SECOND DIVISION

[G.R. No. 276215. November 24, 2025]

NARRA NICKEL MINING AND DEVELOPMENT CORPORATION, MCARTHUR MINING, INC., AND TESORO MINING AND DEVELOPMENT, INC., PETITIONERS, VS. REDMONT CONSOLIDATED MINES CORPORATION, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS REPRESENTED BY SECRETARY MA. ANTONIA YULO LOYZAGA, RESPONDENTS.

D E C I S I O N

LOPEZ, J., J.:

This Court resolves a Petition for Review on *Certiorari*[1] assailing the Decision[2] and Resolution[3] of the Court of Appeals (CA) for lack of jurisdiction. The assailed Decision and Resolution of the CA dismissed the Petition for Review[4] filed by Narra Nickel Mining and Development Corporation (Narra Nickel), Tesoro Mining and Development, Inc. (Tesoro Mining), and Mcarthur Mining, Inc. (Mcarthur Mining) (Narra Nickel et al.) questioning the Order[5] and Resolution[6] of the Department of Environment and Natural Resources (DENR). The DENR relied on the previous cancellation and revocation of the applications for Financial and Technical Assistance Agreements (FTAA) of Narra Nickel et al. by the Office of the President (OP) and accorded due course to the processing of the Exploration Permit (EP) application of Redmont Consolidated Mines Corporation (Redmont Consolidated).

Antecedents

Sometime in 1992, Narra Nickel et al. filed their respective applications for a Mineral Production Sharing Agreement (MPSA) covering 12,000 hectares located in Rizal, Bataraza, and Narra, Palawan.[7]

Redmont Consolidated, having a mining tenement in Narra, Palawan, intended to broaden its mining operations in the area, specifically, those covered by the MPSA applications of Narra Nickel et al. Given their simultaneous applications, Redmont Consolidated filed several petitions before the Panel of Arbitrators (POA) of the Mines and Geosciences Bureau-Region IV-B (MIMAROPA) on January 2, 2007 seeking the denial of the applications of Narra Nickel et al. Redmont Consolidated argued that Narra Nickel et al. were ineligible to be granted an MPSA for being foreign

corporations. Redmont Consolidated expounded that 60% of the respective capital stock of Narra Nickel et al. were owned and controlled by MBMI Phil. Resources, Incorporated (MBMI), a Canadian registered corporation. Given that the law specifically grants an MPSA to corporations whose capital stock must be at least 60% owned by Filipino shareholders,[8] Redmont Consolidated prayed that Narra Nickel et al.'s applications must be outrightly rejected.[9]

During the pendency of the petitions with the POA, Narra Nickel et al. applied for the conversion of their MPSA applications to FTAA applications.[10]

On December 14, 2007, the POA issued a Resolution declaring Narra Nickel et al.'s MPSA applications null and void. It also gave due course to Redmont Consolidated's EP. The POA reasoned that based on Narra Nickel et al.'s qualifications, they were clearly foreign-owned and are accordingly unqualified to engage in any mining operations in the Philippines.[11]

Narra Nickel et al. sought reconsideration, but this was denied by the POA in a February 7, 2008 Order.[12] Aggrieved, Narra Nickel et al. interposed an appeal with the Mines Adjudication Board (MAB).[13]

On September 10, 2008, the MAB issued an Order reversing and setting aside the December 14, 2007 Resolution and the February 7, 2008 Order of the POA, thereby dismissing the petitions of Redmont Consolidated. The MAB held that the POA did not acquire jurisdiction to rule on the respective nationalities of Narra Nickel et al.[14]

Aggrieved, Redmont Consolidated appealed to the CA.[15]

On October 1, 2010, the CA rendered a Decision partially granting Redmont Consolidated's Petition and upholding the findings of the POA that Narra Nickel et al. are foreign corporations, which justifies the outright rejection of their applications. Narra Nickel et al. elevated the case to this Court, docketed as G.R. No. 195580 entitled "*Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp*." (MPSA case).[16]

On April 5, 2010, during the pendency of the MPSA case, the conversion of Narra Nickel et al.'s respective MPSA applications to FTAA applications were approved by the Office of the President (OP). Accordingly, then Executive Secretary Leandro R. Mendoza, on behalf of the Republic of the Philippines, and Narra Nickel et al. executed FTAA No. 05-2010-IV-B (MIMAROPA).[17]

On appeal by Redmont Consolidated, the OP issued a Decision revoking Narra Nickel et al.'s FTAA Applications.[18] The OP opined that it was clothed with authority to cancel the subject FTAA applications, as the grant of exclusive power to the President of the Philippines to enter into agreements concerning mining operations also carries with it the authority to cancel them. The OP disposed as follows:

> WHEREFORE, premises considered, the petition and supplemental petition are hereby GRANTED and the AFTA-IV-B-007, AFTA-IV-B-008[,] and AFTA-IV-B-009 issued on [April 5, 2010] to respondents Narra Nickel Mining Corporation, McArthur Mining Inc.[,] and Tesoro Mining Development Corporation are CANCELED and REVOKED.
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> Further, the Secretary of the Department of Environment and Natural Resources and the Director of the Mines and Geosciences Bureau [is] hereby DIRECTED to ISSUE a CEASE and DESIST Order immediately upon receipt of this Order to all respondents from further conducting any mining and/or exploration activities in all mentioned areas. Accordingly, the Exploration Permit Application of Petitioner Redmont Consolidated Mining Corporation shall be GIVEN DUE COURSE, subject to compliance with provisions of the mining law and its implementing rules and regulations.[19]

Narra Nickel et al. filed a Petition for Review with the CA, which was dismissed in a Decision. Thus, Narra Nickel et al. raised the matter with this Court in a Petition for Review on *Certiorari*, which was docketed as G.R. No. 202877 and entitled "*Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp.*" (FTAA case).[20]

On April 21, 2014, this Court rendered a Decision[21] in the MPSA case denying the petition of Narra Nickel et al. Succinctly, this Court upheld the jurisdiction of the POA to resolve disputed MPSA applications subject of Redmont Consolidated's petitions, in light of Section 77 of Republic Act No. 7942 entitled "Philippine Mining Act of 1995." The provision explicitly declared that the POA has exclusive and original jurisdiction to hear and decide disputes involving mineral agreements or permits, which by analogy, includes MPSA applications.[22] This Court also found merit in the findings of the POA that Narra Nickel et al. were foreign corporations and, thus, would not be qualified for an MPSA. Evidence proffered by the parties glaringly proved that Narra Nickel et al. were not Filipino corporations, as MBMI, a 100% Canadian corporation, owned 60% or more of their equity interests.[23] This Court adjudged:

