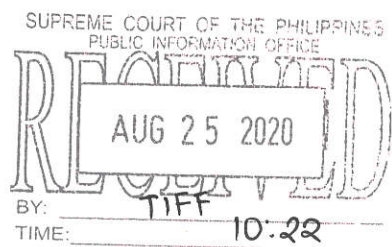




Republic of the Philippines  
Supreme Court  
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 17, 2020** which reads as follows:*

**“G.R. No. 251041 (Heirs of Antonio Nicolas, represented by Juliet Camcam v. Heirs of Baldomero Nevada, Sr., represented by Elmo Nevada and Philex Mining Corporation)**

The Court resolves to **DENY** the petition for failure to sufficiently show that the Mines Adjudication Board (MAB) of the Department of Environment and Natural Resources (DENR) committed reversible error in rendering the assailed Decision dated May 21, 2010 and Resolution dated November 7, 2019 in MAB Case Nos. 0181-09, 0182-09 and 0184-10 to warrant the Court’s exercise of its discretionary appellate jurisdiction in this case.

Generally, every action must be prosecuted or defended in the name of the real party in interest.<sup>1</sup> A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.

Here, petitioners claim to be the children of Antonio Nicolas, Jr., the only son of Antonio Nicolas who, in turn, was the registered holder of the mining claims “DO” and “INSTANT”. Hence, they are allegedly real parties in interest here.

The MAB found, however, that petitioners are not the children of the real Antonio Nicolas, Jr., but of one Damasco Nicolas.

Notably petitioners never denied, either in their motion for reconsideration or in the present petition, that the person known as Damasco Nicolas was indeed their father. Their petition, too, is bereft of any supporting document which would have established that their

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<sup>1</sup> *Ang v. Pacunio*, 763 Phil. 542, 547 (2015).

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father was related in any way to Antonio Nicolas. Aside from their self-serving assertion that they are who they claim to be, there was no other independent evidence to prove their legal standing to file the petition before the Panel of Arbitrators, Mines and Geosciences Bureau, DENR-Cordillera (the Panel).

In contrast, respondents brought to fore the 1998 ruling of the Regional Trial Court-Branch 3, Baguio City in Civil Case No. 1224-R entitled "*Heirs of Antonio Nicolas v. Damasco Nicolas who is representing himself as Antonio Nicolas, Jr.*" (Damasco case), viz:

WHEREFORE, premises considered, the Court hereby orders and directs the defendant DAMASCO NICOLAS to stop and desist from representing himself as a son and an heir of the deceased Antonio B. Nicolas and further to refrain from calling himself with the name Antonio Nicolas, Jr.<sup>2</sup>

Damasco Nicolas no longer appealed this ruling, allowing it to lapse into finality. Since Damasco Nicolas was already enjoined from representing himself as the son of Antonio Nicolas, so too must petitioners, his children, be barred from claiming to be heirs of Antonio Nicolas.

Although the Damasco case was an injunction suit, the trial court's ruling therein serves as competent evidence on whether petitioners are real parties in interest here. There is simply no need for a more decisive ruling on petitioners' pedigree before the Panel or the MAB could ascertain their *locus standi* to file the petition for payment of royalties and damages. For the proceedings below were administrative in nature, requiring only substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.<sup>3</sup>

All told, the MAB did not err in granting respondents appeal considering petitioners were not the real parties in interest to the case. As such, the Court no longer needs to belabor on the substantive issues he raises, lest we peril the legal arguments of the person or persons with actual legal standing to file the petition for payment of royalties and damages.<sup>4</sup>

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<sup>2</sup> Rollo, p. 160.

<sup>3</sup> *Department of Health v. Aquintey*, 806 Phil. 763, 772-773 (2017).

<sup>4</sup> *Gadon v. Cayetano, et al.*, G.R. No. 215932, June 2, 2020.

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**SO ORDERED.”**

Very truly yours,

**LIBRADA C. BUENA**  
Division Clerk of Court

by:

  
**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
8<sup>mslv</sup>

CABA LLANILLO & MENDOZA  
Counsel for Petitioners  
Suite 502, 5<sup>th</sup> Floor, National Life Building  
Session Road, 2600 Baguio City

DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES  
MINES ADJUDICATION BOARD  
Visayas Avenue, Diliman  
1101 Quezon City  
(MAB Case Nos. 0181-09, 0182-09  
& 0184-10)  
(MGB-CAR Case No. 08-01)

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BELO GOZON ELMA PAREL  
ASUNCION & LUCILA  
Counsel for Resps. Heirs of B. Nevada, Sr.  
15<sup>th</sup> Floor, Sagittarius Building, H.V. dela  
Costa Street, Salcedo Village  
1227 Makati City

Judgment Division (x)  
Supreme Court

Atty. Galo R. Reyes  
Counsel for Resp. Philex Mining Corp.  
Room 406, Mt. Crest Building  
Legarda Road, 2600 Baguio City

Attys. Eduardo M. Aratas & Lionel  
L. Wanawan  
Collaborating Counsel for Resp. Philex  
Mining Corp.  
Legal Department, PMC  
Sitio Padcal, Camp 3, Tuba, 2601 Benguet

MINES AND GEOSCIENCES BUREAU  
Cordillera Administrative Region  
Panel of Arbitrators  
No. 80 Diego Silang Street  
2600 Baguio City  
(MGB-CAR Case No. 08-01)

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*MAF*