercise of its quasi-judicial powers. The impugned Orders of the DENR Regional Office are subject to review by the DENR Head Office. Petitioner cannot circumvent this procedure by simply invoking a supposed loss of faith in the said agency. Neither are we prepared to sustain petitioner's claim that exhaustion of administrative remedies need not be complied with on the ground that the value of the disputed parcel of land is allegedly insignificant. Records show that the land in question consists of 2,420 square meters, no doubt a sizable parcel of land, regardless of its agricultural nature and the fact that it is located in a remote area; and its value of over a million pesos is certainly substantial and not insignificant. In sum, we are convinced that no reversible error was committed by the Court of Appeals when it sustained the trial court's dismissal of petitioner's complaint seeking to nullify the questioned DENR Orders for petitioner's failure to exhaust the proper administrative remedies.

APPEARANCES OF COUNSEL

R. A. Martinez Law Office for petitioner.
Roman R. Mendioro for private respondents.

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R E S O L U T I O N

QUISUMBING, *J.*:

For review on *certiorari* are the Decision[1] and Resolution[2] of the Court of Appeals in CA-G.R. CV No. 75402, which affirmed the Decision[3] of the Regional Trial Court of Mauban, Quezon, Branch 64. The trial court Decision sustained the Orders[4] issued by Regional Office No. IV of the Department of Environment and Natural Resources in DENR IV Case No. 5441 CENRO Case No. 91-02.

The case involves a parcel of unregistered land with an area of 4,840 square meters, situated at Barangay Cagsiay 1, Mauban Quezon, identified only as Lot No. 2056-Cad-245.

Petitioner Angelita Morcal, with her sister Ildefonsa Morcal and other members of their family occupied, cleared and planted seasonal crops on the land up to the time it was declared as public land on May 14, 1941. Thereafter, their family declared the land for taxation purposes and began planting coconut and other fruit bearing trees.

Having been in possession of the said land for almost forty (40) years, petitioner filed Free Patent Application No. (IV-3) 14661 in 1976. However, on September 11, 1990, private respondents Antonio Laviña (now deceased) and Teresita Laviña protested the free patent application.

On August 10, 1993, Regional Office No. IV of the DENR decreed in its first assailed Order:

WHEREFORE, premises considered, the F.P.A. No. (IV-3) 14661 of Angelita Morcal is hereby, as it is ordered, AMENDED to cover

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[1] *Rollo*, pp. 37-42. Penned by Associate Justice Rodrigo V. Cosico, with Associate Justices Mario L. Guariña III, and Santiago Javier Ranada concurring.

[2] *Id.* at 44-45.

[3] *Id.* at 52-59.

[4] *Id.* at 46-51.

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only one-half ½ of the lot applied for particularly the southern portion thereof, as recommended by Land Management Officer III Dan August S. Noche, after which the same shall be given further due course now in the name of Angelita and Ildefonsa Morcal, unless the latter executes a deed of transfer in favor of Angelita Morcal.

The F.P.A. No. 8-1917 filed by the Heirs of Petra Morcal is hereby as it is ordered rejected and whatever amount paid on account thereof is forfeited in favor of the Government. The Spouses Antonio and Teresita Laviña are directed to file the appropriate public land application covering the other half of the lot in question particularly the northern portion thereof.

SO ORDERED.[5]

In its second assailed Order, the DENR Regional Office denied for lack of merit petitioner's motion for reconsideration of the afore-quoted Order. Petitioner then filed with the Regional Trial Court a civil action to nullify the two Orders of the DENR Regional Office.

The trial court, however, dismissed petitioner's civil action, thus:

WHEREFORE, premises considered, the foregoing civil action is hereby ordered DISMISSED.

Accordingly, the subject orders of the Regional Executive Director for Region IV of the Department of Environment and Natural Resources, dated 10 August 1993 and 25 January 1994, are correspondingly SUSTAINED.

SO ORDERED.[6]

Petitioner appealed to the Court of Appeals. In its assailed Decision, the appellate court ruled:

WHEREFORE, premises considered, the instant appeal is hereby *DISMISSED*, and the appealed decision, dated March 26, 2002 of the Regional Trial Court of Mauban, Quezon is hereby *AFFIRMED*.