> **WHEREFORE,** premises considered, the instant petition is **DENIED.** The assailed Court of Appeals Decision dated October 1, 2010 and Resolution dated February 15, 2011 are hereby **AFFIRMED.**
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> **SO ORDERED.** [24] (Emphasis in the original)

On December 9, 2015, this Court rendered a Decision[25] on the FTAA case, granting Narra Nickel et al.'s petition. In the main, this Court held that the CA improperly took cognizance of the case on appeal under Rule 43 of the Rules of Court, as the OP's cancellation and revocation of Narra Nickel et. al's FTAA applications are an exercise of a contractual right and is thus purely administrative in nature and cannot be treated as an exercise of its quasi-judicial power, and hence, is not reviewable through a Rule 43 Petition. Absent the OP's exercise of a quasi-judicial function, the CA had clearly no

appellate jurisdiction over the case, and its Decision is perforce null and void. This Court ratiocinated:

> **WHEREFORE**, the petition is **GRANTED**. The Decision dated February 23, 2012 and the Resolution dated July 27, 2012 of the Court of Appeals in CA-G.R. SP No. 120409 are hereby declared **NULL** and **VOID** due to lack of jurisdiction. This pronouncement is without prejudice to any other appropriate remedy the parties may take against each other.
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> **SO ORDERED.**[26] (Emphasis in the original)

After the MPSA and the FTAA cases respectively attained finality, Narra Nickel et al. sent a letter dated May 4, 2018 to Atty. Wilfredo G. Moncano (Atty. Moncano), Director of the Mines and Geosciences Bureau (MGB) of the DENR, seeking the implementation of the FTAA case and praying for the denial of the MPSA and EP applications of Redmont Consolidated, given that the area subject of its applications were already previously covered by its FTAA. Parallel to Narra Nickel et. al.'s request, Redmont Consolidated, through its counsel, Atty. Gioan Fernand A. Legaspi, wrote a letter dated February 17, 2020 addressed to Undersecretary Juan Miguel T. Cuna, and forwarded to Atty. Moncano, similarly seeking the implementation of the MPSA case by the issuance of its EP. Redmont Consolidated sent another letter on February 20, 2020 addressed to then Executive Secretary Salvador C. Medialdea, requesting for the issuance of an order to the DENR to process its EP application.[27]

On August 14, 2020, the DENR issued an Order[28] giving due course to the EP application of Redmont Consolidated. The DENR opined that the cancellation and revocation of Narra Nickel et al.'s FTAA applications should likewise result in the cancellation and revocation of any subsequent issuances or executions. The DENR further ruled that the earlier rejection of Narra Nickel et al.'s MPSA applications cannot give rise to a valid conversion of their MPSA into an FTAA application. Thus, the FTAA previously granted in its favor by reason of a rejected application, or FTAA No. 05-2010-IV-B (MIMAROPA), should be considered null and void and without legal effect.[29] Finally, given that the FTAA case only dealt with the issue of the jurisdiction of the CA in hearing the Rule 43 Petition, the DENR held that as far as it was concerned, the April 6, 2011 Decision of the OP revoking Narra Nickel et al.'s FTAA applications remained valid and effective, as there was no pronouncement to the contrary.[30] The DENR held:

> **IN LIGHT OF THE FOREGOING,** the mining areas subject of the above[-]entitled cases located in the Province of Palawan is open for disposition to qualified applicants subject to the provisions of the Philippine Mining Act of 1995 ([Republic Act No.] 7942) and it[s] implementing rules and regulations.
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> The February 17, 2020 letter of Redmont to Undersecretary Juan Miguel T. Cuna, furnished Atty. Wilfredo G. Moncano, Director-MGB and the instant letter, [sic] dated February 20, 2020 of Atty. Legaspi, Counsel for Redmont,

> in relation to its request for the processing of its application of Exploration Permit is hereby given further **DUE COURSE.** Let all the records of this case be **REMANDED** to the Mines and Geosciences Bureau for further appropriate action in accordance with the Philippine Mining Act of 1995 and its implementing rules and regulations.
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> SO ORDERED.[31] (Emphasis in the original)

Narra Nickel et al. sought reconsideration, which was denied by the DENR in a Resolution.[32]

Narra Nickel et al. interposed a Petition for Review[33] under Rule 43 with the CA.

In a Decision,[34] the CA dismissed the Petition of Narra Nickel et al. for lack of jurisdiction. The CA reasoned that in light of the FTAA case, this Court did not set aside the OP's revocation and cancellation of the FTAA applications of Narra Nickel et al., but instead merely dealt with the procedural issue of the CA's jurisdiction over the administrative act performed by the OP. Accordingly, the FTAA applications of Narra Nickel et al. remained revoked. Thus, in this case, the DENR, acting on the respective letters of Narra Nickel et al. on one hand, and Redmont Consolidated, on the other, did not settle any controversy, but merely adhered to the Decision of the OP, which, as far as the DENR was concerned, remained valid and effective. As such, the DENR, in the issuance of the assailed Order and Resolution, was merely acting out of a purely administrative function. Resultantly, without the proper exercise of a quasi-judicial function of the DENR, the CA held that it was bereft of jurisdiction to review the assailed Order and Resolution.[35] The CA ruled in this wise:

> **WHEREFORE,** petitioners Narra Nickel, et al.'s Petition for Review is **DISMISSED** and their prayer for the issuance of a temporary restraining order and/or a writ of preliminary injunction is **DENIED** for lack of this Court's jurisdiction over the instant case.
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> **SO ORDERED.**[36] (Emphasis in the original)

Narra Nickel et al. moved for reconsideration, but this was denied by the CA in a Resolution.[37]

Hence, Narra Nickel et al. filed the instant Petition.

