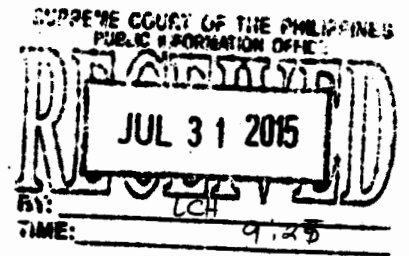




Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 29, 2015** which reads as follows:*

“G.R. No. 215745 (Kawayan Hills Corporation, represented by Engr. Renato Ramiscal v. The Honorable Court of Appeals, Commissioners Leoncia Real-Dimagiba, Ricardo R. Rosario, and Rodil V. Zalameda,* and the Republic of the Philippines).

After a judicious review of the records, the Court resolves to **DISMISS** the instant petition for availing of the wrong mode of appeal, the proper remedy being a petition for review on *certiorari* under Rule 45 of the Rules of Court (Rules).

It is a fundamental rule that the special civil action of *certiorari* under Rule 65¹ of the Rules will lie only if there is no appeal nor any other plain, speedy, and adequate remedy in the course of law.² In this instance, petitioner Kawayan Hills Corporation, represented by Engr. Renato Ramiscal had an available remedy consisting of an appeal to the Court under Rule 45³ of the Rules, hence, recourse to the Court via *certiorari* was improper.

- over – two (2) pages

* Erroneously spelled as “Rodiel Y. Zalameda” in the Petition.

¹ Section 1, Rule 65 of the Rules provides:

SEC. 1. *Petition for certiorari.* — When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is **no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law**, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require. (Emphasis supplied)

x x x x

² See *Mendez v. CA*, G.R. No. 174937, June 13, 2012, 672 SCRA 200, 207; citation omitted.

³ Section 1, Rule 45 of the Rules provides:

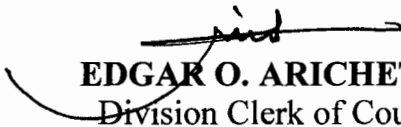
SEC. 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by *certiorari* from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, [t]he Court of Appeals, the Regional Trial Court or other courts, whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law, which must be distinctly set forth. x x x.

June 29, 2015

Moreover, the petition remains dismissible for lack of merit for failure to comply with the requisites for registration of title to a land under Section 14 of Presidential Decree No.1529,⁴ namely: (a) that the property in question is an alienable and disposable land of the public domain; and (b) the applicants by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation under a *bona fide* claim of ownership since June 12, 1945 or earlier. With respect to the first requirement, it is settled that the applicant must prove that the Secretary of the Department of Environment and Natural Resources has approved the classification of the said land and released the same as alienable and disposable, and a Community Environment and Natural Resources Office Certification is insufficient to prove the same,⁵ as in this case.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
 Division Clerk of Court ^{1st}

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Court of Appeals (x)
 Manila
 (CA-G.R. CV No. 95399)

The Solicitor General (x)
 Makati City

The Hon. Presiding Judge
 Municipal Circuit Trial Court
 Paoay-Currimao
 Paoay 2902 Ilocos Norte
 (LRC Case No. N-2)

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⁴ Entitled "AMENDING AND CODIFYING THE LAW RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES" (June 11, 1978).

⁵ See *Gaerlan v. Republic*, G.R. No. 192717, March 12, 2014, 719 SCRA 67, 82.