SO ORDERED.[7]

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[5] *Id.* at 50.

[6] *Id.* at 59.

[7] *Id.* at 42.

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Petitioner's motion for reconsideration was also denied in the assailed Resolution of the Court of Appeals. Petitioner then elevated the matter to this Court.

In the instant petition, petitioner raises the following as issues:

1. Whether or not the courts of justice can validly take cognizance over the issues in this case.
2. Whether or not the principle of exhaustion of administrative remedies applies to the instant case.
3. Whether or not the trial court was in error in dismissing the case without any pronouncement as to the rights of the parties over the land in suit.
4. Whether or not the petitioner is entitled to the lot in suit.[8]

Petitioner contends the trial court is vested with the power to rule on the substantial rights of the parties in this case. She insists the issue of jurisdiction has been settled when the trial court issued an Order denying the Motion to Dismiss filed by respondents. Petitioner alleges the principle of exhaustion of administrative remedies does not apply because there is urgent need for judicial intervention and because what is involved is a small piece of agricultural land, all of 2,420 square meters. She adds she has lost trust in the DENR as a body, which she believes would not reverse itself.

However, private respondent Teresita Laviña counters that petitioner's failure to pursue and exhaust the proper administrative remedies was fatal to her cause. She maintains that the Regional Executive Director of the DENR did not commit any palpable error or grave abuse of discretion. Likewise, private respondent contests petitioner's claim that the disputed land is very small; she alleges that the same is valued at a considerable amount, over a million pesos.

We find the petition bereft of merit.

The doctrine of exhaustion of administrative remedies requires that resort be first made to the administrative authorities in

[8] *Id.* at 20-21.

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cases falling under their jurisdiction to allow them to carry out their functions and discharge their responsibilities within the specialized areas of their competence. This is because the administrative agency concerned is in the best position to correct any previous error committed in its forum.[9]

There are exceptions, however, to the applicability of the doctrine. Among the established exceptions are:

1) when the question raised is purely legal;
2) when the administrative body is in estoppel;
3) when the act complained of is patently illegal;
4) when there is urgent need for judicial intervention;
5) when the claim involved is small;
6) when irreparable damage will be suffered;
7) when there is no other plain, speedy and adequate remedy;
8) when strong public interest is involved;
9) when the subject of the controversy is private land; and
10) in *quo warranto* proceedings.[10]

In this case, however, none of the foregoing exceptions may be availed of. Contrary to petitioner's assertion, we see no urgent need for judicial intervention. Note that the case arose from the protest filed by respondents against petitioner's free patent application for the subject unregistered agricultural land. Clearly, the matter comes within the exclusive primary jurisdiction of the DENR in the exercise of its quasi-judicial powers. The impugned Orders of the DENR Regional Office are subject to review by the DENR Head Office. Petitioner cannot circumvent this procedure by simply invoking a supposed loss of faith in the said agency.

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[9] *Estrada v. Court of Appeals*, G.R. No. 137862, 11 November 2004, 442 SCRA 117, 127.

[10] *Philippine Health Insurance Corporation v. Chinese General Hospital and Medical Center*, G.R. No. 163123, 15 April 2005, 456 SCRA 459, 472.

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Neither are we prepared to sustain petitioner's claim that exhaustion of administrative remedies need not be complied with on the ground that the value of the disputed parcel of land is allegedly insignificant. Records show that the land in question consists of 2,420 square meters, no doubt a sizable parcel of land, regardless of its agricultural nature and the fact that it is located in a remote area; and its value of over a million pesos is certainly substantial and not insignificant.

In sum, we are convinced that no reversible error was committed by the Court of Appeals when it sustained the trial court's dismissal of petitioner's complaint seeking to nullify the questioned DENR Orders for petitioner's failure to exhaust the proper administrative remedies.

WHEREFORE, the petition is *DENIED* for lack of merit. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. CV No. 75402 are *AFFIRMED*. Costs against petitioner.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Ynares-Santiago, Carpio, and *Azcuna, JJ.,* concur.