In advocacy of its position, Narra Nickel et al. impugn reversible error on the Decision and Resolution of the CA. They maintain that the assailed DENR Order and Resolution were rendered in a quasi-judicial capacity, considering that the DENR made its independent findings of fact, and resolved the presented legal issues, namely, whether to grant the FTAA applications as filed by Narra Nickel et al.[38] Effectually then, the appeal *via* a Rule 43 Petition was proper, and should have been heard and resolved by the CA. Narra Nickel et al. further argue that the CA erred in ruling that the FTAA

applications remained cancelled in light of the MPSA case, as this Court explicitly stayed its hand from ruling on the FTAA applications' validity. They also add that any discussion regarding Narra Nickel et al.'s nationality in the MPSA case is irrelevant and should not be damning on its part, as nationality is irrelevant to an FTAA.[39]

In its Comment,[40] Redmont Consolidated counters in the main that the CA was correct in filling that it did not acquire jurisdiction over the Rule 43 Petition. It reasons that the assailed OP Decision had long attained finality for failure of Narra Nickel et al. to seek remedy through the proper procedural vehicle. As such, the DENR did not adjudicate any new issues or make any quasi-judicial findings beyond what the OP had already determined. Thus, given that the DENR did not exercise its quasi-judicial powers, the act of issuing the Order and Resolution cannot be questioned *via* a Rule 43 Petition with the CA.[41] Redmont Consolidated likewise insists that Narra Nickel et al.'s FTAA remained null and void, given that its FTAA applications were cancelled and revoked by the OP. Redmont Consolidated points out that there was no court, tribunal, or even office that had ordered the FTAA's reinstatement, nor was the DENR directed to reinstate or to issue an FTAA anew in favor of Narra Nickel et al.[42] At any rate, Redmont Consolidated raises that the conversion of the MPSA application to an FTAA application is illegal, as already held by this Court in the MPSA case. In that case, Redmont Consolidated emphasizes that Narra Nickel et al. was proven to have violated several mining laws aside from declaring misrepresentations and falsehoods in their FTAA applications, which lead to its revocation.[43]

Issues

Distilling the issues, this Court shall resolve the following questions:

First, whether the CA acquired jurisdiction over the Rule 43 Petition; and

Second, whether the DENR committed reversible error in issuing the assailed Order and Resolution.

This Court's Ruling

The Petition lacks merit.

The CA did not validly acquire jurisdiction over the Rule 43 Petition

Administrative agencies are bestowed with vast, but not unfettered powers to carry out its functions as bodies of the executive branch. Such powers were delegated to the administrative agencies for the precise reason of capacitating them to resolve issues that require technical knowledge and specialized expertise, which cannot otherwise be handled by regular courts. In particular, administrative agencies possess quasi-legislative or rule-making powers, and quasi-judicial or adjudicatory powers. In *Smart Communications, Inc. v. National Telecommunications Commission*,[44] this Court laid

down guidelines to demarcate the exercise of quasi-legislative in relation to quasi-judicial functions:

> Administrative agencies possess quasi-legislative or rule-making powers and quasi-judicial or administrative adjudicatory powers. Quasi-legislative or rule-making power is the power to make rules and regulations which results in delegated legislation that is within the confines of the granting statute and the doctrine of non-delegability and separability of powers.
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> The rules and regulations that administrative agencies promulgate, which are the product of a delegated legislative power to create new and additional legal provisions that have the effect of law, should be within the scope of the statutory authority granted by the legislature to the administrative agency. It is required that the regulation be germane to the objects and purposes of the law, and be not in contradiction to, but in conformity with, the standards prescribed by law. They must conform to and be consistent with the provisions of the enabling statute in order for such rule or regulation to be valid.
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> . . . .
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> Not to be confused with the quasi-legislative or rule-making power of an administrative agency is its quasi-judicial or administrative adjudicatory power. This is the power to hear and determine questions of fact to which the legislative policy is to apply and to decide in accordance with the standards laid down by the law itself in enforcing and administering the same law. The administrative body exercises its quasi-judicial power when it performs in a judicial manner an act which is essentially of an executive or administrative nature, where the power to act in such manner is incidental to or reasonably necessary for the performance of the executive or administrative duty entrusted to it. In carrying out their quasi-judicial functions the administrative officers or bodies are required to investigate facts or a certain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them as basis for their official action and exercise of discretion in a judicial nature.[45] (Citations omitted)

On the same score, a distinct feature between quasi-legislative and quasi-judicial powers is the recourse afforded to parties who are aggrieved by its exercise. Pertinent to this case, parties assailing the propriety of quasi-judicial acts of administrative agencies may bring their case within the judicial framework *via* a Petition for Review under Rule 43 of the Rules of Court, which falls within the exclusive appellate jurisdiction of the CA.

Rule 43 of the Revised Rules of Civil Procedure governs all appeals from awards, judgments, final orders, or resolutions of or authorized by any quasi-judicial agency in the exercise of quasi-judicial functions. Rule 43, Section 1 clearly specifies the jurisdictional parameter that appeals taken against a judgment, final order, resolution, or award must be by a quasi-judicial agency in the exercise of its quasi-judicial functions:

> SECTION 1. *Scope*. — *This Rule shall apply to appeals* from judgments or final orders of the Court of Tax Appeals and *from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions*. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform under Republic Act No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Inventions Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law. (Emphasis supplied)

Rule 43 of the Rules of Court establishing the CA's appellate jurisdiction over quasi-judicial agencies finds its mooring in Section 9 of Batas Pambansa Blg. 129, otherwise known as "The Judiciary Reorganization Act of 1980," as amended by Republic Act No. 7902,[46] which states:

> Section 9. *Jurisdiction*. — The Court of Appeals shall exercise:
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> . . . .
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> (3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and *quasi-judicial agencies, instrumentalities, boards or commissions*, including the Securities and Exchange Commission, the Social Security Commission, the Employees Compensation Commission and the Civil Service Commission, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the Labor Code of the Philippines under Presidential Decree No. 442, as amended, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948. (Emphasis supplied)

Cast against this light, the aforementioned provisions admit of no other interpretation: the CA can only acquire jurisdiction over an appeal interposed through a Rule 43 Petition if the assailed acts pertain to the exercise of an administrative agency's quasi-judicial, and not its quasi-legislative powers.

With this in mind, the question remains whether the DENR, as a quasi-judicial agency, was in the exercise of its quasi-judicial functions when it issued the assailed Order and Resolution.

This Court answers in the negative.

It must be observed posthaste that Rule 43, Section 1 of the Revised Rules of Civil Procedure and Section 9(3) of Batas Pambansa Blg. 129, as amended, reveal that the DENR is noticeably absent among the quasi-judicial agencies explicitly stated therein, whose final judgments, orders, resolutions, or awards are appealable to the CA. As settled by this Court in *United Coconut Planters Bank v. E. Ganzon, Inc.*,[47] the enumeration of quasi-judicial agencies in Rule 43, Section 1 of the Rules of Court and Section 9(3) of Batas Pambansa Blg. 129 was not meant to be exclusive or conclusive, thus:

> It bears stressing that Section 9(3) of Batas Pambansa Blg. 129, as amended, on the appellate jurisdiction of the Court of Appeals, generally refers to quasi-judicial agencies, instrumentalities, boards, or commissions. The use of the word "including" in the said provision, prior to the naming of several quasi-judicial agencies, necessarily conveys the very idea of non-exclusivity of the enumeration. The principle of *expressio unius est exclusio alterius* does not apply where other circumstances indicate that the enumeration was not intended to be exclusive, or where the enumeration is by way of example only.
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> Similarly, Section 1, Rule 43 of the 1997 Revised Rules of Civil Procedure merely mentions several quasi-judicial agencies **without exclusivity in its phraseology**. The enumeration of the agencies therein mentioned is **not exclusive**. The introductory phrase "[a]mong these agencies are" preceding the enumeration of specific quasi-judicial agencies only highlights the fact that the list is not meant to be exclusive or conclusive. Further, the overture stresses and acknowledges the **existence of other quasi-judicial agencies not included in the enumeration but should be deemed included**.[48] (Emphasis in the original, citations omitted)

Thus, it is beyond cavil that the DENR is an administrative agency conferred with quasi-judicial functions. As held by this Court in *Alecha v. Atienza*,[49] the DENR is vested with quasi-judicial powers to enforce "the laws affecting [its] respective fields of activity, the proper regulation of which [require] of [it] such technical mastery of all relevant conditions obtaining in the nation."[50]

Upon a careful scrutiny of the records, this Court is convinced that the DENR, in the issuance of the assailed Order and Resolution, did not exercise its quasi-judicial functions, which are, thus, not reviewable by the CA in a Rule 43 Petition.

To harp a point, this Court, in *Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp.*,[51] illumined that at its core, the administrative agency's exercise of its quasi-judicial functions is its power to adjudicate the rights of persons or parties before it:

> Quasi-judicial or **administrative adjudicatory power** is the power of the administrative agency to **adjudicate the rights of persons before it**. The administrative body exercises its quasi-judicial power when it performs **in a**

judicial manner an act which is essentially executive or administrative in nature, where the power to act in such manner is incidental to or reasonably necessary for the performance of the executive or administrative duty entrusted to it.

'"*Adjudicate*' as commonly or popularly understood, means to adjudge, arbitrate, judge, decide, determine, resolve, rule on, or settle. The dictionary defines the term as· 'to settle finally (the rights and duties of parties to a court case) on the merits of issues raised: [. . .] to pass judgment on: settle judicially: [. . .] act as judge.'" "In the legal sense, 'adjudicate' means: '[t]o settle in the exercise of judicial authority. To determine finally. Synonymous with *adjudge* in its strictest sense;' and 'adjudge' means: '[t]o pass on judicially, to decide, settle, or decree, or to sentence or condemn. [. . . .] Implies a judicial determination of a fact, and the entry of a judgment.'"[52] (Emphasis in the original, citations omitted)

More succinctly stated, "a government agency performs adjudicatory functions when it renders decisions or awards that determine the rights of adversarial parties, which decisions or· awards have the same effect as a judgment of the court. These decisions are binding, such that when they attain finality, they have the effect of *res judicata*[.]" [53]

In this case, the assailed Order and Resolution did not partake of an adjudication on the part of the DENR as contemplated in *Narra Nickel*. As expressly worded in the assailed Order itself, the DENR merely implemented the Resolution of the OP, which cancelled and revoked the respective FTAA applications of petitioners. As held by the OP:

Thus, in ruling on the validity of the action of this office in canceling the FTAAs issued in favor of respondents, we are guided by the Guidelines laid down by the Supreme Court in the aforesaid La Bugal-B'Laan case.

. . . .

Petitioner argues that the issuance of FTAAs to respondents was highly anomalous and irregular, considering that the said entities and their mother company, the Canadian company MBMI Resources, Inc. had a long history of violation and circumvention of the Philippine Constitution and laws, and of questionable activities in the Philippines and abroad. It also alleges that said respondents Narra, [McArthur,] and Tesoro violated the Small Scale Mining Law and Environmental Compliance Certificate as well as Sections 3 and 8 of the Foreign Investment Act and E.O. 584, and are disqualified under the same laws. We find the said argument to be impressed with merit. Attached to the records are the violations committed by the respondents. While Respondents had the opportunity to controvert the same by submitting evidences to negate such allegation, they failed to do so.

As pointed out by the Panel of Arbitrators it is the appropriate administrative agency of the government which is in the best position to

assess the acts of the parties, and it has found that respondents had committed a violation of the laws. As held in its Order dated December 14, 2007:

> "It is clear therefore that the Canadian stockholder[s] are the one in control of the corporations, solely on the strength of their far more substantial financial investment in the said corporations in relation to that of the Filipino stockholders. The act of respondent in making it appear that they are qualified to engage in mining activities claiming that they are domestic or Filipino corporations is a misrepresentation of facts that violates the terms and conditions of their applications, permits[,] or agreements which is sufficient grounds for the cancellation of the same.
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> All statements made in the exploration, permit, mining agreement[,] and financial or technical assistance agreement shall be considered as conditions and essential parts thereof and any falsehood in said statements or omission of facts therein which may alter, change[,] or affect substantially the facts set forth in said statements may cause the revocation and termination of the exploration permit, mining agreement[,] and financial or technical assistance agreement.
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> [. . . .]
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> Another misrepresentation in the operation of the respondent corporation is the admitted continued mining operation of Patricia Louise in Narra, Palawan under their locally secured Small Scale Mining Permit issued by the province of Palawan inside the area earlier applied for an MPSA application, which has already been conveyed, transferred[,] and/or assigned to Narra Nickel Mining. The continued operation of Patricia Louise under the Small Scale [M]ining Permit is a circumvention of the law that limits operation in relatively small areas as compared to the area under the MPSA application of respondent. What can not be done directly can not be done indirectly."
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> . . . .

Petitioner also argues that the issuance of the FTAAs is tainted with grave abuse of discretion in view of the fact that notwithstanding the pendency of cases/legal proceedings before the Court of Appeals and a writ of preliminary injunction issued by the Regional Trial Court of Quezon City ordering then Secretary of DENR Jose L. Atienza[,] Jr. to cease and desist from proceeding with the said agreements, the latter nevertheless proceeded to recommend the approval of the FTAAs in favor of the respondents. We find this argument to be well-taken. It is evident that then Sec. Atienza

exhibited bias and prejudice when he issued the said recommendation despite the orders of RTC Quezon City and the pendency of two cases before the Court of Appeals.

The policy of the state is to ensure that in the exploitation of natural resources or the pursuit of activities deemed to be of public or national interest, including entering into the FTAA, the paramount consideration is public interest. The DENR, as the primarily responsible government agency, is duty-bound to ensure that whatever concessions and whoever is granted such right, the same must be within the parameters of the law, giving due regard to the interest of the State. As such, the said office must at all times be careful with its actions.

Finally, petitioner contends that there is no legal and factual basis for the conversion of respondents' EPs and MPSAs application in view of their failure to comply with Section 18 of DAO 2005-15, amending DAO 96-40 which is the Revised Rules and Regulations of Republic Act No 7942, DENR Memorandum Circular No. 98-03, and Section 36 of [Republic Act No.] 7942. This office adopts the finding and ruling of the POA insofar as the commission of such violations is concerned. Thus, the Order dated December 14, 2007 of the POA, which decreed the cancellation and revocation of the assailed FTAAs, is hereby upheld.[54]

Uncontrovertedly, the Decision of the OP was never assailed or questioned after the CA was declared bereft of jurisdiction to resolve the Rule 43 Petition, subject of the FTAA case. Thus, from the DENR's standpoint, the Decision of the OP was rendered final and executory. Accordingly, and in due deference to the OP, there was nothing left for DENR to do but to simply apply its ruling in rendering the assailed Order and Resolution. Material portions of the assailed Order read:

*Therefore, as far as this Office is concerned, the Decision, dated April 6, 2011 rendered in O.P. Case No. 10-E-229 remains valid and effective as there is no pronouncement to the contrary by any forum or court of competent jurisdiction. Perforce, the applications of Narra, McArthur, Tesoro denominated as AFTA Nos. IVB-07, IVB-08[,] & IVB-09 remains revoked and cancelled. Consequently, there is no FTAA to speak o*f.

. . . .

From the recited facts of the above stated cases, there has been a finding and conclusion that Narra[,] McArthur, [and] Tesoro lack the nationality requirements of a corporation to apply or engage in mining activities under the Philippine Mining Act of 1995. From the very beginning[,] they have no valid applications for MPSA. The rejection/declarations for the invalidity of their applications of MPSAs had become moot and academic.[55] (Emphasis supplied)

Invariably, the CA was correct in concluding that the DENR neither settled any justiciable controversy between the parties nor did it decide on the rights and obligations of adverse parties with finality, given that it merely carried out the Decision of the OP, which remained valid and in force.

For another, it must be recalled that in the dispositive portion of the assailed Order, the DENR Secretary, following the revocation and cancellation of petitioners' application for FTAA, opened the mining areas subject of this case for disposition. Further, without acting on respondent's application for EP, it remanded the case to the MGB for further action, in accordance with Republic Act No. 7942.[56] Such acts by the DENR Secretary are irrefragably administrative and not quasi-judicial in nature, emanating from the DENR's power to supervise, manage, and control the State's mineral resources.

The onus to oversee the State's mineral resources is anchored on Book IV, Title XVI, Chapter I of the Revised Administrative Code of 1987. Salient provisions read:

> Chapter 1 — General Provisions
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> Section 1. *Declaration of Policy*. — (1) The State shall ensure, for the benefit of the Filipino people, the full exploration and development as well as the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas[,] and other natural resources[.]
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> Section 2. *Mandate*. — (1) The Department of Environment and Natural Resources shall be primarily responsible for the implementation of the foregoing policy. (2) It shall, subject to law and higher authority, be in charge of carrying out the State's constitutional mandate to control and supervise the exploration, development, utilization, and conservation of the country's natural resources.
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> Section 4. *Powers and Functions*. — The Department shall:
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> . . . .
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> (2) Formulate, implement[,] and supervise the implementation of the government's policies, plans, and programs pertaining to the management, conservation, development, use[,] and replenishment of the country's natural resources;
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> . . . .
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> (4) Exercise supervision and control over forest lands, alienable and disposable public lands, mineral resources . . .
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> . . . .

(12) Regulate the development, disposition, extraction, exploration[,] and use of the country's forest, land, water[,] and mineral resources;

(13) Assume responsibility for the assessment, development, protection, licensing[,] and regulation as provided for by law, where applicable, of all energy and natural resources; the regulation and monitoring of service contractors, licensees, lessees, and permit for the extraction, exploration, development and use of natural resources products[. . .]

. . . .

(15) Exercise exclusive jurisdiction on the management and disposition of all lands of the public domain[. . .]

Chapter 2 — The Department Proper

. . . .

Section 8. *The Secretary*. — The Secretary shall:

. . . .

(3) Promulgate rules, regulations[,] and other issuances necessary in carrying out the Department's mandate, objectives, policies, plans, programs[,] and projects.

(4) Exercise supervision and control over all functions and activities of the Department;

(5) Delegate authority for the performance of any administrative or substantive function to subordinate officials of the Department[.]

Derived from such administrative functions, the DENR was conferred with the authority to ensure the proper use of the State's mineral resources, which carries with it the authority to enter into mineral agreements and to cause its approval or rejection, such as the applications for an FTAA in this case. Sections 8 and 29 of Republic Act No. 7942 pertinently provide:

Section 8. *Authority of the Department*. — The Department [DENR] shall be the primary government agency responsible for the conservation, management, development, and proper use of the States mineral resources including those in reservations, watershed areas, and lands of the public domain. The Secretary shall have the authority to enter into mineral agreements on behalf of the Government upon the recommendation of the Director, promulgate such rules and regulations as may be necessary to implement the intent and provisions of this Act.

. . . .

> Section 29. *Filing and approval of Mineral Agreements*. — . . . .
>
> The filing of a proposal for a mineral agreement shall give the proponent the prior right to areas covered by the same. The proposed mineral agreement will be approved by the Secretary and copies thereof shall be submitted to the President. Thereafter, the President shall provide a list to Congress of every approved mineral agreement within thirty (30) days from its approval by the Secretary.

Similarly, the act of referring private respondent's EP to the MGB cannot be tantamount to a quasi-judicial act. Section 9 of Republic Act No. 7942 further provides that the MGB is charged with recommending the approval or cancellation of mineral agreements referred to it by the DENR, in light of its power of control and supervision:

> Section 9. *Authority of the Bureau*. — The Bureau shall have direct charge in the administration and disposition of mineral lands and mineral resources and shall undertake geological, mining, metallurgical, chemical, and other researches as well as geological and mineral exploration surveys. The Director shall recommend to the Secretary the granting of mineral agreements to duly qualified persons and shall monitor the compliance by the contractor of the terms and conditions of the mineral agreements. The Bureau may confiscate surety, performance and guaranty bonds posted through an order to be promulgated by the Director. The Director may deputize, when necessary, any member or unit of the Philippine National Police, barangay, duly registered nongovernmental organization (NGO) or any qualified person to police all mining activities.

As already ratiocinated by this Court in *Celestial Nickel Mining Exploration Corp. v. Macroasia Corp.*,[57] the DENR's power to approve or cancel mineral agreements upon the recommendation of the MGB, as in this case, "*is purely an administrative function within the scope of* [*its*] *powers and authority*. In exercising such exclusive primary jurisdiction, the DENR Secretary, through the MGB, has the best competence to determine to whom mineral agreements are granted."[58]

Of significant import, the factual milieu of this case hews closely to the facts in *Basiana Mining Exploration Corp. v. Hon. Sec. of the Dept. of Environment and Natural Resources*.[59]

> In *Basiana*, petitioners and private respondent executed a Memorandum of Agreement (MOA), where the latter agreed, among others, to undertake technical and geological tests, exploration, and small-scale mining operations using petitioners' MPSA, docketed as MPSA (XIII)-00014. Private respondent, using petitioners' application, applied for an MPSA to extract nickel, iron, and cobalt, docketed as APSA-00014-XII. The DENR Secretary subsequently issued a cease and desist order against mining operations undertaken under MPSA (XIII)-00014 of the petitioners, due to excess in annual production. Thus, petitioners were constrained to file a

> complaint to rescind the MOA for abuse of rights and damages against private respondent. Meanwhile, the MGB recommended the approval of APSA-00014-XII, which led petitioners to file a petition to deny private respondent's application before the panel of arbitrators. Pending resolution of the petition, the DENR Secretary entered into MPSA No. 261-2008-XIII with the private respondent for the development and commercial utilization of nickel, cobalt, and iron. Acting on the petition for review filed by petitioner, the CA initially granted the same and declared MPSA No. 261-2008-XIII null and void. The CA, on reconsideration, reversed its earlier Decision due to the absence of any decision or resolution borne out of the exercise of the DENR's quasi-judicial powers. Again aggrieved, petitioner filed a petition for *certiorari* before this Court.

In denying the petition and affirming the amended CA Decision, this Court held that the petitioner's recourse to the CA was erroneous, as the act of the DENR in approving an MPSA application and thereafter entering into MPSA No. 261-2008-XIII with private respondent was not an exercise of quasi-judicial power, and hence, was beyond the ambit of the CA's appellate review under Rule 43 or a special civil action for *certiorari* under Rule 65 of the Rules of Court. This Court expounded:

> First, the act of the DENR Secretary in approving SRMI's application and entering into MPSA No. 261-2008-XIII is not an exercise of its quasi-judicial power; hence, it cannot be reviewed by the CA, whether by a petition for review under Rule 43 or a special civil action for *certiorari* under Rule 65 of the Rules of Court.
>
> Depending on its enabling statute, administrative agencies possess distinct powers and functions — administrative, quasi-legislative, and quasi-judicial. "Administrative power is concerned with the work of applying policies and enforcing orders as determined by proper governmental organs." Quasi-judicial or administrative adjudicatory power, on the other hand, "is the power to hear and determine questions of fact to which the legislative policy is to apply and to decide in accordance with the standards laid down by the law itself in enforcing and administering the same law." "A government agency performs adjudicatory functions when it renders decisions or awards that **determine the rights of adversarial parties**, which decisions or awards have the same effect as a judgment of the court."
>
> In the case of the DENR Secretary, its power to approve and enter into a[n] MPSA is unmistakably administrative in nature as it springs from the mandate of the DENR under the Revised Administrative Code of 1987, which provides that "[t]he [DENR] shall [. . .] be in charge of carrying out the State's constitutional mandate to control and supervise the exploration, development, utilization, and conservation of the country's natural resources.'" Contrary to the petitioners position, the determination by the DENR Secretary as to (1) the propriety of the MGB Director's recommendation of approval, and (2) the qualification of SRMI to undertake development and its compliance with the law, does not involve

the exercise of quasi-judicial power. Note that under Section 41 of DENR Administrative Order (A.O.) No. 96-40, initial evaluation of an application for an MPSA is made by the MGB Regional Office in the area covered by the application. Thereafter, the application will be reviewed by the MGB Director for further evaluation. It is only after the MGB Director has evaluated the application that the same will be forwarded to the DENR Secretary for final evaluation and approval. In approving an MPSA, the DENR Secretary does not determine the legal rights and obligations of adversarial parties, which are necessary in adjudication. In fact, it is only after an application is approved that the right to undertake the project accrues on the applicant's part, and until then, no rights or obligations can be enforced by or against any party. Neither does the DENR Secretary resolve conflicting claims; rather, what is involved here is the determination whether a certain applicant complied with the conditions required by the law, and is financially and technically capable to undertake the contract, among others. Thus, in *Republic of the Philippines v. Express Telecommunication Co., Inc*., the Court stated that the powers granted to the Secretary of Agriculture and Commerce (natural resources) by law such as granting of licenses, permits, leases and contracts, or approving, rejecting, reinstating, or canceling applications, are all **executive and administrative** in nature. It even further ruled that purely administrative and discretionary functions may not be interfered with by the courts.

Jurisprudence also emphasized the administrative nature of the grant by the DENR Secretary of license, permits, lease and contracts, reiterating the distinction made in *Pearson v. Intermediate Appellate Court* between the different mining claims/disputes, to wit:

> Decisions of the Supreme Court on mining disputes have recognized a distinction between (1) **the primary powers granted by pertinent provisions of law to the then Secretary of Agriculture and Natural Resources (and the bureau directors) of an executive or administrative nature, such as "granting of license, permits, lease and contracts, or approving, rejecting, reinstating or cancelling applications, or deciding conflicting applications,"** and (2) controversies or disagreements of civil or contractual nature between litigants which are questions of a judicial nature that may be adjudicated only by the courts of justice.

This distinction has been carried over under Republic Act No. 7942 (R.A. No. 7942) or the Philippine Mining Act of 1995.[60] (Emphasis in the original, citations omitted)

In this case, the DENR's act of issuing the assailed Order and Resolution was clearly administrative in nature and cannot be considered analogous to adjudication as discussed above. Accordingly, the CA properly dismissed the petition for review for

lack jurisdiction, as the DENR issuances cannot be the proper subject of a Rule 43 Petition.

At any rate, this Court cannot allow petitioners to disregard the doctrine of exhaustion of administrative remedies for the sake of convenience.

The doctrine of exhaustion of administrative remedies require that "resort be first made with the administrative authorities in the resolution of a controversy falling under their jurisdiction before the controversy may be elevated to a court of justice for review."[61] Elsewise stated, the availability of a remedy within the administrative machinery necessitates that parties must first exhaust such remedy before seeking relief from the courts. "A premature invocation of a court's intervention renders the complaint without cause of action and dismissible on such ground."[62]

Petitioners, in filing the Rule 43 Petition with the CA from the assailed Order and Resolution of the DENR, was in direct transgression of this rule. They did not even attempt to seek administrative relief which was both available and sufficient. As established by this Court in *Basiana* quoting *Orosa v. Roa*,[63] it is unequivocal that the DENR Secretary is under the control of the OP and her decision is subject to the latter's review as prescribed under Administrative Order No. 18.[64] Thus, petitioners should have appealed its case to the OP, thereby exhausting all administrative remedies before precipitately and directly seeking review from the CA *via* their Rule 43 Petition. Resultantly, and with more reason, the CA cannot be faulted for dismissing the petition, as petitioners' direct recourse to the courts renders their action dismissible for lack of cause of action.[65]

The DENR did not commit reversible error in issuing the assailed Order and Resolution

The second argument of petitioners suffers the same fate.

Petitioners insist that their FTAA No. 05-2010-IV-B (MIMAROPA) remains to be valid and subsisting. They justify that the MPSA case did not categorically cancel their FTAA, as it was declared a "non-issue" in that case.[66] Petitioners further contend that any questions regarding their nationality, which led to the rejection of their respective MPSA applications, are irrelevant to their application for an FTAA, given that there are no nationality requirements to be issued.[67]

At the outset, this Court agrees with petitioners that the issue on the validity of their FTAA was never touched upon in the MPSA case, in deference to the pending FTAA case:

> The sale of the MBMI shareholdings to DMCI does not have any bearing in the instant case and said fact should be disregarded. The manifestation can no longer be considered by us since it is being tackled in G.R. No. 202877

> pending before this Court. Thus, the question of whether petitioners, allegedly a Philippine-owned corporation due to the sale of MBMI's shareholdings to DMCI, are allowed to enter into FTAAs with the State is a non-issue in this case.[68]

At any rate, the MPSA ruling aside, petitioners are reminded that it was their own actions that gave rise to the finality of the Order of the OP that revoked their FTAA applications in the first place.

By way of context, Administrative Order No. 11[69] laid down rules of procedure regarding appeals to the OP. Under these rules, Decisions, Resolutions, and Orders of the OP shall become final after the lapse of 15 days from receipt of a copy thereof by the parties, and that only one motion for reconsideration shall be allowed and entertained except for exceptional cases. Notwithstanding the filing of an appeal or a petition for review, such issuances of the OP are executory in nature, unless an order is issued staying the execution thereof by the CA or this Court. Pertinent provisions read:

> SECTION 14. *Finality of Decision*. — Decisions/resolutions/orders of the Office of the President shall, except as otherwise provided for by special laws, become final after the lapse of fifteen (15) days from receipt of a copy thereof by the parties, unless a motion for reconsideration thereof is filed within such period. Only one motion for reconsideration by any one party shall be allowed and entertained, save in exceptionally meritorious cases.
>
> SECTION 15. *Executory Nature of Decision*. — Notwithstanding an appeal or petition for review of the decision/resolution/order of the Office of the President to the Court of Appeals or the Supreme Court, the decision/resolution/order of the Office of the President is executory and the records will be remanded to the department or agency where the case originated, unless the Court of Appeals or the Supreme Court issues an order staying the execution of the decision/resolution/order.

Fatal to petitioners' cause is their blatant failure to timely file a motion for reconsideration assailing the Decision of the OP.

To recall, petitioners were issued FTAA No. 05-2010-IV-B (MIMAROPA) upon the approval of the conversion of their MPSA applications to FTAA applications.[70] On appeal by private respondent, petitioners' FTAA applications were revoked in an April 6, 2011 Decision[71] rendered by the OP. In lieu of filing a motion for reconsideration as required by Section 14 of Administrative Order No. 11, petitioners instead interposed an appeal *via* a Petition for Review under Rule 43 of the Rules of Court with the CA on July 27, 2011, which the CA eventually dismissed in its February 23, 2012 Decision.[72] Hence, petitioners elevated the case to this Court, which on April 21, 2014, rendered the FTAA case[73] docketed as G.R. No. 202877.

Effectually, the lack of a motion for reconsideration filed within the 15-day reglementary period resulted in the assailed Order of the OP becoming final and

executory by operation of law, in accordance with Sections 14 and 15 of Administrative Order No. 11. For having taken such procedural missteps, petitioners are therefore bound by their lapses and indiscretions and must bear the consequences of their imprudence.

At this juncture, this Court is aware of its ruling in *Besaga v. Sps. Acosta*,[74] where it held that while the right to appeal in administrative cases is a statutory privilege and must be exercised in a manner prescribed by law, courts are enjoined to uphold the liberal application of administrative rules of procedure in order to better "facilitate just, speedy[,] and inexpensive resolution of disputes before administrative bodies."[75]

Nevertheless, the factual antecedents of this case persuade this Court to stay its hand from exercising liberality, as espoused in *Besana*. Foremost, the respondents in *Besana* who sought the liberal application of the rules appealed within the reglementary period and paid the full appeal fees. Records reveal that their only lapse was that the appeal was not directly filed in the office, which issued the assailed Order and that the fees were only fully paid after the lapse of the reglementary period. More, the respondents themselves acknowledged their transgressions and prayed that the case should not be decided on mere technicalities. Clearly, the special circumstances warranting liberality in *Besana* are not obtaining in this case. Markedly, nowhere in their instant petition did petitioners even attempt to acknowledge or justify the lack of a motion for reconsideration in accordance with the procedural rules for appeal under Administrative Order No. 11. They did not seek this Court's discretion to liberally construe the provisions of Administrative No. 11.

In these lights, the April 6, 2011 Decision of the OP revoking petitioners' applications for an FTAA must be sustained. It is worth mentioning that while the FTAA case rendered on December 9, 2015 has become final, it bears no inconsistency with the assailed Decision of the OP. Running the risk of repetition, this Court in the FTAA case centered its discussion on a jurisdictional issue, and not on the propriety of the OP's revocation or cancellation of the petitioners' FTAA. It concluded that the CA improperly exercised jurisdiction of the Petition for Review, as the OP's cancellation and revocation of petitioners' FTAA applications were an exercise of a contractual right and was thus purely administrative in nature and cannot be treated as an exercise of its quasi-judicial power. Hence, it is not reviewable through a Rule 43 Petition.

Concomitantly then, this Court finds no reason to fault the DENR from issuing the assailed Order and Resolution affirming the *imprimatur* of the OP in its Decision. As a necessary consequence, the revocation of petitioners' FTAA applications renders FTAA No. 05-2010-IV-B (MIMAROPA) void. As correctly opined by the DENR, the cancellation and revocation of petitioners' FTAA applications should also result in the cancellation and revocation of any subsequent issuances or executions.[76] Indeed, the spring cannot rise higher than the source.[77]

ACCORDINGLY, the Petition is **DENIED**. The February 28, 2023 Decision and the September 5, 2024 Resolution of the Court of Appeals in CA-G.R. SP No. 172573 are **AFFIRMED**. The applications for Financial and Technical Assistance Agreements in

favor of Narra Nickel Mining and Development Corporation, Tesoro Mining and Development, Inc., and Mcarthur Mining, Inc., are revoked and cancelled. The request of Redmont Consolidated Mines Corporation for the processing of its application of Exploration Permit as contained in its letters dated February 17, 2020 and February 20, 2020 is given **DUE COURSE**.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier, and *Villanueva, JJ*., concur.
Kho,[*] *Jr., J*., on official leave.

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[*] On official leave.

[1] *Rollo*, pp. 21-113.

[2] *Id.* at 115-143. The February 28, 2023 Decision in CA-G.R. SP No. 172573 was penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Germano Francisco D. Legaspi of the Third Division, Court of Appeals, Manila.

[3] *Id.* at 145-150. The September 5, 2024 Resolution in CA-G.R. SP No. 172573 was penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Germano Francisco D. Legaspi of the Former Third Division, Court of Appeals, Manila.

[4] *Id.* at 376-455.

[5] *Id.* at 229-238. The August 14, 2020 Order in OP Case No. 10-E-229 was penned by Secretary Roy A. Cimatu of the Department of Environment and Natural Resources.

[6] *Id.* at 239-243. The September 13, 2021 Resolution in OP Case No. 10-E-229 was penned by Secretary Roy A. Cimatu of the Department of Environment and Natural Resources.

[7] *Id.* at 26.

[8] *Id.*

[9] *Id.* at 229.

[10] *Id.* at 230.

[11] *Id.*

[12] *Id.*

[13] *Id.* at 27.

[14] *Id.* at 230.

[15] *Id.* at 231.

[16] *Id.* at 233.

[17] *Id.* at 231.

[18] *Id.* at 232.

[19] *Id.* at 232-233.

[20] *Id.*

[21] **Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp.**, 733 Phil. 365 (2014) [Per J. Velasco, Jr., Third Division].

[22] *Id.* at 417-418.

[23] *Id.* at 409.

[24] *Id.* at 419.

[25] **Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp.**, 775 Phil. 238 (2015) [Per J. Perlas-Bernabe, First Division].

[26] *Id.* at 261.

[27] *Rollo*, p. 122.

[28] *Id.* at 229-238.

[29] *Id.* at 234-235.

[30] *Id.* at 237.

[31] *Id.* at 238.

[32] *Id.* at 239-243.

[33] *Id.* at 376-455.

[34] *Id.* at 115-143.

[35] *Id.* at 135-139.

[36] *Id.* at 143.

[37] *Id.* at 145-150.

[38] *Id.* at 57-66.

[39] *Id.* at 72-75.

[40] *Id.* at 840-874.

[41] *Id.* at 848.

[42] *Id.* at 855-856.

[43] *Id.* at 858-862.

[44] 456 Phil. 145 (2003) [Per J. Ynares-Santiago, First Division].

[45] *Id.* at 155-157.

[46] Republic Act No. 7902 (1995), An Act Expanding the Jurisdiction of the Court of Appeals, Amending for the Purpose Section Nine of Batas Pambansa Blg. 129, as amended, Known as the Judiciary Reorganization Act of 1980.

[47] 609 Phil. 104 (2009) [Per J. Chico-Nazario, Third Division].

[48] *Id.* at 121-122.

[49] 795 Phil. 126 (2016) [Per J. Brion, Second Division].

[50] *Id.* at 144-145. (Citation omitted)

[51] 775 Phil. 238 (2015) [Per J. Perlas-Bernabe, First Division].

[52] *Id.* at 248.

[53] **Villanueva v. Palawan Council for Sustainable Dev't.**, 704 Phil. 555, 566 (2013) [Per J. Del Castillo, Second Division]. (Citation omitted)

[54] *Rollo*, pp. 220-223.

[55] *Id.* at 237.

[56] *Id.* at 238.

[57] 565 Phil. 466 (2007) [Per J. Velasco, Jr., Second Division].

[58] *Id.* at 508. (Emphasis supplied)

[59] 782 Phil. 202 (2016) [Per J. Reyes, Third Division].

[60] *Id.* at 209-212.

[61] **The Alexandria Condominium Corp. v. Laguna Lake Dev't. Authority**, 615 Phil. 516, 524 (2009) [Per J. Carpio, First Division]. (Citation omitted)

[62] **Estrada v. Court of Appeals**, 484 Phil. 730, 739 (2004) [Per J. Austria-Martinez, Second Division]. (Citation omitted)

[63] 527 Phil. 347 (2006) [Per J. Garcia, Second Division].

[64] Entitled "Prescribing Rules and Regulations Governing Appeals to the office of the President of the Philippines (1987)."

[65] **Atty. De Leon v. Asombrado-Llacuna**, 920 Phil. 457, 465 (2022) [Per J. Gaerlan, First Division].

[66] *Rollo*, pp. 72-73.

[67] *Id.* at 72-75.

[68] **Narra Nickel Mining and Development Corp. v. Redmont Consolidated Mines Corp.**, 733 Phil. 365, 419 (2014) [Per J. Velasco, Jr., Third Division].

[69] Entitled "Prescribing Rules and Regulations Governing Appeals to the Office of the President of the Philippines."

[70] *Rollo*, p. 232.

[71] *Id.* at 207-224. The April 6, 2011 Decision in OP Case No. 10-E-229 was issued by Executive Secretary Paquito N. Ochoa, Jr., Office of the President, Malacañang, Manila.

[72] *Id.* at 27.

[73] 775 Phil. 238 (2015) [Per J. Perlas-Bernabe, First Division].

[74] 758 Phil. 339 (2015) [Per J. Brion, Second Division].

[75] *Id.* at 354.

[76] *Rollo*, pp. 234-235.

[77] **Col. Dela Merced v. Government Service Insurance System**, 417 Phil. 324, 340 (2001) [Per J. Ynares-Santiago, First Division].

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